



**GREEN  
CLIMATE  
FUND**

**Meeting of the Board**  
26 – 28 February 2019  
Songdo, Incheon, Republic of Korea  
Provisional agenda item 20

**GCF/B.22/20**

19 February 2019

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# Interim Policy on the Protection from Sexual Exploitation, Sexual Abuse, and Sexual Harassment

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## **Summary**

This document proposes an Interim Policy on the Protection from Sexual Exploitation, Sexual Abuse, and Sexual Harassment for consideration and approval by the Board.

## I. Introduction

1. The mission of the Green Climate Fund (GCF) is to promote the paradigm shift towards low-emission and climate-resilient development pathways by providing support to developing countries to limit or reduce their greenhouse gas emissions and to adapt to the impacts of climate change, taking into account the needs of those developing countries particularly vulnerable to the adverse effects of climate change. In fulfilling its mission and managing the resources committed to it, the GCF is dedicated to maintaining the highest integrity standards in the conduct of its operations.

2. The GCF has zero tolerance for all forms of sexual wrongdoing including Sexual Exploitation, Sexual Abuse, and Sexual Harassment (SEAH) in all Fund-related Activities. Sexual Exploitation and Sexual Abuse violate human dignity and universally recognized international legal norms and standards. Sexual Harassment results from a culture of discrimination and privilege, based on unequal relations and power dynamics. It creates hostile work and work-related environments, which limit the ability of affected persons to thrive and the GCF to achieve its mission. SEAH has no place at the GCF.

3. This Policy sets out obligations expressing GCF's commitment to prevent and respond to SEAH effectively in Fund-related activities, and to ensure that Covered Individuals, regardless of position, power, or seniority, who engage in SEAH will be subject to proportionate sanctions, disciplinary, or remedial measures.

4. In accordance with the Terms of Reference of the Head of the Independent Integrity Unit (IIU) and the IIU 2019 Work Plan, the IIU proposes this *Interim Policy on the Protection from Sexual Exploitation, Sexual Abuse, and Sexual Harassment* (the Policy) for consideration by the Board at its twenty-second meeting in February 2019. The IIU initiated the development of this proposed Policy in mid-2018, which included a review of international best practices, a call for public inputs, and numerous consultations with relevant divisions, offices, and units of the Secretariat including the Staff Council, Staff, the Board, Active Observers, and Accredited Entities. Inputs received were taken into consideration and are reflected by IIU as far as possible in the present proposed draft of the Policy.

## II. Recommended action by the Board

5. It is recommended that the Board approve the draft decision presented in Annex I to this document.

## Annex I: Draft decision of the Board

The Board, having considered document GCF/B.22/20 titled “Interim Policy on the Protection from Sexual Exploitation, Sexual Abuse, and Sexual Harassment”:

- (a) Adopts the Interim Policy on the Protection from Sexual Exploitation, Sexual Abuse, and Sexual Harassment as set out in Annex II to this document (the Policy);
- (b) Requests the Independent Integrity Unit, in consultation with the Secretariat, to present to the Board for its consideration as a matter of urgency and no later than its twenty-third meeting, an updated policy on the protection from sexual exploitation, sexual abuse, and sexual harassment which also concerns Counterparties in Fund-related Activities; and
- (c) Requests the Secretariat to assess the cost implications of the implementation of this Policy and submit to the Budget Committee a budget request for its consideration as required.

## Annex II: Interim Policy on the Protection from Sexual Exploitation, Sexual Abuse, and Sexual Harassment

### I. Introduction

1. The GCF has zero tolerance for all forms of sexual wrongdoing including Sexual Exploitation, Sexual Abuse, and Sexual Harassment (SEAH) in all Fund-related Activities. Sexual Exploitation and Sexual Abuse violate human dignity and universally recognized international legal norms and standards and have always been unacceptable behaviour. Sexual Harassment results from a culture of discrimination and privilege, based on unequal relations and power dynamics. It creates hostile work and work-related environments, which limit the ability of affected persons to thrive and the GCF to achieve its mission. SEAH has no place at the GCF.
2. The GCF recognises the imperative to prevent and respond effectively to SEAH and to protect persons, especially vulnerable individuals, and victims of SEAH in Fund-related Activities. These protections are essential to strengthen integrity throughout GCF.

