

# ADDRESSING SEXUAL VIOLENCE AND HARASSMENT IN INTERNATIONAL HUMAN RIGHTS ORGANIZATIONS

EXPERT PANEL REPORT

---

AMERICAN  UNIVERSITY  
WASHINGTON  
COLLEGE OF LAW

CENTER FOR HUMAN RIGHTS  
& HUMANITARIAN LAW

*Celebrating 30 Years*

## **PANEL MEMBERS**

**Julieta Di Corleto**

**Jeannette Llaja**

**Alejandro Madrazo**

## **SUPERVISION**

**Professor Macarena Sáez Torres**

## **COORDINATION**

**María Corina Muskus Toro**

## **RESEARCH ASSISTANT**

**Christine Vlastic**

**APRIL, 2020**

**Translation from Spanish by Eurideas Language Experts**

# CONTENTS

---

<b>I.</b>	<b>EXECUTIVE SUMMARY</b> .....	<b>4</b>
A.	GOOD INSTITUTIONAL PRACTICES .....	5
	A.1 Definition of sexual violence and scope of application .....	5
	A.2 Assessment .....	5
	A.3 Requirements for hiring personnel and appointments to posts .....	5
	A.4 Compulsory and ongoing training .....	6
	A.5 Gender parity .....	6
	A.6 Promotion and dissemination of an environment free of sexual violence and harassment .....	6
	A.7 Monitoring .....	6
	A.8 Time and resources .....	6
	B. CODE OF CONDUCT.....	7
	C. PROTOCOL FOR HANDLING CASES OF SEXUAL VIOLENCE AND HARASSMENT .....	7
<b>II.</b>	<b>BACKGROUND</b> .....	<b>9</b>
	A. CONVENING ORGANIZATIONS .....	9
	B. WORK METHODOLOGY.....	9
<b>III.</b>	<b>INTRODUCTION</b> .....	<b>11</b>
<b>IV.</b>	<b>APPLICATION FRAMEWORK</b> .....	<b>13</b>
	A. DEFINITION OF SEXUAL HARASSMENT AND VIOLENCE.....	13
	B. OBLIGATED PERSONS .....	14
<b>V.</b>	<b>FACTORS ASSOCIATED WITH THE PREVALENCE OF HARASSMENT AND SEXUAL VIOLENCE AT WORK</b> .....	<b>15</b>
	A. SEX-SEGREGATED WORK AND DISCRIMINATION AGAINST WOMEN .....	16
	B. UNLIMITED AND SUBJECTIVE AUTHORITY .....	16
<b>VI.</b>	<b>GOOD INSTITUTIONAL PRACTICES: CHANGING CULTURAL PATTERNS TO ACHIEVE AN ENVIRONMENT FREE OF SEXUAL VIOLENCE AND HARASSMENT</b> .....	<b>17</b>
	A. ASSESSMENT .....	17
	B. CODE OF CONDUCT THAT PROMOTES AN ENVIRONMENT FREE OF SEXUAL VIOLENCE AND HARASSMENT .....	18

<b>C. STRICT PRE-EMPLOYMENT BEHAVIORAL REQUIREMENTS ON SEXUAL VIOLENCE AND HARASSMENT FOR RECRUITMENT AND SELECTION .....</b>	<b>19</b>
<b>D. COMPULSORY AND ONGOING TRAINING .....</b>	<b>21</b>
<b>E. GUIDELINES FOR A PROTOCOL FOR HANDLING CASES OF SEXUAL VIOLENCE AND HARASSMENT .....</b>	<b>23</b>
<b>E.1 Principles .....</b>	<b>23</b>
E.1.1 Non-discrimination .....	23
E.1.2 Centrality of the person who has suffered sexual violence or harassment .....	24
E.1.3 Due process .....	24
E.1.4 Confidentiality .....	25
E.1.5 Non-revictimization .....	25
E.1.6 Accessibility .....	25
<b>E.2 Bases of a protocol .....</b>	<b>26</b>
E.2.1 Definition of sexual violence .....	26
E.2.2 Scope of application .....	26
E.2.2.1 Protected persons .....	26
E.2.2.2 Obligated persons .....	26
E.2.3 Specialized processing with gender perspective for first contact and subsequent reporting .....	27
E.2.3.1 Stage one: First contact office or designated person .....	27
<i>E.2.3.1.1 Reporting mechanisms .....</i>	<i>28</i>
1) Email .....	28
2) Form .....	29
3) Use of external services .....	29
4) Counselors .....	29
5) Anonymity .....	29
<i>E.2.3.1.2 Contents of the complaint .....</i>	<i>30</i>
<i>E.2.3.1.3 Deadline for filing complaints .....</i>	<i>30</i>
E.2.3.2 Second stage: Office or person specialized in investigation .....	31
E.2.3.3 Third stage: Ad hoc instance, sanction and reparation .....	32
E.2.4 Alternative procedures of restorative justice .....	33
E.2.5 Protective measures .....	33
E.2.6 Measures to ensure non-retaliation .....	36
E.2.7 Annual report .....	36
<b>F. MONITORING .....</b>	<b>36</b>

<b>VII. RECOMMENDATIONS .....</b>	<b>37</b>
A. ASSESSMENT .....	37
B. CODE OF CONDUCT.....	37
C. STRICT PRE-EMPLOYMENT BEHAVIORAL REQUIREMENTS ON SEXUAL VIOLENCE AND HARASSMENT FOR RECRUITMENT AND SELECTION .....	38
D. COMPULSORY AND ONGOING TRAINING .....	38
E. PROTOCOL FOR HANDLING CASES OF SEXUAL VIOLENCE AND HARASSMENT .....	38
F. GENDER PARITY.....	39
G. PROMOTION AND DISSEMINATION .....	39
H. MONITORING.....	39
I. TIME AND RESOURCES .....	40
<b>VIII. BIOGRAPHIES OF PANEL MEMBERS AND TECHNICAL SECRETARIAT .....</b>	<b>41</b>
<b>IX. BIBLIOGRAPHY .....</b>	<b>43</b>

# I. EXECUTIVE SUMMARY

---

Like all workplaces, international human rights organizations are not immune to the factors that encourage sexual harassment and violence, or the permissive and dismissive cultures that have normalized such violence for years. However, it is particularly imperative that international organizations focusing on the promotion and protection of human rights work to build and ensure an environment free of sexual violence and harassment. This report offers concrete suggestions for the adoption of **good institutional practices to that end**, including the development of a **Code of Conduct** and a **Protocol for Handling Cases of Sexual Violence and Harassment**.

The Panel that prepared this report is composed of academics who are internationally recognized for their expertise in human rights, gender, sexual violence and/or criminal law: Julieta Di Corleto, Alejandro Madrazo and Jeannette Llaja.<sup>1</sup> The Center for Human Rights and Humanitarian Law at American University Washington College of Law (the Center) acted as the Secretariat for the Panel. The panel was convened by three NGOs: Equis: Justice for Women, the Due Process of Law Foundation (DPLF), and the Open Society Justice Initiative (OSJI). The experts were invited to participate by the Center.

The convening organizations and the Panel that prepared this report believe that organizations responsible for the promotion and protection of human rights must lead by example. They must adhere to the highest standards against sexual violence and harassment, in order to promote workplace cultures free of such conduct. Various scandals and allegations facing the Inter-American human rights system and other international organizations have made it clear that the human rights world suffers from its own problems of sexual violence and harassment. Indeed, human rights organizations have generally suffered from the same indolence in response to such claims and lack effective mechanisms for protection and redress. For this reason, the Panel seeks to promote compliance with the good practices and recommendations contained in this report and to endorse these standards for any organization whose mission is the protection and promotion of human rights.

## A. GOOD INSTITUTIONAL PRACTICES

### A.1 DEFINITION OF SEXUAL VIOLENCE AND SCOPE OF APPLICATION

When defining sexual violence, it is important to refer to the definitions found in international treaties. The Panel recommends that the definition given by Convention 190 of the International Labour Organization be adopted: “a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment.”<sup>2</sup> The Panel believes that the definition of violence should be sufficiently broad and comprehensive and understands that sexual harassment is a specific form of sexual violence. It also considers that all measures taken by an organization, especially the Protocol for Handling Cases of Sexual Violence and Harassment, should be applied broadly to all personnel, either while they are representing the organization or performing functions at the invitation of the organization.

### A.2 ASSESSMENT

It is essential that, when making the decision to commit to an environment free of sexual violence and harassment, the organization **carries out an assessment to measure the prevalence of sexual violence and harassment in the institution**. This should include: risk factors that may contribute to the growth of such violence; surveys and interviews that measure the organizational climate around sexual violence and harassment, as well as suggestions of good practices to follow in order to take appropriate preventative measures; and a complete review of practices, policies and accountability processes.

### A.3 REQUIREMENTS FOR HIRING PERSONNEL AND APPOINTMENTS TO POSTS

The organization must commit itself **not to hire personnel who have been subject to administrative, criminal, civil or disciplinary sanctions in their previous employment for sexual violence or harassment** and, if accusations of this nature exist, the institution must investigate the relevance and seriousness of those accusations. Also, when a person nominated for an elected office has formal charges made against them (criminal, civil and/or administrative), he or she must disclose those charges. The organization, under the principle of due diligence, should investigate and/or request information on the matter and should consider informal allegations, assessing their relevance depending on their gravity and context.

## A.4 COMPULSORY AND ONGOING TRAINING

**The organization must carry out mandatory and ongoing training** that is:

- a) specialized in sexual violence and harassment;
- b) part of a strategy to change organizational culture;
- c) not an isolated or sporadic activity;
- d) designed to take the institutional assessment of sexual violence and harassment into account;
- e) supported by the organization's highest authorities; and
- f) comprehensive, in that it covers not only situations of sexual violence and harassment, but also behaviors that occur outside of the context of a hierarchical relationship.

## A.5 GENDER PARITY

**Include gender parity at all levels**, with a special emphasis on senior management positions, as an institutional policy in order to eliminate gender segregation and reduce sexual violence and harassment. End discrimination in recruitment, hiring, assignment and promotion and ensure that women are paid and valued equally with their male counterparts in every role.

## A.6 PROMOTION AND DISSEMINATION OF AN ENVIRONMENT FREE OF SEXUAL VIOLENCE AND HARASSMENT

**Promote institutional culture change** by including in advertisements for employment opportunities, scholarships, internships and other forms of institutional affiliation, information on policies for an environment free of sexual violence and harassment.

## A.7 MONITORING

**Designate** a permanent staff member or office that focuses on prevention and response to sexual violence initiatives; this person or office should provide periodic (quarterly or semi-annually) feedback on the organization's policies and **ask** managers, supervisors and heads of the organization to report on progress made in preventing violence. This person or office will be in charge of periodically **reviewing** the measures implemented and **assessing** the need for modifications, through participatory and transparent processes. Likewise, submit the processes on harassment and sexual violence for review or audit by an external and independent body.

## A.8 TIME AND RESOURCES

**Devote time and resources to the prevention of sexual harassment and violence.** To ensure the sustainability of these policies, it is important to have a fixed budget. It is possible,



however, to make most of the changes suggested in this report with limited resources. **No organization should be excused from making the suggested changes based on a lack of budget beyond its control.**

## B. CODE OF CONDUCT

**Enact a Code of Conduct** that promotes a working environment free of sexual violence and harassment for all staff and persons otherwise affiliated with the institution. This Code should include at least: a) the general principles with which the organization identifies (respect, equality, non-discrimination, an environment free of harassment and sexual violence, respect for the principle of non-discrimination, among others); b) a specific standard for members or affiliates of the human rights institution related to the commitment to basic principles of equality and non-discrimination; and c) the standards developed in the Inter-American human rights system on equality and non-discrimination.

## C. PROTOCOL FOR HANDLING CASES OF SEXUAL VIOLENCE AND HARASSMENT

**Adopt** a Protocol for Handling Cases of Sexual Violence and Harassment that respects the **following principles**: 1) non-discrimination; 2) centrality of the person who has suffered sexual violence or harassment; 3) due process; 4) confidentiality; 5) non-revictimization; and 6) accessibility.

The Protocol should also follow the **following minimum guidelines**: a) a broad definition of sexual violence and harassment; b) a broad notion of the scope of responsibility of the institution and the persons bindingly affiliated with the organization; c) designation of persons or offices specialized in the subject for recording and processing cases; d) complaint mechanisms with a robust system of confidentiality; e) multiple forms of reporting; f) easy mechanisms for submitting a complaint; g) time limits of not less than three years for filing a complaint; h) use of “preponderance of evidence” as an evidentiary standard with a principle for an expansive right to discovery; i) protective measures for the complainant and measures against retaliation; j) sanction and reparation measures that take into account the perspective of the person who suffered harassment or sexual violence; and k) creation of a procedure that has at least three stages: counsellor and first contact, investigation and recording of evidence, and sanction and reparation measures.



## II. BACKGROUND

---

The Panel is composed of the following internationally recognized experts on human rights, gender, sexual violence and/or criminal law: Julieta Di Corleto, Alejandro Madrazo and Jeannette Llaja.<sup>3</sup> The Center for Human Rights and Humanitarian Law at American University Washington College of Law (the Center) acted as the Technical Secretariat of the Panel.

The Center's Academic Director, Professor Macarena Sáez, is the supervisor of the Technical Secretariat, attorney María Corina Muskus is the coordinator of the Panel and attorney Christine Vlastic worked as a researcher for the Panel. The Panel has acted independently of the organizations that convened this initiative. They have not received and will not receive any financial contribution for their work, nor do they have any relationship of dependence of any kind with the convening organizations.

### A. CONVENING ORGANIZATIONS

Equis: Justice for Women, the Due Process of Law Foundation (DPLF), and Open Society Justice Initiative (OSJI), as organizations committed to promoting work environments free of sexual violence and harassment and protecting human rights, identified a gap in the discussion and development of institutional policies on sexual violence and harassment in human rights organizations at the international level. The convening organizations understand the complexity of the issue and therefore called on an internationally recognized academic institution in the field of human rights and gender-based violence to prepare an independent report based on high academic standards that takes into account comparative experiences in the development of protocols, codes of conduct and good practices on sexual violence and harassment in complex and/or multicultural institutions. The Centre convened the Panel, thus ensuring its independence from the convening organizations and any other person or organization, while providing the academic rigor and technical inputs necessary for the preparation of this report.

### B. METHODOLOGY

The Panel met weekly between October 2019 and February 2020 to work together on each of the topics included in the report. After the meetings, decisions were taken by consensus. This was done by reviewing more than 30 protocols and procedures in organizations and universities, the literature and legislation in the field, including international standards. The Panel also identified good practices and protocols aimed at both combating sexual violence

and harassment in international organizations and promoting organizational culture change. In addition to the review of regulations and protocols, the Technical Secretariat held informal discussions with a significant number of experts on gender and workplace harassment within international organizations and academic institutions. These meetings were held under conditions of confidentiality, including for the persons interviewed.

## III. INTRODUCTION

---

Impunity in cases of violence against women is a global constant. In recent years, this phenomenon has been made visible at the international level and in Latin America by social movements that are demanding institutional responses to end impunity and generate profound cultural changes that will allow women to enjoy a life free of violence.

At the international level, the recognition of the structural problem of violence against women, as well as gender-based violence, has been reflected in international treaties such as the Convention of Belém do Pará,<sup>4</sup> the Convention on the Elimination of All Forms of Discrimination against Women,<sup>5</sup> and, at a very specific level within the framework of violence and harassment at work, the recent Convention 190 of the International Labour Organization (ILO).<sup>6</sup>

On the other hand, in recent years, social movements have raised awareness of gender violence and the normalization of certain forms of violence through media phenomena such as #NiUnaMenos and #MeToo, which have generated massive support around the world, opening space for protest against and denunciation of alleged aggressors, especially in spaces that have been historically invisible or where gender violence and harassment were culturally accepted, such as the workplace. Taking into account the international recognition of violence against women and recent social movements, it is essential to stress that we are at a juncture that may generate a historical moment of cultural change within various institutions.<sup>7</sup>

In the labor sphere, there has been an important advance in the fight against harassment at work, a legal concept that did not exist until the last decades of the 20th century and which, thanks to the contribution of feminism, was quickly incorporated into national legislation and institutional regulations.<sup>8</sup> This progress has been more rapid in universities, which have been developing and improving internal regulations and clear and transparent internal policies for processing complaints of sexual violence and harassment for several years. However, progress has not been as rapid nor has it been achieved in a conscious way elsewhere, including in international human rights organizations.

This omission became evident with the avalanche of denunciations through social networks and a spontaneous movement of women who are no longer willing to accept normalized violence in their workplace. The phenomenon of sexual violence and harassment against women in the workplace is even more worrying when it occurs in human rights organizations, whose objectives should make them examples of respect for human rights, including, obviously, living a life free of violence. Complaints of sexual violence and harassment in organizations such as the United Nations (UN), Save the Children, and Oxfam, among others, reveal a culture dismissive of sexual harassment and violence. In the case of Oxfam, it was documented that the sexual abuse that occurred in Haiti was not isolated, but that

Oxfam's internal culture tolerated it for years.<sup>9</sup> In the case of Save the Children, there was a documented culture of mishandling allegations of sexual harassment and inappropriate behavior within the organization by members of management.<sup>10</sup> For their part, allegations against United Nations agencies, including their peacekeeping forces, have exposed a deep systemic problem.<sup>11</sup>

These cases reflect the fact that international organizations working on human rights are not exempt from being part of the same culture that renders sexual violence and harassment invisible and normalizes the abuse of power. However, international organizations dedicated to the promotion and protection of human rights cannot be the last to react, nor to undertake only reactive and damage control measures. Given their objectives, they must be at the forefront of institutional change, recognizing that they are part of the same dismissive culture that affects society at large. These organizations must move toward an environment free of sexual violence and harassment that begins with a change within the organization and the creation of effective processes to investigate and repair damage in cases of sexual violence and harassment.

The objective of this report is to propose tools to international human rights organizations to guide their actions in addressing practices that tolerate and enable sexual violence and harassment. Therefore, this project focuses on analyzing organizational culture and the factors that influence the proliferation of sexual harassment and violence. It also proposes tools, recommendations and good practices, including effective protocols and procedures that not only penalize those responsible for such behavior, but also protect people who have suffered sexual violence or harassment and, above all, generate change in the organizational culture that leads to an environment free of sexual violence and harassment.

**This Panel believes that organizations working on human rights issues must comply with the highest standards in addressing against sexual violence/harassment and must demonstrate the highest institutional commitment to work towards an environment free of sexual violence and harassment.**

## IV. FRAMEWORK

---

There are various forms of sexual and gender-based violence. Such violence is a specific form of sex discrimination, one form of which is harassment at work. This report, however, has a very specific scope of application. **The Panel only focused on practices and procedures related to sexual violence and harassment;** it did not consider non-violent sexual discrimination or other forms of workplace harassment other than sexual harassment. This methodological decision recognizes that that gender-based violence is an expression of gender discrimination, and that a discriminatory context precedes and encourages violence. Likewise, the Panel understands harassment as a specific form of sexual violence. Nevertheless, given its prevalence in the workplace, both concepts—sexual violence and harassment—are jointly referenced throughout this report.

The report assumes that sexual violence and harassment affect women disproportionately. However, it understands that the prevention of violence and harassment is a matter for everyone and therefore the measures recommended in this report should be carried out using neutral and inclusive language, as sexual violence and harassment also affect men and people of sexual diversity.

It is also understood that international organizations dedicated to the promotion and protection of human rights work with people from different countries and with links that may be more or less formal in terms of their employment relationship. It is essential, for this reason, that the practices and procedures suggested in this report apply to all persons linked to the organization in a broad sense, which will be further developed.

### A. DEFINITION OF SEXUAL HARASSMENT AND VIOLENCE

The definition of harassment and sexual violence should operate within the framework of what is recognized by international<sup>12</sup> treaties and the decisions of the bodies that monitor their compliance.<sup>13</sup> ILO Convention 190 defines violence and harassment in the world of work as “a range of unacceptable behaviours and practices, or threats thereof, whether as a single or repeated occurrence, that aim to, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment.”<sup>14</sup> These behaviors can occur both inside and outside the physical place where the organization is

located. The Belém do Pará Convention defines violence against women as “as any act or conduct, based on gender, which causes death or physical, sexual or psychological harm or suffering to women, whether in the public or the private sphere.”<sup>15</sup>

**The Panel believes that the definition of violence must be sufficiently broad and comprehensive in order to remain valid over time.** For example, a very narrow concept could leave out manifestations of sexual harassment by digital means, as is the case today with digital gender violence.<sup>16</sup>

The Panel considers that, when drafting a Code of Conduct and a Protocol for handling cases of sexual violence and harassment, the organization should take into account certain essential elements that constitute sexual harassment and violence. Accordingly, **a definition of sexual violence and harassment (on the understanding that sexual harassment is a specific type of violence) in a protocol should include at least the following elements:**

- a. Action or conduct of a sexual nature<sup>17</sup>
- b. Without consent<sup>18</sup>
- c. Affecting sexual freedom, integrity, dignity and free development of the personality<sup>19</sup>
- d. The action or conduct may be physical, verbal, gestural, written or other, and may occur in person or by any other means involving communication with the person who has suffered sexual violence or harassment<sup>20</sup>
- e. It can manifest itself a single time or repeatedly<sup>21</sup>

## B. OBLIGATED PERSONS

International human rights organizations work with people from different countries and with more or less formal links in terms of their employment relationship. It is essential, for this reason, that the practices and procedures suggested in this report be applied to persons linked to the institution in a broad sense. Consequently, when drafting a Code of Conduct and a Protocol for Handling Cases of Sexual Violence and Harassment, **all members of the organization or persons affiliated with it should be considered obligated persons, without requiring a working relationship**, to the extent that the person identifies—and the other persons identify him or her—as part of the institutional team during the period of time that the conduct occurred.

