



UNITED NATIONS  
SERBIA



# **PREVENTION AND RESPONSE TO COMPLAINTS OF SEXUAL MISCONDUCT**

**BRIEFING NOTE FOR UN  
STAFF AND PERSONNEL  
IN SERBIA**



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# 1. KEY MESSAGE

All forms of sexual misconduct including **sexual exploitation and abuse (SEA)** and **sexual harassment (SH)** are a violation of human rights and as such unacceptable and prohibited in the UN. It is our collective responsibility and a priority to prevent such behaviour, respond to all allegations of sexual misconduct swiftly and effectively and support those affected.

SEA and SH can lead to serious, sometimes life-long, adverse consequences for the survivors, particularly child survivors. Furthermore, SEA and SH undermine the integrity and reputation of the UN and other humanitarian and development actors and can threaten the security of their personnel and operations.

# 2. DEFINITIONS

The term **sexual exploitation** refers to 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. Similarly, the term **sexual abuse** means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

The term **sexual exploitation and abuse (SEA)** is used to refer to abuse of a position of power over a vulnerable population that humanitarian and development actors/agencies/professionals (including UN staff, collaborators and partners) may commit.

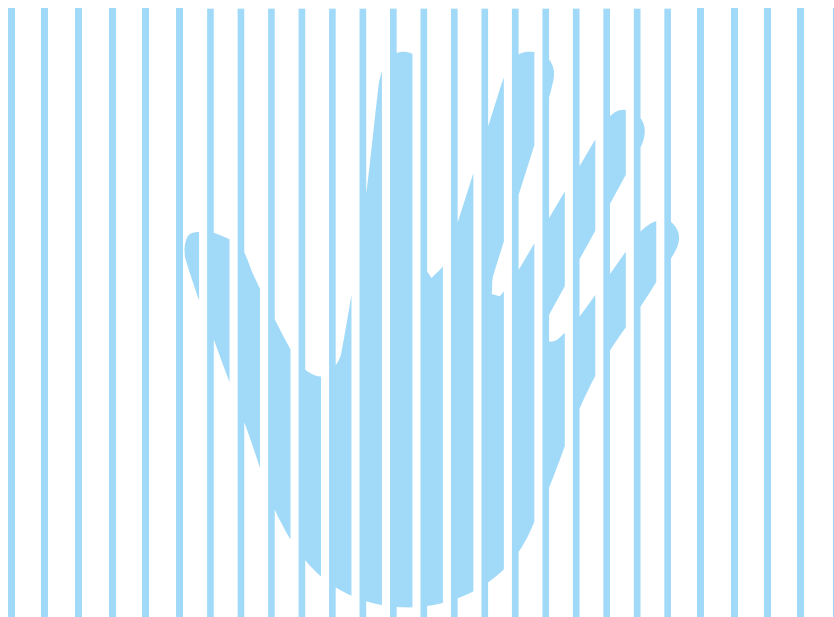
The term **sexual harassment (SH)** is related to sexual misconduct that may occur among the co-workers and marks any unwelcome conduct of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation, when such conduct interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment. SH may occur in the workplace or in connection with work, and while typically involving a pattern of conduct, sexual harassment may take the form of a single incident. SH may involve any conduct of a verbal, non-verbal or physical nature, including written and electronic communications.

While behaviours denoted by the terms SEA and SH significantly overlap, they are used to point to unacceptable behaviour and abuse of power in different types of relations.



### Examples of behaviours considered SEA (not exhaustive):

- Sexual assault;
- Telling someone that they or anyone else are obliged to have sex as a condition for assistance or anything else;
- Forcing sex or someone to have sex with anyone;
- Forcing a person to engage in prostitution or pornography;
- Unwanted touching of a sexual nature;
- Name-calling with sexual epithets.