### II. Scope

3. This Policy establishes GCF's zero tolerance of SEAH. It sets clear obligations for the GCF and its Covered Individuals to prevent and respond to SEAH and to refrain from condoning, encouraging, participating in, or engaging in SEAH.

### III. Definitions

4. For the purposes of this Policy, the following terms are defined as follows:
  - (a) **"Board"** means Board of the Green Climate Fund;
  - (b) **"Board-appointed Official"** means the Executive Director, the Head of the Independent Evaluation Unit ("IEU"), the Head of the Independent Integrity Unit ("IIU"), and the Head of the Independent Redress Mechanism ("IRM"), who are appointed by the Board;
  - (c) **"Counterparty"** is, for the purposes of this Policy, any party that contributes to, executes, implements, bids for, or in any way participates in Fund-related Activities, including receiving a grant, loan, or other form of financing or support from the Fund;
  - (d) **"Covered Individual"** means Co-Chairs of the Board, Board Members, Alternate Members, Advisers (each defined in the Rules of Procedure of the Board), Board-appointed Officials, External Members, and GCF Personnel;
  - (e) **"External Members"** means an expert serving as an external member on a panel or group established by the Board;
  - (f) **"False or Malicious Report"** means an inaccurate or misleading report that is made recklessly, or knowingly or deliberately for the purpose of gaining undue advantage or causing harm to a person or entity;
  - (g) **"Fund-related Activity"** means any activity which is financed, administered, or supported by the Fund, either with its own resources or those of others, or any activity that materially affects or may affect or otherwise be relevant to the Fund;

- (h) **“GCF Personnel”** means any GCF Staff and any other individual contracted and/or engaged by the GCF to perform official functions for the GCF, excluding Board-appointed Officials and External Members;
- (i) **“SEAH”** means Sexual Exploitation, Sexual Abuse, and Sexual Harassment;
- (j) **“SEAH Check”** means a recruitment practice whereby job applicants are required to provide a SEAH Declaration and whereby the information contained in the Declaration is checked, as far as possible, through Reference Checks;
- (k) **“SEAH Declaration”** is a sworn-to-be-true, written disclosure of a person’s history of Sexual Exploitation, Sexual Abuse, or Sexual Harassment with regard to lawfully disclosable criminal convictions, or disciplinary measures or sanctions imposed by existing or former employer(s) and/or by disciplinary boards of professional organisations to which the person is or has been subject;
- (l) **“Sexual Abuse”** means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions;
- (m) **“Sexual Exploitation”** means any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, threatening or profiting monetarily, socially, or politically from the sexual exploitation of another;
- (n) **“Sexual Harassment”** any unwelcome sexual advance, request for sexual favour, or other verbal, non-verbal, or physical conduct of a sexual nature, that interferes with work, is made a condition of employment, or creates an intimidating, hostile, or offensive environment in connection with a Fund-related activity, and, for the avoidance of doubt, Sexual Harassment may occur between or amongst persons of different sexes or genders or of the same sex or gender, and may be initiated by any gender or sex;
- (o) **“Staff”** means all persons appointed to a post in GCF under a letter of appointment (individually, a “Staff Member”);
- (p) **“Reference Checks”** mean the part of a selection and employment process whereby checks are performed to verify the accuracy and authenticity of references, statements, or declarations made by external job applicants on their educational, professional, and other background; and
- (q) **“Victim”** means the person who is, or has been, sexually exploited, abused, or harassed.

#### IV. Guiding Principles

5. The GCF shall not tolerate any form of Sexual Exploitation, Sexual Abuse, or Sexual Harassment.
6. The GCF and its Covered Individuals shall not engage in SEAH, and shall not engage with Counterparties that, condone, encourage, participate in, or engage in SEAH.
7. The GCF shall take all available measures to prevent, mitigate, investigate and remedy SEAH in Fund-related Activities.
8. The GCF shall take all available measures to protect actual or suspected Victims from retaliation or any detrimental act, direct or indirect, recommended, threatened, or taken against them, because of a report of actual or suspected SEAH.

9. The GCF shall take steps to encourage its Counterparties to adopt policies and procedures that are consistent with this Policy, with the purpose of safeguarding against SEAH in Fund-related activities.
10. The GCF shall apply sanctions, disciplinary, or other remedial measures if this Policy is violated.

