

BRIDGING THE GAP: SEXUAL EXPLOITATION, ABUSE AND HARASSMENT (SEAH)



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EXECUTIVE SUMMARY

This advocacy paper contributes to dialogues on sexual exploitation, abuse and harassment (SEAH) that see, and propose practice that recognize, commonalities. They are both human rights violations based on gender discrimination, intersecting with all forms of social inequalities, and are part of a continuum of violence (mainly) against women and girls and almost always committed by men. They are both expressions of and contributors to structural power inequalities that render the targeted persons less able, if at all, than perpetrators to control the sexual engagement. Starting from the experiences of survivors – as a victim-centred approach requires – also recognises that the same behaviors are involved across SEAH. Organisations in the development and humanitarian sectors, including the United Nations and peacekeeping missions, have tended to address these two forms of violence as separate and independent, often flowing into distinct procedural and policy domains. This publication advocates rethinking of the frameworks established to address SEAH in order more fully to reflect linkages between them. Recognising and uprooting the gendered, racialised and all power inequalities that shape them is necessary for their elimination.

No organisation should consider itself immune to

SEAH taking place within it or in its name; likewise, gender inequality and hierarchical power structures are pervasive across organisations, including those with laudable mandates. Entrenched patriarchal systems exist in most if not all international organizations and men have historically made up an overwhelming majority of decision-makers. Women's movements have always demanded an end of all forms of sexual violence (calls that have been wider and stronger since 2017) and rightly expect to those who seek to do good to be good by living the values they advocate, to be non-discriminatory and ensure the absence of abuse.

This paper draws its content from the following two UN Women publications: *Towards an end to sexual harassment: The urgency and nature of change in the era of #MeToo* (2018) and *What it will take? Promoting cultural change to end sexual harassment* (2019) as well as practitioners and victims-rights advocates who have generously shared their time during its drafting. It draws from the specifics of the United Nations system, acknowledging it can be and is a model for other inter-governmental and civil society organizations working in this sector and/or that other organisations have very similar policies on SEAH.

I. DEFINING THE CONCEPTS:

SEXUAL HARASSMENT,

EXPLOITATION AND ABUSE

1.1. Sexual harassment

In UN Women's publication *Towards an end to sexual harassment: The urgency and nature of change in the era of #MeToo* (2018), Professor Catharine A. MacKinnon¹ outlines the core principles and elements of adequate policies and procedures on addressing sexual harassment.

An effective policy needs to start by defining sexual harassment for what it is:

"a human rights violation of gender-based discrimination, regardless of sex, in a context of unequal power relations such as a workplace and/or gender hierarchy. It can take the form of various acts including rape, other aggressive touching, forced viewing of pornography, taking and circulation of sexual photographs, as well as verbal sexual conduct"².

Data shows (see box 3 below) that gender inequality is the primary axis in patterns of sexual harassment - where women are targets and men primary perpetrators. Sexual harassment is intersectional: gender is the primary axis at play, and it combines with all dimensions of inequality, such as race and ethnicity, immigration status, age, socio-economic status, disability, sexual orientation and gender identity, religion. Ensuring intersectional approaches is key in responses to sexual harassment³ as these recognise and address the multiple power dynamics that underpin it.

The central element of the definition of sexual

harassment is "unwelcomeness" as distinct from "consent". The unwelcomeness of sexual conduct is determined by the victim-survivor whereas the consent standard fails adequately or consistently to acknowledge that someone may acquiesce to sexual conduct that they may not welcome, in a context of inequality. The latter would still be read as consent. Consent allows acquiescence "whether or not a choice is real"⁴.

Definitions of sexual harassment should avoid making moral judgments - such as requirements of the sexual misconduct to "cause offense", and engaging in demeaning psychologizing – for example, by using concepts such as "humiliation", to define sexual harassment.⁵

Sexual harassment comes in two forms:

- **Quid pro quo:** when the employment or employment benefits or detriments are based on the acceptance or rejection of unwelcome sexual behavior.
- **Hostile environment:** when sexual harassment creates an intimidating or hostile working environment for the recipient of unwelcome sexual attention or atmosphere.⁶

BOX 1**The United Nations' System Model Policy on Sexual Harassment**

The United Nations' System Model Policy on Sexual Harassment⁷, adopted in 2018, shows the United Nations' commitment to a zero-tolerance approach and to strengthening and harmonising sexual harassment policies throughout the United Nations system. This Policy recognises that "sexual harassment results from a culture of discrimination and privilege, based on unequal gender relations and other power dynamics".