For example, consultants, interns, full-time or part-time staff, persons elected to positions within the organization, members of the board of directors or advisory council, those who are invited on a temporary basis, those who serve in an ad honorem capacity, persons who represent the institution in some way or have been invited by the institution in some capacity, and any other person affiliated with the organization should be considered linked to the organization. Outsiders should also be included when they are invited to give a course or presentation to organization staff, which is covered by the Protocol and Code of Conduct for the duration of the course or presentation.



## V. FACTORS ASSOCIATED WITH THE PREVALENCE OF HARASSMENT AND SEXUAL VIOLENCE AT WORK

---

Although it may seem that some institutions, because of their prestige, history and recognition, are free of sexual violence and harassment issues, and there may not even be documented cases of such conduct within them, organizations are a reflection of society and, consequently, they face the same problems that beset society.<sup>22</sup> We must start by identifying sexual harassment and violence situations within the organization and recognize that these situations have probably occurred.<sup>23</sup> It is necessary to understand that there is no direct relationship between a lack of complaints and an environment free of sexual violence and harassment. More likely, given the normalization of these behaviors, an absence of complaints reflect a lack of effective complaint mechanisms and a culture that disapproves of talking about these situations.

Therefore, the Panel considers it important to highlight certain factors that are associated with a higher prevalence of harassment and sexual violence within organizations in order to generate substantive and real change. Among them, there are two factors that influence the proliferation of harassment: sex-segregated work, coupled with discrimination against women, and unlimited and subjective authority.<sup>24</sup>

## A. SEX-SEGREGATED WORK AND DISCRIMINATION AGAINST WOMEN

It is a global reality that even in organizations where women are recruited in greater numbers, it is generally men who hold decision-making positions and women are segregated in roles considered less important. This is what is known as sex-segregated work. In such work contexts, gender stereotypes tend to be promoted, such as the idea that men are leaders or geniuses, while women are better at executing orders given by others.

It has also been found that sexual violence and harassment are more likely to occur in places where there is no diversity and jobs are sex-segregated.<sup>25</sup> For example, sexual harassment against a woman is more common where the majority of employees are men, and race-based harassment is more common when there is a predominant race in the workplace.<sup>26</sup>

Additionally, harassment stimulates this segregation and these stereotypes, discouraging women from accessing historically male-dominated spaces, and reinforces gender segregation, indicating that women are not suitable for “male” jobs or leadership positions.<sup>27</sup>

## B. UNLIMITED AND SUBJECTIVE AUTHORITY

This second factor relates to power structures and use of that power to hire, assign, promote, fire and assess people, as well as the authority to control subordinates.<sup>28</sup> Moreover, unlimited authority not only allows harassment, but also encourages and stimulates it. If an organization is viewed as dismissive of sexual harassment, there will be higher levels of it.<sup>29</sup>

In order to reduce factors that influence the proliferation of sexual harassment and encourage change in organizational culture towards an environment free of sexual violence and harassment, it is important to recognize the role played by the highest levels of management. The leadership of senior authorities is key to promoting effective efforts in the prevention of sexual violence and harassment in the workplace.<sup>30</sup> It is these authorities who can, by action or omission, make these places dismissive of harassment and violence, and they are the ones who must commit to change.<sup>31</sup> Therefore, **organizations must promote diversity and inclusion strategies, with the participation of all groups that are part of the organization, with special emphasis on people in positions of leadership.**<sup>32</sup>

The organization should **require parity of men and women at all levels, with particular emphasis on senior management positions.**<sup>33</sup> Gender parity is critical to address sexual segregation and inequality, since where men hold the majority of positions of power, women are more segregated, and this favors sexual harassment and violence.<sup>34</sup> To achieve parity, discrimination in the recruitment, hiring, assignment and promotion of staff must be stopped and it must be ensured that women are paid and valued equally with their male counterparts in equivalent functions.<sup>35</sup> Consequently, the organization must have a policy of transparency in access to jobs that guarantee equality and non-discrimination.<sup>36</sup>

In this context, organizations should consider measures to ensure that, where possible, sex-segregated work is eliminated and relationships between different areas and levels of management are democratized.

## VI. GOOD INSTITUTIONAL PRACTICES: CHANGING CULTURAL PATTERNS TO ACHIEVE AN ENVIRONMENT FREE OF SEXUAL VIOLENCE AND HARASSMENT

---

Considering the factors that influence the proliferation of sexual harassment and violence, the existence of dismissive cultures that have normalized violence for years, and with the objective that organizations change socio-cultural patterns toward sexual violence and harassment, the Panel considers the following measures to be essential: a) an assessment that calculates the dimensions of sexual violence within the organization; b) a Code of Conduct that promotes an environment free of sexual violence and harassment; c) transparent procedures for the selection and retention of personnel; d) mandatory and permanent training on sexual violence and harassment; and e) a Protocol for Handling Cases of Sexual Violence and Harassment.

### A. ASSESSMENT

The organization should first start by assessing the dimensions of sexual violence and harassment within its organization. This was the recommendation given to the UN by *aids-free world*, with its *Code Blue* campaign, which seeks to eliminate impunity for sexual abuse cases within the UN.<sup>37</sup> The same recommendation was made by the Independent Commission on Sexual Violence, Accountability and Culture Change that OXFAM set up to analyze this problem within that organization.<sup>38</sup>

Assessment can be carried out in different ways. A first step is to **carry out surveys and periodic assessments**. Starting with a survey of the organizational climate around sexual violence and harassment can help establish their prevalence, as well as that of beliefs or stereotypes that normalize it. The aim is to obtain data and information in order to develop policies and strategies to address it. A good practice is the survey conducted by the Association of American Universities in the United States.<sup>39</sup> The survey includes questions on risk perception; knowledge of procedures available in the institution; questions about sexual violence, harassment, domestic violence and prevention; and perceptions of the behavior of those who observe situations of sexual violence or harassment, among other topics.<sup>40</sup> This information is used to measure the prevalence of sexual violence and harassment, perceptions of the issue, and the knowledge and experience of existing programs and protocols. This information also enables monitoring of sexual violence and harassment so appropriate action can be taken within the organization.<sup>41</sup>

An alternative is the creation of **an Independent Commission on Sexual Violence, Accountability and Culture Change**, as in Oxfam's case.<sup>42</sup> There, the Commission was composed of nine independent members from different sectors of civil society, government, international organizations, and the private sector. The members had expertise in humanitarian law, including laws related to women, human resources, and civil society, giving the Commission a well-rounded, diverse and innovative approach.<sup>43</sup> The mandate of the Commission was to comprehensively review the organizational culture, procedures, practices, policies and accountability processes to align organizational culture to prevent and respond to abuse of power, harassment and sexual violence. Commission members made visits to countries where Oxfam is present, met and interviewed more than 700 Oxfam employees and members of the Oxfam community, and held round tables with experts.<sup>44</sup> The anonymity of the interviewees was part of the Commission's policy. They subsequently issued a report with their recommendations, which are being implemented by Oxfam.<sup>45</sup>

This Panel believes that both a survey that measures the organizational climate around sexual violence and harassment and a thorough review of accountability practices, policies and processes, including interviews with organizational members, are good practices for taking appropriate and effective preventative measures.

## **B. CODE OF CONDUCT THAT PROMOTES AN ENVIRONMENT FREE OF SEXUAL VIOLENCE AND HARASSMENT**

It is vital that the organization has a Code of Conduct that promotes an environment free of sexual violence and harassment. The codes are guidelines on the professional behavior expected of a person within the institution or affiliated with it. A Code of Conduct is especially important in this area, given the normalization of sexual violence and harassment in the workplace. It should reflect the organization's values and act as a clear guide for the daily behavior of those affiliated with the organization. For example, the behavior expected in the Code of Conduct should be required of consultants, interns, full-time or part-time staff,

persons elected to positions within the organization, members of the board of directors or advisory council, and any person affiliated with the organization.

This Code should include at least: a) general principles with which the organization identifies (respect, equality, non-discrimination, an environment free of harassment and sexual violence, etc.); b) a specific standard for members or affiliates of the human rights institution related to the commitment to basic principles of equality and non-discrimination;<sup>46</sup> and c) a basis and guidelines rooted in the equality and non-discrimination standards developed in the inter-American human rights system.<sup>47</sup>

Within the Code, prohibited conduct must be explicitly identified so that there is uniform understanding by all persons affiliated with the organization. The Code should also include conduct that could be considered violent and where there could be impaired consent.

The organization should assess the relevance of including language related to the Code of Conduct in employment contracts. In any case, it should be ensured that each person linked with the organization is committed to complying with the Code of Conduct. This commitment must go beyond the simple signing of a statement claiming to have read and understood the content of the Code. At a minimum, the organization must commit to holding workshops on the Code.

This Panel considers it good practice to conduct a review of the Code of Conduct on a regular basis,<sup>48</sup> ideally once a year, or at least every two years, with the aim of adapting it to the needs, situations and events of the organization. If amended, the new Code must be conveyed to persons linked to the organization and be the subject of a new declaration by those persons, stating that they have read and understood the new content. The organization must also include the contents of the new Code in the institution's training courses.<sup>49</sup>

## C. STRICT PRE-EMPLOYMENT BEHAVIORAL REQUIREMENTS ON SEXUAL VIOLENCE AND HARASSMENT FOR RECRUITMENT AND SELECTION

An organization working on human rights issues should promote an environment free of sexual harassment and violence. Therefore, it must commit to working with the highest standards of respect for human rights and take clear steps to ensure that the institutional culture creates an environment free of sexual violence and harassment.

**Changing the organizational culture must begin with the processes of recruitment and retention of staff.** A human rights organization must ensure that its members are committed to creating an environment free of sexual violence and harassment. No person affiliated with the institution, however tenuous his or her affiliation, may have incurred civil, criminal, labor or administrative liability or been subject to disciplinary action for sexual harassment or violence.

To achieve change in the organizational culture, certain measures must be applied in the recruitment of personnel and the selection of employees to prevent the hiring of people who have been subject to sanctions in a previous position for sexual violence or harassment. When the person to be hired or selected to a position has allegations of sexual violence or harassment leveled against him or her, the organization must investigate. It is not enough to examine the professional and/or academic careers of people who want to join a human rights organization: people must be sought who maintain and promote an environment free of sexual violence and harassment. The organization must ensure it does not hire people who put its members and beneficiaries at risk. It should investigate formal allegations and assess the relevance of informal complaints, depending on their seriousness and context.

**In the case of elected positions to organizations**, the “high moral character” requirement generally used to assess nominees for elected office must include the absence of any sexual misconduct, allegations and/or convictions of sexual harassment and violence. A person of integrity holding a position in a human rights organization cannot have incurred civil, criminal, labor or administrative liability for sexual harassment or violence, nor been subject to disciplinary action related to sexual harassment or violence. When a person nominated for elected office has formal charges (criminal, civil and/or administrative) against them, he or she must report the existence of these. The organization, under the principle of due diligence, should investigate and/or request information on the matter and consider informal allegations, assessing their relevance depending on gravity and context.

Another action the organization can take is to ask the nominee to sign a public statement stating that he or she does not know of any allegations of misconduct, harassment or sexual violence and, if he or she does know of any such allegations, that he or she has fulfilled his or her duty to report them.<sup>50</sup> A false statement would be grounds for punishment or disciplinary action. If such sanctions are not possible, the organization would have the responsibility to at least make public the discrepancy between the statement by the nominee and the information that has been submitted against him or her. The organization can also perform background checks, a common practice for recruitment in many jobs. In addition, public hearings for elected officials should incorporate questions that invite nominees to reflect on what measures, if elected, they would take to ensure an institutional culture free of sexual violence and harassment.<sup>51</sup>

Verbal or written recommendations from former employers can also be requested, and the applicant can be required to answer a questionnaire about their previous conduct regarding sexual violence and harassment issues and their position on these issues.

Organizations should include in their Code of Conduct or their contracts that investigative processes for sexual violence and harassment derived from the Protocol for Handling Cases of Sexual Violence and Harassment<sup>52</sup> will be public if the person accused decides to resign before the procedure is concluded, and will be available to any institution or person that requires it.

## D. COMPULSORY AND ONGOING TRAINING

There are different views at the academic and institutional levels on the effectiveness of training. This Panel, for its part, believes that the importance lies in understanding that training alone will significantly reduce sexual violence and harassment in the workplace. For training to contribute effectively to the prevention and reduction of sexual harassment and violence, it needs to be well conceived and implemented.<sup>53</sup> It is also essential that training be part of a global policy of change in the organizational culture.<sup>54</sup>

Effective training has been shown to: a) increase knowledge and awareness about sexual violence and harassment among those involved in the organization; b) contribute to an increase in complaints and a decrease in the idea of guilt of the person who has suffered sexual violence or harassment; and c) encourage the intervention of third parties who observe situations of sexual violence and harassment.<sup>55</sup> Training also serves the organization by not only protecting it legally,<sup>56</sup> but also by helping to demonstrate a commitment to building a workplace environment free of sexual violence and harassment.

This Panel has identified, from various academic documents, research and good practices, elements that can serve to make training effective.<sup>57</sup> These include:

- a. The organization should first conduct an assessment in order to understand attitudes and beliefs within its organization on what constitutes sexual violence and harassment, as well as the perception of the organization's members regarding the organizational culture on this issue.<sup>58</sup>
- b. Training should be tailored to the institution. Pre-established training that does not take into account the specific characteristics of the organization is ineffective.<sup>59</sup> It should be developed based on that first assessment, taking into account the problems faced by the organization on these issues.
- c. Training courses should be differentiated and specific, taking into account the role of different people in the organization, including position and gender.<sup>60</sup> For example, different training for people in management and in supervisory positions.<sup>61</sup>
- d. Training is most effective if it lasts at least four hours and allows for feedback.<sup>62</sup>
- e. Training should take into account that sexual violence and harassment are closely linked to discrimination and power dynamics.<sup>63</sup>
- f. Training should not be limited to covering types of behavior that constitute sexual harassment and violence, but should include contexts that, if left unchecked, could lead to sexual violence or harassment.<sup>64</sup> For example: repeated outings with supervised persons in informal settings, especially if alcohol is consumed.
- g. Training must be supported by institutions. The participation of the higher ranks is essential to demonstrate support and commitment of leadership.<sup>65</sup> Their presence shows that they care and there is a willingness to change the culture, to protect people from sexual violence and harassment, and to hold those who commit sexual violence or harassment accountable.<sup>66</sup>
- h. Discussion and self-assessment on sexual violence and harassment must be frequent



and continuous.<sup>67</sup> For example, some universities hold annual training sessions and others, depending on the organizational climate measurement surveys, hold more than one training session per year.<sup>68</sup>

- i. Most training sessions focus on explaining laws, policies and procedures. However, good training should also cover types of behavior that, depending on the context, might result in allegations of sexual harassment. Good training should include information on how to recognize and interpret reactions, including non-verbal ones, in others.<sup>69</sup>
- j. It is important that training be conducted by people who have credibility within the organization or people outside it with experience in the subject. For example: a leader in the unit or organization, government officials, or internationally recognized judges.
- k. Training should include real-life examples and cases that the organization has faced or that are easy to imagine might happen within it. For example, a supervisor and the person he is supervising travel for work and the supervisor asks him to review the presentation in his hotel room. The training should open the space for participants to intervene and explain why the situation described is incorrect.
- l. Training on this subject should be an essential part of the general training received by newcomers to the organization.

**Training should include specific content for people who may witness a situation of sexual violence or harassment.**<sup>70</sup> Training can help those involved in the organization identify attitudes that are offensive or unwelcome and should help create a sense of responsibility to stop being indifferent to a situation of sexual violence or harassment.<sup>71</sup> Good training should give people the tools and confidence they need to intervene and address such situations.<sup>72</sup> This type of training creates awareness in workplaces about sexual violence and harassment as a community concern rather than a private issue between a person who has suffered sexual violence or harassment and the perpetrator. It also demonstrates the institution's willingness and commitment to empower people to change organizational culture.<sup>73</sup> This type of training also offers people associated with the organization an opportunity to highlight their commitment against retaliation, making it clear that any person facing a situation of harassment or violence will be protected against negative impacts.<sup>74</sup> Training for potential witnesses can start by educating staff about ways in which they can help. For example, approaching the person who suffered sexual violence or harassment and asking if there is anything you can do for them and if they need you to accompany them to make a complaint.<sup>75</sup> Some training models of this type do not recommend confronting the person responsible for the sexual violence or harassment but, rather, interrupting the situation or talking with members of the organization about the inappropriate behavior observed.<sup>76</sup> Training for potential witnesses should be based on the need to generate empathy and provide tools so that they understand that the victim of sexual violence or harassment is not responsible for what happened to them.

In conclusion, the Panel stresses the importance of an organization having mandatory and permanent training programs, as long as they are specialized, are part of an organizational cultural change strategy, and are not just an isolated and sporadic activity.



## E. GUIDELINES FOR A PROTOCOL FOR HANDLING CASES OF SEXUAL VIOLENCE AND HARASSMENT

Protocols are standards and guidelines for taking action in cases of sexual violence and harassment in institutions, which serve to protect fundamental rights and move toward change in organizational culture.<sup>77</sup>

Changing an institutional culture involves having clear processes and procedures for those who are part of the organization. A protocol for dealing with cases of sexual violence or harassment is essential in preventing sexual violence and harassment.<sup>78</sup> However, **internal regulations and bodies created to address sexual violence and harassment are insufficient if they are not accompanied by comprehensive policy promoting and generating change in the organization.**<sup>79</sup>

This Panel considers certain principles essential to a protocol or procedure for handling complaints of sexual violence and harassment in the workplace. These were identified after reviewing more than 30 protocols developed in Latin America, Europe and the United States, as well as protocols from international organizations.<sup>80</sup>

A protocol is not just an instrument of protection for victims of sexual violence or harassment, but also an instrument to protect people who are part of the organization. A protocol is part of the establishment of due process mechanisms in spaces where they historically have not existed.

The Panel considers it important that the drafting of a protocol be part of an open, broad and internal discussion, adapted to the organization's specific realities.<sup>81</sup> Therefore, instead of proposing a model protocol, the Panel suggests the following principles and bases, which should serve as guidelines when drafting a protocol.

### E.1 PRINCIPLES

The Panel has agreed on the following as necessary and priority principles in a protocol:

#### E.1.1 Non-discrimination

A protocol for the handling of cases should be based on international standards and definitions of non-discrimination,<sup>82</sup> understanding the multiple and intersectional forms of discrimination and how they occur.<sup>83</sup>

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) establishes the principle of non-discrimination and calls for the invocation of all the rights and freedoms it proclaims, with specific reference to Articles 10 and 11, i.e. equal rights between women and men in studies and at work.<sup>84</sup>

The Convention on the Elimination of All Forms of Discrimination against Women has defined discrimination as “any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.”<sup>85</sup>

When formulating a protocol, non-discrimination should be understood as a principle that operates based on respect for all.

### E.1.2 Centrality of the person who has suffered sexual violence or harassment

This principle focuses on recognizing that the process must consider the needs and concerns of victims of sexual violence or harassment, without discrimination, to ensure that they are treated with empathy and sensitivity in the provision of services, in recording complaints, and throughout the process of investigation and resolution of the case. A person-centered approach to sexual violence or harassment seeks to avoid re-victimization and not aggravate the trauma associated with the events, while also providing redress for the person concerned.<sup>86</sup>

### E.1.3 Due process

Due process is described in Article 8 of the American Convention on Human Rights as: “Every person has the right to a hearing, with due guarantees and within a reasonable time, by a competent, independent, and impartial tribunal, previously established by law, in the substantiation of any accusation of a criminal nature made against him or for the determination of his rights and obligations of a civil, labor, fiscal, or any other nature.”<sup>87</sup>

Due process in the context of a protocol operating within international organizations should not be understood from the perspective of classical criminal procedure, which historically has minimized the role of the victim of sexual violence or harassment. On the contrary, **the person who has suffered sexual violence or harassment is an essential part of the process.** We must begin by transforming the criteria and discussion about due process, accepting that people who have suffered sexual violence or harassment have historically been failed. Therefore, due process must be based on the veracity of the story told by the person who claims to have suffered sexual violence or harassment, without implying that the facts are proven only on the basis of his or her words. **Due process also requires respect for the principle of bilateral hearings.**

The procedure must be carried out independently and impartially, and it must be started promptly and without undue delay. The parties should be heard and provided with information about the procedure when needed. The reported person must have access to the content of the complaint at the appropriate opportunity in the procedure.<sup>88</sup>

### E.1.4 Confidentiality

Confidentiality should be a guiding principle and obligation in any protocol adopted.<sup>89</sup> All persons who intervene or are involved in the process have an obligation to protect the information and privacy of the complainant at all stages of the procedure, unless otherwise agreed with the complainant.<sup>90</sup>

Confidentiality is a fundamental guarantee for the complainant to feel they are in an environment of trust, which must be promoted at the institutional level so they can present their complaints and complete stories with the guarantee that these will not be revealed to third parties without their authorization. Furthermore, this principle is closely linked to the principle of informed consent<sup>91</sup> and the principle of due process, which also implies confidentiality of the parties.