## **V. Obligations of Covered Individuals**

### **5.1 Obligations of Covered Individuals**

11. Covered Individuals shall uphold the guiding principles of this Policy and contribute to creating and maintaining an environment which prevents SEAH.
12. Covered Individuals shall not condone, encourage, participate in, or engage in SEAH in Fund-related Activities. In particular, they shall not:
  - (a) Use their position to sexually abuse, exploit, or harass any person implementing, engaged in, or benefiting from Fund-related Activities; or
  - (b) Engage in sexual activity with a child (as defined in Article 1 of the United Nations Convention on the Rights of the Child). Mistaken belief regarding the age of a child is not a defence. Any such activity shall be deemed to constitute Sexual Exploitation and/or Sexual Abuse.
13. Subject to the availability of protections against retaliation, Covered Individuals have a duty to report any suspected SEAH in Fund-related Activities as soon as possible after becoming aware of it to the IIU and to cooperate with the IIU in the context of an investigation, proactive integrity review, or other inquiry in accordance with the GCF's Policy on the Protection of Whistleblowers and Witnesses.
14. Subject to the availability of protections against retaliation, any supervisor, manager, or other such person of the GCF who receives a report of suspected SEAH which is made in good faith, is obligated to transmit such report without delay to the IIU.

## **VI. Prevention and Due Diligence**

### **6.1 Covered Individuals**

16. The GCF shall ensure, as soon as practicable following the adoption of this Policy, that its recruitment, procurement, employment, or any other onboarding processes include SEAH Checks.
17. In conducting SEAH Checks, the GCF shall ensure that Board-appointed Officials, External Members, and GCF Personnel complete SEAH Declarations prior to the offer of any appointment, employment, or contract.
18. Following the submission of the SEAH Declaration, the GCF shall ensure that the appropriate Reference Checks are carried out for the purpose of verifying, to the extent possible, the accuracy and authenticity of the information provided by the job applicant, including the information provided in the SEAH Declaration.

19. Persons who are already employed or contracted by the GCF as Board-appointed Officials, External Members, or GCF Personnel at the time this Policy is adopted, shall be required to submit a SEAH Declaration without delay.
20. The failure to disclose, and/or the inaccurate or incomplete disclosure of, information with regard to any act of SEAH in the SEAH Declaration shall be treated as misconduct (as in the case of Staff) or breach of contract (as in the case of consultants), as appropriate. The GCF reserves the right to withdraw any offer of appointment, employment, or contract, or to terminate any contractual engagement if the applicant is found to have provided untruthful information concerning any past criminal or disciplinary records regarding acts of SEAH.
21. Covered Individuals are required to disclose to the GCF their intimate personal relationships with other Covered Individuals in the following circumstances:
  - (a) When a management reporting relationship exists between the persons; and
  - (b) When two or more persons have unequal positions at the GCF and it could reasonably be perceived that a Conflict of Interest may exist (i.e. that a person in a superior position may be exerting his or her influence to unfairly benefit or disadvantage a person in a subordinate position).

## 6.2 Awareness Raising, Communication, and Training

22. The Secretariat will prepare as soon as practicable a communication plan to support the dissemination and implementation of this Policy and to raise awareness across the GCF of the issue of SEAH and its potential ramification. The plan will include:
  - (a) Making this Policy available on the GCF's website;
  - (b) Developing through consultative processes with stakeholders, and making available, training, guidance, and communication materials for Covered Individuals and Counterparties to raise awareness and support the implementation of this Policy;
  - (c) Conducting, to the extent possible, awareness raising and training activities for and/or in collaboration with Covered Individuals, Counterparties, GCF beneficiaries, and relevant stakeholders in Fund-related Activities; and
  - (d) Ensuring that all Covered Individuals undertake mandatory training to ensure compliance with this Policy and relevant operating procedures.

## VII. Reporting and investigations

23. Any person or entity may report to the IIU actual or suspected SEAH as defined by this Policy. Persons with information concerning suspected SEAH, particularly when it involves Covered Individuals in Fund-related Activities, are strongly encouraged to report such information to the IIU.
24. Reports of actual or suspected SEAH should be made to the relevant authority designated for receiving the relevant report, as set out in the GCF's Policy on the Protection of Whistleblowers and Witnesses, and shall be dealt with in accordance with that Policy.
25. In accordance with the procedures provided for in the GCF's Policy on the Protection of Whistleblowers and Witnesses:
  - (a) Except in the situations described in subparagraphs (b), (c) and (d) below, reports of actual or suspected SEAH shall be sent to the IIU through any of the following points of

contact on the proviso that any changes regarding the contact details shall be communicated and disseminated appropriately:

