

A HUMAN RIGHTS FRAMEWORK FOR PREVENTING AND RESPONDING TO SEXUAL EXPLOITATION, ABUSE, AND HARASSMENT

Annex #2: Human Rights Conventions

Introduction

SEAH is a human rights violation.

Human Rights Document	Text	Application to SEAH
<u>Declaration on the Elimination of Violence Against Women</u>	“Violence against women constitutes a violation of the rights and fundamental freedoms of women and impairs or nullifies their enjoyment of those rights and freedoms, and concerned about the long-standing failure to protect and promote those rights and freedoms in the case of violence against women.”	SEA falls under the realm of DEVAW, which defines violence against women as “physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution.”
<u>Beijing Declaration and Platform for Action</u>	Chapter IV Section 224: “Violence against women both violates and impairs or nullifies the enjoyment by women of their human rights and fundamental freedoms.”	SEA takes many forms. In all its forms, SEA violates the fundamental freedom of individuals to enjoy their basic rights and freedoms laid out in the Universal Declaration of Human rights.
<u>Universal Declaration of Human Rights</u>	Article 3: “Everyone has the right to life, liberty and security of person.”	SEA infringes upon the security and liberty of person.
Universal Declaration of Human Rights	Article 25: “Everyone has the right to a standard of living adequate for the health and wellbeing of himself and of his family, including food, clothing, housing, and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age of lack of livelihood in	When sexual favors are stipulated in exchange for aid or development services, it impedes upon an individual’s right to an adequate standard of living.

	circumstances beyond his control.”	
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Sexual Exploitation and Abuse

The power dynamics and structural inequities that allow SEA to occur must be understood from an intersectional lens, acknowledging how power asymmetries are built and replicated as a result of racialized and gendered relations and influence our prevention measures across all our work.

Human Rights Document	Text	Application to SEA
Declaration on the Elimination of Violence Against Women	“Violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women, and that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men.”	As established above, SEA is a form of GBV. As such, it is a manifestation of historically unequal power relations related to gender, age, class, etc. These unequal power relations must be understood and influence our SEA prevention measures.
Convention on the Elimination of All Forms of Discrimination Against Women	“Emphasizing that the eradication of apartheid, all forms of racism, racial discrimination, colonialism, neo-colonialism, aggression, foreign occupation and domination and interference in the internal affairs of States is essential to the full enjoyment of the rights of men and women.”	Structural inequities are interconnected and contribute to power dynamics that allow SEAH to occur.
1995 Beijing Platform for Action	Chapter IV Section D: “Organize, support and fund community-based education and training campaigns to raise awareness about violence against women as a violation of women’s enjoyment of their human rights and mobilize local communities to use appropriate gender-	NGOs should work with local community-based organizations (CBOs) in all aspects of SEA prevention and response. CBOs often have the strongest relationships with community members, and NGOs should leverage this relationship to consult with communities on

	sensitive traditional and innovative methods of conflict resolution...”	SEA prevention and response measures.
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Individuals who experience marginalization are at higher risk of SEA. Throughout the program cycle, NGOs must consult with these groups to ensure that their rights are defended and fulfilled, and that people are able to safely participate in our programs and access all services.

Human Rights Document	Text	Application to SEA
Declaration on the Elimination of Violence Against Women	“Some groups of women, such as women belonging to minority groups, indigenous women, refugee women, women migrants, including women migrant workers, women in poverty living in rural or remote communities, destitute women, women in institutions or in detention, female children, women with disabilities, elderly women, displaced women, repatriated women, women living in poverty and women in situations of armed conflict, foreign occupation, wars of aggression, civil wars, terrorism, including hostage-taking, are also particularly vulnerable to violence.”	SEA occurs as a result of unequal power dynamics. Our understanding of SEA must be intersectional, with the explicit recognition that race, sexuality, ethnicity, religion etc. intersect with gender and can increase vulnerability to SEA.
1995 Beijing Platform for Action	Chapter IV Section D: “Recognize the vulnerability to violence and other forms of abuse of women migrants, including women migrant workers, whose legal status in the host country depends on employers who may exploit their situation.”	Same as above.

Survivors of SEA have the right to effective remedies, inclusive of support services. When an NGO inflicts harm on a community member, the organization must be accountable to the survivor by providing these remedies and services.

Human Rights Document	Text	Relation to SEA
Declaration on the Elimination of Violence Against Women	Article 4A: “Work to ensure, to the maximum extent feasible in the light of their available resources and, where needed, within the framework of international cooperation, that women subjected to violence and, where appropriate, their children have specialized assistance, such as rehabilitation, assistance in child care and maintenance, treatment, counselling, and health and social services, facilities and programmes, as well as support structures, and should take all other appropriate measures to promote their safety and physical and psychological rehabilitation.”	Women subjected to SEA should be provided with access to specialized support services and structures. In humanitarian and development settings, NGOs have a responsibility to provide these services.

Communities have a right to employment free of stipulations of SEA.