The Panel considers it good practice to sign confidentiality agreements between the parties, in order to ensure a transparent and secure process for the complainant.<sup>92</sup>

### E.1.5 Non-revictimization

This principle must be understood in conjunction with the principle of the centrality of the victim of sexual violence or harassment. It recognizes that there are unjustified actions or omissions that increase the harm to the complainant generated as a result of the sexual violence or harassment that must be avoided. The complainant must be treated with respect in his/her way of being, feeling, thinking and acting, without maltreatment or differential treatment. For example, the person should not have to narrate his or her story repeatedly to different people and instances, nor should the complainant have the obligation imposed to recount the full story in detail.<sup>94</sup> Given the principle of confidentiality, it is not possible to establish as a requirement that there be public exposure of the facts. The complainant has the right to be informed in advance of the process, to be heard, to receive psychological support and to be in control of the process, especially when it comes to deciding on the continuation of the proceedings.<sup>95</sup>

The principle of non-revictimization also implies the right to not suffer excessive delays in processing the case and respect for his/her privacy and private life, especially in situations unrelated to the reported act. The complainant may not be ordered to undergo medical examinations or psychological tests, and must not be subjected to proceedings or actions that would violate his or her dignity.<sup>96</sup>

### E.1.6 Accessibility

Protocols and complaint mechanisms must not be hidden and must not be difficult to find or access. It should be an easy and accessible process for all who believe they have been subjected to sexual violence or harassment by persons affiliated with the organization.

## E.2 BASES OF A PROTOCOL

The Panel has agreed on the following bases as necessary in the development of a protocol:

### E.2.1 Definition of sexual violence

The definition of sexual violence and harassment should be in line with Chapter IV. A of this report.

### E.2.2 Scope of application

Protocols should incorporate a broad notion of the scope of institutional responsibility for sexual violence and harassment, as set out in Article 3 of ILO Convention 190:

*This Convention applies to violence and harassment in the world of work occurring in the course of, linked with or arising out of work: (a) in the workplace, including public and private spaces where they are a place of work; (b) in places where the worker is paid, takes a rest break or a meal, or uses sanitary, washing and changing facilities; (c) during work-related trips, travel, training, events or social activities; (d) through work-related communications, including those enabled by information and communication technologies; (e) in employer-provided accommodation; and (f) when commuting to and from work.<sup>97</sup>*

#### E.2.2.1 PROTECTED PERSONS

It is important that the person protected by the organization is not required to belong to the organization. Consequently, broad protection is suggested, including both workers as defined in Article 2 of ILO Convention 190<sup>98</sup> and those exposed to people connected to or affiliated with the organization, in instances where the obligated persons are representing the organization.

#### E.2.2.2 OBLIGATED PERSONS

Persons bound by this protocol must comply with the above (see Chapter IV on the framework of application, point B).

It is important that the organization take into account that the obligated person may also be a person who, at the time of the acts, was a member of the organization in the broad terms indicated, regardless of the fact that, upon learning of the complaint, he or she may no longer be part of it. **Accordingly, this Panel considers that the organization should provide the opportunity within its protocol to initiate proceedings against individuals even when they no longer belong to the organization.**

### E.2.3 Specialized processing with gender perspective for first contact and subsequent reporting

From comparative experience, it is common to find a specialized body to receive complaints and the investigation of cases. In U.S. universities, this is known as *Title IX*, which is preceded by antecedent legislation that protects individuals from gender-based discrimination in higher education institutions. Title IX is a regulation that requires institutions of higher education, as a requirement for receiving federal funds, to act without discrimination and to establish a specialized unit to record complaints of sexual violence and harassment.<sup>99</sup> In some international organizations, this specialized body is located within the ethics offices.<sup>100</sup>

**The Panel considers it essential that there be persons or offices specialized in first contact with complainants.** It is advantageous for the organization to have an office in charge with at least one person who specializes in sexual violence and harassment, or for the human resources or ethics office to train a person to serve as first contact and subsequent reporting of sexual violence or harassment.

On the **other hand, the Panel considers that, to ensure safe and reliable processes, it is advisable to divide the procedure into different stages in order to guarantee the independence and impartiality of all participants according to their functions.** In this regard, a procedural distinction must be made between the body in charge of first contact and the body that may receive the complaint, as well as the body that investigates the complaint.<sup>101</sup>

It is recommended that the institution have at least: i) an office or person designated as the point of first contact, ii) an office or person specialized in investigation and, iii) an ad hoc instance to determine punishment.

#### E.2.3.1 STAGE ONE: FIRST CONTACT OFFICE OR DESIGNATED PERSON

In this instance, the first approach is made to the complainant. Consequently, the person responsible for this must be specialized in gender and have sensitivity to the subject so that he or she can attend to the case adequately.<sup>102</sup> For example, if the office receiving complaints is the human resources office, this office should ensure there are people who specialize in sexual and gender-based violence issues. It is also important to ensure the office is impartial and independent from other offices, and that it is perceived as such.

The person or office receiving first contact should not only act to record the complaint, but should also inspire confidence in victims of sexual violence or harassment. Thus, it is important to have people trained in the subject.<sup>103</sup> It is recommended that at least one person specializes in psychology or can refer the victim of sexual violence or harassment to a specialized partner organization in the field. The important thing is that the person or office in charge of the first contact provides psychological support as part of their responsibility. This office or person is also responsible for explaining the entire procedure in case the victim of sexual violence or harassment decides to file a formal complaint.<sup>104</sup> The office or person for first contact is also obligated to raise awareness of these issues in general.<sup>105</sup>

This office or person is the first institutional step in identifying cases of sexual violence or

harassment and is part of a particularly important stage in which the dynamics of interaction and trust between the victim of sexual violence or harassment and the institution are established.<sup>106</sup> Consequently, when contact is first made, the details of the structure and implementation of complaint mechanisms and protocols must be conceived of essentially from the perspective of the victim. The objective is to generate the security and trust required to approach the institution and seek formal resolution of the incident or problem aggravating it.<sup>107</sup> **The Panel considers it indispensable that a rigorous system of confidentiality be adopted**, in accordance with the principle stated above, which safeguards the information provided by the complainant. This is to provide a safe environment so information about the dossier and the process is only shared when and with whom it is necessary. The dossier created for the complaint must include a record of to whom access is granted. This record must include the date, means (digital, physical, by copy or original of the dossier), place and identity of the person who gives authorization to access information in the file. Access to the dossier must always be governed by a criterion of necessity (only those who need information in order to fulfil their functions will have access), and it will only be made public when the final decision so orders, specifying the reasons for it being made public.

The first contact should analyze the relevance of issuing **protection measures**.<sup>110</sup> Also, when a formal complaint is filed, the office, through a preliminary analysis of facts and evidence, must decide whether to send the file to the investigating office. However, even if the first contact person or office considers that the facts do not appear to constitute sexual violence or harassment, it is the complainant who decides whether to continue with the procedure. Once the complaint is sent to the investigation stage, the office for first contact and recording can accompany the complainant during the process to provide information and emotional support, but the office cannot become involved in the formal investigation process.

### E.2.3.1.1 Reporting mechanisms

The principle of a victim-centered approach makes it necessary for there to be multiple ways to report sexual violence and harassment, all of which maintain the confidentiality of the report.<sup>111</sup> In this way, the person who makes first contact can choose how he or she wishes to approach the instance. Having several methods of filing a complaint is especially important in institutions with wide cultural diversity. Requiring one form of complaint, for example, submission in writing, may deter a person is not comfortable with that mechanism.

According to the investigation and analysis, the most common and inclusive forms of complaint are the following:

#### **1) Email**

There must be easy and safe access for people to make complaints. In the case of email, several universities and institutions use a unique email address to receive complaints that is only accessible to the office or person receiving first contact.<sup>112</sup> However, for the whistleblower hotline provider Ethics Global, email is seen as an insecure method that lacks guidelines for generating reports that meet all the elements to facilitate a proper investigation.<sup>113</sup>

## 2) Form

A form must be visibly published on the organization's website.<sup>114</sup> It should include a space for the person to relay the facts without limits to the number of words. In addition, neither the contents of the complaint nor the requirements for information included can be restricted.

## 3) Use of external services

Some organizations have hired outside services to receive complaints. According to public information, Oxfam, for example, appears to use NAVEX Global's services to handle complaints of sexual violence and harassment. This independent Oxfam website offers a simple and confidential process. Here, complaints can be made online, by phone or in writing.<sup>115</sup>

## 4) Counselors

It is recommended that there be people within the organization who, without acting as a person or office recording complaints, are trained to give information and who can guide and support a victim of sexual violence or harassment if she or he would like to report. Their function is to provide information and support. The name and form of communication with counselors should be easily accessible.<sup>116</sup>

In order to be appointed as a counselor, the appointment must first be agreed to and ongoing training on issues of gender-based violence, discrimination and emotional support must be accepted.<sup>117</sup>

## 5) Anonymity

Power relationships within an institution can make it difficult for a person who has suffered sexual violence or harassment to report it, and even more so when this action can have negative consequences on the work being carried out. Within this framework, in addition to guaranteeing the confidentiality of the complaint and the process, mechanisms must be established to enable the institution to be alerted to acts of sexual violence or harassment anonymously.

Anonymous alerts should at least allow the institution to take action to identify the case or cases, prevent new acts of violence, or make the problem visible in general.

### **The Panel believes it is important that there be an open discussion within an institution about creating mechanisms where anonymity may be necessary.**

To date, no institutional mechanism has had anonymous complaints lead to an investigation. There is a possibility in some organizations and universities to file anonymous complaints, such as at the UN with the *Speak Up* channel or in the case of Oxfam, through hotlines.<sup>118</sup> However, these anonymous reporting mechanisms have not generated sufficient documentation and evidence to ensure they have been successful.<sup>119</sup> For example, exercises such as the *Internal Whistleblowing Platform*<sup>120</sup> or other "information escrow" systems should be carefully observed so that, as these experiences are documented and assessed, the advisability of incorporating them into the institution's own mechanisms can be determined.<sup>121</sup>



If procedures to safeguard anonymity are unavailable, those who consider anonymity indispensable are likely to seek informal channels to make anonymous complaints. The medium-term objective should be to enable anonymity in formal complaint mechanisms to minimize the risk of recourse to informal complaints mechanisms, such as social networks and media.

#### E.2.3.1.2 Contents of the complaint

The complainant should not be required to meet strict and absolute requirements for the complaint to be accepted. However, this Panel considers it necessary to require basic information to allow the investigation to progress and, if necessary, facilitate adoption of measures by the institution. Information to collect includes:

- a. The identification of the aggressor or aggressors.<sup>122</sup>
- b. If possible, facts including the aggression and time frame in which it occurred.<sup>123</sup>
- c. Respecting the principle of confidentiality, identification of the complainant.<sup>124</sup>
- d. Background information, e.g. the relationship between a victim of sexual violence or harassment and an aggressor.<sup>125</sup>

An element of interest that could be incorporated into the complaint are the effects the sexual violence and harassment had on the person assaulted, not as a requirement, but as an effort to identify possible protective measures that may be necessary, as well as reparation measures.

#### E.2.3.1.3 Deadline for filing complaints

When determining the deadline for filing a complaint, it is necessary to remember the obstacles that have historically been in the way of those who try to report sexual violence and harassment and the complexity that reporting means for the victim of sexual violence or harassment. One of the principles of a protocol is that it should be focused on the person who has suffered sexual violence or harassment. It is considered good practice to review different protocols, **not to restrict the time for reporting and, if a time limit is established, to maintain the opportunity to report for at least three years from the acts.**<sup>126</sup>

In the case of a complaint received after the deadline set out in the Protocol, it is good practice to give the opportunity to request it be recorded even after the deadline, indicating the reasons why it would be appropriate to initiate a procedure.<sup>127</sup>

On the other hand, it is considered a good practice observed in different protocols to incorporate a recommendation that encourages complainants to make their complaint as soon as possible in order to ensure an effective investigation. In fact, if the complaint is filed long after the events occurred, possibilities may be limited for opening a case and achieving satisfactory resolution.<sup>128</sup>



### E.2.3.2 SECOND STAGE: OFFICE OR PERSON SPECIALIZED IN INVESTIGATION

The office or person specialized in case investigation must be structurally independent from the first contact office or person, and also perceived as such.<sup>129</sup> The person or office responsible for this function must: a) notify the parties and interview the complainant and respondent; b) include evidence in its investigation (except for that which should be excluded, as discussed in the chapter on evidence) provided by both parties; c) interview witnesses proposed by the parties; d) provide a draft investigation report to the parties for comment prior to completion and prepare a report on the investigation.<sup>130</sup>

After this phase, the investigating body will have the elements, evidence and context to determine the facts and prepare a report to be submitted to the Ad Hoc Committee. The investigating person or office does not determine sanctions or reparations, only facts.

In relation to evidence, the Panel considers it good practice that the process maintains a **principle of broad supporting evidence for both parties**, including but not limited to: testimonials, interviews, audio and video recordings, photographs, electronic messages and expert reports. It is essential for the investigation to consider the context in which alleged events occur.<sup>131</sup>

On the other hand, considering that cases of sexual violence and harassment are not classic cases in the criminal evidentiary system, this Panel considers the **evidentiary standard that should be used is that of “preponderance of the evidence.”**<sup>132</sup> This evidentiary standard requires that the facts be deemed proven using the evidence that is most convincing to the investigating person or office, regardless of how much evidence exists on one side or the other.<sup>133</sup> Any standard higher than preponderance of the evidence brings the principles of such a protocol too close to the reasoning of criminal procedure, which is precisely what should be avoided, taking into account that evidentiary levels for criminal proceedings tend to discourage reporting complaints.

Graphic and documentary evidence cannot be required in such cases, although such evidence must be admitted where it exists. In addition, as the Inter-American Court of Human Rights has stressed in its jurisprudence, “given the nature of this form of violence, one cannot expect the existence of graphic or documentary evidence and, therefore, the victim’s statement constitutes fundamental evidence of the fact.”<sup>134</sup>

It is considered good practice to exclude evidence when necessary to ensure non-revictimization and non-discrimination, both central principles of these guidelines.<sup>135</sup> For example, the following are to be excluded from the evidence: the sexual history of the complainant; past events not directly related to the case, in particular any record of previous disciplinary sanctions; private or sensitive information including personal identification, mental health information and medical records.<sup>136</sup> International bodies have established that evidence of prior sexual conduct by the person who has suffered sexual violence or harassment is inadmissible.<sup>137</sup> This Panel agrees and considers assessing sexual histories of victims of sexual violence or harassment to be profoundly discriminatory.

### E.2.3.3 THIRD STAGE: *AD HOC* INSTANCE, SANCTION AND REPARATION

This body determines whether the facts according to the investigation report, constitute sexual harassment or violence and, if so, determines sanctions and reparation.

In this case, an odd-numbered body is proposed so that decisions can be taken by majority vote. It is therefore proposed that the Ad Hoc Committee should have a greater number of women, as a way of contributing to the elimination of historical discrimination against women in collegiate posts.<sup>138</sup> The Ad Hoc Committee should be composed of persons with extensive and recognized experience in the area of gender and sexual violence, and should be interdisciplinary, with persons trained in law, psychology and other related areas. The Ad Hoc Committee meets every time there is an investigation report, but its members remain in office for a fixed period. In general, between one and three years seems to be common practice.<sup>139</sup>

The Ad Hoc Committee determines sanctions and reparations in accordance with the chapter below. It then issues a resolution, which may be subject to a single review by the same body. This stage also reviews protective measures ordered by the first contact office or person and analyses the relevance of issuing new measures. The decision of the Ad Hoc Committee should be followed up on by the first contact office or person.

When considering sanctions, this Panel considers that the principle of proportionality should be the cornerstone for sanctions imposition.<sup>140</sup> It is important to take into account several factors,<sup>141</sup> including:

- a. the severity of the prohibited conduct,
- b. the circumstances of the events,
- c. the impact of the conduct on the complainant,
- d. the impact of the prohibited conduct on the community or workplace,
- e. the disciplinary record of the person reported,
- f. other mitigating and/or aggravating factors.

Bearing in mind that one of the principles of the protocol should be the centrality of the victim of sexual violence or harassment, it is appropriate that before determining sanctions the complainant be heard in order to know his or her wishes and interests.

Given that each institution has its own internal regulations, specific sanctions for the protocol could be taken from those regulations, as long as they are pertinent to the case, considering the factors indicated above and taking into consideration the opinion of the complainant.

It is uncommon for organizations or universities to incorporate reparation measures for the person who has suffered sexual violence or harassment. The absence of reparation measures is a shortcoming that international organizations have the opportunity to reverse. Reparation measures identified in some protocols include: a) psychological workshops for the complainant; b) definitive protective measures; c) public or private acknowledgement of responsibility for the acts of sexual violence or harassment, including written apologies, public or private, provided that the victim of sexual violence or harassment accepts it; and d) restorative processes, including alternative dispute resolution, where parties sign agreements that include commitments and deadlines.<sup>142</sup>

It is suggested that the institution, in order to take a comprehensive view and focus on persons who suffer sexual violence or harassment, incorporate the standards of the Inter-American human rights system on comprehensive reparation, which should include:<sup>143</sup> a) investigation; b) restitution, e.g. if the complainant was retaliated against by being expelled from the organization, one measure of restitution is to reinstate her in her position; c) rehabilitation, including measures related to physical and psychological effects that may be subject to medical care; d) satisfaction, which consists of restoring the dignity of victims of sexual violence or harassment, such as a public apology; e) guarantees of non-repetition, which include organizational measures such as reviews of training, codes of conduct or power structures; and f) indemnification, which should include compensation for damages.

### E.2.4 Alternative procedures of restorative justice

On the other hand, the parties should be given the option to initiate restorative justice mechanisms, also known as mediation. This stage should be led by the office for first contact or the person designated for that function.<sup>144</sup>

These mechanisms focus on the needs of victims and the active responsibility of the perpetrator in redressing the harm. Restorative justice focuses on the harm and the needs of the person who was harmed, unlike the criminal system, which tends to focus on punishment for the offender.<sup>145</sup> Restorative justice mechanisms encourage equitable and respectful dialogue, with the aim of achieving results that include reparation measures that focus on the needs of the parties.<sup>146</sup>

Not all sexual violence can be subject to restorative justice processes, either because of its gravity, the nature of the act, its duration or because of a hierarchical relationship between the complainant and the accused.

### E.2.5 Protective measures

The main objective of protective measures is to safeguard the physical and/or psychological integrity of the complainant, both from consequences suffered due to the act and from those which he or she may suffer in the future.<sup>147</sup> **Protective measures are favorable to the complainant and therefore are vital in a protocol.** However, no protective measures can be taken without taking into account the complainant's views on his or her needs, interests and concerns or without their free and informed consent.

**Protective measures may be issued by the first contact person or office and reviewed, if the case reaches this stage, by the Ad Hoc Committee.** These measures may also be accompanied by restitution and accompanying measures for the complainant and may be granted at the request of the complainant<sup>148</sup> or declared ex officio.<sup>149</sup>

There are some factors to be considered when taking protective measures. Among them, the following should be considered: the principle of proportionality, the seriousness of the incident, the duration of the incident, the conduct or nature of the violence, and the background and the relationship between the complainant and the accused.<sup>150</sup> Furthermore, each case must be assessed individually to decide what action can be taken, both at the beginning of the process, even before the formal complaint, and subsequently under the formal complaint procedure.<sup>151</sup>

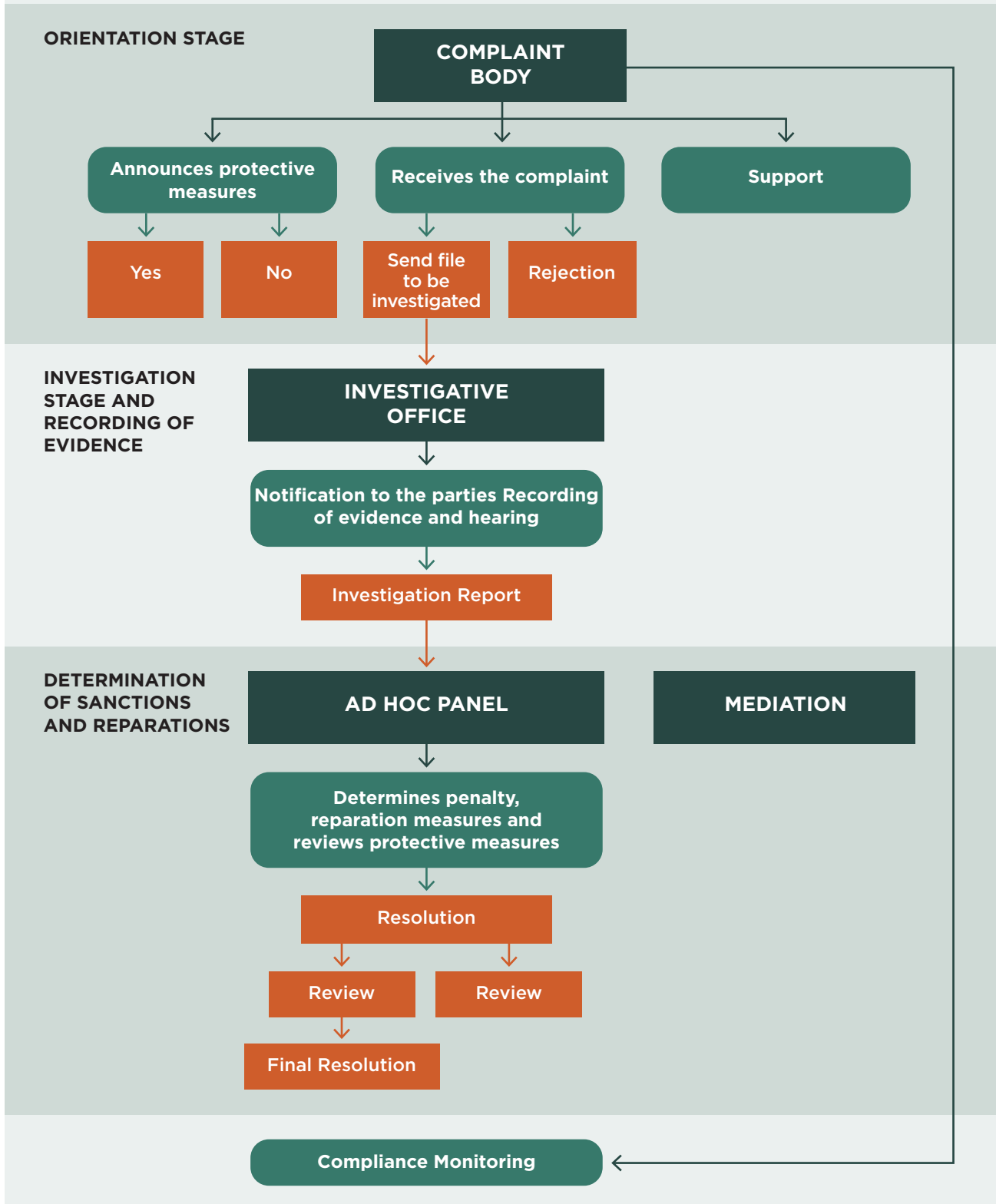
The protective measures incorporated in the protocols should include provisions that affect the complainant as little as possible. It is also possible to take protective measures, subject to the agreement of the complainant, which directly affect her. Some examples of possible measures for the complainant may include: job relocation, shift change or work flexibility, as long as these measures are not more harmful to the complainant. In the case of the reported person, possible measures are the suspension of work or administrative leave.<sup>152</sup>

The Panel noted that some protocols include requiring risk assessment reports that analyze the situation the complainant would be in if such measures were not ordered and the potential recidivism for acts of sexual harassment or violence.<sup>153</sup> These reports can contribute to the success of the investigation, but should not be required to issue protective measures.<sup>154</sup> Accordingly, this Panel suggests that the first contact person or office periodically assess these measures.<sup>155</sup> Measures can be taken at any time, from before a procedure starts to even after its conclusion.<sup>156</sup>

Some protocols provide that, in order to issue protective measures, the veracity of disputed facts must be fully established. As in the case of the evidence to issue a final resolution, this Panel rejects such a standard because this requirement hinders the usefulness of protective measures and is justified according to criminal procedure, where the burden is on the complainant. It is a model that ignores obstacles historically faced by people who have suffered sexual violence or harassment. A lower standard for dictating protective measures is recommended.

