



REGIONAL SAFE
**SPACES
NETWORK**

REGIONAL TOOLKIT for PROTECTION FROM SEXUAL EXPLOITATION and ABUSE, SEXUAL HARASSMENT (PSEA/SH) and INTER-AGENCY COMMUNITY-BASED COMPLAINT REFERRAL MECHANISMS





This Regional Inter-Agency Community-Based Complaint Referral Mechanism (the “Mechanism”) in the Americas was developed under the umbrella of the Regional PSEA Network and the Regional Safe Spaces Network in the Americas with the support and coordination of the UNHCR’s Regional Legal Unit of the Americas Bureau.

Participating service providers aim to fulfil the commitments, obligations and requirements set out within this Mechanism to ensure adequate safeguards and appropriate actions are established on protection from sexual exploitation and abuse (SEA) and sexual harassment (SH).

Participating service providers are committed to openly and actively discuss and address issues that arise in the implementation of the Mechanism and in support of the work of the Regional PSEA Network and Regional Safe Space Network (RSSN) in the Americas Region.

ACKNOWLEDGEMENTS:

The Inter-Agency Community-Based Complaint Referral Mechanism (hereinafter ‘Mechanism’) in the Americas was developed under the umbrella of the Regional Safe Spaces Network (RSSN) and the Regional Protection from Sexual Exploitation and Abuse (PSEA) Network. The UNHCR’s Regional Legal Unit of the Americas Bureau of the Americas led the development of the Mechanism following consultations with concerned populations, service providers working to support refugees, migrants, displaced populations, stateless people and other on the move across the region. Pilot teams coordinated by national Safe Spaces Network in by UNHCR Focal Points in Brazil, Costa Rica, Ecuador, El Salvador, Guatemala, Venezuela conducted consultations with communities and service providers on PSEA /SH and complaint systems and tested tools as a critical step for the development of the Mechanism and the Regional PSEA/SH Toolkit. The development of the Regional Mechanism and PSEA/SH Toolkit was coordinated by UNHCR, Ana Belen Anguita Arjona Regional (UNHCR’s Senior Regional Protection Officer for the Regional Legal Unit of the Americas Bureau), facilitated and written by Claire Goudsmit (UNHCR’s consultant for the Regional Legal Unit of the Americas Bureau), and supported by Brandon Li Vega (Protection Assistant, UNHCR’s Regional Legal Unit of the Americas Bureau).

**REGIONAL INTER-AGENCY
COMMUNITY-BASED COMPLAINT
REFERRAL MECHANISM IN THE AMERICAS**

For Regional Cross-Border and Inter-Agency
referrals of SEA/SH complaints

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1 | INTRODUCTION AND SCOPE

This document describes the inter-agency complaint referral system for reporting complaints of sexual abuse (SEA) and sexual harassment (SH) between service providers operating across the Americas region.

It outlines the commitments and requirements of service providers who are participating in this interagency Community-Based Complaint Referral Mechanism (herein referred to as the “Mechanism”) to ensure adequate safeguards and appropriate actions are established on protection from sexual exploitation and abuse and sexual harassment (PSEA/SH). This Mechanism is developed in recognition of the need to strengthen collective efforts to improve prevention and reporting of SEA and SH, to facilitate inter-agency referral of complaints at a regional level, i.e. within and across borders, and to increase transparency around these issues in the Americas Region.

This Mechanism is accompanied by a Regional PSEA/SH Toolkit that offers materials that can be used by service providers in order to implement the Mechanism effectively. Throughout this document tools from the toolkit are referenced. (See Regional PSEA/SH Toolkit for the Americas)

1.1 PROTECTION FROM SEXUAL EXPLOITATION AND ABUSE AND SEXUAL HARASSMENT (PSEA/SH)

Sexual exploitation and abuse (SEA) and sexual harassment (SH) must not be tolerated. They violate universally recognized international norms and standards and have always been unacceptable behaviour. SEA [and SH] represent *a breach of the fundamental rights of the those for whom support, services and protection are provided, and of the personnel of those agencies that provide such services*. SEA brings harm to concerned populations whom humanitarian service providers are responsible to protect, and damages the credibility of any agency that provides services to them; it also jeopardizes the reputation of all service providers and their ability to provide support and protection.

Sexual exploitation and abuse are not new phenomena; the findings of a 2001 report by UNHCR/Save the Children¹, which highlighted how international and national aid workers were perpetrators of gross misconduct, prompted a series of global commitments to tackling SEA and to the establishment of effective systems for reporting and investigation.

By 2012 the Inter Agency Standing Committee (IASC) Taskforce on Protection from Sexual Exploitation and Abuse (PSEA)² had been established, with a commitment to actively prevent and respond to sexual exploitation and abuse.

1. Sexual Violence & Exploitation: The experience of refugee children in Guinea, Liberia and Sierra Leone (UNHCR, Save the Children, 2002) <http://www.unhcr.org/3c7bf8094.html>

2. <http://www.pseataaskforce.org/>

The IASC advises the UN on specific measures and, in 2002, published six standards of behaviour (core principles) to be included in the *UN Secretary General's Bulletin: Special Measures for Protection from Sexual Exploitation and Sexual Abuse* (ST/SGB/2003/13) (SGB) (Annex I). As a further expression of intent and will to act, *the Statement of Commitment on Eliminating Sexual Exploitation and Abuse by UN and Non-UN Personnel* (2006) (Annex II), is endorsed by 42 UN agencies and 36 Non-UN entities (as of 2008), binding all signatories to the Core Principles and prevention measures as outlined in the SGB. . More progress followed in 2012 with the development of the Minimum Operating Standards for PSEA (MOS-PSEA) (Annex III) and in 2016 when the IASC published global guidance on how to set up and run an inter-agency community-based complaint mechanism (CBCM) to handle reports of sexual exploitation and abuse³. In response to further cases and allegations globally of SEA and SH by personnel, the 6 principles have been revised in 2019 to make explicit that “any sexual relationship [between personnel and concerned populations] that involves improper use of rank or position is prohibited”

Building on efforts to prevent and respond to sexual exploitation and abuse, the IASC expanded its efforts further, to take account of sexual harassment (SH), publishing its *Strategy on Protection from and Response to Sexual Exploitation and Abuse and Sexual Harassment* (2018) (Annex IV). While SEA and SH are factually different (see definitions in the following paragraphs), the prevalence of sexual harassment can be an indicator of gender power imbalances and may indicate a sense of impunity that can lead to SEA. **[See Regional Toolkit Tool 11: Guidance on Sexual Harassment]**

Despite global efforts to establish effective systems to facilitate reporting, research indicates that SEA/SH is chronically under-reported and mechanisms to receive complaints remain inadequate. A 2015 independent report⁴ noted the need for a specialized approach to PSEA, including confidential complaints and investigations procedures at both the system and individual agency level. The IASC identified inter-agency cooperation on community-based complaints mechanisms (CBCMs) as a key component in the protection from, and response to, SEA. Concerned populations and personnel need to be informed about how to access the appropriate complaint mechanism if SEA/SH occurs, particularly where multiple service providers are present. An effective CBCM also requires inter-agency coordination to ensure consistent messaging and that access to the mechanism is as straightforward as possible for potential complainants. **[See Tool 1: Template Model SOP for PSEA complaint handling mechanisms & Tool 4: Steps to Set-up a Community-Based Complaint Mechanism]**

1.2 PSEA/SH DEVELOPMENT IN THE AMERICAS REGION

In the context of the Americas Region, characterised with high levels of mobility and regional insecurity, reporting of allegations of SEA and SH is particularly challenging. The vulnerability of concerned populations to SEA requires a coordinated approach and the implementation of robust community-based complaint and inter-agency referral mechanisms. Due to high mobility of populations, referral mechanisms, in particular, need to be effective between service providers and across borders in the region so that alleged cases can be raised, reported and managed in a coordinated manner. This coordination amongst service providers is crucial to ensure that survivors, victims and whistle-blowers are protected and receive appropriate support.

3. <https://interagencystandingcommittee.org/accountability-affected-populations-including-protection-sexual-exploitation-and-abuse/documents-50>

4. Independent Whole of System Review of Protection in Humanitarian Action (May 2015)

<https://interagencystandingcommittee.org/protection-priority-global-protection-cluster/documents/independent-whole-system-review-protection>

Collectively raising the awareness of all stakeholders (e.g. concerned populations, service providers, agencies, authorities) of what constitutes sexual misconduct by personnel, facilitates all stakeholders to report incidents of SEA and SH, to its own agency to or another, confident in the fact that it will be handled confidentiality and in good faith, using the agreed procedures.

In 2017 with the support of UNHCR's Regional Legal Unit, a survey was launched to map out good practices and existing PSEA/SH mechanisms being used by service providers in the region. Subsequently the Regional PSEA Network was established and support was provided through the network members to enhance PSEA structures in the region. The regional PSEA Network is now made up of 19 countries and is supported at interagency level by the Regional Safe Spaces Network (RSSN)⁵ which has more than 110 member agencies, including NGOs, civil society, UN agencies, national institutions and community organizations.

In 2019, UNHCR led the development of this Mechanism and Regional PSEA/SH Toolkit to support the Regional Safe Spaces Network and other service providers working to respond to the needs of refugees, internally displaced people, migrants and other people on the move in the Americas region, with a special focus on the North of Central America and the Venezuela situation. The Tools aim to support personnel to establish and implement **standardized and contextualized** procedures to prevent SEA and SH, and to improve safe and confidential **community-based complaint and response mechanisms**.

1.3 SCOPE OF THE MECHANISM

This **Regional Interagency Community-Based Complaint Referral Mechanism** (the "Mechanism") can be used by any participating service provider and stakeholder, including members of the Regional and National PSEA Networks and the Regional Safe Spaces Network (RSSN) in the Americas, and other actors who provide services, support and protection to concerned populations. The Mechanism is established to facilitate the reporting and referral of complaints between service providers, with a particular concern for ensuring that allegations of SEA and SH against personnel of service providers and humanitarian agencies in the Americas, is followed up in line with the principles and procedures outlined in this document and accompanied toolkit.

