

Template clause partnership or service contracts

The clause should include at minimum:

- *A clear prohibition of sexual exploitation and abuse;*
- *Definition of SEA aligned with those of the United Nations [\(ST/SGB/2003/13, 2003\)](#)*
- *Mandatory reporting of SEA allegations to your organisation*
- *The obligation to take appropriate measures to prevent sexual exploitation and abuse and to take appropriate corrective measures when SEA sexual exploitation and abuse occurs.*

Ideally, appropriate measures by subcontractors to prevent sexual exploitation and abuse by its employees should include, as relevant:

- *Mandatory screening of personnel;*
 - *Mandatory SEA training for its personnel;*
 - *Mandatory reporting of all SEA allegations;*
 - *Referring victims of SEA for immediate professional assistance;*
 - *Investigating any allegation of SEA.*
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Example 1:

"[The contractor] and its employees, staff and/or subcontractors shall not be involved in any sexual exploitation or abuse. [The contractor] shall take all appropriate measures to (1) prevent sexual exploitation or abuse of anyone by its employees or any other persons engaged and controlled by the Contractor to perform any services under the Contract, and (2) take corrective action when an SEA incident occurs. [The contractor] hereby commits to report to [Name of the organization] any incident of SEA. Any breach of the provision by the Contractor shall entitle [Name of the organization] to terminate the contract with immediate effect."

For the purposes hereof, the following definitions shall be used¹:

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, profiting monetarily, socially or politically from the sexual exploitation of another.

Sexual abuse means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

Example 2:

¹ UN Secretary-General's Bulletin ST/SGB/2003/13, 2003. <https://undocs.org/en/ST/SGB/2003/13>

“[The contractor] and its employees, staff and/or subcontractors shall not be involved in any sexual exploitation or abuse. [sub-contractor] shall ensure that its employees, agents, contractors and sub-contractors comply with the highest standards of moral and ethical conduct. Any incident of SEA shall be reported to [Name of the organization]. Any failure by [subcontractor] to take preventive measures against sexual exploitation or abuse, or to investigate allegations or take corrective action, shall constitute grounds for termination of the Agreement.

For the purposes hereof, the following definitions shall be used²:

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, profiting monetarily, socially or politically from the sexual exploitation of another.

Sexual abuse means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

Example 3:

XX.1 . [The contractor] acknowledges and agrees that [Name of the organisation] has a policy of "zero tolerance" for sexual exploitation and abuse. [The contractor] and its employees, staff and/or subcontractors shall not be involved in any sexual exploitation or abuse. For the purposes hereof, the following definitions shall be used³:

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, profiting monetarily, socially or politically from the sexual exploitation of another.

Sexual abuse means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

XX.2 [The contractor] shall take all necessary action to prevent sexual exploitation or abuse of any of its employees or any other person engaged and under its control, as well as any corrective action in the event that a situation of sexual exploitation or abuse occurs⁴.

XX.3 Measures required to prevent and respond to sexual exploitation and abuse may include, but are not limited to: (1) A clear prohibition against any involvement in a situation of sexual exploitation or abuse; (2) Mandatory background checks for all personnel prior to recruitment; (3) PSEA training for all personnel; (4) Mandatory reporting of all allegations of SEA; (5) Referral of all survivors of SEA to immediate and professional assistance; and (6) Investigation of all reported allegations of SEA and implementation of corrective action.

XX4. Any breach of the provision by the Contractor shall entitle [Name of the organisation] to terminate the contract with immediate effect.”

² UN Secretary-General's Bulletin ST/SGB/2003/13, 2003. <https://undocs.org/en/ST/SGB/2003/13>

³ UN Secretary-General's Bulletin ST/SGB/2003/13, 2003. <https://undocs.org/en/ST/SGB/2003/13>

⁴ Corrective action is defined as actions taken to correct or rectify the situation following a SEA incident.