Email: [integrity@gcfund.org](mailto:integrity@gcfund.org)

Hotline: +82 32 458 6155

Mailing Address: Independent Integrity Unit, Green Climate Fund, 175 Art Center-daero Yeonsu-gu, Incheon 22004, Republic of Korea;

- (b) Reports of actual or suspected SEAH regarding GCF Personnel, a Board appointed Official (excluding the Executive Director and the Head of IIU), or an External Member of GCF Panels or Groups, shall be made to the Head of IIU at the IIU points of contact stated in paragraph (a) above;
- (c) Reports of actual or suspected SEAH regarding a Co-Chair, Board member, alternate member, Adviser, the Executive Director, or the Head of the IIU, shall be submitted to the Chair of the EAC who shall bring any such report to the attention of the EAC for its consideration in accordance with the procedures to be determined for such a case. Such reports shall be submitted in writing and in confidence to the Chair of the EAC through the following contact points:  
Email: [EAC-Chair@gcfund.org](mailto:EAC-Chair@gcfund.org)  
Mailing Address: Chair of the Ethics and Audit Committee, Green Climate Fund, 175 Art Center-daero Yeonsu-gu, Incheon 22004, Republic of Korea; and
- (d) Reports of actual or suspected SEAH regarding a GCF Personnel working under the authority of the Head of the IIU shall be made to the Head of the IIU at the IIU points of contact stated in paragraph (a) above, or to the Chair of the EAC at the EAC points of contact stated in paragraph (c) above on an interim basis until other mechanisms are established.

26. Persons or entities reporting actual or suspected SEAH shall do so in good faith and provide where possible any information or evidence in their possession that would support a reasonable belief that SEAH may have occurred. Prior to making a report, such persons or entities are not required to evaluate or to determine whether a report that they intend to make meets any threshold of seriousness or gravity. Reporting persons or entities are not required to prove the suspected SEAH or to meet any evidentiary requirements.

27. Reports of actual or suspected SEAH shall be investigated by the IIU in accordance with the relevant GCF policies and standards including but not limited to the GCF's Policy on the Protection of Whistleblowers and Witnesses. The IIU shall treat seriously and thoroughly investigate reports of suspected SEAH in a manner that is independent and objective by conducting investigations, free of control or influence by any person or entity, and with scrupulous adherence to the principles of fairness and due process.

28. Following any IIU investigation, the GCF Secretariat shall take measures to monitor the situation regarding the status of any Victims and alleged perpetrators of SEAH, to ensure that they are protected against retaliation as a consequence of the investigation, its findings or its outcome, and to ensure that any administrative or disciplinary measures taken as a result of the investigation have been duly implemented.

29. In addition, any person, persons, or communities may bring complaints to the IRM in accordance with the IRM's Terms of Reference regarding a GCF project or programme that has caused or may cause adverse impacts to the complainant, including adverse impacts caused by SEAH. In such instances, the policies, procedures, and guidelines, including this Policy applicable to the IRM shall apply *mutatis mutandis*.



30. The IIU shall cooperate and coordinate with the IRM to maximise the effectiveness of this Policy. In the event that a report of SEAH is submitted to the IIU and also filed as a complaint with the IRM, and/or in situations where the IIU or IRM receives a complaint of SEAH from a person adversely impacted by the GCF project or programme, the Heads of the IIU and IRM shall consult with each other and with the person reporting/complainant and determine how best to address the report or complaint so as to avoid parallel proceedings and/or investigations.

## VIII. Protection and remedies

31. Any Victim who reports, attempts to report, is believed to be about to report, or is believed to have reported suspected or actual SEAH (including concerns of suspected SEAH) in Fund-related Activities shall be entitled to all the protections (which includes anonymity and confidentiality, and protection from retaliation), and remedies, afforded to 'whistleblowers' as set out in the GCF's Policy on the Protection of Whistleblowers and Witnesses.

32. Any other person who reports, attempts to report, is believed to be about to report, or is believed to have reported actual or suspected SEAH, or cooperates, attempts to cooperate, is believed to be about to cooperate, or is believed to have cooperated with a GCF investigation concerning a report of suspected SEAH, shall be deemed a 'whistleblower' or as a 'witness', as appropriate, and shall be entitled to all the related protections (which includes anonymity and confidentiality, and protection from retaliation), and remedies, as set out in the GCF's Policy on the Protection of Whistleblowers and Witnesses.