1.4 DEFINITIONS⁶

In the context of regional insecurity, high mobility, forced displacement and migration, and in accordance with the Secretary General's Bulletin (ST/ SGB/2003/13), the following definitions apply:

SEXUAL EXPLOITATION AND ABUSE (SEA)

A breach of the provision of the ST/SGB/2003/13 (Special measures for protection from sexual exploitation and sexual abuse), or the same definitions, as adopted for military, police and other personnel. SEA constitutes particular forms of gender-based violence that have been reported, specifically alleged by humanitarian workers.

5. <https://www.arcgis.com/apps/MapSeries/index.html?appid=ae15aa2fe0c4469b83ea10f0925e8625>

6. UN Glossary on Sexual Exploitation and Abuse: Thematic Glossary of current terminology related to SEA in the context of the United Nations, 2nd Edition (2017)

SEXUAL EXPLOITATION

Any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.

“Sexual exploitation” is a broad term, which includes a number of acts described below, including “transactional sex”, “solicitation of transactional sex” and “exploitative relationship”.

SEXUAL ABUSE

The actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

All sexual activity with a child is considered as sexual abuse. “Physical intrusion” is understood to mean “sexual Activity”. “Sexual abuse” is a broad term, which includes a number of acts described below, including “rape”, “sexual assault”, “sex with a minor”, and “sexual activity with a minor”.

SEXUAL HARASSMENT VERSUS SEA

SEA occurs against a beneficiary or member of the community. Sexual harassment occurs between personnel / personnel and involves any unwelcome sexual advance or unwanted verbal or physical conduct of a sexual nature.

SEXUAL GENDER-BASED VIOLENCE VERSUS SEA

SGBV is an umbrella term for any harmful act that is perpetrated against a person’s will and that is based on socially ascribed differences between males and females (i.e. gender). It includes acts that inflict physical, sexual or mental harm or suffering, threats of such acts, coercion, and other deprivations of liberty. SEA can be seen as a form of SGBV, as victims of SEA are often abused because of their vulnerable status as women, girls, boys, or even men (in some circumstances). The procedures in this document only cover SEA complaints.

COMMUNITY-BASED COMPLAINTS MECHANISM (CBCM)

A CBCM is a system blending both formal and informal community structures, where individuals are able and encouraged to safely report incidents of SEA. A PSEA CBCM should not be a separate, parallel system to other complaints and feedback structures in a given area, but rather link to and build on existing structures to create one system for handling feedback and complaints i.e. an ‘integrated’ CBCM. Local communities are involved in developing and approving the CBCM so that the structure is both culturally and gender sensitive. The mechanism should have multiple entry points, allowing both beneficiaries and personnel the opportunity to report at the organizational level – internally through the network’s or field agency focal points – or at the community level. The primary concern of the mechanism is to aid known and potential SEA survivors, and also fulfill a prevention function through awareness-raising efforts.

INTERAGENCY COMMUNITY-BASED COMPLAINT REFERRAL MECHANISM (THE “MECHANISM”)

A mechanism or agreement to facilitate the reporting and referral of complaints between agencies using established community-based complaint mechanisms. The primary concern of such a Mechanism is to support and protect known and potential SEA/SH survivors by ensuring that such complaints are passed to the concerned agency for follow-up and in line with agreed principles and procedures.



NOTE

Sexual harassment is covered within this mechanism, although service providers’ internal procedures for reporting sexual harassment allegations may not be the same as for reporting SEA complaints. The distinction between the two is important so that providers’ policies and personnel trainings can include specific instructions on the procedures to report and manage each case.

1.5 OTHER RELEVANT DEFINITIONS

CODE OF CONDUCT

A set of standards of behavior that personnel of a service provider are obliged to adhere to.

COMPLAINT

In relation to this Mechanism a complaint is a concern about the behaviour or conduct of a personnel member(s), including but not limited to, sexual exploitation and abuse. A complaint has to be about an action for which the organisation is responsible or is within their sphere of influence.

COMPLAINANT

A person who brings an allegation of SEA/SH to a service provider/agency. This person may be a survivor of SEA or another person who is aware of the wrongdoing. Both the survivor and the complainant, if different from the survivor, should be protected from retaliation for reporting SEA. Where there is any conflict of interest between the survivor and another interested party, the survivor’s wishes must be the principle consideration in case handling, particularly when there is a risk of additional physical and/or emotional harm.

CONCERNED POPULATION

A member of the population in the Americas Region who receives support or assistance or interacts with service providers/agencies in the Americas. Persons under this title include refugees, internally displaced persons (IDPs), migrants, stateless people, survivors of SGBV, victims of trafficking, children at risk, and LGBTI⁷ persons with international protection needs, and other people on the move and vulnerable individuals, as well as host community members⁸.

CONFIDENTIALITY

Confidentiality is an ethical principle that restricts access to and dissemination of information. It helps to create an environment in which witnesses/survivors are more willing to come forward and recount their version of events; it builds trust in the system and agencies. Maintaining confidentiality requires that personnel protect information about allegations of SEA/SH and agree only to share information on a strict need-to-know-basis, and when sharing information consideration should be given to the potential for future abuse and harm of all those involved, and in the best interests of the survivor. This means that personnel never discuss details of allegations of exploitation and abuse with family or friends, or with colleagues whose knowledge of the abuse is deemed unnecessary.

In consideration of mandatory reporting of personnel to report SEA to their agency or Investigative Body, anyone receiving a complaint directly should explain this obligation, and reassure the complainant/survivor that all information shared will be appropriately protected and will be kept confidential between only those who are authorised to know on the basis of providing protection or taking appropriate action i.e. investigation.

INFORMED CONSENT

The voluntary agreement of an individual who has the capacity to give consent to pursue a legal procedure or receive services. To provide informed consent, the individual must have the capacity and maturity to know about and understand the implications of the procedures to be followed, the services being offered and be capable of giving her/his consent. Parents, caregivers, or other legal guardians are typically responsible for giving consent for their child to receive support or services and/or undertake the consequences of eventual legal procedures. Informed assent is to be also sought from children in accordance with their maturity.

PARTICIPATING SERVICE PROVIDER

Provider, agency or organisation that operates at the regional and/or national level, to provide support, services and protection to concerned populations and who are part of this interagency Mechanism.

7. LGBTI – Lesbian, Gay, Bisexual, Transgender and Intersex.

8. In relation to this Mechanism the term ‘concerned population’ includes, but is not limited to, refugees, asylum-seekers, internally displaced persons (IDP), stateless persons, migrants and others on the move.

PERSONNEL

For the purposes of this Mechanism, “personnel” is a broad and inclusive term and refers to any person engaged by any agency/ service provider to support, provide services and offer protection to concerned populations, whether internationally or nationally recruited, whether as an employee, volunteer, contractor or service provider, or formally or informally engaged from the community (e.g. community volunteers, collaborators).

SUBJECT OF THE COMPLAINT

Once a complaint has been filed, the alleged perpetrator of SEA/SH is referred to under these terms.

SURVIVOR

A person who has SEA/SH perpetrated against him/her or an attempt to perpetrate SEA/SH against him/her. For the purposes of this Mechanism, persons who report SEA/SH committed against themselves are treated as survivors for the purposes of security and needs assessments, and to highlight the resilience of the affected individuals.

VICTIM

Also intended to reflect a person who has SEA/SH perpetrated against him/her, used interchangeably with “survivor”. This mechanism uses the term “survivor” for consistency. However, as much literature on assistance provision, this mechanism will follow similarly “victim” terminology, and will follow in kind when discussing victim assistance. Neither designation is in any way meant to imply a lack of strength, resilience, or capacity to survive.

WHISTLEBLOWER

For the purposes of this mechanism a whistleblower is a type of complainant, not the survivor, who is a personnel member making a report of SEA/SH. Agency whistleblowing policies encourage personnel to report concerns or suspicions of misconduct by colleagues by offering protection from retaliation for reporting and clarify the rules and procedures for reporting and addressing such cases. Therefore, the definition, scope, and protection measures may differ between service providers. CBCM principles (e.g. confidentiality) apply to whistleblowers as they would to any complainant, and internal agency policies shall protect whistleblowers on SEA/SH from retaliation, so long as the report is made in good faith and in compliance with internal agency policies.

WITNESS

Any person giving testimony or evidence in a complaint or investigation, including but not limited to the alleged victim/survivor, the complainant, the subject of the complaint, a member of the concerned population or personnel from another service provider.

PARTNERS

Entities or organizations that operate at country / operational level, in accordance with established UN, IO or NGO procedures, to provide services and provide humanitarian assistance. All those employed by, working for, representing a partner are considered “personnel” for the purposes of this Mechanism.

2 | THE COMPLAINT REFERRAL MECHANISM

Participating service providers are committed to prevent, oppose and combat any form of sexual exploitation and abuse and sexual harassment (SEA/SH) perpetrated by their personnel. Relevant roles and responsibilities and guiding principles associated with the Mechanism are highlighted below.

All participating providers should participate in the Regional PSEA Network in the Americas Region (Annex V ToRs for Network) and support the efforts of the Regional Safe Spaces Network (RSSN) to improve access to services for survivors of sexual and gender based violence (SGBV), children at risk, people with diverse sexual orientation and gender identity, people with disabilities, indigenous populations and other vulnerable individuals⁹.

Each participating provider should officially designate a PSEA Focal Point (and alternate) to represent it and to participate in the PSEA Network, and carry out responsibilities for this role (see below) and within the Mechanism, including to actively promote PSEA/SH, establishment of robust CBCMs and information dissemination within their agency and for concerned populations.

2.1 ROLES AND RESPONSIBILITIES OF STAKEHOLDERS

The stakeholders of this Mechanism are those service providers and networks committed to participate in a coordinated complaint referral mechanism in the Americas Region. While every participating service provider will vary in organisational structure, mandate and available resources, there are key roles and responsibilities which are necessary for the transparent and efficient functioning of this Mechanism. This requires service providers to designate personnel and resources to participate at the necessary level – regional, national and/or individual agency.