### Examples of behaviours considered SH (not exhaustive):

- Repeated requests or other forms of pressure for a sexual relationship (e.g. repeated requests for 'a date');
- Unwarranted, intrusive or persistent questioning about a person's marital status or sexual interests, history or orientation;
- Obscene messages sent by text message, email, video chat, social media platform etc.;
- Open or implied threat that submission to sexual advances will be a condition of any form of commendation, promotion or development opportunity;
- Remarks speculating about a person's or one's own sexual activities or history;
- Displays of material of a sexual nature including posters, cartoons, or messages left on notice boards, desks or common areas;
- Using unwelcome 'pet' names, such as 'honey', 'doll', 'babe', 'princess', etc.;
- Innuendo or other suggestive, offensive or derogatory comments or jokes about a person's gender identity or sexual orientation;
- Unwanted, uninvited or inappropriate touching, patting, hugging or other physical contact (e.g. massaging a person without invitation or deliberately brushing up against them).



# 3. POLICY BACKGROUND

## UN policy framework

The **United Nations has a Zero Tolerance Policy against Sexual Exploitation and Sexual Abuse**. Sexual exploitation and Sexual Abuse are acts of unacceptable behaviour and **prohibited conduct for all UN personnel**. All UN personnel are required to follow UN standards of conduct on sexual exploitation and sexual abuse, including personnel or employees of non-UN entities that have entered into cooperative agreement with the UN, including international and local consultants, vendors, and service contractors. For more information, please visit: <https://www.un.org/preventing-sexual-exploitation-and-abuse/content/policies-and-protocols>.

Similarly, **sexual harassment of co-workers is explicitly prohibited** by UN regulation as part of the commitment to ensuring safe and dignified working environment for all staff. As of 2019, the UN has introduced the ClearCheck – a centralized job candidate screening application which captures information on sexual harassment offenders and alleged offenders to make sure vetting procedure includes also allegations of sexual harassment. For more information, please visit: <https://undocs.org/pdf?symbol=en/ST/SGB/2019/8>.

## National law/policy framework

Although sexual exploitation and abuse in the context of abuse of power against beneficiary populations is not explicitly mentioned in the existing national legal and policy framework in Serbia – the types of behaviour SEA includes are prohibited by several laws in the Republic of Serbia, and all criminal offences of sexual violence are prosecuted ex officio, irrespective of the relationship between the perpetrator and the victim.

The Law on Gender Equality defines sexual harassment as every unwanted verbal, non-verbal or physical act of a sexual nature that aims to violate or succeeds in violation of human dignity, causing fear or resulting in a hostile, degrading or offensive environment. Sexual blackmail is any behaviour of a person who, with intent to perform or not perform acts of a sexual nature, blackmails another person by threatening to disclose something which can harm her or his honour or reputation.

The provisions of the Criminal Code criminalize sexual violence in several criminal offences of a sexual nature: rape; sexual intercourse with a defenceless person; sexual intercourse with a child; sexual in-



tercourse through abuse of position; prohibited sexual acts; pimping and procuring; intermediation in prostitution; displaying, procuring, and possession of juvenile pornography; inducing a minor to witness a sexual act; sexual harassment; and abuse of computer networks and other methods of electronic communication to commit criminal offences against sexual freedom of minors.

**Sexual harassment is criminalized** as a separate criminal offence (Article 182a of the **Criminal Code**). The legal definition of sexual harassment includes all verbal, non-verbal or physical behaviour that aims to violate or succeeds in violation of human dignity in the area of sexuality, causing fear, or resulting in a hostile, degrading or offensive environment. The foreseen sanctions are a fine or imprisonment of up to six months, or if the victim was a minor, imprisonment of three months to three years. The criminal offence is prosecuted upon the victim's initiative.

**Sexual harassment in the workplace** is explicitly **prohibited by the Labour Code**, which defines it as every verbal, non-verbal, or physical action aiming to violate or succeeding in violating the dignity of a jobseeker or an employee in the area of sexuality, resulting in fear or creation of a hostile, degrading or offensive environment. **The Law on the Prevention of Harassment in the Workplace** establishes sexual harassment as a form of harassment in the workplace. **The Rulebook on the Code of Conduct of Employers and Employees in Prevention of and Protection from Harassment in the Workplace** defines sexual harassment as degrading and inappropriate comments and actions of

a sexual nature, attempted or achieved; indecent and unwanted physical contact; incitement to accept sexual behaviour for a reward, or through threat or blackmail; and similar types of behaviour.