It provides the following uniform definition of sexual harassment:

"Sexual harassment is any unwelcome conduct of a sexual nature that might reasonably be expected or be perceived to cause offense or humiliation, when such conduct interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment. Sexual harassment may occur in the workplace or in connection with work. While typically involving a pattern of conduct, sexual harassment may take the form of a single incident. In assessing the reasonableness of expectations or perceptions, the perspective of the person who is the target of the conduct shall be considered".

Similar definitions of sexual harassment are used by other organisations in development and humanitarian sectors.⁸

1.2. Sexual exploitation and abuse

Sexual exploitation and abuse (SEA) are defined in the *United Nations Secretary-General's Bulletin on Special measures for protection from sexual exploitation and sexual abuse* (2003)⁹ as follows:

Sexual exploitation is "any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another".

Examples of behaviours that constitutes sexual exploitation include transactional sex (the exchange of money, employment, goods or services for sex, including sexual favours), solicitation of

transactional sex, exploitative relationship, human trafficking, etc¹⁰.

Sexual abuse is "the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions".

Examples of sexual abuse include rape, sexual assault, sex or sexual activity with anyone under the age of 18¹¹.

This definition recognises that "differential power" forms part of the dynamic of SEA though it does not use the word inequality. The definition is also used by different organisations in development and humanitarian sectors¹². All efforts to eradicate it must start by its conceptualisation as a human rights violation and ensure that gender perspectives and intersectional approaches are reflected in definitions (see section 1.4. below).

1.3. Distinction between sexual harassment and SEA

The United Nations, and other organisations working in development and humanitarian sectors, makes a procedural distinction between the protection of their own personnel and the obligations they have towards those being served by the United Nations (known as “beneficiaries”)¹³. This is the foundation for the separation of sexual harassment and sexual exploitation and abuse (SEAH). Behaviours are divided based on the location/status of victim-survivors: whether or not they are United Nations personnel/operating under its name (or from any given organisation working in the development and humanitarian sectors). This distinction, including in the policies and procedures addressing them, implies that they are discrete and separate problematics, encouraging these forms of sexual violence to be understood as distinct, not as connected expressions of (predominantly) male sexual entitlement to (predominantly) women¹⁴.

Conduct tends to be categorised as sexual harassment if the victim-survivor is part of United Nations personnel. Sexual harassment, as per the United Nations, constitutes a behaviour that “interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment”¹⁵. SEA tends to be defined as occurring when victim-survivors are “beneficiaries” of a service provided by the United Nations, or are vulnerable members of the commu-

nal¹⁶. The distinction is often justified on the basis

1.4. Rethinking current frameworks

SEAH fall along the continuum of violence perpetrated (mainly)¹⁷ by men against women and girls – the centring of women’s experiences will strengthen work to address them; procedural separation risks conceptual separation, which in turn risks extinguishing the structural connections between them. Framing them as part of this continuum of violence is necessary to adequately address the root causes of gender inequality that enable them (see section 2.1. below). It also permits addressing SEAH for what they are: forms of sexual violence independent of the employment conditions or service receiving status of the victim-survivor. There is no difference **to the person raped** between *rape* classified within a sexual harassment framework from a case of *rape* happening within the SEA framework.

Although SEAH are connected through the underlying causes, the specificities of the context within which SEAH take place are relevant. For example, a perpetrator’s status as a supervisor or a senior official can be pertinent in the pursuit of justice for victim-survivors. This is not equivalent to reducing the entirety of case management to this single criterion. Current frameworks for addressing SEAH render contextual and relational factors as determinative of processes, and potential actions to take.

SEAH are human rights violations based on gen-

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