

ICAO Secretariat Strategy to Prevent and Respond to Sexual Misconduct



Introduction

1. ICAO is committed to preventing and addressing sexual misconduct and to providing a work environment that is respectful, inclusive and based on trust. This strategy uses the term “sexual misconduct” to encompass the full spectrum of prohibited and unwanted behaviour of a sexual nature, including sexual exploitation and abuse (SEA) and sexual harassment (SH). This is because all such acts are prohibited, no matter who they are perpetrated against, and therefore constitute misconduct. The term sexual misconduct is also easier to communicate and translate, and focuses on the prohibited conduct, rather than complicated acronyms or definitions.
2. ICAO has zero tolerance for sexual misconduct. Acts of sexual misconduct are unacceptable and contrary to the principles and values of the ICAO.
3. This Strategy is issued by the Secretary General. It should be read in conjunction with:
 - a. Article 1 of ICAO Service Code
 - b. ICAO Framework on Ethics (Annex I of the ICAO Service Code)
 - c. Staff Rule 101.1 Conduct of Staff Members and Appendix (Standards of Conduct)
 - d. Staff Rule 110.1 Disciplinary Measures
 - e. Personnel Instruction 1.3 Prevention of sexual harassment
 - f. Personnel Instruction 1.3.1 Prevention of sexual exploitation and abuse
 - g. Personnel Instruction 1.6 Procedure in relation to ICAO Framework on Ethics

Purpose and Scope

4. This strategy presents ICAO’s vision and priorities for preventing and responding to all forms of sexual misconduct. The strategy sets out what interventions we aim to implement in order to prevent misconduct from occurring, and further, how the Organization will respond in the event that misconduct does occur.
5. This strategy applies to all personnel working for the ICAO Secretariat, independent of contract type or contract duration, including staff, consultants, individual contractors, secondees, experts, interns, and volunteers; it also applies to all entities, their respective employees and individuals providing services to ICAO.

Prohibited Conduct

6. The following is prohibited conduct:
 - a. “sexual exploitation” which is defined as 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;
 - b. “sexual abuse” which is defined as the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions;

- c. Sexual contact or activity with 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 person is not a defense;
 - d. Offer or 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 offer or exchange of benefits or assistance that may be due or otherwise afforded to potential or actual beneficiaries; and
 - e. “sexual harassment”, which is defined as 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 otherwise 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.
7. Sexual relationships between ICAO personnel and potential or actual beneficiaries of assistance by ICAO or any United Nations entity are strongly discouraged, since they are based on inherently unequal power dynamics and undermine the credibility and integrity of the work of ICAO.

Victim-centred approach

- 8. ICAO undertakes to provide victim-centred assistance and support that is timely, predictable, and sustainable. A victim-centred approach is a way of engaging with the victim that prioritizes listening to the victim, avoids re-traumatization, and systematically focuses on their safety, rights, well-being, expressed needs and choices.
- 9. ICAO will implement a victim-centred approach at all stages of prevention and response to sexual misconduct, not only in reporting and responding to allegations, but also when designing and implementing prevention or protective measures and policies, awareness-raising activities and training, as well learning from such processes.

Awareness-raising and training

- 10. Fostering a respectful and inclusive environment is important in supporting the prevention of sexual misconduct. Increasing the knowledge of ICAO personnel and raising awareness of sexual misconduct is an important step towards fostering such an environment. All personnel know what conduct is prohibited and contribute to and nurture an organizational culture where there is zero tolerance for sexual misconduct.
- 11. At induction, new ICAO personnel will receive information and materials regarding sexual misconduct, the relevant provisions, the zero-tolerance policy and their respective

responsibilities of prevention and reporting. ICAO's focal point for PSEA and SH will oversee the provision of regular awareness raising and information sessions for personnel across the Organization.

12. Online training course for both the prevention of SEA and SH will be made available to all ICAO personnel, including targeted training for managers and supervisors. All ICAO personnel must complete these courses at least once every three years.
13. ICAO will also undertake to inform Member States and stakeholders of its Strategy and the specific efforts made in advancement of its strategic priorities. Similar efforts shall be made to inform any vendors, contractors, suppliers, sponsors, partners and any other external entity interacting with ICAO about the prevention, detection, and reporting of sexual misconduct.
14. Personnel with questions may contact the Specialist (Administrative Law, Policy and Disciplinary Matters), who is the focal point for SEA and SH, and/or the Ethics Advisor.

Prevention and effective controls

15. ICAO will continue to strengthen an organizational culture of prevention and deterrence, starting with senior leadership, where prevention is to be actively promoted through openness, where speaking up and speaking out are encouraged, and where zero tolerance is demonstrated through consistent and sustained actions.
16. In particular, managers and supervisors must reinforce the zero-tolerance culture and actively engage in understanding and addressing the attitudes, culture and power dynamics that lay at the root of misconduct. This is in line with the responsibility of managers and supervisors in Annex I of the Framework on Ethics, paras. 31 and 92 and in Staff Rule 101.1, paragraphs 16 and 17.¹

¹ Annex I of the Framework on Ethics, paras. 31 and 92 state:

31. Managers and supervisors are in positions of leadership, and it is their responsibility to ensure a harmonious workplace based on mutual respect; they should be open to all legitimate views and opinions and ensure that the merits of staff are properly recognized. Managers and supervisors are expected to promote an ethical workplace, leading by example, and ensuring staff members are familiar with, trained on, and comply with the Ethics Framework.