Many employers have issued internal acts to regulate measures for prevention of and protection from sexual harassment in the workplace. The Law foresees that a person exposed to sexual harassment has the right to protection, including both internal protection (mediation and establishing accountability of the person accused of harassment) and court-provided protection. The court proceedings are urgent. To prove sexual harassment, the rule of shifting the burden of proof is applied: the plaintiff must make probable that sexual harassment has occurred, whereas the burden of proof that no sexual harassment has taken place is upon the employer. In cases of sexual harassment, the dispute may be settled before the Republic Agency for Peaceful Settlement of Labour Disputes, via mediation or arbitration. Sexual harassment is a form of gender-based discrimination; therefore, it is possible to file a complaint to the Commissioner for Protection of Equality.

In cases of sexual harassment in the workplace, victims may seek court protection foreseen by the Law on the Prevention of Harassment in the Workplace, such as: 1) establishing that the victim was indeed harassed; 2) prohibition of further harassment or repetition of harassment; 3) undertaking measures to remedy the consequences of the harassment; 4) compensation of material and non-material damage; and 5) publishing the verdict in the media.



# 4. KEY PREVENTION OF SEA (PSEA) STANDARDS FOR UN STAFF/PERSONNEL AND PARTNERS

In order to further protect the most vulnerable populations, especially women and children, the following specific standards are set for staff of UN agencies and partner organisations:

- a. Sexual exploitation and sexual abuse constitute acts of serious misconduct and are therefore grounds for disciplinary measures, including summary dismissal;
- b. Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief in the age of a child is not a defence;
- c. Exchange of money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour, is prohibited. This includes any exchange of assistance that is due to beneficiaries of assistance;
- d. Sexual relationships between United Nations staff and beneficiaries of assistance, since they are based on inherently unequal power dynamics, undermine the credibility and integrity of the work of the United Nations and are strongly discouraged;
- e. Where a United Nations staff member develops concerns or suspicions regarding sexual exploitation or sexual abuse by a fellow worker, whether in the same agency or not and whether or not within the United Nations system, he or she must report such concerns via established reporting mechanisms;
- f. United Nations staff are obliged to create and maintain an environment that prevents sexual exploitation and sexual abuse. Managers at all levels have a particular responsibility to support and develop systems that maintain this environment.





# 5. SEA REPORTING

Reporting all SEA allegations promptly is the responsibility of all UN staff. All UN agencies have internal mechanisms which ensure SEA allegations can be reported safely and confidentially.

The Resident Coordinator bears the overall oversight responsibility on PSEA, including leading on system-wide strategies, ensuring that a country-level Inter Agency PSEA Action Plan is developed and implemented, regularly informing UNCT on collective PSEA efforts, and reporting to the SG on the implementation of PSEA.

**One of the standards of prevention of SEA includes delegating a dedicated PSEA Focal Point within each UN Agency, as part of establishing reporting mechanisms. PSEA Focal Point responsibilities usually include:**

- **Recording of allegations:** within agency-specific mechanisms and log the report to the RC (early reporting and detailed incident reporting).
- **SEA risk assessment:** conducting assessments of SEA risks in Agency program and operations (including implementing partners and third parties), as per respective Agency procedures.

- **SEA report receiving:** managing the development of internal reporting procedures at the office level for safe and confidential receiving and handling of reports of SEA incidents from partners and/or beneficiaries; receiving reports of SEA allegations and related information and coordinating the response according to relevant procedures.
- **Coordinating response:** once a complaint is received, supporting the investigation process and coordinating an efficient response in terms of referral of SEA survivors for immediate professional assistance, including safety, health and psychosocial services.
- **Liaising with HR and senior management:** to ensure adherence to the PSEA standards as per Agency's procedure: facilitating access to training/awareness sessions for all staff, and supporting set-up of other PSEA measures.
- **Liaising with other Agencies within UNCT:** to ensure interagency coordination on PSEA.

UNCT Serbia has formed an **Inter Agency PSEA Task Team** comprised of PSEA Focal Points from UN Agencies present in Serbia. This Task Team is responsible to update and harmonize PSEA actions in the country and serves as the primary body for implementation of the UNCT Inter Agency PSEA Action Plan.