## PROPOSED PROCEDURAL DIAGRAM

### PROTOCOL FOR HANDLING CASES OF SEXUAL VIOLENCE AND HARASSMENT



### E.2.6 Measures to ensure non-retaliation

Of concern is the risk of retaliation that complainants may suffer outside the formal procedure (e.g. defamation in social media, impairment of work performance, etc.). For this reason, **a protocol should incorporate measures to protect complainants from retaliatory behavior.**<sup>158</sup>

The Organization of American States (OAS) Dispute Resolution Policy and System for the Prevention and Elimination of All Forms of Workplace Harassment defines retaliation as “an adverse action or omission, direct or indirect, recommended, expressed or undertaken by a staff member against a complainant because he or she believes that the complainant is providing, helping to provide or preparing to provide evidence to a competent authority of wrongdoing.”<sup>159</sup> Retaliation includes threats, coercion, and adverse employment<sup>160</sup> actions.

It is essential that a protocol provide for protective and punitive measures in cases of intimidation or reprisal against complainant(s). It must also establish zero tolerance for retaliation, outlining the appropriate disciplinary measures against those who carry out such actions.<sup>161</sup>

### E.2.7 Annual report

Finally, procedures on sexual violence or harassment in organizations that have protocols are often not well known and tend to remain in institutional obscurity. Therefore, the office or person for first contact and the person or office specialized in the investigation should present an annual public report with data and statistics on complaints filed for harassment and sexual violence, as well as the procedural status of cases.<sup>162</sup> This information should be public and easily accessible to the general public, but should also protect confidential case information.

## F. MONITORING

The organization should designate a permanent staff member or office to focus on prevention and response to sexual violence initiatives. This person or office should provide periodic (quarterly or biannual) feedback on the organization’s policies and should ask managers, supervisors and organizational leader to report on progress made in preventing violence. This person or office will be in charge of periodically reviewing measures implemented and assessing the need for modifications through participatory and transparent processes. In addition, the organization should submit the processes on harassment and sexual violence to periodic review or audit by an external, independent body.

## VII. RECOMMENDATIONS

---

International human rights organizations are part of the same societies in which sexual violence and harassment have been entrenched for years and are difficult to combat. Given the mandate of these institutions, it is essential that they be governed by the highest standards, and thereby promote workplace environments—and an office culture—free of sexual violence and harassment.

For this reason, and taking into account the comparative development in the area of institutional combat against sexual violence and harassment, **human rights organizations should commit to adopting comprehensive measures that address existing socio-cultural patterns of the normalization of sexual violence and harassment, with a view to establishing a culture of respect and an environment free of sexual harassment and violence**, starting with measures promoted from the highest level of management. To this end, organizations are advised to adopt the following measures:

### A. ASSESSMENT

**Conduct a diagnostic** assessment to measure the prevalence of sexual violence and harassment in the organization, including risk factors that increase the prevalence of sexual violence. Some good practices include: conducting surveys that measure the organizational climate around sexual violence and harassment, as well as a complete review of practices, policies and accountability processes, including interviews with members of the organization.

### B. CODE OF CONDUCT

**Enact a Code of Conduct** that promotes an environment free of sexual violence and harassment for all persons in the institution. This Code should include at least: a) the general principles with which the organization identifies (respect, equality, non-discrimination, an environment free of harassment and sexual violence, respect for the principle of non-discrimination, among others); b) a specific standard for members or affiliates of the human rights institution related to the commitment to basic principles of equality and non-discrimination;<sup>163</sup> and c) have as its basis and guidelines the standards developed in the Inter-American human rights system on equality and non-discrimination.

**Maintain the authority of the Code of Conduct** by requiring each person who joins the institution to declare that he or she has read and accepted its conditions.

**Review the Code of Conduct** annually or at least every two years, with the aim of adapting it to the organization's needs, situations and events.

## C STRICT PRE-EMPLOYMENT BEHAVIORAL REQUIREMENTS ON SEXUAL VIOLENCE AND HARASSMENT FOR RECRUITMENT AND SELECTION

The organization must commit itself to not hiring personnel subjected to administrative, criminal, civil or disciplinary sanctions in their previous employment for sexual violence or harassment. If accusations of this nature exist, the institution must investigate the relevance and seriousness of the accusations. When a person nominated to an elected office has formal charges (criminal, civil and/or administrative) laid against them, he or she must report the existence of these charges. The organization, under the principle of due diligence, should investigate and/or request information on the matter and should consider informal allegations, assessing their relevance depending on their gravity and context.

## D. COMPULSORY AND ONGOING TRAINING

**Carry out mandatory and ongoing training** that: a) is specialized in sexual violence and harassment; b) is part of a strategy to change the organizational culture; c) is not an isolated or sporadic activity; d) is designed to take the institutional assessment of sexual violence and harassment into account; e) has the support of the organization's highest authorities; and f) covers not just situations of sexual violence and harassment, but also behaviors that, depending on the context, might also be problematic.

## E. PROTOCOL FOR HANDLING CASES OF SEXUAL VIOLENCE AND HARASSMENT

**Adopt** a protocol for handling cases of sexual violence and harassment that respects the principles of a) non-discrimination, b) centrality of the person who has suffered sexual violence or harassment, c) due process, d) confidentiality, e) non-revictimization and f) accessibility.

**Incorporate** in a protocol the following minimum elements: a) a broad definition of sexual violence and harassment; b) a broad notion of the scope of responsibility of the organization and its members, which goes beyond an employment relationship; c) persons or offices specialized in the subject matter for recording and processing of cases; d) multiple forms of reporting, including different reporting formats, with diverse possibilities, and with a strict system of confidentiality; f) neither absolute nor strict requirements for the admission of the complaint; g) absence of time limits or time limits of no less than three years for filing of complaints; h) an evidentiary standard of preponderance of the evidence and the principle of freedom of evidence; i) protective measures and measures against retaliation; j) determination of sanctions and reparation that take into account the wishes of the person who has suffered sexual violence or harassment; and finally, k) that the procedure has at least three stages: first contact, investigation and receipt of evidence, and sanction and remedial measures, including the possibility of alternative procedures of restorative justice.

**Presentation of annual reports with data and statistics on complaints.** The person or office recording the complaints and the investigator or the investigating office should be in charge of preparing these reports.



## F. GENDER PARITY

**Include gender parity at all levels**, with special emphasis on senior management positions. End discrimination in recruitment, hiring, assignment and promotion, and ensure that women are paid and valued equally with their male counterparts in equivalent positions.

## G. PROMOTION AND DISSEMINATION

**Promote institutional culture change** by including in advertisements of employment opportunities, scholarships, internships and other forms of institutional linkage, information on policies aimed at an environment free of sexual violence and harassment.

**Create a strategy for promotion and dissemination** that should include actions such as:

- a. Include the signing of the Code of Conduct in the process of hiring or entering into a relationship with the organization. The person who joins the organization should attend a training session on sexual violence and harassment, within the first three months after joining, recalling the good practices identified in the chapter on training.
- b. When advertising scholarship opportunities, job positions, volunteering, internships, and any paid or unpaid linkage opportunities, information about the institution's policies on sexual violence and harassment should be included. Persons applying for such opportunities must state that they have read and understand these policies.
- c. Include policies and actions around a culture free of sexual violence and harassment in press releases, competitions, reports, talks or workshops.
- d. Before undertaking a business trip, those participating in the trip must be reminded of the guidelines for conduct, protocols and mechanisms related to this issue and must declare that they have read and understood these guidelines for conduct, protocols and mechanisms.

## H. MONITORING

**Designate** an office or permanent member of staff to provide periodic (quarterly or semi-annual) feedback on the organization's policies for the prevention of sexual violence and harassment. This office or person should be in charge of periodically **reviewing** the measures implemented and assessing the need for modifications through participatory and transparent processes.

**Ask** managers, supervisors and heads of the organization to report on progress made in preventing violence and to carry out a periodic assessment of the impact of the measures implemented, among other measures.

**Submit** the processes on harassment and sexual violence for periodic review or audit by an external and independent body.

## I. TIME AND RESOURCES

**Devote time and resources to the prevention of sexual harassment and violence** through credible efforts. To ensure the sustainability of these policies, it is important to have a fixed budget for the functionality of the protocol and the instances or persons.

It is possible, however, to make most of the changes suggested in this report with limited resources. **No organization should be excused from making the suggested changes based on a lack of budget beyond its control.**

Changing to a culture that promotes non-violence and a workplace environment free of sexual harassment and violence requires comprehensive measures, including more recommendations than those identified above.<sup>164</sup> Therefore, an organization can—and should—consider implementing additional measures after and/or during the implementation of the above recommendations.

## VIII. BIOGRAPHIES OF PANEL MEMBERS AND TECHNICAL SECRETARY

---

**Julieta Di Corleto** is a lawyer from the University of Buenos Aires (UBA), LL.M. from Harvard Law School and Doctor in History from the University of San Andrés. She teaches undergraduate and graduate courses at the School of Law of the University of Buenos Aires and at the Torcuato Di Tella University (UTDT). She is the director of the research team “Doctrina Penal Feminista” (Feminist Penal Doctrine) at the UBA. She has published articles related to women’s human rights, with special emphasis on violence, sexual and reproductive rights, and imprisonment, and books on gender and criminal justice and abortion and infanticide in a historical perspective.

**Jeannette Llaja Vilena** is a lawyer specializing in human rights, gender and constitutional law. She has published articles related to women’s human rights, with a special emphasis on violence, sexual and reproductive rights and access to justice; she has also litigated in cases of discrimination and violence against women at the national and supranational levels. She worked as a lawyer and then as director of the Study for the Defense of Women’s Rights (DEMUS). She has been a consultant to the Ombudsman’s Office, the Ministry of Women and Vulnerable Populations, the Ministry of Inclusion and Social Development and the Ministry of Economy and Finance, as well as to civil society and international cooperation institutions. She now serves as the Director General of the General Directorate for Gender Equality and Non-Discrimination in Peru’s Ministry of Women and Vulnerable Populations.

**Alejandro Madrazo Lajous** is an attorney from Instituto Tecnológico Autónomo de México (ITAM), LL.M. and J.S.D. from Yale Law School. He is a researcher and professor at the Legal Studies Division of the Centro de Investigación y Docencia Económicas (Center for Research and Teaching in Economics) (CIDE) in Mexico, Central Region. He is the coordinator and founder of the Drug Policy Program of the CIDE (Centro de Investigación y Docencia Económicas (Center for Research and Teaching in Economics)). He has published in specialized journals in Mexico and abroad on the teaching of law, the history of legal thought, freedom of expression, electoral justice, sexual and reproductive rights, tobacco control and drug regulation.

**Macarena Sáez Torres** is a lawyer with a degree in Social Sciences and Law from the University of Chile and an LL.M. from Yale Law School. She is a professor at the American University School of Law in Washington DC, where she serves as the Academic Director of the Center for Human Rights and Humanitarian Law. She teaches United States Family Law, Comparative Family Law and Strategic Human Rights Litigation. She has written books and articles on gender, sexuality and human rights issues and litigates cases before the Inter-American Human Rights System.

**Maria Corina Muskus Toro** is a lawyer from the Universidad Católica Andrés Bello, where she was also a professor at the Human Rights Law Clinic and holds an LLM in Gender and Human Rights from the American University Washington College of Law. She was a Rómulo Gallegos Fellow at the Inter-American Commission on Human Rights. She currently works in the advocacy area of the Mexican Commission for the Defense and Promotion of Human Rights.

**Christine Vlastic** is a lawyer specializing in human rights and international law, BA from Cornell University, MSc Human Rights from the London School of Economics and JD from the American University Washington College of Law.

# IX. BIBLIOGRAPHY

---

## A. PROTOCOLS

### a. UNIVERSITIES

- i. American University, *University Policy: Discrimination and Sexual Harassment Policy* (Aug. 28, 2019), <https://www.american.edu/policies/au-community/upload/discrimination-and-sexual-harassment-policy-09-05-19-final.pdf>.
- ii. University of Cambridge, *Procedure on Student Harassment and Sexual Misconduct* (July 4, 2018), [https://www.studentcomplaints.admin.cam.ac.uk/files/procedure\\_on\\_student\\_harassment\\_and\\_sexual\\_misconduct\\_with\\_explanatory\\_notes\\_-\\_2019.pdf](https://www.studentcomplaints.admin.cam.ac.uk/files/procedure_on_student_harassment_and_sexual_misconduct_with_explanatory_notes_-_2019.pdf).
  1. University of Cambridge, *Reporting Harassment and Sexual Misconduct*, [http://www.studentcomplaints.admin.cam.ac.uk/files/hsm\\_report\\_form.docx](http://www.studentcomplaints.admin.cam.ac.uk/files/hsm_report_form.docx).
- iii. Cornell University, *Prohibited Bias, Discrimination, Harassment and Sexual and Related Misconduct* (Sept. 11, 2019), [https://www.dfa.cornell.edu/sites/default/files/vol6\\_4.pdf](https://www.dfa.cornell.edu/sites/default/files/vol6_4.pdf).
  1. Cornell University, *Procedures for Resolution of Reports Against Staff under Cornell University Policy 6.4 for the Following Acts of Prohibited Conduct: Prohibited Discrimination; and Retaliation* (June 1, 2019), <https://cpb-us-e1.wpmucdn.com/blogs.cornell.edu/dist/6/7016/files/2019/05/Procedures-for-Resolution-of-Reports-of-Prohibited-Discrimination-Against-Staff-Under-Cornell-University-Policy-6.4-6.1.2019-2.pdf>.
  2. Cornell University, *Procedures for Resolution of Reports Against Faculty Under Cornell University Policy 6.4 for the Following Acts of Prohibited Conduct: Prohibited Discrimination; and Retaliation* (June 1, 2019), <https://cpb-us-e1.wpmucdn.com/blogs.cornell.edu/dist/6/7016/files/2019/05/Procedures-for-Resolution-of-Reports-of-Prohibited-Discrimination-Against-Faculty-Under-Cornell-University-Policy-6.4-6.1.2019-3.pdf>.
  3. Cornell University, *Procedures for Resolution of Reports Against Students Under Cornell University Policy 6.4 for the Following Acts of Prohibited Conduct: Sexual Assault, Sexual Exploitation, etc.* (January 8, 2019), <https://cpb-us-e1.wpmucdn.com/blogs.cornell.edu/dist/6/7016/files/2019/01/Policy-6.4-Student-Procedures-Effective-1.8.2019-20obqrv.pdf>.

4. Cornell University, *Procedures of Reports Against Employees Under Cornell University Policy 6.4 for the Following Acts of Prohibited Conduct: Sexual Assault, Sexual Exploitation, etc.* (June 1, 2019), <https://cpb-us-e1.wpmucdn.com/blogs.cornell.edu/dist/6/7016/files/2019/05/Procedures-for-Resolution-of-Reports-Against-Employees-Under-Cornell-University-Policy-6.4-6.1.2019-1.pdf>.
- iv. Center for Research and Teaching in Economics, *Protocolo de Atención para Casos de Discriminación y Violencia de Género* (Protocol for Assistance in Cases of Gender Discrimination and Violence) (Feb. 26, 2019), <https://www.cide.edu/assets/descargable/ProtocoloCIDE2019.pdf>.
- v. George Washington University, *Sexual and Gender-Based Harassment and Interpersonal Violence Policy* (July 1, 2018), <https://haven.gwu.edu/sites/g/files/zaxdzs2106/f/downloads/Title%20IX%20Policy%20FINAL%206-29-18%20.pdf>.
- vi. Georgetown University, *Sexual Misconduct Policies and Procedures: 2018-2019* (2018) <https://georgetown.app.box.com/s/gcf6w8a3ce016eyb63kjbchb87c6mj81>.
- vii. Harvard University, *Sexual and Gender-Based Harassment and Procedures for the Faculty of Arts and Sciences* (January 13, 2016), [https://www.fas.harvard.edu/files/fas/files/fas\\_sexual\\_and\\_gender-based\\_harassment\\_policy\\_and\\_procedures-1-13-16.pdf](https://www.fas.harvard.edu/files/fas/files/fas_sexual_and_gender-based_harassment_policy_and_procedures-1-13-16.pdf).
  1. Harvard University, *Procedures for Handling Complaints Against Harvard Staff Members Pursuant to the Sexual and Gender-Based Harassment Policy* (May 4, 2017), [https://titleix.harvard.edu/files/title-ix/files/harvard\\_staff\\_sexual\\_harassment\\_procedures.pdf](https://titleix.harvard.edu/files/title-ix/files/harvard_staff_sexual_harassment_procedures.pdf).
  2. Harvard University, *What is Title IX?*, <https://titleix.harvard.edu/what-title-ix>.
- viii. Indiana University, *Sexual Misconduct Policy* (July 1, 2019), <https://policies.iu.edu/files/policy-pdfs/ua-03-sexual-misconduct.pdf>.
- ix. London School of Economics and Political Science, *Sexual Harassment and Sexual Violence Policy* (June 19, 2018), <https://info.lse.ac.uk/staff/services/Policies-and-procedures/Assets/Documents/harVioPol.pdf>.
  1. London School of Economics and Political Science, *Procedure for Considering Allegations of Harassment from Students Against Members of Staff*, [https://info.lse.ac.uk/staff/Services/Policies-and-procedures/Assets/Documents/proHarStu.pdf?from\\_serp=1](https://info.lse.ac.uk/staff/Services/Policies-and-procedures/Assets/Documents/proHarStu.pdf?from_serp=1).
- x. Pennsylvania State University, *Sexual And/or Gender-Based Harassment and Misconduct (Including Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, Stalking, and Related Inappropriate Conduct)* (January 27, 2014), <https://policy.psu.edu/policies/ad85>.

