

INTERNAL DIRECTIVE ON SEXUAL EXPLOITATION AND ABUSE AND SEXUAL HARRASSMENT

Introduction

1. In executing its mandate, Africa CDC complies with the African Union's policies for the prevention, reporting and response to misconduct. This includes sexual misconduct in the form of sexual exploitation and abuse (SEA) and sexual harassment (SH). Africa CDC also honours various continental instruments promoting human dignity including the African Charter on Human and Peoples' Rights¹, the African Union's Solemn Declaration on Gender Equality in Africa², and the African Charter on Rights and Welfare of the Child³. Accordingly, Africa CDC has "zero tolerance" for sexual misconduct, will refer for investigation any reported instances, support sanctioning where this misconduct has been established, and support assistance and redress to victims in accordance with African Union policies.
2. The objective of this Internal Directive is to support Africa CDC's commitment to the prevention of SEA and SH in its operations, programs and projects; and to taking appropriate measures in response to observed or alleged SEA and SH.

Definitions

3. **Sexual exploitation** is defined in African Union⁴ as the inducement, incitement, coercion and compelling of another person to undertake a sexual activity through abuse of a position of vulnerability, differential power, dependency or trust. Sexual exploitation includes, but is not limited to, exploiting material, monetary, social, psychological and political advantages to induce a person to engage in a sexual activity. In this context, sexual exploitation applies not only to actual sexual activity but also to an attempt to engage in such activity. An act of sexual exploitation occurs when the particular person would have had no substantial option, and no reasonable choice but to succumb to pressure to engage in a sexual activity. Sexual exploitation is harmful and exploitative behaviour which occurs in the context of hierarchical interactions and relationships.
4. **Sexual abuse**⁵ refers to any action or behaviour of a sexual nature that coerces, threatens or forces a person to engage in a sexual activity (penetrative and nonpenetrative), that they would not otherwise have engaged in, and often without being able to give their consent. Sexual abuse includes the actual or threatened physical intrusion of a sexual nature, and occurs under coercive conditions, which are often reflective of unequal power relations and harmful behaviour.

¹ [36390-treaty-0011 - african charter on human and peoples rights e.pdf \(au.int\)](#)

² [38956-doc-assembly_au_decl_12_iii_e.pdf](#)

³ [36804-treaty-african charter on rights welfare of the child.pdf \(au.int\)](#) in particular Article 27.

⁴ African Union Policy on Prevention and Response to Sexual Exploitation and Abuse for Peace Support Operations which can be accessed at [english-final-sea-policy-for-au-psos.pdf \(peaceau.org\)](#)

⁵ Ibid

5. **Sexual harassment** is defined in the African Union Harassment Policy as including any unwelcome sexual advance, request for a sexual favour or unwanted verbal, non-verbal or physical conduct of a sexual nature that unreasonably interferes with work, alters or is made a condition of employment, or creates an intimidating, hostile, humiliating, or offensive work environment. It is unwelcome, unreciprocated and imposed and may consist of a single incident or series of incidents. Mutually acceptable behaviour is not sexual harassment, regardless of the employment relationship.
6. The African Union Harassment Policy provides guidance on the types of behaviours that may constitute SH.
7. **The key difference between SEA and SH is the victim:** in the case of SEA, the victim is a person of concern, or a member of the local or host community. In the case of sexual harassment, the victim is a fellow worker, whether working with Africa CDC or with another agency or partner organization. Both forms of sexual misconduct are unacceptable, and Africa CDC is committed to preventing them from our operations and offices and ensuring that all victims receive the support they need.

Duties of Africa CDC Officials, Staff Members, Implementing Partners and Contractors

8. Africa CDC officials, staff members and consultants, regardless of location, categories and duration of appointment, are required to comply with the obligations set out in the African Union Staff Regulations and Rules and the African Union Code of Ethics and Conduct. As stated in the Code, they shall serve, protect and defend the interests of the Union, maintain the highest standard of conduct and uphold the values. Staff members and officials shall avoid situations and activities that might reflect adversely on the Union, compromise its work or lead to real or apparent conflicts of interest. The Code also provides that staff members and officials will report suspected irregular practices or misconduct. Africa CDC officials, staff members and consultants must also observe the African Union Harassment Policy which includes recognizes SH as a form of misconduct. Accordingly, Africa CDC staff members and officials are strictly prohibited from engaging in SEA and SH and will report any observed instances of such behaviours in the workplace or at programme or project sites.
9. Staff and officials may report observed or suspected SEA and/or SH through the channels available for reporting misconduct. These may include immediate supervisors, Human Resources, the African CDC Office of Internal Oversight, and the African Union Office of Internal Oversight (OIO). Staff and officials who report observed or suspected sexual misconduct in good faith are entitled to the same protections against retaliation as for other types of misconduct reporting.
10. Africa CDC's Implementing Partners are also expected to ensure they meet the requirements of this Directive on Africa CDC programmes and projects. This means:
 - minimising the risk of SEAH occurring on Africa CDC programmes and projects;
 - responding to SEAH in a meaningful way;

- reporting all SEAH incidents to Africa CDC; and
- ensuring incidents are resolved effectively.