The table below includes **designated PSEA Focal Points and reporting pathways for each UN agency** with physical presence in Serbia and Inter Agency PSEA Task Team.

UN Agency	PSEA Focal Point / reporting pathway
IOM	<ul style="list-style-type: none"> <li>■ PSEA concerns related to IOM or partner staff should be reported to IOM PSEA Focal Point Ivana Ivljanin at <a href="mailto:iivljanin@iom.int">iivljanin@iom.int</a>.</li> <li>■ PSEA concerns related to IOM staff or partner staff can also be reported to IOM’s Office of Internal Oversight (OIO) through IOM’s misconduct reporting platform “We Are All In” (<a href="http://www.weareallin.iom.int">www.weareallin.iom.int</a>) or by email to <a href="mailto:oiointake@iom.int">oiointake@iom.int</a> and the Ethics and Conduct Office at <a href="mailto:eco@iom.int">eco@iom.int</a>.</li> </ul>
FAO	<ul style="list-style-type: none"> <li>■ Complaints of workplace harassment pursuant to the Policy on the Prevention of Harassment, Sexual Harassment and Abuse of Authority should be sent to the Office of the Inspector General: (+39) 06 570 54884 or by e-mail: <a href="mailto:inspector-general-office@fao.org">inspector-general-office@fao.org</a>.</li> <li>■ PSEA designated focal point for Serbia is Nabil Gangi, Head of Project Office in Serbia, based in REU Budapest. Local contact is Aleksandar Glisic, <a href="mailto:aleksandar.glisic@fao.org">aleksandar.glisic@fao.org</a> or by phone: +381 (11) 4155-354.</li> </ul>
HRA/RCO (OHCHR)	<ul style="list-style-type: none"> <li>■ PSEA concerns related to HRA/RCO (OHCHR) or partner staff should be reported to HRA PSEA Focal Point Ana Jankovic Jovanovic, <a href="mailto:ana.jankovicjovanovic@un.org">ana.jankovicjovanovic@un.org</a></li> <li>■ Any wrongdoing and SEA allegations could be reported directly to <a href="mailto:sea@ohchr.org">sea@ohchr.org</a>.</li> </ul>



UN Agency	PSEA Focal Point / reporting pathway
UNDP	<ul style="list-style-type: none"> <li>■ PSEA concerns related to UNDP or partner staff should be reported to UNDP CO PSEA and SH Focal Maja Brankovic Djundic, <a href="mailto:maja.djundic@undp.org">maja.djundic@undp.org</a>.</li> <li>■ Complaints/reports may also be reported immediately to the UNDP Office of Audit and Investigation at <a href="mailto:reportmisconduct@undp.org">reportmisconduct@undp.org</a>. Staff members who believe that they have been the victim of retaliation may seek informal redress or make a formal complaint to the Ethics Office at <a href="mailto:ethicsoffice@undp.org">ethicsoffice@undp.org</a> (interpreters available 24 hours/day). <a href="#">Click here</a> for worldwide numbers (interpreters available 24 hours/day).</li> </ul>
UNFPA	<ul style="list-style-type: none"> <li>■ PSEA concerns related to UNFPA or partner staff should be reported to UNFPA CO PSEA Focal Point Ivan Milovanovic <a href="mailto:milovanovic@unfpa.org">milovanovic@unfpa.org</a>.</li> <li>■ All UNFPA personnel have an obligation to report SEA allegations (including suspicions, rumours, concerns) immediately to the Office of Audit and Investigation Services (OASIS): phone hotline: +1 212 297 5200, investigation hotline: <a href="https://web2.unfpa.org/help/hotline.cfm">https://web2.unfpa.org/help/hotline.cfm</a>, email: <a href="mailto:investigationshotline@unfpa.org">investigationshotline@unfpa.org</a>.</li> </ul>
UNICEF	<ul style="list-style-type: none"> <li>■ PSEA concerns related to UNICEF or partner staff should be reported to UNICEF CO PSEA Focal Point Milos Milovanovic, <a href="mailto:psea.srb@unicef.org">psea.srb@unicef.org</a>.</li> <li>■ PSEA concerns related to UNICEF staff can also be reported by emailing the independent Office of Internal Audit and Investigations at <a href="mailto:integrity1@unicef.org">integrity1@unicef.org</a>.</li> </ul>