Human Rights Document	Text	Application to SEA
<u>International Labour Organization Convention 190</u>	Article 2: “1. This Convention protects workers and other persons in the world of work, including employees as defined by national law and practice, as well as persons working irrespective of their contractual status, persons in training, including interns and apprentices, workers whose employment has been terminated, volunteers, jobseekers and job applicants, and individuals exercising the	The protections in ILO C190 include job-seekers and volunteers. <u>The Final report of the Independent Commission on the review of sexual abuse and exploitation during the response to the 10th Ebola virus</u> found many cases of sexual harassment, exploitation, and abuse in the hiring process. Communities seeking employment with our organizations have a right to do so without being subject to SEA.

	<p>authority, duties or responsibilities of an employer.</p> <p>2. This Convention applies to all sectors, whether private or public, both in the formal and informal economy, and whether in urban or rural areas.”</p>	
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Sexual Harassment

Individuals have the right to work and live in an environment free from sexual harassment

Human Rights Document	Text	Application to Sexual Harassment
International Labour Organization Convention 190	Introduction: “Recognizing the right of everyone to a world of work free from violence and harassment, including gender-based violence and harassment.”	Our staff have a right to work in an environment that is free of harassment.
International Labour Organization Convention 190	Introduction: “Recognizing that violence and harassment in the world of work can constitute a human rights violation or abuse, and that violence and harassment is a threat to equal opportunities, is unacceptable and incompatible with decent work.”	Sexual harassment and violence at work can constitute a human rights violation or abuse.

Staff have a right to safe, confidential, objective, and effective internal grievance mechanisms without fear of retaliation. Employment should never be jeopardized due to a grievance.

Human Rights Document	Text	Application to Sexual Harassment
International Labor Organization Convention 190	Article 10: “Each Member shall take appropriate measures to: (b) ensure easy access to appropriate and effective remedies and safe, fair and	Each organization must ensure that internal grievance mechanisms are in place to adequately respond to sexual harassment.

	<p>effective reporting and dispute resolution mechanisms and procedures in cases of violence and harassment in the world of work, such as:</p> <p>(i) complaint and investigation procedures, as well as, where appropriate, dispute resolution mechanisms at the workplace level;</p> <p>(ii) dispute resolution mechanisms external to the workplace;</p> <p>(iii) courts or tribunals;</p> <p>(iv) protection against victimization of or retaliation against complainants, victims, witnesses and whistle-blowers; and</p> <p>(v) legal, social, medical and administrative support measures for complainants and victims;”</p>	
International Labour Organization Convention 190	Article 10: (E) provide that victims of gender-based violence and harassment in the world of work have effective access to gender-responsive, safe and effective complaint and dispute resolution mechanisms, support, services and remedies;	Organizations must ensure that internal grievance mechanisms are acceptable for all staff, regardless of gender identity.

Organizations must address sexual harassment holistically- including holding both perpetrators of sexual harassment and those who enable it accountable.

Human Rights Document	Text	Application to Sexual Harassment
International Labour Organization Convention 190	Article 10: (D)provide for sanctions, where appropriate, in	Organizations must hold perpetrators of sexual harassment and those who

	cases of violence and harassment in the world of work.	enable it to account. While holding the perpetrator accountable is of utmost importance, to holistically address sexual harassment, all individuals involved in enabling sexual harassment to occur must be held accountable.
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Communities have a right to receive assistance without being subject to harassment.

Human Rights Document	Text	Application to Sexual Harassment
Declaration on the Elimination of Violence Against Women	<p>Article 2: Violence against women shall be understood to encompass, but not be limited to, the following:</p> <p>(a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;</p> <p>(b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;</p> <p>(c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.</p>	<p>Violence against women includes sexual harassment. Harassment is a daily reality for many program participants.</p> <p>Further, sexual violence is a continuum. A study from the US Department of Defense found that 1/3 of servicemembers who were sexually assaulted were sexually harassed by their perpetrator prior to the assault. This indicates that sexual harassment may be a precursor to other forms of sexual violence like exploitation and abuse. It is thus critical that organizations commit to preventing sexual harassment of program participants.</p>

Child Abuse

Children have a right to be heard. Organizations must uphold children's rights to meaningful participation and involvement in decisions affecting their lives.

Human Rights Document	Text	Application to Child Abuse
UN Declaration on the Rights of the Child	Article 12: States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.	It is critical that the voices of children and youth are centered in conversations about child sexual exploitation, abuse, and harassment. This is key both when it comes to prevention and response.

Children who are survivors of SEA have the right to be supported in their recovery. Organizations have a responsibility to ensure that the response includes the input of the child and is tailored to each child appropriately based on their age, gender, and maturity.

Human Rights Document	Text	Application to Child Abuse
UN Declaration on the Rights of the Child	Article 39: States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.	SEAH can leave lasting physical and psychological harm on child survivors. Organizations have a responsibility to provide support services to child survivors of SEAH. Such services should be provided in a way that fosters the health, self-respect and dignity of the child.