The primary purpose of this Mechanism is to ensure a robust and coordinated regional PSEA/SH system that facilitates complaints by all concerned populations and personnel to any participating service provider, in any location, i.e. it can facilitate complaints within and across borders to the service provider concerned.

REGIONAL LEVEL

Regional PSEA Network includes all designated PSEA Focal Points of participating members as well as representatives from the Regional Safe Spaces Network (RSSN) and relevant regional coordination groups and structures, e.g., SGBV, Child Protection, Protection in the Americas region.

9. Please access the Regional Safe Spaces Network online map clicking in the following link:
<https://www.arcgis.com/apps/MapSeries/index.html?appid=ae15aa2fe0c4469b83ea10f0925e8625>

Responsible for: supporting awareness and prevention of, and protection from SEA and SH; of identifying regional gaps in protection from SEA/SH; coordinating trainings and sharing information across the region; of monitoring and reporting on PSEA/SH (Annex V – Regional PSEA Network TORs)

The Regional Safe Spaces Network (RSSN) is an inter-agency protection coordination mechanism to reach out and protect most vulnerable refugees, asylum-seekers, IDP, returnees, stateless people, migrants and other people on the move along the displacement cycle across the Americas region.

Responsible for: in consultation with partners and communities, the RSSN focuses on improving access to services for survivors of SGBV, victims of trafficking, children at risk, and LGBTI persons with protection needs. The RSSN has developed common standards and tools to promote cross-border coordination in the region and consists of 110 members working in 14 different countries (United States, Mexico, Guatemala, El Salvador, Honduras, Costa Rica, Venezuela, Colombia, Ecuador, Peru, Brazil, Chile, Dominican Republic, and Trinidad and Tobago).

NATIONAL LEVEL

National PSEA Focal Points - PSEA Focal Point, and alternates, and representatives from participating member agencies of the PSEA Network and RSSN (Annex VI – National Level PSEA Focal Point TORs / Example of UNHCR PSEA Focal Point TORs).

Responsible for: coordination with relevant national level structures and working groups, e.g. RSSN, SGBV, Child Protection and Protection, and other sector or coordination groups. PSEA Focal Points are responsible for the reception of SEA/SH complaints and referral pathways within the existing RSSN. PSEA Focal Points are responsible to raise awareness, support the prevention and oversight on PSEA/SH by personnel of their respective agencies. Focal Points create a supportive environment for agencies to establish and operate agency-level community-based complaint mechanisms, facilitate inter-agency referral processes, ensuring these are effectively aligned to regional requirements. The Focal Points support the coordination of complaints mechanisms, including inter-agency referral and referral to competent services. Supports PSEA/SH related decisions within their respective agencies, establishes accountability and quality standards, including Standard Operating Procedures (SOPs) and works collectively to develop collective prevention strategies.

Regional Safe Spaces Network (RSSN) is dedicated to initiating, overseeing, and coordinating PSEA/SH activities in each country with the network members. The RSSN will have a holistic view of PSEA/SH issues in the country, liaise between member agencies and with the host government, conduct regular meetings to keep PSEA/SH momentum moving forward. The RSSN is also responsible for monitoring the referral system for functionality and improvements, to report trends related to SEA/SH within the network.



NOTE

*The Regional PSEA Network and RSSN members are **NOT** responsible for the investigation or adjudication of complaints, or for dealing directly with complainants. This responsibility rests exclusively with the chosen investigative bodies of individual service providers (see section 4 on Investigation procedures).*

PSEA Focal Points and Alternates are officially designated by each provider. Each participating provider will have in place its own system for receiving and handling complaints, including referrals, i.e., a CBCM. Focal Points are responsible for ensuring that all personnel within his/her agency read, understand, acknowledge, and adhere to his/her agency's internal SEA/SH complaint handling procedures, including the Code of Conduct, internal reporting mechanisms, survivor assistance and support policy and procedures, and complaint management for personnel. They work to raise SEA/SH awareness among personnel through induction trainings for new personnel and refresher trainings for current personnel on PSEA/SH, Code of Conduct, the importance of complying with SEA/SH policies, and procedures to report incidents. Reporting expectations of agency-level SEA/SH complaints and activities are included in Section 8 below.

INDIVIDUAL LEVEL

Service providers are **responsible** for promoting PSEA/SH amongst their own personnel, and the concerned populations they work with and support. It is the responsibility of each provider to ensure that its personnel understand the ethical obligations placed upon them and its Code of Conduct (or similar) and to implement internal disciplinary procedures. Each provider takes responsibility to manage and coordinate any investigation of an allegation of SEA/SH by its own personnel, either within their agency or directly with an established investigative body i.e. UNHCR IGO¹⁰, OIOS¹¹(UN)].

All personnel of participating agencies are bound by the obligations for humanitarian workers as set out in the Statement of Commitment endorsed by UN and Non-UN organisations¹², in line with the Secretary General's Bulletin (SGB) (Annex I). Personnel are also bound by the rules of conduct as established by their own agency (see section 2.2 below).

2.2 GUIDING PRINCIPLES AND MINIMUM STANDARDS

To adequately prevent and protect individuals from sexual exploitation and abuse, and sexual harassment, by any of its personnel, participating service providers commit to extend the fullest cooperation and assistance to each other in adherence with the following:

CONDUCT OF PERSONNEL

All providers should institutionalise and promote within their agency the following **Six Core Principles relating to PSEA**, adopted by the **Inter-Agency Standing Committee** (IASC/2002/Updated 2019) (Annex II). These are also outlined in the *Security General's Bulletin Special measures for the protection from sexual exploitation and abuse* (ST/SGB/2003/13) (Annex I) and *UN Statement of Commitment for UN and Non-UN Personnel* (2006) (Annex II):

1. Sexual exploitation and abuse by humanitarian workers constitute acts of gross misconduct and are therefore grounds for termination of employment.
2. Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief regarding the age of a child is not a defence.
3. Exchange of money, employment, goods, or services for sex, including sexual favours or

10. UNHCR Inspector General's Office: <http://www.unhcr.org/pages/52e11b746.html>

11. <https://oios.un.org/>

12. UN Statement of Commitment, <https://cdu.unlb.org/Portals/0/PdfFiles/PolicyDock.pdf>

other forms of humiliating, degrading or exploitative behaviour is prohibited. This includes exchange of assistance that is due to beneficiaries.

4. Any sexual relationship between those providing humanitarian assistance and protection and a person benefitting from such humanitarian assistance and protection that involves improper use of rank or position is prohibited. Such relationships undermine the credibility and integrity of humanitarian aid work.
5. Where a humanitarian worker develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same agency or not, he or she must report such concerns via established agency reporting mechanisms.
6. Humanitarian workers are obliged to create and maintain an environment which prevents sexual exploitation and abuse and promotes the implementation of their code of conduct. Managers at all levels have particular responsibilities to support and develop systems which maintain this environment.

All personnel should understand and sign their agency's **Code of Conduct**, or similar document (see **Regional Toolkit Tool 10 – Example Code of Conduct for PSEA/SH and Tool 11 - Guidance on Sexual Harassment**) setting out the standards of acceptable and unacceptable behaviour, and as outlined above. All service providers are obliged to undertake necessary disciplinary action to prevent and respond to misconduct by their personnel. Providers should respond vigorously whenever cases occur through the establishment and operation of community-based complaint mechanisms (individually or jointly with other providers) and this Mechanism.

Participating providers should be committed to institutionalizing a **zero tolerance** for SEA/SH and take all allegations of misconduct seriously.

MINIMUM STANDARDS AND GUIDING PRINCIPLES

To establish a robust complaint referral system, this Mechanism recognises the importance of meeting global good practice¹³ on PSEA and, at a minimum, incorporates the IASC Minimum Operating Standards for PSEA (MOS PSEA) (Annex III).

All participating providers agree to uphold the principles of **confidentiality, anonymity, informed consent, impartiality, dignity, safety and welfare** in implementing the Mechanism and when any allegation or complaint is made to their agency.

A **survivor-centred approach** guides PSEA/SH prevention and response whereby the survivor is informed, participates in the decision-making process as far as possible, and provides consent on the possible use and disclosure of their information.

Fear of repercussions e.g. withdrawal of protection, support or services, or risk of further discrimination, is often a key reason why concerned populations and personnel may not report cases of PSEA/SH to an agency about its personnel. A survivor is never to blame for SEA/SH. Participating providers should keep the psychosocial well-being of the survivor in mind when drawing up a security/protection plan, taking into consideration that some SEA survivors may be ostracized due to cultural beliefs. The actions and responses of all service providers will be guided by **respect for the choices, wishes, the rights, and the dignity of the survivor**.

13. PSEA Task Force, Best Practice Guide Inter-Agency Community-Based Complaint Mechanisms PSEA (2019) <http://www.pseatastaskforce.org/uploads/tools/1490964201.pdf>

Service providers should make every effort to ensure that the subject of a complaint does not have further contact with the survivor, such as by suspending employment from the concerned agency or by police action if appropriate, following an assessment of risks and in consideration with human resources policies and due process principles. Protection services in the Americas Region need to be involved to offer their services and support (e.g. RSSN)¹⁴.

All participating service providers should cooperate and assist each other in preventing and responding to SEA/SH as well as to adhere to the following key principles underpinning this Mechanism:

- Promote cooperation and assistance between organizations in preventing and responding to SEA/SH
- Improve safety and protection for concerned populations, especially in locations where the risk of SEA is higher **[See Regional Toolkit: Tool 8 – Risk Assessment and Strategies for Safe Operations and Programmes]**
- Make reporting of cases of SEA/SH mandatory (see section 3 below)
- Make training on the prevention of SEA/SH mandatory for all personnel of participating agencies **[See Regional Toolkit: Tool 11 – Training materials on PSEA/SH]**
- Implement rigorous vetting of new personnel of participating service providers
- Ensure equal and active participation by concerned populations in assessing, planning, implementing, monitoring, and evaluating support and services **[See Regional Toolkit: Tool 2 – Guidance – Consultations with Concerned Populations]**
- Recognizing that SEA/SH are grounded in gender inequality and power unbalance, participating providers should ensure that activities are conducted in a gender sensitive manner and that the views and perspectives of women, men, girls and boys, indigenous populations, people with disabilities, people with diverse sexual orientation and gender identities, and other diverse backgrounds are adequately considered¹⁵.
- Ensure that all support and services are developed in a manner that balances respect for due process with a survivor-centred approach in which the survivor's wishes, safety, and well-being remain a priority in all matters and procedures
- Integrate and mainstream PSEA/SH into all services and programmes
- Ensure accountability at all levels of the agency and its operations
- Ensure that that assistance for SEA survivors is provided in a safe, accessible and non-discriminatory manner.