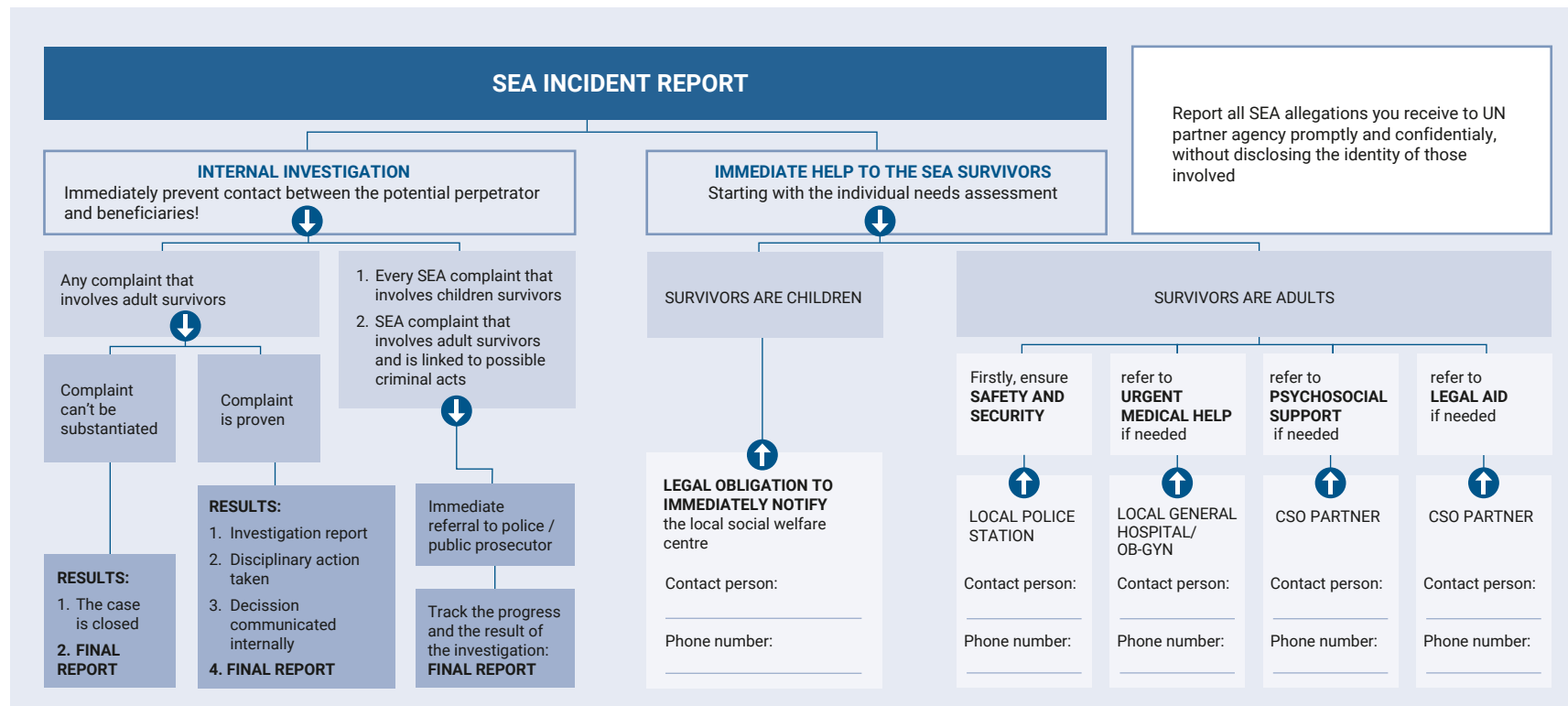
UN Agency	PSEA Focal Point / reporting pathway
UNHCR	<ul style="list-style-type: none"> <li>■ PSEA concerns related to UNHCR or partner staff in Serbia can be reported to UNHCR PSEA Focal Point Edlira Baka Peco, <a href="mailto:BAKA@unhcr.org">BAKA@unhcr.org</a>.</li> <li>■ PSEA concerns related to UNHCR staff can also be reported by emailing the Investigation Service of the Inspector General's Office (IGO) through the email address: <a href="mailto:inspector@unhcr.org">inspector@unhcr.org</a> or directly in the online complaint link: <a href="https://www.unhcr.org/igo-complaints.html">https://www.unhcr.org/igo-complaints.html</a></li> </ul>
UNODC	<ul style="list-style-type: none"> <li>■ PSEA concerns related to UNODC or partner staff should be reported to UNODC Programme Office Serbia PSEA Focal Point Jelena Velic, <a href="mailto:jelena.velic@un.org">jelena.velic@un.org</a>.</li> <li>■ UNODC is part of the UN Secretariat and relevant information can be found on <a href="https://iseek.un.org/sexual-exploitation-and-abuse">https://iseek.un.org/sexual-exploitation-and-abuse</a>. Any wrongdoing and SEA allegations could be reported directly to The Office of Internal Oversight Services (OIOS) in the following ways: phone: +1 212 963-1111 (24 hours a day), online reporting form: <a href="https://oios.un.org/report-wrongdoing">https://oios.un.org/report-wrongdoing</a>, regular mail: Director, Investigations Division Office of Internal Oversight Services 300 East 42nd Street (at 2nd Avenue) 7th Floor, New York, NY 10017, USA.</li> </ul>
UNOPS	<ul style="list-style-type: none"> <li>■ Any wrongdoing and SEA allegations should be reported directly to the Internal Audit and Investigations Group (IAIG), email: <a href="mailto:investigations@unops.org">investigations@unops.org</a> or via <a href="#">UNOPS Speak Up Hotline page</a>. It can be accessed worldwide and free of charge. This hotline can be used by both UNOPS personnel and by people from outside UNOPS.</li> </ul>