1. Pennsylvania State University, *Employee Disciplinary Proceedings for Reports of Sexual Assault, Dating Violence, Domestic Violence and Stalking Against an Employee*, <https://affirmativeaction.psu.edu/welcome/discrimination-complaints/employee-disciplinary-proceedings-for-reports-of-sexual-assault-dating-violence-domestic-violence-and-stalking-against-an-employee/>.
- xi. Stanford University, *Sexual Harassment* (Aug. 2, 2016), <https://adminguide.stanford.edu/chapter-1/subchapter-7/policy-1-7-1>.
- xii. Monterrey Institute of Technology and Higher Education, *Protocolo de Actuación para la Prevención y Atención de Violencia de Género en el Instituto Tecnológico y de Estudios Superiores de Monterrey (Protocol of Action for the Prevention and Handling of Gender Violence in the Monterrey Institute of Technology and Higher Education)* (Dec. 2017), <https://tec.mx/sites/default/files/2018-01/ProtocoloViolenciadeGenero.pdf>.
- xiii. University of California, *Sexual Violence and Sexual Harassment* (July 31, 2019), <https://policy.ucop.edu/doc/4000385/SVSH>.
- xiv. National Autonomous University of Mexico, *Protocolo para la Atención de Casos de Violencia de Género en la UNAM (Protocol for Handling Cases of Gender Violence at UNAM)* (Aug. 2016), <https://igualdaddegenero.unam.mx/wp-content/uploads/2016/08/protocolo-de-actuacion-en-casos-de-violencia-de-genero.pdf>.
- xv. University of Buenos Aires, *Protocolo de Intervención Institucional ante Denuncias por Violencia de Género, Acoso Sexual y Discriminación de Género (Protocol for Institutional Intervention following Complaints of Gender Violence, Sexual Harassment and Gender Discrimination)* (Dec. 9, 2015), <http://www.derecho.uba.ar/institucional/programasinstitucionales/programa-para-la-prevencion-de-la-violencia/documentos/resolucion-4043-15.pdf>.
- xvi. Universidad de Chile, *Protocolo de Actuación ante Denuncias sobre Acoso Sexual, Violencia de Género, Acoso Laboral y Discriminación Arbitraria (Protocol of Action in the face of Complaints about Sexual Harassment, Gender Violence, Workplace Harassment and Arbitrary Discrimination)* (Aug. 1, 2019), [http://www.uchile.cl/documentos/decreto-exento-n199422019-nuevo-protocolo-de-actuacion-ante-denuncias-sobre-acoso-sexual-violencia-de-genero-acoso-laboral-y-discriminacion-arbitraria-y-deja-sin-efecto-pdf-144-mb\\_131080\\_0\\_0951.pdf](http://www.uchile.cl/documentos/decreto-exento-n199422019-nuevo-protocolo-de-actuacion-ante-denuncias-sobre-acoso-sexual-violencia-de-genero-acoso-laboral-y-discriminacion-arbitraria-y-deja-sin-efecto-pdf-144-mb_131080_0_0951.pdf).
- xvii. University of Sciences and Humanities, *Reglamento de Prevención y Protocolo de Intervención en Casos de Hostigamiento Sexual (Regulation for Prevention and Intervention Protocol in Cases of Sexual Harassment)* (2019), <http://www.uch.edu.pe/sites/default/files/PDF/REGLAMENTO%20PREVENCION%20HOSTIGAMIENTO%20SEXUAL%20-%20PROTOCOLO.pdf>.
- xviii. University of the Andes, *Protocolo ante Acoso y Abuso Sexual (Protocol against Sexual Harassment and Abuse)* (May 2018), <https://www.uandes.cl/wp-content/uploads/2019/01/Protocolo-ante-acoso-y-abuso-sexual-2.pdf>.



- xix. University of Seville, *Protocolo para la Prevención, Evaluación e Intervención ante el Acoso en la Universidad de Sevilla (Protocol for the Prevention, Assessment and Intervention against Harassment at the University of Seville)* (June 19, 2018), <http://fcee.us.es/sites/default/files/PROTOCOLO-ACOSO-CG-19-JUNIO.pdf>.
- xx. Universidad Externado de Colombia, *Protocolo de Atención en Casos de Violencia y Acoso en la Universidad Externado de Colombia (Protocol for Handling Cases of Violence and Harassment at the Externado de Colombia University)* (March 2019), <https://www.uexternado.edu.co/wp-content/uploads/2019/03/Protocolo.pdf>
- xxi. Ibero-American University, *Protocolo de Actuación para la Prevención y Atención de Discriminación y Violencia de Género en la Universidad Iberoamericana (Action Protocol for the Prevention and Handling of Discrimination and Gender Violence at the Ibero-American University)* (2018), <https://charlasgenero.colmex.mx/wp-content/uploads/2018/10/ProtocoloIBERO.pdf>.
- xxii. Autonomous University of Barcelona, *Protocol to prevent and act against sexual harassment, harassment on grounds of sex, sexual orientation, gender identity or gender expression, and male chauvinist violence* (Nov. 7, 2018), <https://www.uab.cat/doc/protocol-uab-en>.

## **b. INTERNATIONAL ORGANIZATIONS**

### **i. OAS**

1. Code of Conduct
  - a. Organization of American States, *Policy and Conflict Resolution System for Prevention and Elimination of All Forms of Workplace Harassment* (Oct. 15, 2015), [http://www.oas.org/legal/english/gensec/EXOR1502\\_APPENDIX\\_B.docx](http://www.oas.org/legal/english/gensec/EXOR1502_APPENDIX_B.docx).
2. Resolutions
  - a. Organization of American States, *Executive Order No. 05-07, Rev No. 1: Prohibition Against Workplace Harassment* (July 2, 2007), <https://www.oas.org/legal/english/gensec/EXOR0507REV1.pdf>.
  - b. Organization of American States, *Executive Order No. 95-7: Prohibition Against Sexual Harassment* (Sept. 29, 1995), <http://www.oas.org/legal/english/gensec/EX-OR-95-7.htm>.

### **ii. United Nations (UN)**

1. Bulletins
  - a. Secretary-General's bulletin, *Staff Regulations and Rules of the United Nations* (ST/SGB/2018/1), January 1, 2018, [https://hr.un.org/sites/hr.un.org/files/handbook\\_docs/ST.SGB\\_.2018.1%20-%20Staff%20regs%20and%20rules%20of%20the%20UN.docx](https://hr.un.org/sites/hr.un.org/files/handbook_docs/ST.SGB_.2018.1%20-%20Staff%20regs%20and%20rules%20of%20the%20UN.docx).



- b. Secretary-General's bulletin, *Addressing discrimination, harassment, including sexual harassment, and abuse of authority* (ST/SGB/2019/8), Sept. 10, 2019, <https://undocs.org/en/ST/SGB/2019/8>.
  - c. Secretary-General's bulletin, *Protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations* (ST/SGB/2017/2), January 20, 2017, <https://undocs.org/en/ST/SGB/2017/2>.
  - d. Secretary-General's bulletin, *Special measures for protection from sexual exploitation and abuse* (ST/SGB/2003/13), Oct. 9, 2003, <https://undocs.org/ST/SGB/2003/13>.
2. Reports
    - a. Report of the Secretary-General, *Special measures for protection from sexual exploitation and abuse* (A/72/751), Feb. 15, 2018, <https://undocs.org/en/A/72/751>.
    - b. Report of the Secretary-General, *Special measures for protection from sexual exploitation and abuse: a new approach* (A/71/818), Feb. 28, 2017, <https://undocs.org/en/A/71/818>.
    - c. Report of the Secretary-General, *Special measures for protection from sexual exploitation and abuse: a new approach, Addendum* (A/71/818/Add.1), March 6, 2017, <https://undocs.org/en/A/71/818/Add.1>.
    - d. United Nations System Chief Executives Board for Coordination, UN System Model Policy on Sexual Harassment (Oct. 2018), [https://www.unsceb.org/CEBPublicFiles/UN%20System%20Model%20Policy%20on%20Sexual%20Harassment\\_FINAL.pdf](https://www.unsceb.org/CEBPublicFiles/UN%20System%20Model%20Policy%20on%20Sexual%20Harassment_FINAL.pdf).
    - e. United Nations, *Glossary on Sexual Exploitation and Abuse* (July 24, 2017), [https://hr.un.org/sites/hr.un.org/files/SEA%20Glossary%20%20%5BSecond%20Edition%20-%202017%5D%20-%20English\\_0.pdf](https://hr.un.org/sites/hr.un.org/files/SEA%20Glossary%20%20%5BSecond%20Edition%20-%202017%5D%20-%20English_0.pdf).
  3. News
    - a. UN News, *UN launches 24-hour hotline for staff to report sexual harassment* (Feb. 24, 2018), <https://news.un.org/en/story/2018/02/1003612>.
  4. Other
    - a. Code Blue, *An Urgent Interim Response to the UN's Sexual Abuse Crisis* (Feb. 23, 2018), <http://www.codebluecampaign.com/press-releases/2018/2/23-1>.
- iii. UN Refugee Agency (UNHCR)**
1. Code of Conduct
    - a. UN Refugee Agency, *Code of Conduct & Explanatory Notes* (June 2004), <https://www.unhcr.org/admin/policies/422dbc89a/unhcr-code-conduct-explanatory-notes.html>.

2. Reports
  - a. UN Refugee Agency, *Our fight against sexual exploitation, abuse and harassment*, <https://www.unhcr.org/en-us/our-fight-against-sexual-exploitation-abuse-and-harassment.html>.
  - b. UN Refugee Agency, *Our fight against sexual misconduct: 2018 in Review*, <https://www.unhcr.org/en-us/5c51a5d34>.
- iv. **United Nations Development Programme (UNDP)**
  1. Reports
    - a. United Nations Development Programme, *Prevention and Response to Sexual Misconduct*, <https://www.undp.org/content/undp/en/home/accountability/combating-sexual-exploitation-and-abuse.html>.
- v. **UNICEF**
  1. Reports
    - a. UNICEF, *Report of the Independent Task Force on Workplace Gender-Discrimination, Sexual Harassment, Harassment and Abuse of Authority* (May 2019), [https://www.unicef.org/sites/default/files/2019-06/Independent-Task-Force\\_report\\_EN.PDF](https://www.unicef.org/sites/default/files/2019-06/Independent-Task-Force_report_EN.PDF).
- vi. **UN Peacekeeping**
  1. United Nations, *United Nations Peacekeeping: Standards of Conduct*, <https://peacekeeping.un.org/en/standards-of-conduct>.
  2. United Nations, *Conduct in Field Missions: Professionalism, Efficiency, Integrity, Dignity*, <https://conduct.unmissions.org/prevention-vetting>.
- vii. **World Health Organization (WHO)**
  1. Code of Conduct
    - a. World Health Organization, *Code of Ethics and Professional Conduct* (April 2017), [https://www.who.int/docs/default-source/documents/ethics/code-of-ethics-pamphlet-en.pdf?sfvrsn=20dd5e7e\\_2](https://www.who.int/docs/default-source/documents/ethics/code-of-ethics-pamphlet-en.pdf?sfvrsn=20dd5e7e_2).
  2. Reports
    - a. World Health Organization, *Sexual Exploitation and Abuse Prevention and Response: Policy and Procedures* (March 2017), [https://www.who.int/about/ethics/sexual-exploitation\\_abuse-prevention\\_response\\_policy.pdf?ua=1](https://www.who.int/about/ethics/sexual-exploitation_abuse-prevention_response_policy.pdf?ua=1).
    - b. World Health Organization, *Understanding and addressing violence against women* (2013), [https://apps.who.int/iris/bitstream/handle/10665/77432/WHO\\_RHR\\_12.36\\_eng.pdf?sequence=1&isAllowed=y](https://apps.who.int/iris/bitstream/handle/10665/77432/WHO_RHR_12.36_eng.pdf?sequence=1&isAllowed=y).

- c. Pan American Health Organization (PAHO), PAHO Policy on the Prevention and Resolution of Harassment in the Workplace (Oct. 2012), <https://www.paho.org/hq/dmdocuments/2012/Harassment-Policy-October2012.pdf>.

#### viii. International Labour Organization (ILO)

1. International Labour Organization, *Violence and Harassment Convention* (June 21, 2019), [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C190](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C190).
- a. International Labour Organization, *Principles of Conduct for Staff of the International Labour Office* (2002), [https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---webdev/documents/genericdocument/wcms\\_713109.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---webdev/documents/genericdocument/wcms_713109.pdf).

#### ix. World Bank

1. Code of Conduct
  - a. World Bank, *Living our Values: Code of Conduct* (Nov. 2009), <http://documentos.bancomundial.org/curated/en/147281468337279671/pdf/624110BRIOWorl00Box0361478BOPUBLICO.pdf>.
  - b. World Bank, *Principles of Staff Employment- Preamble, Forward and Principles*, <https://policies.worldbank.org/sites/ppf3/PPFDocuments/2666090224b082547840.pdf>.
2. Reports
  - a. World Bank, *WBG Action Plan for Preventing and Addressing Sexual Harassment: Fiscal Years 2019-2021*, <http://pubdocs.worldbank.org/en/895091561658673520/WBG-Sexual-Harassment-Action-Plan-FINAL-Public.pdf>.
  - b. World Bank, *Ethics and Business Conduct: Embedding Ethics throughout the World Bank Group* (2018), <http://pubdocs.worldbank.org/en/137501556202719739/EBC-AR18-External-Web-FINAL.pdf>.
  - c. International Finance Corporation, *Addressing Gender-Based Violence in the Workforce* (May 2018), [https://www.commddev.org/pdf/publications/ToolSuite4\\_Interior\\_FIN-05-16\\_LoRes.pdf](https://www.commddev.org/pdf/publications/ToolSuite4_Interior_FIN-05-16_LoRes.pdf).
3. Other
  - a. World Bank, *Reporting sexual misconduct*, <https://www.worldbank.org/en/about/unit/reporting-sexual-misconduct>.
  - b. World Bank, *World Bank Directive: Staff Rule 3.0- Office of Ethics and Business Conduct* (March 12, 2019), <https://policies.worldbank.org/sites/ppf3/PPFDocuments/8396780853aa4a69b930571dcc6848ec.pdf>.

**x. Inter-American Development Bank (IDB)**

1. Code of Conduct
  - a. Inter-American Development Bank, *Code of Ethics and Professional Conduct* (Oct. 2012), <http://idbdocs.iadb.org/wsdocs/getdocument.aspx?docnum=37198737>.
2. Inter-American Development Bank, *Sanctions Procedures of the Inter-American Development Bank*, <https://idbdocs.iadb.org/wsdocs/getdocument.aspx?docnum=36233155>.

**xi. Oxfam**

1. Oxfam International, *Safeguarding policy and procedures at Oxfam*, <https://www.oxfam.org/en/what-we-do/about/safeguarding>.
2. Oxfam International, *One Oxfam Policy on Protection from Sexual Exploitation and Abuse (PSEA)* (Dec. 2018), [https://www-cdn.oxfam.org/s3fs-public/one\\_oxfam\\_psea\\_policy\\_en.pdf](https://www-cdn.oxfam.org/s3fs-public/one_oxfam_psea_policy_en.pdf).
3. Meg Otieno Ateli, *Transforming Oxfam's Culture*, <https://www.oxfam.org/en/transforming-oxfams-culture>.
4. Oxfam, *Independent Commission: toward a more accountable Oxfam*, <https://www.oxfam.org/en/what-we-do/about/safeguarding/independent-commission>.
5. Oxfam, *Oxfam Employee Code of Conduct* (Oct. 2017), [https://d1tn3vj7xz9fdh.cloudfront.net/s3fs-public/file\\_attachments/oxfam\\_employee\\_code\\_of\\_conduct.pdf](https://d1tn3vj7xz9fdh.cloudfront.net/s3fs-public/file_attachments/oxfam_employee_code_of_conduct.pdf).
6. Oxfam, *Improving Safeguarding and Culture at Oxfam* (Dec. 2019), [https://oi-files-d8-prod.s3.eu-west-2.amazonaws.com/s3fs-public/2019-12/Oxfam%20Safeguarding%20and%20Culture%20Report%20December%202019\\_English.pdf](https://oi-files-d8-prod.s3.eu-west-2.amazonaws.com/s3fs-public/2019-12/Oxfam%20Safeguarding%20and%20Culture%20Report%20December%202019_English.pdf).
7. Oxfam, *Inter-Agency Misconduct Disclosure Scheme* (Dec. 2018), <https://static1.squarespace.com/static/57ffc65ed482e9b6838607bc/t/5c1a6df3cd836607357e9ebb/1545235956565/Inter-agency+Misconduct+Disclosure+Scheme+FINAL+Dec+2018.pdf>.
8. *Improving Safeguarding and Culture at OXFAM*, (Dec. 2019), [https://www.oxfam.de/system/files/oxfam\\_safeguarding\\_and\\_culture\\_report\\_december\\_2019\\_en.pdf](https://www.oxfam.de/system/files/oxfam_safeguarding_and_culture_report_december_2019_en.pdf).

**xii. Organization for Economic Cooperation and Development (OECD)**

1. Organization for Economic Cooperation and Development, *Staff Regulations, Rules and Instructions Applicable to Officials of the Organisation* (Nov. 2019), [http://www.oecd.org/careers/Staff\\_Rules\\_en.pdf](http://www.oecd.org/careers/Staff_Rules_en.pdf).

### c. OTHER

- i. USAID, USAID's Policy *Against Sexual Exploitation and Abuse*, [https://www.usaid.gov/sites/default/files/documents/1874/180614\\_Exploitation\\_FactSheet.pdf](https://www.usaid.gov/sites/default/files/documents/1874/180614_Exploitation_FactSheet.pdf).
- ii. National Public Defender's Office of Argentina, *Protocolo de Actuación para la Prevención y la Intervención en Casos de Discriminación por Motivos de Género (Action Protocol for Prevention and Intervention in Cases of Discrimination on the Basis of Gender)* (June 19, 2019), [https://www.mpd.gov.ar/pdf/Res%20Prot%20y%20Anexo\\_genero\\_v2.pdf](https://www.mpd.gov.ar/pdf/Res%20Prot%20y%20Anexo_genero_v2.pdf).

## B. OTHER SOURCES

### a. REPORTS

- i. Open Society Justice Initiative, *Raising the Bar: Improving the Nomination and Election of Judges to the International Criminal Court* (2019), <https://www.justiceinitiative.org/uploads/a43771ed-8c93-424f-ac83-b0317feb23b7/raising-the-bar-20191112.pdf>.
- ii. Open Society Justice Initiative & International Commission of Jurists, *Strengthening from Within: Law and Practice in the Selection of Human Rights Judges and Commissioners* (2017), [https://www.justiceinitiative.org/uploads/aa5f4a53-85aa-4863-990c-1fc5609635ed/strengthening-from-within-20171102\\_0.pdf](https://www.justiceinitiative.org/uploads/aa5f4a53-85aa-4863-990c-1fc5609635ed/strengthening-from-within-20171102_0.pdf).
- iii. Swinburne University of Technology, *Preventing Sexual Assault and Sexual Harassment*, <https://www.swinburne.edu.au/about/strategy-initiatives/safety-equity/sexual-assault/>.
- iv. Manual of Good Practices to Investigate and Punish Labor Harassment and/or Sexual Harassment in the Supreme Court of Justice of the Nation, Liaison Office for Human Rights and Consultancy to the President's Office of Mexico (2012), [https://www.gob.mx/cms/uploads/attachment/file/48447/MANUAL\\_DE\\_BUENAS\\_PRACTICAS.pdf](https://www.gob.mx/cms/uploads/attachment/file/48447/MANUAL_DE_BUENAS_PRACTICAS.pdf).
- v. National Women's Institute, Ministry of Health and Social Development of Argentina, *Guía para la Prevención e Intervención de Situaciones de Violencia Contra las Mujeres en Las Organizaciones (Guide for the Prevention of and Intervention in Situations of Violence against Women in Organizations)* (2018), <https://www.argentina.gob.ar/sites/default/files/guiaprevencionsituacionesviolenciaenorganizaciones.pdf>.
- vi. U.S. Department of Education: Office for Civil Rights, Title IX and Sex Discrimination (2000), [https://www2.ed.gov/about/offices/list/ocr/docs/tix\\_dis.html](https://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html).
- vii. The Network, *Best Practices in Ethics Hotlines: A framework for creating an effective anonymous reporting program* (2005), <https://la-acfe.org/images/downloads/Resources/bestpracticesinethics2005.pdf>.

- viii. Center for Disease Control and Prevention, *Sexual Violence Surveillance: Uniform Definitions and Recommended Data Elements* (2014), [https://www.cdc.gov/violenceprevention/pdf/sv\\_surveillance\\_definitions-2009-a.pdf](https://www.cdc.gov/violenceprevention/pdf/sv_surveillance_definitions-2009-a.pdf).
- ix. California Department of Fair Employment and Housing, *Workplace Harassment Prevention Guide for California Employers* (2017), <https://www.dfeh.ca.gov/wp-content/uploads/sites/32/2017/06/DFEH-Workplace-Harassment-Guide-1.pdf>.
- x. U.S. Equal Employment Opportunity Commission, *Select Task Force on the Study of Harassment in the Workplace: Report of Co-Chairs Chai R. Feldblum & Victoria A. Lipnic* (June 2016), [https://www.eeoc.gov/eeoc/task\\_force/harassment/report.cfm](https://www.eeoc.gov/eeoc/task_force/harassment/report.cfm).
- xi. Ministry of Education of Chile, *Protocolos contra el Acoso Sexual en Educación Superior: Sugerencias para su elaboración (Protocols against Sexual Harassment in Higher Education: Suggestions for their elaboration)* (Dec. 2016), <https://www.mineduc.cl/wp-content/uploads/sites/19/2017/09/Procolos-contra-el-acoso-sexual-en-ESUP.pdf>.
- xii. The National Academies of Sciences, Engineering & Medicine, *Sexual Harassment of Women: Climate, Culture and Consequences in Academic Sciences, Engineering, and Medicine* (2018), <https://www.nap.edu/catalog/24994/sexual-harassment-of-women-climate-culture-and-consequences-in-academic>.
- xiii. Universities UK, *Changing Culture: Tackling gender-based violence, harassment and hate crime: two years on* (Oct. 2019), <https://universitiesuk.ac.uk/policy-and-analysis/reports/Documents/2019/uuk-changing-the-culture-two-years-on.pdf>.
- xiv. American Institute of Architects, *Workplace Culture* (2019), [https://content.aia.org/sites/default/files/2019-02/AIA\\_Guides\\_for\\_Equitable\\_Practice\\_02\\_Workplace\\_Culture.pdf](https://content.aia.org/sites/default/files/2019-02/AIA_Guides_for_Equitable_Practice_02_Workplace_Culture.pdf).
- xv. Joan Tabachnick, *Engaging Bystanders in Sexual Violence Prevention*, National Sexual Violence Resource Center (2009), [http://www.calcasa.org/wp-content/uploads/2010/09/Publications\\_NSVRC\\_Booklets\\_Comprometer-a-los-espectadores-en-la-prevencion-de-la-violencia-sexual-1.pdf](http://www.calcasa.org/wp-content/uploads/2010/09/Publications_NSVRC_Booklets_Comprometer-a-los-espectadores-en-la-prevencion-de-la-violencia-sexual-1.pdf).
- xvi. Inter-American Commission on Human Rights, Equality and Non-Discrimination: Inter-American Standards (Feb. 12, 2019), <https://www.oas.org/en/iachr/reports/pdfs/Compendium-EqualityNonDiscrimination.pdf>.
- xvii. Inter-American Commission on Human Rights: Rapporteurship on the Rights of Women, Access to Justice for Women Victims of Violence in the Americas, [http://www.cidh.org/women/Access07/chap1.htm#\\_ftn83](http://www.cidh.org/women/Access07/chap1.htm#_ftn83).
- xviii. Center for Human Rights & Humanitarian Law at American University Washington College of Law, *Report of the Independent Panel of Experts for the Assessment of Candidates to the Inter-American Commission on Human Rights* (June 5, 2019), <https://www.wcl.american.edu/impact/initiatives-programs/center/documents/2019-informe-del-panel-independiente-de-expertos/>.