33. Any Covered Individual who is a Victim of an act of SEAH perpetrated by another Covered Individual or member of personnel of a Counterparty in connection with a Fund-related Activity and regarding whom a report of SEAH has been made in accordance with Section VII of this Policy, may request that the GCF provide the following guidance and support:

- (a) Information and advice on the informal and formal reporting options, hotlines, and helplines which are available within and outside the GCF;
- (b) Information on available medical services and support;
- (c) Information on counselling, including psycho-social and stress counselling;
- (d) Advice from the Ethics Officer or Ombudsperson;
- (e) Information on available, low-cost health insurance options and services;
- (f) Information and referral to internal and external local services specialising in sexual harassment, violence against women, violence against LGBTIQ+ individuals, including gender non-conforming individuals, or support for men who experience violence, to the extent available; and
- (g) Support and guidance on how to report to and what to expect from the local authorities, particularly if the alleged behaviour constitutes a crime.

34. In emergency situations, any Covered Individual who is a victim of Sexual Exploitation or Sexual Abuse perpetrated by another Covered Individual or member of personnel of a Counterparty in connection with a Fund-related Activity may request interim medical relief or other support services as required to address the immediate harm.

35. Any person who is a victim of SEAH perpetrated by a Covered Individual on GCF premises or during an activity or event hosted by the GCF, regarding whom a report of SEAH has been made in accordance with Section VII of this Policy, may request that the GCF provide the protections provided for in paragraphs 32 and 33 above.

36. Acts of SEAH or retaliation against an actual or suspected SEAH victim committed by GCF Personnel shall amount to misconduct or breach of contract and shall be subject to disciplinary or other remedial measures as appropriate, in accordance with the relevant GCF policies, rules, and procedures.

37. Acts of SEAH or retaliation against an actual or suspected SEAH victim committed by Covered Individuals other than GCF Personnel shall amount to misconduct or breach of contract and shall be subject to disciplinary or other remedial measures as provided in the relevant GCF *Policies on Ethics and Conflicts of Interest*, as applicable to them.

38. Any person or entity who makes a False or Malicious Report may be subject to sanctions or disciplinary action in accordance with relevant GCF policies and guidelines, and the provisions of any contractual agreements existing between the GCF and the person or entity.

39. Where an act of SEAH or retaliation against an actual or suspected Victim has been found in a Fund-related Activity, the GCF shall endeavour to apply its good offices with appropriate authorities to secure necessary protection and to employ other reasonable measures for the Victim.

40. Where an act of SEAH or retaliation against an actual or suspected Victim is perpetrated by a Covered Individual or a Counterparty in a Fund-related Activity has been substantiated through an investigation conducted by the GCF, and corrective or disciplinary measures have been imposed against a Covered Individual, or sanctions have been imposed against a Counterparty, the IIU, in consultation with the EAC, may recommend that the GCF or the Counterparty take appropriate remedies for the benefit of the Victim. The GCF shall ensure that such remedies are implemented by the Secretariat without undue delay. However, in the event that the Secretariat is unable to implement the recommended remedies, the Secretariat shall promptly seek guidance from the EAC in order for the EAC to determine the appropriate course of action.

## **IX. Policy Implementation, Monitoring, Reporting, and Review**

41. The Secretariat shall be responsible for the effective implementation, monitoring, and reporting to the Board annually regarding its obligations under this Policy. It shall develop guidelines and procedures, in consultation with the IIU, to operationalise and implement this Policy promptly following its adoption.

42. The IIU shall recommend improvements to this Policy and related procedures and controls to mitigate opportunities for SEAH in Fund-related Activities and ensure that Covered Individuals adhere to the Policy. The IIU shall also maintain and publicly disclose a case registry of reports including regarding SEAH, within the limitations of the GCF's Policy on the Protection of Whistleblowers and Witnesses in force, and in accordance with relevant GCF policies and standards regarding information disclosure.

43. Every three years the Ethics and Audit Committee, with the support of the IIU and the Secretariat, will present a report to the Board on issues related to the implementation of this Policy along with any recommendations for changes to it. Such reports will take into account new standards or policies developed and implemented by peer institutions and partners regarding the range of their activities.

## **X. Effective Date**

44. This Policy shall come into effect upon the approval by the Board of the GCF from XX February 2019.