14. RSSN Toolkit <https://www.acnur.org/5c05b97d4.pdf> and by RSSN service referral online map for SGBV/CP and other protection services <https://www.arcgis.com/apps/MapSeries/index.html?appid=ae15aa2fe0c4469b83ea10f0925e8625>

15. UNHCR Policy on Age, Gender and Diversity 2018 <https://www.unhcr.org/5aa13c0c7.pdf>

3 | MANDATORY REPORTING

Confidentiality, informed consent and the wishes of the survivor of sexual exploitation and abuse and sexual harassment will always be given priority, and in parallel, rules of mandatory reporting should be observed.

The Statement of Commitment endorsed by UN and Non-UN organisations, in accordance with the Secretary General’s Bulletin, states that “where a humanitarian worker develops concerns of suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same agency or not, he or she must report such concerns via established agency reporting mechanisms”. These obligations are extended and apply to all **personnel of service providers participating in this Mechanism** and the RSSN Network and the Regional PSEA Focal Points reports must be made to the PSEA Focal Point of one’s own or participating service provider or to an established Investigative body and in line with the procedures outlined in this Mechanism (see section 3 and 4 of this Mechanism).

The rules of mandatory reporting to the authorities in the region are such that personnel and service providers receiving information about certain types of violence are compelled by law to report this information to the police. National PSEA Focal Points should be aware of these requirements and consult the legal services of the relevant organizations to report to the authorities as appropriate.

4 | RECEIVING COMPLAINTS AND REPORTS OF SEA/SH

To facilitate inter-agency referral of complaints at a regional level, i.e. within and across borders, a number of key procedures should be put in place. These are outlined in this section and are supported by the Regional Toolkit for implementation.

4.1 INTEGRATED COMPLAINT MECHANISMS

A key component of this Mechanism is that integrated¹⁶ community-based complaint mechanisms should be in place at the national, agency and operational levels. These can be developed by individual service providers and/or jointly between providers working in the same operational area. A set of tools are included in the Region Toolkit to support agencies to establish national and agency level complaint mechanisms, which cover PSEA/SH. These tools can be adapted and used by PSEA Focal Points and participating service providers operating across the Americas region (**See Tool 1 – Template Model SOP for PSEA Complaint Handling Mechanisms and see Tool 4 – Steps to Set-up a Community-Based Complaint Mechanism**).

An integrated community-based complaint mechanism should be established to handle complaints or concerns raised by concerned populations, and personnel. The system should be integrated with any existing feedback and complaint system that is in place, and should be designed to handle both programmatic issues and complaints of sexual exploitation and abuse and sexual harassment (SEA/SH). Any complaint or report can be made regarding alleged misconduct related to SEA/SH, directly by the survivor or by anyone who has a suspicion or a concern.

To establish a robust system to handle complaints, service providers should be open to:

- Hearing complaints
- Discussing issues in relation to SEA/SH
- Being transparent on how complaints can be made, and the incidents reported to them
- Facilitate multiple channels whereby people can make a complaint about any other service provider, in any location, i.e. within and across borders
- Providing assurance to concerned populations and PSEA Focal Points that complaints and reports will be managed confidentially and safely.

16. The term “integrated” means that the complaint mechanisms include both programmatic issues and complaints of SEA and SH and other misconduct related complaints.

4.2 FACILITATING THE RECEIPT OF COMPLAINTS

Participating service providers should ensure that all personnel are fully informed about their duty to report any concerns, suspicions they have or allegations or complaints they become aware of; of the agency's complaint and response policy and procedures; and, of the role and how to contact, its PSEA Focal Point; and where established, the relevant PSEA reporting and investigative bodies, as applicable.

Service providers should ensure that personnel who are most likely to receive a complaint from concerned populations i.e. refugees, IDP, returnees, stateless people, migrants or other people on the move, or become aware of SEA/SH are trained on how to receive complaints or allegations of SEA/SH, how to report concerns or complaints to their PSEA Focal Point or investigative body where established.

Service providers should facilitate individuals to submit a complaint or make a report in whichever manner they feel most comfortable and safe to do so (**see Regional Toolkit Tool 2: Guidance – Consultations with concerned populations**)¹⁷. Complaints can be raised and will be accepted by each provider through multiple entry points, at any level and through any method, such as: directly in person from a complainant, via an existing community complaint structure, community mobilizers and collaborators; complaint boxes, help desks, hot-lines, or through an agency's management structure or directly to designated investigative bodies where established.

4.3 RECEIVING AND RESPONDING TO COMPLAINTS

When in direct receipt of a complaint, issues of confidentiality should be addressed with the individual explaining that all personnel are obliged to report to their agency or investigative body when they become aware of any concern or complaint of SEA/SH by another personnel, while reassuring them that information will be kept private and shared strictly on a need to know basis in consideration of the wishes and best interest of the survivor. Appropriate counselling should be provided to manage the expectations of complainants with regard to the available solutions.

All complaints should be raised directly with the investigative body, the PSEA Focal Point, or the manager of the service provider receiving the complaint. Where a PSEA Focal Point is the subject of a complaint or allegation, the complaint should be referred to the Alternate PSEA Focal Point of the concerned provider or with the established investigative body or their manager. Where both PSEA Focal Points are involved, complaints should be directly raised with the PSEA Focal Point of an alternative participating service provider or directly to an established investigative body e.g. the Inspector General's Office (IGO), the investigative body of UNHCR¹⁸.

It is **NOT the responsibility** of personnel receiving a complaint to ascertain whether or not the allegation is true or to make any investigation into the allegation. It is their responsibility to report the allegation to their investigative body, PSEA Focal Point or manager of their own agency via the agency's established reporting mechanism and in line with this Mechanism.

17. Consultations with concerned populations should take place to better understand the preferences for complaint channels to service providers in specific contexts.

18. UNHCR Inspector General's Office: <http://www.unhcr.org/pages/52e11b746.html>

Persons receiving complaints or reports first should, where possible collect the minimum necessary information to facilitate its follow-up and referral to the agency of concern.

Sensitive counselling on mandatory reporting and the procedures that will be followed should be provided to survivors or those submitting the complaint. At a minimum, information should include:

- **WHAT HAPPENED & WHEN:** describe what is being reported in the words of the complainant(s), taking note of names of survivors, perpetrators and perpetrators' organisation, dates or locations of the incident(s) where possible
- **HOW THE COMPLAINANT OR SURVIVOR CAN OR PREFERS TO BE CONTACTED**
- **DATE** of when the statement was taken.

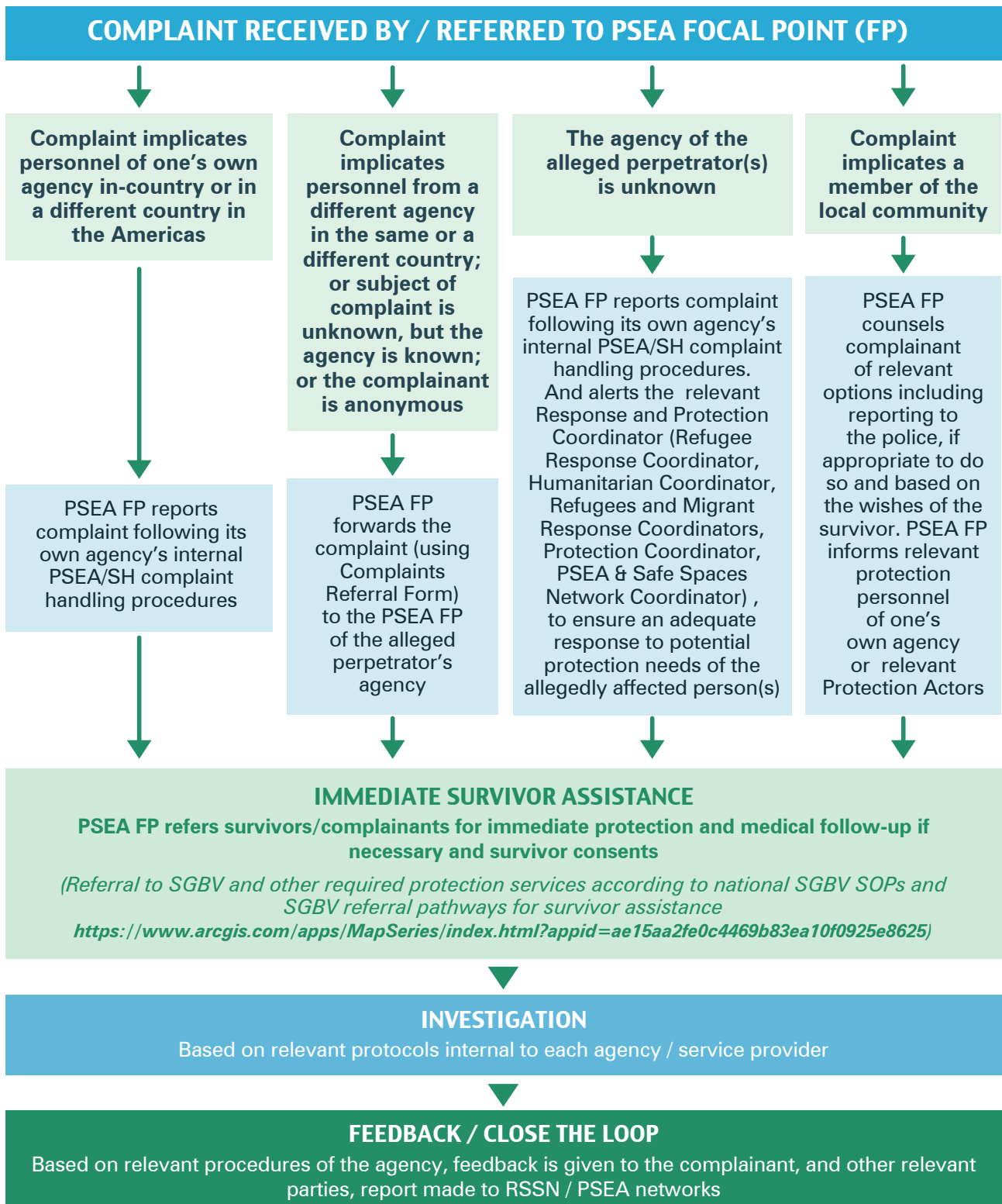
Anonymous complaints, where the complainant or survivor are not known or disclosed, or information of an unspecified nature which involves allegations of sexual exploitation and abuse (i.e. where the agency of the alleged perpetrator(s) is uncertain or unknown), must be treated seriously. Despite being more difficult to do so, these can be investigated. The potential for future abuse and harm, and each agency's responsibility to create a safe and abuse-free environment must be considered. Through an investigation process more information can be found which can encourage people, who are initially hesitant, to come forward.