11. Staff and officials of Africa CDC, or of implementing partners, contractors and other third parties engaged on Africa CDC programs and projects, who have been determined to have engaged in SEA or SH will be subject to the disciplinary and sanctions processes established by the African Union. Africa CDC will engage with appropriate organs of the African Union to provide assistance and redress to victims of SEA or SH identified in Africa CDC programs and projects.

Preventive and Response Measures

12. Africa CDC shall ensure that all officials, staff members, Implementing Partners and contractors are informed of the required standards of conduct in relation to SEA and SH, their responsibilities and rights, and how to obtain support if needed. This includes at the time of contracting and induction, and this should be periodically reinforced as part of training programmes.

13. The requirements of funding partners with respect to SEA will be applied in programs and projects they support. In the absence of specific requirements, and as a minimum, Africa CDC will follow principles consistent with relevant requirements in the World Bank Environmental and Social Standards (ESS)⁶. In particular, in applying ESS 1 on Assessment and Management of Environmental and Social Risks and Impact, and ESS 10 on Stakeholder Engagement and Information Disclosure, Africa CDC will ensure that:

- the environmental and social risks and impacts of the project that are assessed, managed and monitored throughout the project life cycle includes risks of SEA. This includes identifying in advance appropriate avenues for assistance and redress of victims of such misconduct;
- Implementing partners and contractors engaged on Africa CDC programs and projects are made aware of this directive and the need to manage SEA risks;
- As part of Africa CDC's stakeholder engagement⁷, which includes Risk Communication and Community Engagement activities, Africa CDC's "zero tolerance" approach to SEA is explained and disseminated to those who may be vulnerable to such misconduct;
- Information on grievance mechanisms, whether project specific or local mechanisms utilized by the project, makes clear that the grievance mechanisms may be used to report observed or suspected SEA on Africa CDC projects and that, as with all reports to grievance mechanisms they will be treated seriously and expeditiously;
- All reports of observed or suspected SEA and SH are referred to OIO which will apply its standard operating procedures for recording and the handling reports including decisions

⁶ [ESFFramework.pdf \(worldbank.org\)](#)

⁷ ESS10 provides that "stakeholder" refers to individuals or groups who: (a) are affected or likely to be affected by the project (project-affected parties); and (b) may have an interest in the project (other interested parties).

to investigate or not, and or investigating and documenting the results of investigations in accordance with OIO standards;

- Appropriately qualified and experienced investigators, either in OIO or specialized SEA and SH investigators engaged in coordination with OIO, are assigned responsibility to examine all reports of SEA and SH in African CDC operations, programmes and projects.

14. Assistance and redress for victims/survivors of SEA and SH entails prioritizing the rights, needs and wishes of the victim/survivor requires that they are:

- immediately protected from further harm
- supported in a timely manner
- treated with dignity and respect throughout
- not discriminated against for any reason
- supported to be involved in decision making to the extent they wish to be
- provided with comprehensive information
- given access to appropriate counselling and health services to assist coping and recovery
- protected through privacy and confidentiality to the extent possible.

15. Where the incident appears to have a criminal aspect, careful consideration needs to be given as to whether the matter needs to be referred to local law enforcement bodies. Relevant factors include: the nature of the incident; the wishes and safety of the victim/survivor; the safety of others; the likelihood of further harm occurring if the matter is reported / not reported; and local legal requirements. These considerations should be made in consultation with Africa CDC management including the Legal Division and OIO.

Administration of the Directive

16. The Human Resources Divisions of Africa CDC will provide advice, as needed, to Africa CDC programme and operations units on the implementation of this Directive.

17. From time to time, the Human Resources Division will review this Directive, in consultation with programme and operational Centres, Directorates, Divisions and Units and OIO, in light of implementation experience and any future developments in policies and procedures adopted in future by the African Union Commission, and where necessary propose revisions to the Director General.

Addis-Abeba, 22 September 2023



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