UN Agency	PSEA Focal Point / reporting pathway
UN Women	<ul style="list-style-type: none"> <li>■ PSEA concerns related to UN Women staff or a partner in Serbia can be communicated to the PSEA focal point with UN Women Serbia Office Jovana Peric Djakovic, <a href="mailto:jovana.peric@unwomen.org">jovana.peric@unwomen.org</a>.</li> <li>■ Any wrongdoing and SEA allegations could be reported directly to The Office of Internal Oversight Services (OIOS) in the following ways: phone: +1 212 963-1111 (24 hours a day), online reporting form: <a href="https://reportwrongdoing.unov.org/?AspxAutoDetectCookieSupport=1">https://reportwrongdoing.unov.org/?AspxAutoDetectCookieSupport=1</a>, regular mail: Director, Investigations Division Office of Internal Oversight Services 300 East 42nd Street (at 2nd Avenue) 7th Floor, New York, NY 10017, USA.</li> </ul>
WHO	<ul style="list-style-type: none"> <li>■ SEAH concerns related to WHO or partner staff should be reported to WHO CO SEAH Focal Point Ababayehu Assefa at <a href="mailto:mengistua@who.int">mengistua@who.int</a>.</li> <li>■ SEAH concerns related to WHO staff can also be reported via established reporting mechanisms, which include the WHO Integrity Hotline <a href="https://www.who.int/about/ethics/integrity-hotline">Integrity hotline (https://www.who.int/about/ethics/integrity-hotline)</a>.</li> </ul>
UNCT Inter Agency PSEA Task Team	<ul style="list-style-type: none"> <li>■ Concerns about UNCT Inter Agency PSEA Task Team Action Plan implementation could be inquired from UNCT PSEA Focal Point Ana Jankovic Jovanovic, <a href="mailto:ana.jankovicjovanovic@un.org">ana.jankovicjovanovic@un.org</a>.</li> </ul>



# 6. GENERIC REPORTING/ REFERRAL PATHWAY - IN CASE OF RECEIVING INFORMATION ON POSSIBLE SEA<sup>1</sup>



<sup>1</sup> This is the generic pathway to be further detailed by each UN Agency.





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