- xix. Inter-Agency Standing Committee, *Inter-Agency Community-Based Complaint Mechanisms: Protection against Sexual Exploitation and Abuse* (April 2016), [https://interagencystandingcommittee.org/system/files/best\\_practice\\_guide\\_inter\\_agency\\_community\\_based\\_complaint\\_mechanisms\\_1.pdf](https://interagencystandingcommittee.org/system/files/best_practice_guide_inter_agency_community_based_complaint_mechanisms_1.pdf).

## b. ACADEMIC DOCUMENTS

- i. Jorge F. Calderon Gamboa, *La reparación integral en la jurisprudencia de la Corte Interamericana de Derechos Humanos: estándares aplicables al nuevo paradigma mexicano* (Comprehensive reparation in the jurisprudence of the Inter-American Court of Human Rights: standards applicable to the new Mexican paradigm) (2013), <http://www.corteidh.or.cr/tablas/r33008.pdf>.
- ii. Marisol Fernández Revoredo, *El acoso sexual en la Universidad: Del negacionismo al reconocimiento y a la resistencia* (Sexual harassment at the University: From denialism to recognition and resistance), *Discourses of the South* no. 4 (July/Nov. 2019), <https://revistasinvestigacion.unmsm.edu.pe/index.php/discursos/article/view/16997/14465>.
- iii. Susan Bisom-Rapp, *Sex Harassment Training Must Change: The Case for Legal Incentives for Transformative Education and Prevention*, *Stanford Law Review*, vol. 71 (2018), <https://review.law.stanford.edu/wp-content/uploads/sites/3/2018/06/71-Stan.-L.-Rev.-Online-Bisom-Rapp.pdf>.
- iv. Bernie McCann, *Does Sexual Harassment Training Work?*, *EASNA Annual Institute* (2018), <https://www.easna.org/wp-content/uploads/2018/05/Does-Sexual-Harassment-Training-Work-handout.pdf>.
- v. Bill Libit, *Elements of an Effective Whistleblower Hotline*, en *Harvard Law School Forum on Corporate Governance and Financial Regulation* (Oct. 25, 2014), <https://corpgov.law.harvard.edu/2014/10/25/elements-of-an-effective-whistleblower-hotline/#11>.
- vi. Carmina Ravanera & Joyce He, *Anti-sexual harassment training: does it work?* *Gender and the Economy* (Nov. 27, 2019), <https://www.gendereconomy.org/anti-sexual-harassment-training-does-it-work/>.
- vii. Valeria Junod, *Best Practices for an Internal Whistleblowing Platform*, *Frontiers of Law in China* 10(3), 475-487 (2015), <http://journal.hep.com.cn/flc/EN/Y2015/V10/I3/475>.
- viii. Vicki Schultz, *Reconceptualizing Sexual Harassment, Again*, *Yale Law Journal* 128, (June 2018), <https://www.yalelawjournal.org/forum/reconceptualizing-sexual-harassment-again>.
- ix. Vicki Schultz, *Open Statement on Sexual Harassment From Employment Discrimination Law Scholars*, *Stanford Law Review* 71(17), 17-48 (June 2018), [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3198727#](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3198727#).

- x. Dra. Yolanda Velazquez Narvaez et. al., *La Cultura Organizacional y su Relación con la Violencia Laboral: Una Perspectiva Psicosocial (Organizational Culture and its Relationship to Workplace Violence: A Psychosocial Perspective)* (Nov. 2018), <https://www.eumed.net/actas/18/trans-organizaciones/11-la-cultura-organizacional-y-su-relacion-con-la-violencia-laboral.pdf>.
- xi. Melissa Gutworth & Matt Howard, *Improving sexual harassment training effectiveness with climate interventions*, *Industrial and Organizational Psychology* 12, 68-72 (2019), <https://pdfs.semanticscholar.org/64ee/e78d7ace5ef3e579f2b43cd6760cf9954d44.pdf>.
- xii. Helen Campbell & Suzi Chinnery, *What Works? Preventing & Responding to Sexual Harassment in the Workplace*, CARE (Nov. 2018), <https://www.care.org.au/wp-content/uploads/2018/12/STOP-Rapid-Review.pdf>.
- xiii. Jana Beaver et. al., *The Influence of Organizational Culture on Sexual Harassment Training: A Confirmatory Analysis*, Buildingthepride.com, <http://buildingthepride.com/jobie/uploads/JOBIEV19J146.pdf>.
- xiv. Lauren Daley et. al., *Sexual Harassment in the Workplace: How companies can prepare, prevent, respond, and transform their culture*, Catalyst (2018), [https://www.catalyst.org/wp-content/uploads/2019/01/sexual\\_harassment\\_in\\_the\\_workplace\\_report.pdf](https://www.catalyst.org/wp-content/uploads/2019/01/sexual_harassment_in_the_workplace_report.pdf).
- xv. Mark V. Roehling & Jason Huang, *Sexual harassment training effectiveness: An interdisciplinary review and call for research*, *J. of Org. Behavior* (2018), <http://jasonhuangatwork.com/papers/Roehling%20%20Huang%202018%20JOB.pdf>.
- xvi. María Florencia Zerdá and Marina Benítez Demtschenko, *Violencia de Género Digital (Digital Gender Violence)*, *Revista Jurídica de Buenos Aires*, Year 43, number 97, 2018
- xvii. Shereen Bingham & Lisa Scherer, *The Unexpected Effects of a Sexual Harassment Educational Program*, *J. of Applied Behavioral Science* (June 1, 2001), <https://doi.org/10.1177/0021886301372001>.
- xviii. Frank Dobbin & Alexandra Kalev, *The promise and peril of sexual harassment programs*, *PNAS* (June 18, 2019), <https://www.pnas.org/content/pnas/116/25/12255.full.pdf>.
- xix. Melissa Gutworth & Matt Howard, *Improving sexual harassment training effectiveness with climate interventions*, *Industrial and Org. Psychology* (2019), <https://pdfs.semanticscholar.org/05ca/839382da3b0c62e8b4f4983e19e82b445d02.pdf>.
- xx. Elizabeth Tippett, *Harassment Trainings: A Content Analysis*, Berkeley J. of Employment and Labor L. (2018), <https://lawcat.berkeley.edu/record/1128469?ln=en>.
- xxi. Chloe Grace Hart, Alison Dahl Crossley & Shelley J. Correll, *Leader Messaging and Attitudes toward Sexual Violence*, *Socius: Sociological Research for a Dynamic World* vol. 4 (2018), <https://journals.sagepub.com/doi/10.1177/2378023118808617>.



- xxii. John Sullivan, *How to Screen Out Sexual Harassers During the Hiring Process* (Feb. 5, 2018), <https://www.ere.net/how-to-screen-out-sexual-harassers-during-the-hiring-process/>.
- xxiii. Coline Schupfer & Taegin Reisman, *Electing the Next ICC Prosecutor: Assessing Sexual Misconduct as Part of the “High Moral Character Requirement”* (Nov. 13, 2019), <https://www.ijmonitor.org/2019/11/electing-the-next-icc-prosecutor-assessing-sexual-misconduct-as-part-of-the-high-moral-character-requirement/>.
- xxiv. Howard Zehr, *The Little Book of Restorative Justice*, (2010), <https://www.unicef.org/tdad/littlebookrjpakaf.pdf>

### **c. TREATIES, GUIDELINES AND PRINCIPLES**

- i. Convention on the Elimination of All Forms of Discrimination against Women, UN res. 34/180 (1979), <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CEDAW.aspx>.
- ii. Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Belém do Pará Convention), OAS treaty A-61 (1995), <http://www.oas.org/juridico/english/treaties/a-61.html>.
- iii. American Convention on Human Rights, [https://www.oas.org/dil/treaties\\_B-32\\_American\\_Convention\\_on\\_Human\\_Rights.htm](https://www.oas.org/dil/treaties_B-32_American_Convention_on_Human_Rights.htm)
- iv. International Convention on the Elimination of All Forms of Racial Discrimination (CERD), UN Resolution 2106A(XX), (1965), <https://www.ohchr.org/Documents/ProfessionalInterest/cerd.pdf>.
- v. The Burgh House Principles on the Independence of the International Judiciary, International Law Association Study Group (2004), <https://www.icj.org/wp-content/uploads/2014/10/burgh-house-principles.pdf>.
- vi. Guidelines on the Independence and Impartiality of the Members of the Human Rights Treaty Bodies (“Addis Ababa Guidelines”) UN res. A/67/222 (2012), [https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/1\\_Global/CAT\\_C\\_3\\_Rev-6%20\(Annex\)\\_7075\\_E.doc](https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/1_Global/CAT_C_3_Rev-6%20(Annex)_7075_E.doc).
- vii. Bangalore Principles of Judicial Conduct (2002), [https://www.un.org/ruleoflaw/files/Bangalore\\_principles.pdf](https://www.un.org/ruleoflaw/files/Bangalore_principles.pdf).

### **d. E-PUBLICATIONS AND WEBSITES**

- i. Yuriria Avila, ¿Cómo surgió el movimiento Me Too y cómo revivió en México? (How did the Me Too movement arise and how did it revive in Mexico?) Animal Político (March 27, 2019), <https://www.animalpolitico.com/elsabueso/como-surgio-el-movimiento-me-too-y-como-revivio-en-mexico/>.
- ii. NAVEX Global, Ethics, *Compliance and Complaints*, <https://secure.ethicspoint.com/domain/media/en/gui/25899/index.html>.

- iii. Callisto, *What We Do*, <https://www.projectcallisto.org/what-we-do>.
- iv. Mar Centenera, *Cuatro años de Ni Una Menos, el movimiento que rompió el silencio de las argentinas* (*Four years of Ni Una Menos, the movement that broke Argentina's silence*), *El País*, June 4, 2019, [https://elpais.com/sociedad/2019/06/03/actualidad/1559590094\\_787207.html](https://elpais.com/sociedad/2019/06/03/actualidad/1559590094_787207.html).
- v. Cornell Law School Legal Information Institute, *Preponderance of the Evidence*, [https://www.law.cornell.edu/wex/preponderance\\_of\\_the\\_evidence](https://www.law.cornell.edu/wex/preponderance_of_the_evidence).
- vi. Elizabeth A. Harris, *Despite #MeToo Glare, Efforts to Ban Secret Settlements Stop Short*, *New York Times* (June 14, 2019), <https://www.nytimes.com/2019/06/14/arts/metoo-movement-nda.html>.
- vii. Catharine A. MacKinnon, *Where #MeToo Came From, and Where It's Going: The movement is moving the culture beneath the law of sexual abuse*. *The Atlantic* (March 24, 2019), <https://www.theatlantic.com/ideas/archive/2019/03/catharine-mackinnon-what-metoo-has-changed/585313/>.
- viii. Office of Justice Programs: Office for Victims of Crime Training and Technical Assistance Center, *Human Trafficking E-Guide: Victim-Centered Approach*, <https://www.ovcttac.gov/taskforceguide/eguide/1-understanding-human-trafficking/13-victim-centered-approach/>.
- ix. Save the Children UK let down complainants and public over handling of allegations of workplace harassment, <https://www.gov.uk/government/news/save-the-children-uk-let-down-complainants-and-public-over-handling-of-allegations-of-workplace-harassment>.
- x. UN Peacekeeping has a Sexual Abuse Problem, <https://www.hrw.org/news/2020/01/11/un-peacekeeping-has-sexual-abuse-problem>.
- xi. Nisha Varia, *Weinstein Rape Sentence in US Boosts #MeToo Movement: New Treaty Will Help Protect Women in the Workplace*, *Human Rights Watch* (March 12, 2020), <https://www.hrw.org/news/2020/03/12/weinstein-rape-sentence-us-boosts-metoo-movement#>.

# ENDNOTES

- 1 See Chapter VIII: Biographies of Panel Members and the Technical Secretariat
- 2 International Labour Organization, *Violence and Harassment Convention*, Article 1(1)(a) C190 (21 June 2019) [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C190](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C190).
- 3 See Chapter VIII: Biographies of Panel Members and the Technical Secretariat
- 4 Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Belém do Pará Convention), OAS treaty A-61 (1995), <http://www.oas.org/juridico/english/treaties/a-61.html>.
- 5 Convention on the Elimination of All Forms of Discrimination against Women, UN res. 34/180 (1979), <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CEDAW.aspx>.
- 6 Violence and Harassment Convention, *supra* note 2.
- 7 To understand these movements, see Nisha Varia, *Weinstein Rape Sentence in US Boosts #MeToo Movement: New Treaty Will Help Protect Women in the Workplace*, Human Rights Watch, March 12, 2020, <https://www.hrw.org/news/2020/03/12/weinstein-rape-sentence-us-boosts-metoo-movement#>; Catharine A. MacKinnon, *Where #MeToo Came From, and Where It's Going: The movement is moving the culture beneath the law of sexual abuse*, The Atlantic, March 24, 2019, <https://www.theatlantic.com/ideas/archive/2019/03/catharine-mackinnon-what-metoo-has-changed/585313/>; Yuriria Avila, *¿Cómo surgió el movimiento Me Too y cómo revivió en México? (How did the Me Too movement arise and how did it revive in Mexico?)* Animal Político, March 27, 2019, <https://www.animalpolitico.com/elsabueso/como-surgio-el-movimiento-me-too-y-como-revivio-en-mexico/>; Mar Centenera, *Cuatro años de Ni Una Menos, el movimiento que rompió el silencio de las argentinas (Four years of Ni Una Menos, the movement that broke Argentina's silence)*, El País, June 4, 2019, [https://elpais.com/sociedad/2019/06/03/actualidad/1559590094\\_787207.html](https://elpais.com/sociedad/2019/06/03/actualidad/1559590094_787207.html).
- 8 See: Reva B. Siegel, "A Short History of Sexual Harassment," in Catherine A. MacKinnon and Reva B. Siegel, *Directions in Sexual Harassment Law*, (2003)
- 9 See: Oxfam, *Independent Commission: toward a more accountable Oxfam*, <https://www.oxfam.org/en/what-we-do/about/safeguarding/independent-commission>.
- 10 See: *The Charity Commission of England and Wales, Press Release, Save the Children UK let down complainants and public over handling of allegations of workplace harassment*, March 5, 2020, <https://www.gov.uk/government/news/save-the-children-uk-let-down-complainants-and-public-over-handling-of-allegations-of-workplace-harassment>.
- 11 See: Skye Wheeler, *UN Peacekeeping has a Sexual Abuse Problem*, The Hill, republished in Human Rights Watch, January 11, 2020 <https://www.hrw.org/news/2020/01/11/un-peacekeeping-has-sexual-abuse-problem>.
- 12 See: Violence and Harassment Convention, *supra* note 2; Belém do Pará Convention, *supra* note 5; Convention on the Elimination of All Forms of Discrimination against Women, *supra* note 6
- 13 For example, the jurisprudence of the Committee on the Elimination of Discrimination against Women (CEDAW), the Inter-American Commission on Human Rights, the Inter-American Court of Human Rights and the United Nations Human Rights Committee must be reviewed
- 14 Violence and Harassment Convention, *supra* note 2
- 15 Belém do Pará Convention, *supra* note 5
- 16 See María Florencia Zerdá and Marina Benítez Demtschenko, *Violencia de Género Digital (Digital Gender Violence)*, Revista Jurídica de Buenos Aires, Year 43, number 97, 2018
- 17 See: University of Seville, *Protocolo para la Prevención, Evaluación e Intervención ante el Acoso en la Universidad de Sevilla (Protocol for the Prevention, Assessment and Intervention against Harassment at the University of Seville)* (June 19, 2018), <http://fcee.us.es/sites/default/files/PROTOCOLO-ACOSO-CG-19-JUNIO.pdf>; Autonomous University of Barcelona, *Protocol to prevent and act against sexual harassment, harassment on grounds of sex, sexual orientation, gender identity or gender expression, and male chauvinist violence* (Nov. 7, 2018), <https://www.uab.cat/doc/protocol-uab-en>.
- 18 See: University of California, *Sexual Violence and Sexual Harassment* (July 31, 2019), <https://policy.ucop.edu/doc/4000385/SVSH>; Universidad de Chile, *Protocolo de Actuación ante Denuncias sobre Acoso Sexual, Violencia de Género, Acoso Laboral y Discriminación Arbitraria (Protocol of Action in the face of Complaints about Sexual Harassment, Gender Violence, Workplace Harassment and Arbitrary Discrimination)* (Aug. 1, 2019), [http://www.uchile.cl/documentos/decreto-exento-n199422019-nuevo-protocolo-de-actuacion-ante-denuncias-sobre-acoso-sexual-violencia-de-genero-acoso-laboral-y-discriminacion-arbitraria-y-deja-sin-efecto-pdf-144-mb\\_131080\\_0\\_0951.pdf](http://www.uchile.cl/documentos/decreto-exento-n199422019-nuevo-protocolo-de-actuacion-ante-denuncias-sobre-acoso-sexual-violencia-de-genero-acoso-laboral-y-discriminacion-arbitraria-y-deja-sin-efecto-pdf-144-mb_131080_0_0951.pdf); Cornell University, *Prohibited Bias, Discrimination, Harassment and Sexual and Related Misconduct* (Sept. 11, 2019), [https://www.dfa.cornell.edu/sites/default/files/vol6\\_4.pdf](https://www.dfa.cornell.edu/sites/default/files/vol6_4.pdf); London School of Economics and Political Science, *Sexual Harassment and Sexual Violence Policy* (June 19, 2018), <https://info.lse.ac.uk/staff/services/Policies-and-procedures/Assets/Documents/harVioPol.pdf>.
- 19 See: University of Cambridge, *Procedure on Student Harassment and Sexual Misconduct* (July 4, 2018), [https://www.studentcomplaints.admin.cam.ac.uk/files/procedure\\_on\\_student\\_harassment\\_and\\_sexual\\_misconduct\\_with\\_explanatory\\_notes\\_-\\_2019.pdf](https://www.studentcomplaints.admin.cam.ac.uk/files/procedure_on_student_harassment_and_sexual_misconduct_with_explanatory_notes_-_2019.pdf); University of the Andes (Colombia), *Protocolo ante Acoso y Abuso Sexual (Protocol against Sexual Harassment and Abuse)* (May 2018), <https://www.uandes.cl/wp-content/uploads/2019/01/Protocolo-ante-acoso-y-abuso-sexual-2.pdf>; National Women's Institute, Ministry of Health and Social Development of Argentina, *Guía para la Prevención e Intervención de Situaciones de Violencia Contra las Mujeres en Las Organizaciones (Guide for the Prevention of and Intervention in Situations of Violence against Women in Organizations)* (2018), <https://www.argentina.gob.ar/sites/default/files/guiaprevencionsituacionesviolenciaenorganizaciones.pdf>.
- 20 See: Organization of American States, *Policy and Conflict Resolution System for Prevention and Elimination of All Forms of Workplace Harassment* (Oct. 15, 2015), [http://www.oas.org/legal/english/gensec/EXOR1502\\_APPENDIX\\_B.docx](http://www.oas.org/legal/english/gensec/EXOR1502_APPENDIX_B.docx); World Bank, *Living our Values: Code of Conduct* (Nov. 2009), <http://documentos.bancomundial.org/curated/en/147281468337279671/pdf/624110BRIOWorl00Box0361478BOPUBLICO.pdf>; Harvard University, *Sexual and Gender-Based Harassment and Procedures for the Faculty of Arts and Sciences* (January 13, 2016), [https://www.fas.harvard.edu/files/fas/files/fas\\_sexual\\_and\\_gender-based\\_harassment\\_policy\\_and\\_procedures-1-13-16.pdf](https://www.fas.harvard.edu/files/fas/files/fas_sexual_and_gender-based_harassment_policy_and_procedures-1-13-16.pdf).
- 21 Violence and Harassment Convention, *supra* note 2
- 22 Marisol Fernández Revoredo, *El acoso sexual en la Universidad: Del negacionismo al reconocimiento y a la resistencia (Sexual harassment at the University: From denialism to recognition and resistance)*, Discourses of the South no. 4 (July/Nov. 2019), <https://revistasinvestigacion.unmsm.edu.pe/index.php/discursos/article/view/16997/14465>.
- 23 *Ibid.*