5 | CROSS BORDER AND INTER-AGENCY COMPLAINT REFERRALS

Participating service providers should receive complaints referred from another agency in good faith and in the spirit of cooperation, in line with this Mechanism, and following the complaint referral procedures and principles.

Please see Fig 1 below, and the detailed Regional Inter-agency Complaint Referral flowchart (Section 9 below). The flowcharts illustrate where PSEA Focal Points, should refer complaints to other agencies in the same or in different countries, across borders. In referring complaints PSEA Focal Points must maintain confidentiality and respect the reputation of the service provider and of the individuals involved in an allegation or complaint.

Fig 1 :Cross-border Inter-agency Complaint Referral Flow Chart



5.1 COMPLAINT REFERRAL PRINCIPLES

All service providers can receive a complaint against another service provider, or personnel may become aware of SEA or SH by the personnel of another agency. Complaints could also be made about a service provider to an alternative body or to a trusted community member rather than directly to the agency of concern. These circumstances include, but are not limited to, genuine belief of concerned population or personnel that raising the matter directly with the specific agency would not be effective, or would result in victimization, or where the matter has previously been disclosed to the agency of concern but no effective action has been taken.

All information contained in a complaint or report, including the identity of the survivor and alleged perpetrator, the incident, the location etc. must remain private and information is shared with the minimum number of people necessary strictly on a need-to-know basis for the purpose of investigation and service provision. The necessity to share information to third parties i.e. protection services or national authorities, will be decided on a case-by case basis in consideration of best interests of the survivor, and other safety and protection considerations of all those involved. This should be in line with SGBV/CP referral pathways established for the Americas region¹⁹.

5.2 INTER-AGENCY AND CROSS-BORDER REFERRAL PROCEDURE

To support safe, confidential and efficient cross border and inter-agency referrals, service providers agree to the following procedures to receive and address complaints about or from another service provider/agency:

1. The service provider receiving the complaint is not responsible for investigating the complaint but must prioritise the safety of the survivor, witnesses, alleged perpetrator and other individuals who could potentially be affected (see Section 7 of this Mechanism for procedures). In this process, and in consultation with the relevant investigative services, attention will be paid to the preservation of evidence in respect of the confidentiality, the consent and wishes of the alleged survivors who should receive timely and accurate counselling.
2. The service provider receiving the complaint shall seek the consent of the complainant to refer the complaint to the PSEA Focal Point of the agency of concern or Investigative body. If the complainant agrees, the complaint will be raised with the PSEA Focal Person of that agency or directly with the agency's Investigative body. If the complainant does not agree, the mandatory reporting of SEA in accordance with the SGB needs to be explained and seek to comply with this requirement considering safety and protection of all individuals and entities involved. This means to wisely decide how and when to report and which mitigation/protection measures should be put in place in parallel.

¹⁹. RSSN service referral map for SGBV/Child and other protection services.
<https://www.arcgis.com/apps/MapSeries/index.html?appid=ae15aa2fe0c4469b83ea10f0925e8625>

3. Complaints can be referred in-country and across borders between PSEA Focal Points of the agencies involved in person or in writing providing the necessary information available about the complaint or allegation. It is essential that communication systems for referral of complaints are secure in order to maintain confidentiality¹⁹.
A standardised Complaint Referral Form can be used (**see Regional Toolkit: Tool 5 - Sample Complaint Referral Form for SEA/SH allegations**). Further or prior communication can be conducted by phone, particularly in cases where the protection risks warrant immediate action.
4. Where in direct receipt of a complaint, the service provider of concern shall ensure that the complaint is safely and appropriately investigated, either by itself or affiliated Investigative body as set out in Section 6 of this Mechanism. In parallel to this, referrals to protection services will be provided as per the SGBV referral pathways established for the Americas region.
5. The concerned PSEA Focal Point should acknowledge receipt of a complaint or report to the referring service provider and confirm that the matter was addressed, in full consideration of confidentiality principles and the best interest of the survivor.

When a PSEA Focal Point receives information of an unspecified nature which involves allegations of SEA/SH (i.e. where the institutional affiliation of the alleged perpetrator(s) is uncertain or unknown), the PSEA Focal Point should follow its own agency's internal PSEA/SH complaint handling procedures. They should also alert the relevant Response and Protection Coordinator (Refugee Response Coordinator, Humanitarian Coordinator, Refugees and Migrant Response Coordinators, Protection Coordinator, PSEA & Safe Spaces Network Coordinator) to ensure an adequate response to address the potential protection needs of the allegedly affected person(s).

20. Example: UNHCR Data protection policy and guidelines – Inter-Agency Prot IM Principles.

UN High Commissioner for Refugees (UNHCR), Policy on the Protection of Personal Data of Persons of Concern to UNHCR, May 2015, available at: <https://www.refworld.org/docid/55643c1d4.html>

UN High Commissioner for Refugees (UNHCR), Guidance on the Protection of Personal Data of Persons of Concern to UNHCR, 23 August 2018, available at: <https://www.refworld.org/docid/5b360f4d4.html>

6 | INVESTIGATIONS

Service Providers must always prioritise the protection of the survivor, his/her family members, witnesses and any other individuals who might be affected by an allegation or complaint and all involved parties will endeavour to cooperate to mitigate any potential risks during and following an investigation.

Investigations of complaints or allegations of SEA/SH should be undertaken exclusively by dedicated personnel of the concerned service provider or by the established Investigative body affiliated with that provider, that are charged with this responsibility and who have the necessary skills and competence to undertake such investigations appropriately.

Each agency is responsible to ensure adherence to its own internal investigation policies and procedures, in order to coordinate, manage, assess, investigate and respond to complaints or allegations of sexual exploitation and abuse (UNHCR Investigation Procedures, Guidelines²¹ and/or IASC Complaint and Investigation Guidelines on SEA, the OIOS investigation manual²² can be reviewed for reference).

In the case where a service provider does not have an agreement with an affiliated investigative body, or have the capacity to manage an investigation internally, the Regional PSEA Network and RSSN can provide advice and guidance (e.g. should it be required, and upon request of individual providers, technical advice and investigative support can be made available in consultation with and through the Inspector General's Office (IGO), the investigative body of UNHCR or other UN agencies as agreed by the national Networks)²³.

Upon planning an investigation, service providers are encouraged to contact their national level PSEA Network Coordinator or relevant Protection actor on the potential risks for individuals concerned as a measure to ensure adequate security and safety for survivors and witnesses throughout an investigation process.

Following the outcome of an investigation, the service provider should carry out the relevant administrative and disciplinary measures in line with its own policy and procedures, with the urgency, seriousness and fullness as described in this Mechanism.

21. UNHCR Investigation Resource Manual can be accessed at: <http://www.unhcr.org/pages/526526126.html>

22. OIOS investigation manual: <https://oios.un.org/node/1916>

23. UNHCR Inspector General's Office: <http://www.unhcr.org/pages/52e11b746.html>

7 SUPPORTING THE NEEDS OF SURVIVORS, COMPLAINANTS, WHISTLE BLOWERS AND WITNESSES

All service providers are responsible for the actions of their personnel and should assure a comprehensive approach so that the protection needs of anyone involved in a complaint are fully considered and provided. Counselling to survivors remains crucial to reduce the risk of under-reporting and effectively contribute to the fight against impunity.

Participating service providers should make every effort to put in place prevention measures and support processes to protect anyone who raises a complaint of SEA/SH to their agency. All providers must respect the privacy, confidentiality and rights of all those involved in a complaint or allegation of SEA/SH, including the complainant, the survivor, a whistle-blower, a witness and the subject of a complaint or alleged perpetrator.

Anyone making a complaint should be made aware that all personnel are obliged and mandated to report to their agency when they become aware of any concern or complaint of sexual exploitation, abuse or harassment by a fellow worker. Complainants should be reassured that information will be shared strictly on a need to know basis, through established reporting mechanisms, and with full consideration of the wishes and best interest of the survivor, while ensuring safe access to applicable criminal procedures.

Service providers must consider the immediate or on-going protection, safety or assistance needs of anyone involved in a complaint or allegation of SEA/SH. This includes the survivor, complainant, whistle blower, witness and subject of the complaint. Participating service providers should follow the relevant procedures for Case Management and Referrals to protection services as set out at the national level and in each operation. At the regional level the RSSN cross-border referral pathway can be referred²⁴.

To avoid malicious accusations services providers must reassure their personnel that no action will be taken against those who report in good faith information indicating a violation of their personnel codes of conduct, rules and regulations regarding sexual exploitation and abuse or sexual harassment, even if following an investigation it proves unfounded; and if personnel knowingly and wilfully report false or malicious information regarding another member of their agency, such false reports will lead to disciplinary action. Service providers must establish the appropriate environment within their own agency to ensure that there is no retaliation by fellow personnel from within their agency and the PSEA Focal Points will support each other to ensure that retaliation between agencies is prevented and managed.