92. Directors, Chiefs and Supervisors shall, inter alia, be responsible for:

- a) communicating clearly to all their staff members ICAO's policy on ethical issues and ensuring they participate in mandatory ethics training;
- b) taking steps at an early stage to prevent and/or resolve conflicts between staff members in their unit;
- c) taking swift and appropriate preventative action on potential cases of misconduct, especially harassment, as soon as they become aware of such situations;
- d) taking an active part in the mediation/resolution of actual cases of misconduct as soon as they become aware of such situations;
- e) notifying the investigative entity of any elements of misconduct found during the performance of tasks by their respective bureaus and offices; and
- f) taking appropriate actions, following the resolution of cases, and ensuring that measures are in place to prevent recurrence of conflict, harassment, and retaliation.

Staff Rule 101.1 — Conduct of staff members and Appendix (Standards of Conduct) states:

16. Managers and supervisors are in positions of leadership, and it is their responsibility to ensure a harmonious workplace based on mutual respect; they should be open to all views and opinions and make sure that the merits of staff are properly recognized. They need to provide support to them; this is particularly important

17. As a measure to strengthen prevention, specific reference should be made to sexual misconduct in the Organization's enterprise risk management approach. Risk management measures for sexual misconduct may differ significantly given the different scope of applicability, and related reporting and response. Any measures will be clearly articulated in any risk management plans.
18. Prevention and effective controls should cover the framework of employment contracts, consultants, secondments, internships, external collaboration contracts, grants, group visits, official missions, meetings, implementation agreements, procurement contracts, public-private partnerships, training activities and any other arrangement under which ICAO assistance is provided. Normally, responsibility for prevention and effective controls rests with programme managers, contracting officers, and other personnel proposing or approving the use of funds under the control of ICAO, irrespective of the amount or source of funding. Such staff are also responsible for engaging with external entities mentioned in paragraph 13 in this respect.
19. ICAO will utilize a Code of Conduct for the prevention of harassment, including sexual harassment for participants of all ICAO conferences, meetings and events. The Code of Conduct will contain information about reporting and should be appropriately publicized for such events.
20. To ensure that individuals with a documented history of proven prohibited conduct are not engaged or hired, ICAO will undertake to utilize the UN Clear Check screening tool and additional mechanisms to screen for all positions candidates with a record of serious misconduct. This may be in addition to employment reference checks.

Reporting and Investigation

21. Safe and accessible mechanisms to report sexual misconduct are essential to encourage victims and whistle-blowers to come forward. All ICAO personnel, in particular senior management, will actively promote and reinforce a "speak up, speak out" and a zero-tolerance culture.
22. ICAO personnel must report any concerns of misconduct directly to the UN Office of Internal Oversight Services (OIOS) (<https://reportwrongdoing.un.org/>). Reports may also be made by any stakeholders, and anonymously. Confidentiality interests and the interests of victims will be ensured throughout the entire review process of an allegation of misconduct. Should the Secretary General or any personnel receive a report of misconduct, they shall immediately refer it to OIOS and shall not undertake or delegate any internal investigation on their own.

when staff are subject to criticism arising from the performance of their duties. Managers are also responsible for guiding and motivating their staff and promoting their development.

17. Managers and supervisors serve as role models, and they have therefore a special obligation to uphold the highest standards of conduct. It is quite improper for them to solicit favours, gifts or loans from their staff; they must act impartially, without favouritism and intimidation. In matters relating to the appointment or career of others, international civil servants should try not to influence colleagues for personal reasons.

23. OIOS will prioritize complaints of sexual misconduct and conduct investigations. An investigation into allegations of SEA carried out by OIOS is without prejudice to any referral to national authorities for civil action and/or criminal prosecution following the waiver of existing privileges and immunities by ICAO.
24. ICAO personnel who make a good faith report of sexual misconduct, or who cooperate with a duly authorized investigation, shall be protected against retaliation.

Response and Accountability

25. ICAO has a zero tolerance of sexual misconduct. Acts of sexual misconduct constitute serious misconduct and ICAO personnel can expect robust measures, including termination of employment, if it is established that they have perpetrated sexual misconduct. When established sexual misconduct resulted or would have resulted in termination of employment, personal identifying information of perpetrators will be entered into the UN ClearCheck Screening Database, to prevent the rehiring of personnel who have been terminated for SEA or SH. ICAO will also submit information for those personnel with pending allegations for SEA or SH, who leave the Organization before the completion of an investigation and/or disciplinary process.
26. ICAO is committed to providing or referring victims of sexual misconduct to the support they need, including, where applicable, medical services, psychosocial and other support.
27. An Annual Report on Actions Taken in Response to Complaints of Misconduct and Retaliation, including cases of sexual misconduct, is published on ICAO's intranet and public website, with a view to recalling important information concerning the conduct required of all personnel and to reiterate that ICAO is committed to preventing, identifying and addressing all breaches of the required standards of conduct.
28. As part of a holistic approach, ICAO will undertake internal and external cooperation and collaboration, including through the UN Executive Group to Prevent and Respond to Sexual Harassment and the UN SEA Working Group with the view towards integrating best practices from the UN system, sharing knowledge, and strengthening system-wide coherence.