- 24 Vicki Schultz, *Reconceptualizing Sexual Harassment, Again*, Yale Law Journal 128, (June 2018), <https://www.yalelawjournal.org/forum/reconceptualizing-sexual-harassment-again>.
- 25 Lauren Daley et. al., *Sexual Harassment in the Workplace: How companies can prepare, prevent, respond, and transform their culture*, Catalyst (2018), [https://www.catalyst.org/wp-content/uploads/2019/01/sexual\\_harassment\\_in\\_the\\_workplace\\_report.pdf](https://www.catalyst.org/wp-content/uploads/2019/01/sexual_harassment_in_the_workplace_report.pdf).
- 26 U.S. Equal Employment Opportunity Commission, *Select Task Force on the Study of Harassment in the Workplace: Report of Co-Chairs Chai R. Feldblum & Victoria A. Lipnic* (June 2016), [https://www.eeoc.gov/eeoc/task\\_force/harassment/report.cfm](https://www.eeoc.gov/eeoc/task_force/harassment/report.cfm); Vicki Schultz, *Open Statement on Sexual Harassment From Employment Discrimination Law Scholars*, Stanford Law Review 71(17), 17-48 (June 2018), [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3198727#](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3198727#).
- 27 Vicki Schultz, *Reconceptualizing Sexual Harassment, Again*, supra note 25
- 28 *Ibid.*
- 29 The National Academies of Sciences, Engineering & Medicine, *Sexual Harassment of Women: Climate, Culture and Consequences in Academic Sciences, Engineering, and Medicine* (2018), <https://www.nap.edu/catalog/24994/sexual-harassment-of-women-climate-culture-and-consequences-in-academic>.
- 30 U.S. Equal Employment Opportunity Commission, *Select Task Force on the Study of Harassment in the Workplace: Report of Co-Chairs Chai R. Feldblum & Victoria A. Lipnic*, supra note 27
- 31 *Ibid.*
- 32 *Ibid.*; Chloe Grace Hart, Alison Dahl Crossley & Shelley J. Correll, *Leader Messaging and Attitudes toward Sexual Violence*, Socius: Sociological Research for a Dynamic World vol. 4 (2018), <https://journals.sagepub.com/doi/10.1177/2378023118808617>.
- 33 Lauren Daley et. al., *Sexual Harassment in the Workplace: How companies can prepare, prevent, respond, and transform their culture*, supra note 26; GQUAL: Campaign for gender parity in international representation, *The GQUAL Declaration*, <http://www.gqualcampaign.org/wp-content/uploads/2015/09/TEMP.pdf>.
- 34 Vicki Schultz, *Reconceptualizing Sexual Harassment, Again*, supra note 25; Viviana Krsticevic, *GQUAL: Gender Equality in International Tribunals and an Achievable Step with Global Impact*, <http://www.gqualcampaign.org/wp-content/uploads/2016/01/ENGLISH-2016-01-07-GQUAL-Concept-Note.pdf>.
- 35 Vicki Schultz, *Reconceptualizing Sexual Harassment, Again*, supra note 25
- 36 *Id.*
- 37 Code Blue, *An Urgent Interim Response to the UN's Sexual Abuse Crisis* (Feb. 23, 2018), <http://www.codebluecampaign.com/press-releases/2018/2/23-1>.
- 38 See: Oxfam, *Independent Commission: toward a more accountable Oxfam*, supra note 10; Meg Otieno Ateli, *Transforming Oxfam's Culture*, <https://www.oxfam.org/en/transforming-oxfams-culture>.
- 39 See: Association of American Universities (AAU), *Climate Survey 2019*, <https://www.aau.edu/key-issues/campus-climate-and-safety/aau-campus-climate-survey-2019>.
- 40 *Id.*, p. 3.
- 41 *Ibid.*
- 42 See: Oxfam, *Independent Commission: toward a more accountable Oxfam*, supra note 10; See also: *Independent Commission on Sexual Misconduct, Accountability and Culture, Committing to Change, Protecting People: Toward a more accountable Oxfam, Final Report* (June 2019), [https://www-cdn.oxfam.org/s3fs-public/oxfam\\_ic\\_final\\_report-en.pdf](https://www-cdn.oxfam.org/s3fs-public/oxfam_ic_final_report-en.pdf).
- 43 *Ibid.*
- 44 *Ibid.*
- 45 *Ibid.*
- 46 See more in Chapter IV.B on Obligated Persons
- 47 Inter-American Commission on Human Rights, *Equality and Non-Discrimination: Inter-American Standards* (Feb. 12, 2019), <https://www.oas.org/en/iachr/reports/pdfs/Compendium-EqualityNonDiscrimination.pdf>.
- 48 See: Oxfam International, *Safeguarding policy and procedures at Oxfam*, <https://www.oxfam.org/en/what-we-do/about/safeguarding>; Oxfam International, *One Oxfam Policy on Protection from Sexual Exploitation and Abuse (PSEA)* (Dec. 2018), [https://www-cdn.oxfam.org/s3fs-public/one\\_oxfam\\_psea\\_policy\\_en.pdf](https://www-cdn.oxfam.org/s3fs-public/one_oxfam_psea_policy_en.pdf).
- 49 See: Oxfam, *Improving Safeguarding and Culture at OXFAM*, December 2019, [https://www.oxfam.de/system/files/oxfam\\_safeguarding\\_and\\_culture\\_report\\_december\\_2019\\_en.pdf](https://www.oxfam.de/system/files/oxfam_safeguarding_and_culture_report_december_2019_en.pdf)
- 50 Raising the Bar, *Improving the Nomination and Election of Judges to the International Criminal Court*, <https://www.justiceinitiative.org/uploads/a43771ed-8c93-424f-ac83-b0317feb23b7/raising-the-bar-20191112.pdf>
- 51 *Ibid.*
- 52 See below, Chapter VI.E
- 53 Jana Beaver, Jeremy Stafford & Dan Hallock, *The Influence of Organizational Culture on Sexual Harassment Training: A Confirmatory Analysis*, <http://buildingthepride.com/jobie/uploads/JOBIEV19J146.pdf>; U.S. Equal Employment Opportunity Commission, *Select Task Force on the Study of Harassment in the Workplace: Report of Co-Chairs Chai R. Feldblum & Victoria A. Lipnic*, supra note 27
- 54 Bernie McCann, *Does Sexual Harassment Training Work?*, EASNA Annual Institute (2018), <https://www.easna.org/wp-content/uploads/2018/05/Does-Sexual-Harassment-Training-Work-handout.pdf>; Mark V. Roehling & Jason Huang, *Sexual harassment training effectiveness: An interdisciplinary review and call for research*, J. of Org. Behavior (2018), <http://jasonhuangatwork.com/papers/Roehling%20&%20Huang%202018%20JOB.pdf>.
- 55 Mark V. Roehling & Jason Huang, *Ibid.*
- 56 *Ibid.*; Susan Bisom-Rapp, *Sex Harassment Training Must Change: The Case for Legal Incentives for Transformative Education and Prevention*, Stanford Law Review, vol. 71 (2018), <https://review.law.stanford.edu/wp-content/uploads/sites/3/2018/06/71-Stan.-L.-Rev.-Online-Bisom-Rapp.pdf>.
- 57 U.S. Equal Employment Opportunity Commission, *Select Task Force on the Study of Harassment in the Workplace: Report of Co-Chairs Chai R. Feldblum & Victoria A. Lipnic*, supra note 27
- 58 See above, Chapter VI.A
- 59 Elizabeth Tippet, *Harassment Trainings: A Content Analysis*, Berkeley J. of Employment and Labor L. (2018), <https://lawcat.berkeley.edu/record/1128469?ln=en>.

- 60 Helen Campbell & Suzi Chinnery, *What Works? Preventing & Responding to Sexual Harassment in the Workplace*, CARE (Nov. 2018), <https://www.care.org.au/wp-content/uploads/2018/12/STOP-Rapid-Review.pdf>; Universities UK, *Changing Culture: Tackling gender-based violence, harassment and hate crime: two years on* (Oct. 2019), <https://universitiesuk.ac.uk/policy-and-analysis/reports/Documents/2019/uuk-changing-the-culture-two-years-on.pdf>.
- 61 Shereen Bingham & Lisa Scherer, *The Unexpected Effects of a Sexual Harassment Educational Program*, *J. of Applied Behavioral Science* (June 1, 2001), <https://doi.org/10.1177/0021886301372001>.
- 62 Carmina Ravanera & Joyce He, *Anti-sexual harassment training: does it work?* *Gender and the Economy* (Nov. 27, 2019), <https://www.gendereconomy.org/anti-sexual-harassment-training-does-it-work/>; See also: Kalinoski, Z.T., et al., *A meta-analytic evaluation of diversity training outcomes*, *Journal of Organizational Behavior* 34(8), 1076-1104 (2012)
- 63 *Ibid.*; Elizabeth Tippett, *Harassment Trainings: A Content Analysis*, *supra* note 61
- 64 U.S. Equal Employment Opportunity Commission, *Select Task Force on the Study of Harassment in the Workplace: Report of Co-Chairs Chai R. Feldblum & Victoria A. Lipnic*, *supra* note 27
- 65 *Ibid.*; Elizabeth Tippett, *Harassment Trainings: A Content Analysis*, *supra* note 61
- 66 U.S. Equal Employment Opportunity Commission, *Select Task Force on the Study of Harassment in the Workplace: Report of Co-Chairs Chai R. Feldblum & Victoria A. Lipnic*, *supra* note 27
- 67 Carmina Ravanera & Joyce He, *Anti-sexual harassment training: does it work?* *Gender and the Economy*, *supra* note 64
- 68 See: American University, *University Policy: Discrimination and Sexual Harassment Policy* (Aug. 28, 2019), <https://www.american.edu/policies/au-community/upload/discrimination-and-sexual-harassment-policy-09-05-19-final.pdf>; Stanford University, *Sexual Harassment* (Aug. 2, 2016), <https://adminguide.stanford.edu/chapter-1/subchapter-7/policy-1-7-1>.
- 69 Jana Beaver, Jeremy Stafford & Dan Hallock, *The Influence of Organizational Culture on Sexual Harassment Training: A Confirmatory Analysis*, *supra* note 55
- 70 Carmina Ravanera & Joyce He, *Anti-sexual harassment training: does it work?* *supra* note 64; U.S. Equal Employment Opportunity Commission, *Select Task Force on the Study of Harassment in the Workplace: Report of Co-Chairs Chai R. Feldblum & Victoria A. Lipnic*, *supra* note 27
- 71 Carmina Ravanera & Joyce He, *Anti-sexual harassment training: does it work?* *supra* note 64
- 72 Joan Tabachnick, *Engaging Bystanders in Sexual Violence Prevention*, National Sexual Violence Resource Center (2009), [https://www.nsvrc.org/sites/default/files/2012-03/Publications\\_NSVRC\\_Booklets\\_Engaging-Bystanders-in-Sexual-Violence-Prevention.pdf](https://www.nsvrc.org/sites/default/files/2012-03/Publications_NSVRC_Booklets_Engaging-Bystanders-in-Sexual-Violence-Prevention.pdf).
- 73 U.S. Equal Employment Opportunity Commission, *Select Task Force on the Study of Harassment in the Workplace: Report of Co-Chairs Chai R. Feldblum & Victoria A. Lipnic*, *supra* note 27
- 74 *Ibid.*
- 75 Brigid Schulte, *To Combat Harassment, More Companies Should Try Bystander Training*, *Harvard Business Review* (October 2018), <https://hbr.org/2018/10/to-combat-harassment-more-companies-should-try-bystander-training>.
- 76 Claire Cain Miller, *Sexual Harassment Training Doesn't Work. But Some Things Do*, *The New York Times* (December 11, 2017), <https://www.nytimes.com/2017/12/11/upshot/sexual-harassment-workplace-prevention-effective.html>.
- 77 See: Monterrey Institute of Technology and Higher Education, *Protocolo de Actuación para la Prevención y Atención de Violencia de Género en el Instituto Tecnológico y de Estudios Superiores de Monterrey (Protocol of Action for the Prevention and Handling of Gender Violence in the Monterrey Institute of Technology and Higher Education)* (Dec. 2017), <https://tec.mx/sites/default/files/2018-01/ProtocoloViolenciadeGenero.pdf>; National Women's Institute, Ministry of Health and Social Development of Argentina, *Guía para la Prevención e Intervención de Situaciones de Violencia Contra las Mujeres en Las Organizaciones (Guide for the Prevention of and Intervention in Situations of Violence against Women in Organizations)*, *supra* note 18
- 78 National Women's Institute, Ministry of Health and Social Development of Argentina, *Guía para la Prevención e Intervención de Situaciones de Violencia Contra las Mujeres en Las Organizaciones (Guide for the Prevention of and Intervention in Situations of Violence against Women in Organizations)*, *supra* note 20
- 79 Marisol Fernández Revoredo, *El acoso sexual en la Universidad: Del negacionismo al reconocimiento y a la resistencia (Sexual harassment at the University: From denialism to recognition and resistance)*, *supra* note 23
- 80 See: Organization of American States, *Policy and Conflict Resolution System for Prevention and Elimination of All Forms of Workplace Harassment*, *supra* note 21; World Bank, *Living our Values: Code of Conduct*, *supra* note 21; Harvard University, *Sexual and Gender-Based Harassment and Procedures for the Faculty of Arts and Sciences*, *supra* note 21; Monterrey Institute of Technology and Higher Education, *Protocolo de Actuación para la Prevención y Atención de Violencia de Género en el Instituto Tecnológico y de Estudios Superiores de Monterrey (Protocol of Action for the Prevention and Handling of Gender Violence in the Monterrey Institute of Technology and Higher Education)*, *supra* note 79; National Autonomous University of Mexico, *Protocolo para la Atención de Casos de Violencia de Género en la UNAM (Protocol for Handling Cases of Gender Violence at UNAM)* (Aug. 2016), <https://igualdaddegenero.unam.mx/wp-content/uploads/2016/08/protocolo-de-actuacion-en-casos-de-violencia-de-genero.pdf>; Ibero-American University, *Protocolo de Actuación para la Prevención y Atención de Discriminación y Violencia de Género en la Universidad Iberoamericana (Action Protocol for the Prevention and Handling of Discrimination and Gender Violence at the Ibero-American University)* (2018), <https://charlasgenero.colmex.mx/wp-content/uploads/2018/10/ProtocoloIBERO.pdf>.
- 81 National Women's Institute, Ministry of Health and Social Development of Argentina, *Guía para la Prevención e Intervención de Situaciones de Violencia Contra las Mujeres en Las Organizaciones (Guide for the Prevention of and Intervention in Situations of Violence against Women in Organizations)*, *supra* note 20
- 82 *Ibid.*
- 83 See recommendation 35 of the CEDAW Committee, CEDAW/C/GC/35, "Gender-based violence against women occurs in all spaces and spheres of human interaction, whether public or private, including in the contexts of the family, the community, public spaces, the workplace, leisure, politics, sport, health services and educational settings, and the redefinition of public and private through technology-mediated environments, such as contemporary forms of violence occurring online and in other digital environments. In all those settings, gender-based violence against women can result from acts or omissions of State or non-State actors, acting territorially or extraterritorially, including extraterritorial military actions of States, individually or as members of international or intergovernmental organizations or coalitions, or extraterritorial operations of private corporations."
- 84 Convention on the Elimination of All Forms of Discrimination against Women, *supra* note 6
- 85 *Ibid.*; See: International Convention on the Elimination of All Forms of Racial Discrimination (CERD), UN res. 2106A(XX), (1965), <https://www.ohchr.org/Documents/ProfessionalInterest/cerd.pdf>; Inter-American Commission on Human Rights, *Equality and Non-Discrimination: Inter-American Standards*, *supra* note 48
- 86 Office of Justice Programs: Office for Victims of Crime Training and Technical Assistance Center, *Human Trafficking E-Guide: Victim-Centered Approach*, <https://www.ovcttac.gov/taskforceguide/eguide/1-understanding-human-trafficking/13-victim-centered-approach/>.
- 87 American Convention on Human Rights, [https://www.oas.org/dil/treaties\\_B-32\\_American\\_Convention\\_on\\_Human\\_Rights.htm](https://www.oas.org/dil/treaties_B-32_American_Convention_on_Human_Rights.htm).



- 88 Ibero-American University, *Protocolo de Actuación para la Prevención y Atención de Discriminación y Violencia de Género en la Universidad Iberoamericana (Action Protocol for the Prevention and Handling of Discrimination and Gender Violence at the Ibero-American University)*, *supra* note 82
- 89 National Women's Institute, Ministry of Health and Social Development of Argentina, *Guía para la Prevención e Intervención de Situaciones de Violencia Contra las Mujeres en Las Organizaciones (Guide for the Prevention of and Intervention in Situations of Violence against Women in Organizations)*, *supra* note 20
- 90 See: National Autonomous University of Mexico, *Protocolo para la Atención de Casos de Violencia de Género en la UNAM (Protocol for Handling Cases of Gender Violence at UNAM)*, *supra* note 82; Ibero-American University, *Protocolo de Actuación para la Prevención y Atención de Discriminación y Violencia de Género en la Universidad Iberoamericana (Action Protocol for the Prevention and Handling of Discrimination and Gender Violence at the Ibero-American University)*, *supra* note 82
- 91 National Women's Institute, Ministry of Health and Social Development of Argentina, *Guía para la Prevención e Intervención de Situaciones de Violencia Contra las Mujeres en Las Organizaciones (Guide for the Prevention of and Intervention in Situations of Violence against Women in Organizations)*, *supra* note 20
- 92 See: Ibero-American University, *Protocolo de Actuación para la Prevención y Atención de Discriminación y Violencia de Género en la Universidad Iberoamericana (Action Protocol for the Prevention and Handling of Discrimination and Gender Violence at the Ibero-American University)*, *supra* note 82
- 93 See: Monterrey Institute of Technology and Higher Education, *Protocolo de Actuación para la Prevención y Atención de Violencia de Género en el Instituto Tecnológico y de Estudios Superiores de Monterrey (Protocol of Action for the Prevention and Handling of Gender Violence in the Monterrey Institute of Technology and Higher Education)*, *supra* note 79
- 94 See: National Women's Institute, Ministry of Health and Social Development of Argentina, *Guía para la Prevención e Intervención de Situaciones de Violencia Contra las Mujeres en Las Organizaciones (Guide for the Prevention of and Intervention in Situations of Violence against Women in Organizations)*, *supra* note 20
- 95 See: Universidad de Chile, *Protocolo de Actuación ante Denuncias sobre Acoso Sexual, Violencia de Género, Acoso Laboral y Discriminación Arbitraria (Protocol of Action in the face of Complaints about Sexual Harassment, Gender Violence, Workplace Harassment and Arbitrary Discrimination)*, *supra* note 19
- 96 See: National Public Defender's Office of Argentina, *Protocolo de Actuación para la Prevención y la Intervención en Casos de Discriminación por Motivos de Género (Action Protocol for Prevention and Intervention in Cases of Discrimination on the Basis of Gender)* (June 19, 2019), [https://www.mpd.gov.ar/pdf/Res%20Prot%20y%20Anexo\\_genero\\_v2.pdf](https://www.mpd.gov.ar/pdf/Res%20Prot%20y%20Anexo_genero_v2.pdf).
- 97 *Violence and Harassment Convention*, *supra* note 2
- 98 *Id.* Article 2: "... protects workers and other persons in the world of work, including employees as defined by national law and practice, as well as persons working irrespective of their contractual status, persons in training, including interns and apprentices, workers whose employment has been terminated, volunteers, jobseekers and job applicants, and individuals exercising the authority, duties or responsibilities of an employer."
- 99 U.S. Department of Education: Office for Civil Rights, *Title IX and Sex Discrimination* (2000), [https://www2.ed.gov/about/offices/list/ocr/docs/tix\\_dis.html](https://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html).
- 100 See: *World Bank, WBG Action Plan for Preventing and Addressing Sexual Harassment: Fiscal Years 2019-2021*, <http://pubdocs.worldbank.org/en/895091561658673520/WBG-Sexual-Harassment-Action-Plan-FINAL-Public.pdf>; World Health Organization, *Sexual Exploitation and Abuse Prevention and Response: Policy and Procedures* (March 2017), [https://www.who.int/about/ethics/sexual-exploitation\\_abuse-prevention\\_response\\_policy.pdf?ua=1](https://www.who.int/about/ethics/sexual-exploitation_abuse-prevention_response_policy.pdf?ua=1).
- 101 See: Liaison Office for Human Rights and Advice of the Presidency of Mexico, *Manual de Buenas Prácticas para Investigar y Sancionar el Acoso Laboral y/o el Acoso Sexual en La Suprema Corte de Justicia de la Nación (Manual of Good Practices to Investigate and Punish Labor Harassment and/or Sexual Harassment before the Supreme Court of Justice of the Nation)* (2012), [https://www.gob.mx/cms/uploads/attachment/file/48447/MANUAL\\_DE\\_BUENAS\\_PRACTICAS.pdf](https://www.gob.mx/cms/uploads/attachment/file/48447/MANUAL_DE_BUENAS_PRACTICAS.pdf).
- 102 See: Monterrey Institute of Technology and Higher Education, *Protocolo de Actuación para la Prevención y Atención de Violencia de Género en el Instituto Tecnológico y de Estudios Superiores de Monterrey (Protocol of Action for the Prevention and Handling of Gender Violence in the Monterrey Institute of Technology and Higher Education)*, *supra* note 79; University of Seville, *Protocolo para la Prevención, Evaluación e Intervención ante el Acoso en la Universidad de Sevilla (Protocol for the Prevention, Assessment and Intervention against Harassment at the University of Seville)*, *supra* note 18
- 103 *Ibid.*
- 104 See: Autonomous University of Barcelona, *Protocol to prevent and act against sexual harassment, harassment on grounds of sex, sexual orientation, gender identity or gender expression, and male chauvinist violence*, *supra* note 18; University of Sciences and Humanities, *Reglamento de Prevención y Protocolo de Intervención en Casos de Hostigamiento Sexual (Regulation for Prevention and Intervention Protocol in Cases of Sexual Harassment)* (2019), <http://www.uch.edu.pe/sites/default/files/PDF/REGLAMENTO%20PREVENCION%20HOSTIGAMIENTO%20SEXUAL%20-%20PROTOCOLO.pdf>.
- 105 See: Liaison Office for Human Rights and Advice of the Presidency of Mexico, *Manual de Buenas Prácticas para Investigar y Sancionar el Acoso Laboral y/o el Acoso Sexual en La Suprema Corte de Justicia de la Nación (Manual of Good Practices to Investigate and Punish Labor Harassment and/or Sexual Harassment before the Supreme Court of Justice of the Nation)*, *supra* note 103
- 106 See: National Women's Institute, Ministry of Health and Social Development of Argentina, *Guía para la Prevención e Intervención de Situaciones de Violencia Contra las Mujeres en Las Organizaciones (Guide for the Prevention of and Intervention in Situations of Violence against Women in Organizations)*, *supra* note 20
- 107 *Ibid.*
- 108 See: Ibero-American University, *Protocolo de Actuación para la Prevención y Atención de Discriminación y Violencia de Género en la Universidad Iberoamericana (Action Protocol for the Prevention and Handling of Discrimination and Gender Violence at the Ibero-American University)*, *supra* note 82; National Autonomous University of Mexico, *Protocolo para la Atención de Casos de Violencia de Género en la UNAM (Protocol for Handling Cases of Gender Violence at UNAM)*, *supra* note 82
- 109 See: International Finance Corporation, *Addressing Gender-Based Violence in the Workforce* (May 2018), [https://www.commddev.org/pdf/publications/ToolSuite4\\_Interior\\_FIN-05-16\\_LoRes.pdf](https://www.commddev.org/pdf/publications/ToolSuite4_Interior_FIN-05-16_LoRes.pdf); Ibero-American University, *Protocolo de Actuación para la Prevención y Atención de Discriminación y Violencia de Género en la Universidad Iberoamericana (Action Protocol for the Prevention and Handling of Discrimination and Gender Violence at the Ibero-American University)*, *supra* note 82; National Autonomous University of Mexico, *Protocolo para la Atención de Casos de Violencia de Género en la UNAM (Protocol for Handling Cases of Gender Violence at UNAM)*, *supra* note 82
- 110 See below, Chapter E.2.5