Service providers should be aware that allegations of SEA/SH can sometimes be made maliciously and without foundation. The need to pay attention to the confidentiality of information, especially of any identifying-data, and of the needs of the individual subjects of such allegations (i.e. the alleged perpetrator or survivor) is fully recognised and support (i.e. counselling) should be facilitated where possible for any psychological strain or physical harm that may be caused by such cases.

24. RSSN service referral online map, and referral pathways

8 | RECORDING AND REPORTING SEA/ SH COMPLAINTS WITHIN THE PSEA NETWORK

Service providers must follow appropriate data protection procedures of their agency to maintain confidentiality of all data gathered in relation to a complaint of sexual exploitation and abuse, sexual harassment. All information should be kept safe and secure. Service providers should appropriately document the management process of a complaint received, the outcomes of any investigation and the actions taken in line with its own internal policy and procedures.

For this Mechanism, participating service providers should share disaggregated data on SEA complaints within the Regional PSEA Network and with RSSN Coordinators. Only relevant information and statistical data will be compiled into an anonymous regional annual PSEA/SH report, to be shared confidentially with the participating service providers.

At a minimum each participating service provider should submit the following information:

- Total number of SEA/SH complaints referred
- Total number of SEA/SH complaints investigated
- Total number of PSEA/SH trainings/awareness raising activities delivered
- Results from service providers PSEA/SH self-audit or mapping surveys completed (**see Regional Toolkit: Tool 7 – PSEA/SH Self-Audit Checklist and Tool 9 – PSEA/Complaint systems Mapping Survey**)

9 REGIONAL PSEA FOCAL POINTS CROSS-BORDER AND INTER-AGENCY COMPLAINT REFERRAL PATHWAY

TELLING SOMEONE AND SEEKING HELP (DISCLOSING / SUBMITTING A COMPLAINT)

Survivor / Complainant tells personnel either in person (i.e. to agency staff or community volunteer; during monitoring visit; at registration services) or via phone or email	Survivor / Complainant tells someone else (e.g. family member, friend, community member) and that person tells a humanitarian worker (i.e. in person; via hotline; at registration services)	Survivor self-reports to a medical / health or case manager / psychosocial "entry point"	Unspecified/generic "in-the-air" allegation of SEA/SH (i.e. where the service provider of the alleged perpetrator(s) is uncertain or unknown)
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IMMEDIATE RESPONSE OF PERSONNEL RECEIVING COMPLAINT / REPORT / SUSPICION / ALLEGATION OF SEA/SH

<ul style="list-style-type: none"> When in direct receipt of a complaint: provide a safe, caring environment and respect the confidentiality and wishes of the survivor/complainant; explain that all personnel of service providers are obliged to report to their agency and/or investigative body when they become aware of SEA/SH by a fellow worker; reassure survivor/complainant that information will be kept private and shared strictly on a needs to know basis in consideration of the wishes of the survivor; provide counselling on the available solutions. Collect minimum necessary information and complete the Complaint Referral Form (with minimum details required); PASSWORD PROTECT the form. DO NOT try to ascertain whether or not the allegation is true or to make any investigation into the allegation. 	<ul style="list-style-type: none"> Follow internal complaint handling procedures Complete a Complaint Referral Form (with any details known) and PASSWORD PROTECT form. DO NOT try to ascertain whether or not the allegation is true or to make any investigation into the allegation.
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REPORTING SEA/SH COMPLAINTS

Where the complaint / report concerns your agency / service provider:

Raise the complaint confidentially with your agency PSEA Focal Point or Manager, or Investigative Body, as soon as possible.

- Where the PSEA Focal Point is the subject or involved in a complaint or allegation** refer the complaint to your Alternate PSEA Focal Point, Manager, or Investigative Body, as soon as possible.
- Where both PSEA Focal Points are involved**, raise the complaint with the senior management, or an established investigative body of your agency directly (e.g. see details below), as soon as possible.

Where the complaint / report concerns another service provider the PSEA Focal Point should:

Complete a Complaint Referral Form (password protected and confidentially) to the concerned service provider PSEA Focal Point or Manager, or Investigative Body, by email or hand-posted letter, as soon as possible.

- **Where the concerned service provider's PSEA Focal Point is the subject or involved in the complaint or allegation**, refer the complaint to their Alternate PSEA Focal Point, Manager, or Investigative Body, as soon as possible.
- **Where both the PSEA Focal Points are involved**, raise the complaint with the senior management of your agency or an established investigative body (e.g. see details below) as soon as possible.

See 'Annex VII' for list of regional PSEA Focal Points and Alternates, and investigative Bodies²⁵.

**RESPONSE OF PSEA FOCAL POINT OF THE SERVICE PROVIDER OF CONCERN**

- | | |
|---|---|
| <ul style="list-style-type: none"> • Respect the confidentiality and wishes of the survivor • Keep information on strict needs to know basis • Refer to agency Complaint and Investigation Policy and Procedures | <p>Alert the relevant Response and Protection Coordinator (Refugee Response Coordinator, Humanitarian Coordinator, Refugees and Migrant Response Coordinators, Protection Coordinator, PSEA & Safe Spaces Network Coordinator) s, to ensure an adequate response to potential protection needs of the allegedly affected person(s) in consultation with investigative services.</p> |
|---|---|

**INVESTIGATION INITIATED BY INVESTIGATION BODY OR SENIOR MANAGEMENT OF SERVICE PROVIDER in line with agency investigation policy and procedures and the Regional Inter-Agency Complaint Referral Mechanism**

Upon planning an investigation, agencies are encouraged to contact the Regional or National (as appropriate) level UNHCR PSEA Focal Point on potential risks for concerned populations as a measure to ensure adequate security and safety for survivors and witnesses throughout an investigation process.

**THE PROTECTION NEEDS OF THE SURVIVOR, COMPLAINANT, WITNESSES, WHISTLE-BLOWERS, ALLEGED PERPETRATOR OR SUBJECT OF THE COMPLAINT, are considered and referrals are made to the appropriate Protection Services via the RSSN service referral online map and SGBV/CP, and other protection referral pathways.**

<https://www.arcgis.com/apps/MapSeries/index.html?appid=ae15aa2fe0c4469b83ea10f0925e8625>

- Refer to protection, SGBV, CP services included in the RSSN service referral online map and the national referral pathways for information on protection services and provide comprehensive information on available services and support to survivors of SEA/SH / SGBV
- **If agreed and requested by survivor**, obtain informed consent and make referrals to protection services
- When family/guardians make a decision on behalf of the child, ensure the best interest of the child is given priority. A trusted adult should accompany the child. Assent will be sought from the child to proceed with service referrals.
- Accompany the survivor to assist his/her in accessing services
- For survivors of sexual violence ensure immediate (within 72 hours) access to medical care.



25. The interactive PSEA/SH referral pathway is included in the RSSN service referral online map and can be consulted in the following link: <https://www.arcgis.com/apps/MapSeries/index.html?appid=ae15aa2fe0c4469b83ea10f0925e8625>

AGENCY CARRIES OUT RELEVANT ADMINISTRATIVE AND DISCIPLINARY MEASURES FOR PERSONNEL WHERE NECESSARY, IN LINE WITH THE POLICY AND PROCEDURES OF THE AGENCY CONCERNED



WHEN IN RECEIPT OF A REFERRAL FROM ANOTHER AGENCY, THE PSEA FOCAL POINT SHOULD ACKNOWLEDGE RECEIPT OF THE COMPLAINT OR REPORT AND CONFIRM THAT THE MATTER WAS ADDRESSED (considering confidentiality and best interest of the survivor)



PSEA FOCAL POINTS SHARE ANONYMIZED STATISTICAL DATA AND INFORMATION OF SEA/SH COMPLAINTS AND REFERRALS (AS DEFINED IN THE REGIONAL MECHANISM) WITHIN THE PSEA NETWORK, RSSN AND OTHER RELEVANT PROTECTION GROUPS

INVESTIGATIVE BODIES

UN Office of Internal Oversight Services (OIOS)

Report online: <https://oios.un.org/content/contact-us> | Call: +1 212 963 1111 (24 hours)

UNHCR Inspector General's Office (IGO)

Report online: <https://www.unhcr.org/uk/making-complaint.html> | Call: +41 22 7398844

Email: inspector@unhcr.org

ANNEXES

ANNEX I

SECRETARY-GENERAL'S BULLETIN ON SPECIAL MEASURES FOR PROTECTION FROM SEXUAL EXPLOITATION AND ABUSE (2003)

United Nations

ST/SGB/2003/13



Secretariat

9 October 2003

Secretary-General's Bulletin

Special measures for protection from sexual exploitation and sexual abuse

The Secretary-General, for the purpose of preventing and addressing cases of sexual exploitation and sexual abuse, and taking into consideration General Assembly resolution 57/306 of 15 April 2003, "Investigation into sexual exploitation of refugees by aid workers in West Africa", promulgates the following in consultation with Executive Heads of separately administered organs and programmes of the United Nations:

Section 1 Definitions

For the purposes of the present bulletin, the term "sexual exploitation" means any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another. Similarly, the term "sexual abuse" means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

Section 2 Scope of application

2.1 The present bulletin shall apply to all staff of the United Nations, including staff of separately administered organs and programmes of the United Nations.

2.2 United Nations forces conducting operations under United Nations command and control are prohibited from committing acts of sexual exploitation and sexual abuse, and have a particular duty of care towards women and children, pursuant to section 7 of Secretary-General's bulletin ST/SGB/1999/13, entitled "Observance by United Nations forces of international humanitarian law".

2.3 Secretary-General's bulletin ST/SGB/253, entitled "Promotion of equal treatment of men and women in the Secretariat and prevention of sexual harassment", and the related administrative instruction¹ set forth policies and procedures for handling cases of sexual harassment in the Secretariat of the United Nations. Separately administered organs and programmes of the United Nations have promulgated similar policies and procedures.

¹ Currently ST/AI/379, entitled "Procedures for dealing with sexual harassment".

Section 3

Prohibition of sexual exploitation and sexual abuse

3.1 Sexual exploitation and sexual abuse violate universally recognized international legal norms and standards and have always been unacceptable behaviour and prohibited conduct for United Nations staff. Such conduct is prohibited by the United Nations Staff Regulations and Rules.

3.2 In order to further protect the most vulnerable populations, especially women and children, the following specific standards which reiterate existing general obligations under the United Nations Staff Regulations and Rules, are promulgated:

(a) Sexual exploitation and sexual abuse constitute acts of serious misconduct and are therefore grounds for disciplinary measures, including summary dismissal;

(b) Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief in the age of a child is not a defence;

(c) Exchange of money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour, is prohibited. This includes any exchange of assistance that is due to beneficiaries of assistance;

(d) Sexual relationships between United Nations staff and beneficiaries of assistance, since they are based on inherently unequal power dynamics, undermine the credibility and integrity of the work of the United Nations and are strongly discouraged;

(e) Where a United Nations staff member develops concerns or suspicions regarding sexual exploitation or sexual abuse by a fellow worker, whether in the same agency or not and whether or not within the United Nations system, he or she must report such concerns via established reporting mechanisms;

(f) United Nations staff are obliged to create and maintain an environment that prevents sexual exploitation and sexual abuse. Managers at all levels have a particular responsibility to support and develop systems that maintain this environment.

3.3 The standards set out above are not intended to be an exhaustive list. Other types of sexually exploitive or sexually abusive behaviour may be grounds for administrative action or disciplinary measures, including summary dismissal, pursuant to the United Nations Staff Regulations and Rules.

Section 4

Duties of Heads of Departments, Offices and Missions

4.1 The Head of Department, Office or Mission, as appropriate, shall be responsible for creating and maintaining an environment that prevents sexual exploitation and sexual abuse, and shall take appropriate measures for this purpose. In particular, the Head of Department, Office or Mission shall inform his or her staff of the contents of the present bulletin and ascertain that each staff member receives a copy thereof.

4.2 The Head of Department, Office or Mission shall be responsible for taking appropriate action in cases where there is reason to believe that any of the standards listed in section 3.2 above have been violated or any behaviour referred to in section

3.3 above has occurred. This action shall be taken in accordance with established rules and procedures for dealing with cases of staff misconduct.

4.3 The Head of Department, Office or Mission shall appoint an official, at a sufficiently high level, to serve as a focal point for receiving reports on cases of sexual exploitation and sexual abuse. With respect to Missions, the staff of the Mission and the local population shall be properly informed of the existence and role of the focal point and of how to contact him or her. All reports of sexual exploitation and sexual abuse shall be handled in a confidential manner in order to protect the rights of all involved. However, such reports may be used, where necessary, for action taken pursuant to section 4.2 above.

4.4 The Head of Department, Office or Mission shall not apply the standard prescribed in section 3.2 (b), where a staff member is legally married to someone under the age of 18 but over the age of majority or consent in their country of citizenship.

4.5 The Head of Department, Office or Mission may use his or her discretion in applying the standard prescribed in section 3.2 (d), where beneficiaries of assistance are over the age of 18 and the circumstances of the case justify an exception.

4.6 The Head of Department, Office or Mission shall promptly inform the Department of Management of its investigations into cases of sexual exploitation and sexual abuse, and the actions it has taken as a result of such investigations.

Section 5

Referral to national authorities

If, after proper investigation, there is evidence to support allegations of sexual exploitation or sexual abuse, these cases may, upon consultation with the Office of Legal Affairs, be referred to national authorities for criminal prosecution.

Section 6

Cooperative arrangements with non-United Nations entities or individuals

6.1 When entering into cooperative arrangements with non-United Nations entities or individuals, relevant United Nations officials shall inform those entities or individuals of the standards of conduct listed in section 3, and shall receive a written undertaking from those entities or individuals that they accept these standards.

6.2 The failure of those entities or individuals to take preventive measures against sexual exploitation or sexual abuse, to investigate allegations thereof, or to take corrective action when sexual exploitation or sexual abuse has occurred, shall constitute grounds for termination of any cooperative arrangement with the United Nations.

Section 7

Entry into force

The present bulletin shall enter into force on 15 October 2003.

(Signed) Kofi A. **Annan**
Secretary-General

ANNEX II

STATEMENT OF COMMITMENT ON ELIMINATING SEXUAL EXPLOITATION AND ABUSE BY UN AND NON-UN PERSONNEL

 <http://www.pseataskforce.org/uploads/tools/1401792781.doc>

We, UN and non-UN entities¹, re-affirm our determination to prevent future acts of sexual exploitation and abuse by our personnel².

We note the issuance of this Statement at the High-level Conference on Eliminating Sexual Exploitation and Abuse by UN and NGO Personnel on 4 December 2006 in New York, USA and welcome future endorsement of this Statement by others.

We recall the six core principles³ relating to sexual exploitation and abuse adopted by note that these principles have been incorporated into organization-specific codes of conduct, rules and regulations and are thereby binding on personnel. In particular, they are binding on United Nations staff and related personnel and outlined in the Secretary-General's Bulletin *Special measures for protection from sexual exploitation and sexual abuse* (ST/SGB/2003/13).

We recall that these standards were promulgated to further protect the most vulnerable populations, especially women, girls and boys, and recognize that in countries where we operate, conditions such as poverty, weak rule of law and displacement and the destruction of community structures due to conflict, increase the vulnerability of communities to sexual exploitation and abuse, including human trafficking, by our personnel and others.

We further recall that creating and maintaining a living and working environment that prevents sexual exploitation and abuse is both an individual and organizational responsibility. We note that the management culture of an organization, the equal representation of women and men at all levels of the organization and the adequacy of the living and working environment all contribute to the prevention of sexual exploitation and abuse.

We underline the importance of preventing sexual exploitation and abuse and stress the need for swift, decisive action when such acts do occur. We note the specific duties of managers and commanders in this regard, outlined for the United Nations in section 4 of the Bulletin.

We recognize that significant progress has been made to-date to eliminate sexual exploitation

1. See "Appendix 1: List of Endorsing Entities" for a full listing of entities that endorse the Statement of Commitment on Eliminating Sexual Exploitation and Abuse by UN and Non-UN Personnel

2. "Our personnel" includes: United Nations staff and related personnel such as United Nations Volunteers, personnel or employees of non-United Nations entities or individuals who have entered into a cooperative arrangement with the United Nations (including interns, international and local consultants as well as individual and corporate contractors), experts on mission including United Nations police officers, members of national formed police units, corrections officers and military observers, as well as military members of national contingents serving in United Nations peacekeeping missions); personnel as defined by international organizations and their membership bodies; and personnel of non-governmental organizations.

3. See "Appendix 2: Six Core Principles Relating to Sexual Exploitation and Abuse"

and abuse by our personnel and note that we are at different stages of implementing the IASC six core principles on sexual exploitation and abuse.

We re-affirm our goal of achieving full implementation of these principles as a matter of urgency and commit to:

- 1. Develop organization-specific strategies to prevent and respond to sexual exploitation and abuse.** These would include time-bound, measurable indicators of progress to enable our organizations and others to monitor our performance.
- 2. Incorporate our standards on sexual exploitation and abuse in induction materials and training courses for our personnel.**
- 3. Prevent perpetrators of sexual exploitation and abuse from being (re-)hired or (re-)deployed.** This could include use of background and criminal reference checks.
- 4. Ensure that complaint mechanisms for reporting sexual exploitation and abuse are accessible and that focal points for receiving complaints understand how to discharge their duties.**
- 5. Take appropriate action to the best of our abilities to protect persons from retaliation where allegations of sexual exploitation and abuse are reported involving our personnel.**
- 6. Investigate allegations of sexual exploitation and abuse in a timely and professional manner.** This includes the use of appropriate interviewing practice with complainants and witnesses, particularly with children.
- 7. Take swift and appropriate action against our personnel who commit sexual exploitation and abuse.** This may include administrative or disciplinary action, and/or referral to the relevant authorities for appropriate action, including criminal prosecution.
- 8. Provide basic emergency assistance to complainants of sexual exploitation and abuse.**
- 9. Regularly inform our personnel and communities on measures taken to prevent and respond to sexual exploitation and abuse.** Such information should be developed and disseminated in-country in cooperation with other relevant agencies and should include details on complaints mechanisms, the status and outcome of investigations in general terms, feedback on actions taken against perpetrators and follow-up measures taken as well as assistance available to complainants and victims.
- 10. Engage the support of communities and governments to prevent and respond to sexual exploitation and abuse by our personnel.**

APPENDIX 1

LIST OF ENDORSING ENTITIES

UNITED NATIONS ENTITIES

1. **Department for Disarmament Affairs (DDA)**, Mr. Nobuaki Tanaka, Under-Secretary-General.
1. **Department of Economic and Social Affairs (DESA)**, Mr. José Antonio Ocampo, Under-Secretary-General.
1. **Department of Political Affairs (DPA)**, Mr. Ibrahim Agboola Gambari, Under-Secretary-General.
2. **Department of Public Information (DPI)**, Mr. Shashi Tharoor, Under-Secretary-General for Communications and Public Information.
3. **Department of Peacekeeping Operations (DPKO)**, Mr. Jean-Marie Guéhenno, Under-Secretary-General for Peacekeeping Operations.
4. **Department of Management**, Mr. Warren Sach OIC.
5. **Department of Safety and Security (DSS)**, Mr. David Veness, Under-Secretary-General.
6. **Food and Agriculture Organization (FAO)**, Mr. Jacques Diouf, Director-General.
7. **International Organization for Migration (IOM)**, Mr. William Lacy Swing, Director-General.
8. **International Trade Centre (ITC)**, Patricia Francis.
9. **Office for the Coordination of Humanitarian Affairs (OCHA)**, Mr. Jan Egeland, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator.
10. **Office of the United Nations High Commissioner for Human Rights (OHCHR)**, Ms. Louise Arbour, High Commissioner for Human Rights.
11. **Office of Legal Affairs (OLA)**, Mr. Nicolas Michel, Under-Secretary-General / The Legal Counsel.
12. **Office of the Special Adviser on Africa (OSAA)**, Mr. Joseph Legwaila Legwaila, Under-Secretary-General.
13. **Office of the Special Representative of the Secretary-General for Children and Armed Conflict (OSRSG/CAAC)**, Ms. Radhika Coomaraswamy. Under-Secretary-General / Special Representative of the Secretary-General for Children and Armed Conflict.
14. **United Nations Development Programme (UNDP)**, Mr. Kemal Dervis, Administrator.
15. **United Nations Disengagement Observer Force (UNDOF)**, Major-General Wolfgang Jilke, Force Commander
16. **United Nations Human Settlements Programme (UN-HABITAT)**, Ms. Anna Tibaijuka, Executive Director.
17. **Office of the United Nations High Commissioner for Refugees (UNHCR)**, Mr. Antonio Manuel De Oliveira Guterres, High Commissioner for Refugees.
18. **United Nations Children's Fund (UNICEF)**, Ms. Ann Veneman, Executive Director.