- 111 See: The Network, *Best Practices in Ethics Hotlines: A framework for creating an effective anonymous reporting program* (2005), <https://la-acef.org/images/downloads/Resources/bestpracticesinethics2005.pdf>; Helen Campbell & Suzi Chinnery, *What Works? Preventing & Responding to Sexual Harassment in the Workplace*, *supra* note 62
- 112 See: World Bank, *Reporting sexual misconduct*, <https://www.worldbank.org/en/about/unit/reporting-sexual-misconduct>; Pennsylvania State University, *Sexual And/or Gender-Based Harassment and Misconduct (Including Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, Stalking, and Related Inappropriate Conduct)* (January 27, 2014), <https://policy.psu.edu/policies/ad85>; University of California, *Sexual Violence and Sexual Harassment*, *supra* note 19
- 113 Ethics Global, *Reporting Channels*, <https://www.ethicsglobal.com/en/reporting-channels.html>.
- 114 See: World Bank, *Reporting sexual misconduct*, *supra* note 114
- 115 NAVEX Global, *Ethics, Compliance and Complaints*, <https://secure.ethicspoint.com/domain/media/en/gui/25899/index.html>.
- 116 See: Center for Research and Teaching in Economics, *Protocolo de Atención para Casos de Discriminación y Violencia de Género (Protocol for Assistance in Cases of Gender Discrimination and Violence)* (Feb. 26, 2019), <https://www.cide.edu/assets/descargable/ProtocoloCIDE2019.pdf>.
- 117 *Id.*
- 118 See: UN News, *UN launches 24-hour hotline for staff to report sexual harassment* (Feb. 24, 2018), <https://news.un.org/en/story/2018/02/1003612>; Oxfam International, *Safeguarding policy and procedures at Oxfam*, *supra* note 49
- 119 *Id.*
- 120 Valerie Junod, *Practices for an Internal Whistleblowing Platform*, *Frontiers of Law in China* 10(3), 475-487 (2015), <http://journal.hep.com.cn/flc/EN/Y2015/V10/I3/475>.
- 121 See: U.S. Equal Employment Opportunity Commission, *Select Task Force on the Study of Harassment in the Workplace: Report of Co-Chairs Chai R. Feldblum & Victoria A. Lipnic*, *supra* note 27; Valeria Junod, *Best Practices for an Internal Whistleblowing Platform*, *supra* note 123
- 122 See: Organization of American States, *Policy and Conflict Resolution System for Prevention and Elimination of All Forms of Workplace Harassment*, *supra* note 21; Harvard University, *Sexual and Gender-Based Harassment and Procedures for the Faculty of Arts and Sciences*, *supra* note 21
- 123 See: Monterrey Institute of Technology and Higher Education, *Protocolo de Actuación para la Prevención y Atención de Violencia de Género en el Instituto Tecnológico y de Estudios Superiores de Monterrey (Protocol of Action for the Prevention and Handling of Gender Violence in the Monterrey Institute of Technology and Higher Education)*, *supra* note 79; Ibero-American University, *Protocolo de Actuación para la Prevención y Atención de Discriminación y Violencia de Género en la Universidad Iberoamericana (Action Protocol for the Prevention and Handling of Discrimination and Gender Violence at the Ibero-American University)*, *supra* note 82
- 124 See: National Women's Institute, Ministry of Health and Social Development of Argentina, *Guía para la Prevención e Intervención de Situaciones de Violencia Contra las Mujeres en Las Organizaciones (Guide for the Prevention of and Intervention in Situations of Violence against Women in Organizations)*, *supra* note 20
- 125 See: National Public Defender's Office of Argentina, *Protocolo de Actuación para la Prevención y la Intervención en Casos de Discriminación por Motivos de Género (Action Protocol for Prevention and Intervention in Cases of Discrimination on the Basis of Gender)*, *supra* note 98
- 126 See: Secretary-General's bulletin, *Addressing discrimination, harassment, including sexual harassment, and abuse of authority* (ST/SGB/2019/8), Sept. 10, 2019, <https://undocs.org/en/ST/SGB/2019/8>; Stanford University, *Sexual Harassment*, *supra* note 70; University of California, *Violencia sexual y acoso sexual*, *supra* note 19; Cornell University, *Procedures of Reports Against Employees Under Cornell University Policy 6.4 for the Following Acts of Prohibited Conduct: ... Sexual Assault, Sexual Exploitation, ...* (June 1, 2019), <https://cpb-us-e1.wpmucdn.com/blogs.cornell.edu/dist/6/7016/files/2019/05/Procedures-for-Resolution-of-Reports-Against-Employees-Under-Cornell-University-Policy-6.4-6.1.2019-1.pdf>.
- 127 See: Monterrey Institute of Technology and Higher Education, *Protocolo de Actuación para la Prevención y Atención de Violencia de Género en el Instituto Tecnológico y de Estudios Superiores de Monterrey (Protocol of Action for the Prevention and Handling of Gender Violence in the Monterrey Institute of Technology and Higher Education)*, *supra* note 79
- 128 See: University of Cambridge, *Procedure on Student Harassment and Sexual Misconduct*, *supra* note 20; Center for Research and Teaching in Economics, *Protocolo de Atención para Casos de Discriminación y Violencia de Género (Protocol for Assistance in Cases of Gender Discrimination and Violence)*, *supra* note 118; Indiana University, *Sexual Misconduct Policy* (July 1, 2019), <https://policies.iu.edu/files/policy-pdfs/ua-03-sexual-misconduct.pdf>; Pennsylvania State University, *Sexual And/or Gender-Based Harassment and Misconduct (Including Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, Stalking, and Related Inappropriate Conduct)*, *supra* note 114; University of Sciences and Humanities, *Reglamento de Prevención y Protocolo de Intervención en Casos de Hostigamiento Sexual (Regulation for Prevention and Intervention Protocol in Cases of Sexual Harassment)*, *supra* note 106; Universidad Externado de Colombia, *Protocolo de Atención en Casos de Violencia y Acoso en la Universidad Externado de Colombia (Protocol for Handling Cases of Violence and Harassment at the Externado de Colombia University)* (March 2019), <https://www.uexternado.edu.co/wp-content/uploads/2019/03/Protocolo.pdf>; University of Buenos Aires, *Protocolo de Intervención Institucional ante Denuncias por Violencia de Género, Acoso Sexual y Discriminación de Género (Protocol for Institutional Intervention following Complaints of Gender Violence, Sexual Harassment and Gender Discrimination)* (Dec. 9, 2015), <http://www.derecho.uba.ar/institucional/programasinstitucionales/programa-para-la-prevencion-de-la-violencia/documentos/resolucion-4043-15.pdf>; University of Seville, *Protocolo para la Prevención, Evaluación e Intervención ante el Acoso en la Universidad de Sevilla (Protocol for the Prevention, Assessment and Intervention against Harassment at the University of Seville)*, *supra* note 18; Universidad de Chile, *Protocolo de Actuación ante Denuncias sobre Acoso Sexual, Violencia de Género, Acoso Laboral y Discriminación Arbitraria (Protocol of Action in the face of Complaints about Sexual Harassment, Gender Violence, Workplace Harassment and Arbitrary Discrimination)*, *supra* note 19; Harvard University, *Sexual and Gender-Based Harassment and Procedures for the Faculty of Arts and Sciences*, *supra* note 21.
- 129 See: University of Sciences and Humanities, *Reglamento de Prevención y Protocolo de Intervención en Casos de Hostigamiento Sexual (Regulation for Prevention and Intervention Protocol in Cases of Sexual Harassment)*, *supra* note 106
- 130 See: Cornell University, *Procedures for Resolution of Reports Against Staff under Cornell University Policy 6.4 for the Following Acts of Prohibited Conduct: Prohibited Discrimination; and Retaliation* (June 1, 2019), <https://cpb-us-e1.wpmucdn.com/blogs.cornell.edu/dist/6/7016/files/2019/05/Procedures-for-Resolution-of-Reports-of-Prohibited-Discrimination-Against-Staff-Under-Cornell-University-Policy-6.4-6.1.2019-2.pdf>.
- 131 *Ibid.*
- 132 See: Cornell University, *Procedures of Reports Against Employees Under Cornell University Policy 6.4 for the Following Acts of Prohibited Conduct: ...Sexual Assault, Sexual Exploitation, ...*, *supra* note 128; National Autonomous University of Mexico, *Protocolo para la Atención de Casos de Violencia de Género en la UNAM (Protocol for Handling Cases of Gender Violence at UNAM)*, *supra* note 82; Monterrey Institute of Technology and Higher Education, *Protocolo de Actuación para la Prevención y Atención de Violencia de Género en el Instituto Tecnológico y de Estudios Superiores de Monterrey (Protocol of Action for the Prevention and Handling of Gender Violence in the Monterrey Institute of Technology and Higher Education)*, *supra* note 79

- 133 See the definition given in Legal Information Institute, Cornell Law School, [https://www.law.cornell.edu/wex/preponderance\\_of\\_the\\_evidence](https://www.law.cornell.edu/wex/preponderance_of_the_evidence); See also: <https://dictionary.law.com/Default.aspx?selected=1586> "preponderance of the evidence n. the greater weight of the evidence required in a civil (non-criminal) lawsuit for the trier of fact (jury or judge without a jury) to decide in favor of one side or the other. This preponderance is based on the more convincing evidence and its probable truth or accuracy, and not on the amount of evidence. Thus, one clearly knowledgeable witness may provide a preponderance of evidence over a dozen witnesses with hazy testimony, or a signed agreement with definite terms may outweigh opinions or speculation about what the parties intended. Preponderance of the evidence is required in a civil case and is contrasted with "beyond a reasonable doubt," which is the more severe test of evidence required to convict in a criminal trial. No matter what the definition stated in various legal opinions, the meaning is somewhat subjective."
- 134 Inter-American Court of Human Rights, *Inés Fernández Ortega et al. v. Mexico*, 30 August 2010, *Preliminary Objection, Merits, Reparations and Costs*, See also: *National Autonomous University of Mexico, Protocolo para la Atención de Casos de Violencia de Género en la UNAM (Protocol for Handling Cases of Gender Violence at UNAM)*, *supra* note 82
- 135 See: Cornell University, *Procedures of Reports Against Employees Under Cornell University Policy 6.4 for the Following Acts of Prohibited Conduct...Sexual Assault, Sexual Exploitation...*, *supra* note 128
- 136 *Ibid.*
- 137 Inter-American Commission on Human Rights: Rapporteurship on the Rights of Women, *Access to Justice for Women Victims of Violence in the Americas*, [http://www.cidh.org/women/Access07/chap1.htm#\\_ftn83](http://www.cidh.org/women/Access07/chap1.htm#_ftn83).
- 138 For an analysis of the gender gap in adjudication bodies at the international level, see: Nienke Grossman, *Achieving Sex-Representative International Court Benches*, 110 *American Journal of International Law* 82 (2016)
- 139 In relation to interdisciplinarity, see: Center for Research and Teaching in Economics, *Protocolo de Atención para Casos de Discriminación y Violencia de Género (Protocol for Assistance in Cases of Gender Discrimination and Violence)*, *supra* note 118. Regarding the term of office for the members of the Ad Hoc Committee, see: Ibero-American University, *Protocolo de Actuación para la Prevención y Atención de Discriminación y Violencia de Género en la Universidad Iberoamericana (Action Protocol for the Prevention and Handling of Discrimination and Gender Violence at the Ibero-American University)*, *supra* note 82 (three year term); Monterrey Institute of Technology and Higher Education, *Protocolo de Actuación para la Prevención y Atención de Violencia de Género en el Instituto Tecnológico y de Estudios Superiores de Monterrey (Protocol of Action for the Prevention and Handling of Gender Violence in the Monterrey Institute of Technology and Higher Education)*, *supra* note 79 (one year term)
- 140 See: Ibero-American University, *Protocolo de Actuación para la Prevención y Atención de Discriminación y Violencia de Género en la Universidad Iberoamericana (Action Protocol for the Prevention and Handling of Discrimination and Gender Violence at the Ibero-American University)*, *supra* note 82; Organization of American States, *Policy and Conflict Resolution System for Prevention and Elimination of All Forms of Workplace Harassment*, *supra* note 21
- 141 See: Cornell University, *Procedures of Reports Against Students Under Cornell University Policy 6.4 for the Following Acts of Prohibited Conduct: ...Sexual Assault, Sexual Exploitation...*, *supra* note 132
- 142 See: National Public Defender's Office of Argentina, *Protocolo de Actuación para la Prevención y la Intervención en Casos de Discriminación por Motivos de Género (Action Protocol for Prevention and Intervention in Cases of Discrimination on the Basis of Gender)*, *supra* note 98; University of Sciences and Humanities, *Reglamento de Prevención y Protocolo de Intervención en Casos de Hostigamiento Sexual (Regulation for Prevention and Intervention Protocol in Cases of Sexual Harassment)*, *supra* note 106
- 143 Jorge F. Calderon Gamboa, *La reparación integral en la jurisprudencia de la Corte Interamericana de Derechos Humanos: estándares aplicables al nuevo paradigma mexicano (Comprehensive reparation in the jurisprudence of the Inter-American Court of Human Rights: standards applicable to the new Mexican paradigm)* (2013), <http://www.corteidh.or.cr/tablas/r33008.pdf>.
- 144 See: Ibero-American University, *Protocolo de Actuación para la Prevención y Atención de Discriminación y Violencia de Género en la Universidad Iberoamericana (Action Protocol for the Prevention and Handling of Discrimination and Gender Violence at the Ibero-American University)*, *supra* note 82
- 145 Howard Zehr, *The Little Book of Restorative Justice*, (2010) <https://www.unicef.org/tdad/littlebookrjpakaf.pdf>.
- 146 See: Protocol for Handling Cases of Gender Violence at UNAM, *supra* note 82
- 147 See: Universidad de Chile, *Protocolo de Actuación ante Denuncias sobre Acoso Sexual, Violencia de Género, Acoso Laboral y Discriminación Arbitraria (Protocol of Action in the face of Complaints about Sexual Harassment, Gender Violence, Workplace Harassment and Arbitrary Discrimination)*, *supra* note 19; National Autonomous University of Mexico, *Protocolo para la Atención de Casos de Violencia de Género en la UNAM (Protocol for Handling Cases of Gender Violence at UNAM)*, *supra* note 82
- 148 See: Universidad de Chile, *Protocolo de Actuación ante Denuncias sobre Acoso Sexual, Violencia de Género, Acoso Laboral y Discriminación Arbitraria (Protocol of Action in the face of Complaints about Sexual Harassment, Gender Violence, Workplace Harassment and Arbitrary Discrimination)*, *supra* note 19
- 149 See *id.*; University of Seville, *Protocolo para la Prevención, Evaluación e Intervención ante el Acoso en la Universidad de Sevilla (Protocol for the Prevention, Assessment and Intervention against Harassment at the University of Seville)*, *supra* note 18
- 150 See: Ibero-American University, *Protocolo de Actuación para la Prevención y Atención de Discriminación y Violencia de Género en la Universidad Iberoamericana (Action Protocol for the Prevention and Handling of Discrimination and Gender Violence at the Ibero-American University)*, *supra* note 82; National Public Defender's Office of Argentina, *Protocolo de Actuación para la Prevención y la Intervención en Casos de Discriminación por Motivos de Género (Action Protocol for Prevention and Intervention in Cases of Discrimination on the Basis of Gender)*, *supra* note 98; Monterrey Institute of Technology and Higher Education, *Protocolo de Actuación para la Prevención y Atención de Violencia de Género en el Instituto Tecnológico y de Estudios Superiores de Monterrey (Protocol of Action for the Prevention and Handling of Gender Violence in the Monterrey Institute of Technology and Higher Education)*, *supra* note 79
- 151 See: Autonomous University of Barcelona, *Protocol to prevent and act against sexual harassment, harassment on grounds of sex, sexual orientation, gender identity or gender expression, and male chauvinist violence*, *supra* note 18
- 152 See: University of Sciences and Humanities, *Reglamento de Prevención y Protocolo de Intervención en Casos de Hostigamiento Sexual (Regulation for Prevention and Intervention Protocol in Cases of Sexual Harassment)*, *supra* note 106; Universidad de Chile, *Protocolo de Actuación ante Denuncias sobre Acoso Sexual, Violencia de Género, Acoso Laboral y Discriminación Arbitraria (Protocol of Action in the face of Complaints about Sexual Harassment, Gender Violence, Workplace Harassment and Arbitrary Discrimination)*, *supra* note 19; Indiana University, *Sexual Misconduct Policy*, *supra* note 130
- 153 See: University of Buenos Aires, *Protocolo de Intervención Institucional ante Denuncias por Violencia de Género, Acoso Sexual y Discriminación de Género (Protocol for Institutional Intervention following Complaints of Gender Violence, Sexual Harassment and Gender Discrimination)*, *supra* note 130
- 154 *Ibid.*
- 155 *Ibid.*



- 156 See: National Public Defender's Office of Argentina, *Protocolo de Actuación para la Prevención y la Intervención en Casos de Discriminación por Motivos de Género (Action Protocol for Prevention and Intervention in Cases of Discrimination on the Basis of Gender)*, *supra* note 98
- 157 See: Monterrey Institute of Technology and Higher Education, *Protocolo de Actuación para la Prevención y Atención de Violencia de Género en el Instituto Tecnológico y de Estudios Superiores de Monterrey (Protocol of Action for the Prevention and Handling of Gender Violence in the Monterrey Institute of Technology and Higher Education)*, *supra* note 79; Ibero-American University, *Protocolo de Actuación para la Prevención y Atención de Discriminación y Violencia de Género en la Universidad Iberoamericana (Action Protocol for the Prevention and Handling of Discrimination and Gender Violence at the Ibero-American University)*, *supra* note 82
- 158 See: Ministry of Education of Chile, *Protocolos contra el Acoso Sexual en Educación Superior: Sugerencias para su elaboración (Protocols against Sexual Harassment in Higher Education: Suggestions for their elaboration)* (Dec. 2016), <https://www.mineduc.cl/wp-content/uploads/sites/19/2017/09/Procolos-contra-el-acoso-sexual-en-ESUP.pdf>.
- 159 Organization of American States, *Policy and Conflict Resolution System for Prevention and Elimination of All Forms of Workplace Harassment*, *supra* note 21
- 160 See: University of California, *Sexual Violence and Sexual Harassment*, *supra* note 19
- 161 See: George Washington University, *Sexual and Gender-Based Harassment and Interpersonal Violence Policy* (July 1, 2018), <https://haven.gwu.edu/sites/g/files/zaxdzs2106/f/downloads/Title%20IX%20Policy%20FINAL%206-29-18%20.pdf>; Ibero-American University, *Protocolo de Actuación para la Prevención y Atención de Discriminación y Violencia de Género en la Universidad Iberoamericana (Action Protocol for the Prevention and Handling of Discrimination and Gender Violence at the Ibero-American University)*, *supra* note 82; Monterrey Institute of Technology and Higher Education, *Protocolo de Actuación para la Prevención y Atención de Violencia de Género en el Instituto Tecnológico y de Estudios Superiores de Monterrey (Protocol of Action for the Prevention and Handling of Gender Violence in the Monterrey Institute of Technology and Higher Education)*, *supra* note 79; University of Seville, *Protocolo para la Prevención, Evaluación e Intervención ante el Acoso en la Universidad de Sevilla (Protocol for the Prevention, Assessment and Intervention against Harassment at the University of Seville)*, *supra* note 18
- 162 See: Swinburne University of Technology, *Preventing Sexual Assault and Sexual Harassment*, <https://www.swinburne.edu.au/about/strategy-initiatives/safety-equity/sexual-assault/>.
- 163 See more in Chapter IV.B on Obligated Persons
- 164 Universities UK, *Changing Culture: Tackling gender-based violence, harassment and hate crime: two years on*, *supra* note 62







CENTER FOR HUMAN RIGHTS  
& HUMANITARIAN LAW

*Celebrating 30 Years*