19. **United Nations Interim Force in Lebanon (UNIFIL)**, Major-General Clausio Graziano, Force Commander.
20. **United Nations Interim Administration Mission in Kosovo (UNMIK)**, Mr. Joachim Rucker, Special Representative of the Secretary-General.
21. **United Nations Integrated Mission in Timor-Leste (UNMIT)**, Mr. Atul Khare, Special Representative of the Secretary-General.
22. **United Nations Office on Drugs and Crime (UNODC)**, Mr. Antonio Maria Costa, Director General.
23. **United Nations Mission in Côte d'Ivoire (UNOCI)**, Mr. Abou Moussa OIC.
24. **United Nations Mission in Ethiopia and Eritrea (UNMEE)**, Mr. Azouz Ennifar, Acting Special Representative of the Secretary-General.
25. **United Nations Mission in Sudan (UNMIS)**, Mr. Taye-Brook Zerihoun, Acting Special Representative of the Secretary-General.
26. **United Nations Mission for the referendum in Western Sahara (MINURSO)**, Julian Harston, Special Representative of the Secretary-General.
27. **United Nations Military Observer Group in India and Pakistan (UNMOGIP)**, Major-General Dragutin Repinc, Chief Military Observer.
28. **United Nations Observer Mission in Georgia (UNOMIG)**, Mr. Jean Arnault, Special Representative of the Secretary-General.
29. **United Nations Organization Mission in the Democratic Republic of Congo (MONUC)**, Mr. William Lacy Swing, Special Representative of the Secretary-General.
30. **United Nations Office at Geneva (UNOG)**, Mr. Sergei Ordzhonikidze, Director-General.
31. **United Nations Office for Project Services (UNOPS)**, Mr. Jan Mattsson, Executive Director.
32. **United Nations Peacekeeping Force in Cyprus (UNFICYP)**, Mr. Michael Moller, Special Representative of the Secretary-General and Chief of Mission.
33. **United Nations Populations Fund (UNFPA)**, Ms. Thoraya Obaid, Executive Director.
34. **United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)**, Ms. Karen Koning Abu Zayd, Commissioner-General.
35. **United Nations Stabilization Mission in Haiti (MINUSTAH)**, Mr. Edmond Mulet, Special Representative of the Secretary-General.
36. **United Nations Staff Union**, Mr. Stephen Kisambira, President.
37. **United Nations Truce Supervision Organizations (UNTSO)**, Major-General Ian Gordon, Chief of Staff.
38. **United Nations Volunteers (UNV)**, Mr. Ad de Raad, Executive Coordinator.
39. **World Health Organization (WHO)**, Dr. Anders Nordström, Acting Director-General.
40. **World Food Programme (WFP)**, Mr. James T. Morris, Executive Director.

NON-UNITED NATIONS ENTITIES

1. **Action By Churches Together (ACT)**, Mr. John Nduna, Director.
2. **Africa and Middle East Refugee Assistance (AMERA UK)**, Ms. Barbara E. Harrell-Bond, OBE, Executive Director for Overseas Operations.
3. **Africare**, Mr. Julius E. Coles, President.
4. **American Refugee Committee International (ARC)**, Mr. Hugh Parmer, President.
5. **Association of Voluntary Agencies for Rural Development (AVARD)**, Mr. P.M. Tripathi, President.
6. **Austrian Red Cross**, Mr. Wolfgang Kopetsky, Secretary General.
7. **Care International**, Mr. Denis Caillaux, Secretary-General.
8. **Caritas Internationalis**, Mr. Duncan MacLaren, Secretary-General.
9. **Catholic Relief Services (CRS)**, Mr. Ken Hackett, President.
10. **Christian Children's Fund (CCF)**, Mr. Bill Leahey, Acting Chief Executive Officer.
11. **Christian Reformed World Relief Committee (CRWRC-US)**, Mr Andrew Ryskamp, Director.
12. **Concern Worldwide**, Mr. Tom Arnold, Chief Executive.
13. **End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT International)**, Ms. Carmen M. Madriñán, Executive Director.
14. **HelpAge International (HAI)**, Mr. Richard Blewitt, Chief Executive.
15. **International Medical Corps**, Ms. Nancy Aossey, President and Chief Executive Officer.
16. **International Rescue Committee (IRC)**, Mr. George Rupp, President and Chief Executive Officer.
17. **Irish Red Cross**, Mr. John Roycroft, Secretary General.
18. **Italian Red Cross**, Mr. Massimo Barra, President.
19. **Lutheran World Relief**, Mr. Jeff Whisenant, Executive Vice President.
20. **Mercy Corps**, Ms. Nancy Lindborg, President.
21. **Red Cross of Monaco**, HSH Prince Albert II.
22. **Médecins du Monde (MDM France)**, Dr. Pierre Micheletti, Chairman.
23. **Refugees International (RI)**, Mr. Kenneth H. Bacon, President.
24. **Operation USA**, Mr. Richard M. Walden, President and Chief Executive Officer.
25. **Relief International**, Mr. Farshad Rastegar, CEO.
26. **Pact, Inc.**, Ms. Sarah Newhall, President and Chief Executive Officer.
27. **Plan International**, Mr. Tom Miller, Chief Executive Officer.
28. **Population Action International (PAI)**, Ms. Amy Cohen, Chief Executive Officer and President.
29. **Save the Children UK (SC UK)**, Ms. Jasmine Whitbread, Chief Executive.
30. **Save the Children Alliance**, Ms. Jasmine Whitbread, Chief Executive.
31. **Tearfund**, Mr. Matthew Frost, Chief Executive.
32. **Temporary International Presence in Hebron (TIPH)**, Mr. Karl-Henrik Sjørnsen, Head of Mission.

33. **Trinidad and Tobago Red Cross Society**, Ms. Delia Chatoor, President.
34. **Winrock International Institute for Agricultural Development (Winrock International)**, Mr. Frank Tugwell, President and Chief Executive Officer.
35. **Women's Commission for Refugee Women and Children**, Ms. Carolyn Makinson, Executive Director.
36. **World Vision International**, Kevin J. Jenkins, President and Chief Executive Officer

Status as of December 2011

APPENDIX 2

SIX CORE PRINCIPLES RELATING TO SEXUAL EXPLOITATION AND ABUSE⁴

- 1 "Sexual exploitation and abuse by humanitarian workers constitute acts of gross misconduct and are therefore grounds for termination of employment.
- 2 Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief regarding the age of a child is not a defence.
- 3 Exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour is prohibited. This includes exchange of assistance that is due to beneficiaries.
- 4 Any sexual relationship between those providing humanitarian assistance and protection and a person benefiting from such humanitarian assistance and protection that involves improper use of rank or position is prohibited. Such relationships undermine the credibility and integrity of humanitarian aid work.
- 5 Where a humanitarian worker develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same agency or not, he or she must report such concerns via established agency reporting mechanisms.
- 6 Humanitarian workers are obliged to create and maintain an environment, which prevents sexual exploitation and abuse and promotes the implementation of their code of conduct. Managers at all levels have particular responsibilities to support and develop systems which maintain this environment."

4. <https://interagencystandingcommittee.org/principals/documents-public/iasc-six-core-principles-relating-sexual-exploitation-and-abuse-2002>

ANNEX III

ISASC MINIMUM OPERATING STANDARDS PROTECTION FROM SEXUAL EXPLOITATION AND ABUSE BY OWN PERSONNEL (MOS-PSEA)¹

To provide protection from sexual exploitation and abuse (PSEA) by own personnel the compliance with a set of Minimum Operating Standards for PSEA (MOS-PSEA) is required. The MOS-PSEA are modelled after the well-known Minimum Operating Security Standards for Staff Safety (or MOSS) compliance mechanism, which is mandatory for the UN System to ensure there is a common set of requirements that all agencies follow in order to ensure staff safety.

WHAT ARE THE MOS-PSEA?

The MOS-PSEA are based on:

1. The Statement of Commitment on Eliminating Sexual Exploitation and Abuse by UN and Non-UN Personnel, August 2008
2. The Global Review of protection from Sexual Exploitation and Abuse by UN, NGO, IOM and IFRC Personnel, July 2010
3. IASC Six Core Principles Relating to Sexual Exploitation and Abuse, June 2002

WHAT ARE THE KEY ELEMENTS OF THE MOS-PSEA?

The four pillars of the current PSEA work provide the framework for the mechanism. These are:

1. **Management and coordination:** Effective policy development and implementation; Cooperative arrangements; Dedicated department / focal point committed to PSEA.
2. **Engagement with and support of local community population:** Effective and comprehensive communication from HQ to the field on (a) what to do regarding raising beneficiary awareness on PSEA and (b) how to establish effective community-based complaints mechanisms.
3. **Prevention:** Effective and comprehensive mechanisms to ensure awareness-raising on SEA amongst personnel; effective recruitment and performance management.
4. **Response:** Internal complaints and investigation procedures are in place.

¹ These MOS have been discussed among IASC PSEA TaFo Members; the document is work in progress and reflects the status of the Task Forces' current thinking.

PSEA MINIMUM OPERATING STANDARDS	KEY INDICATORS
<p>1. EFFECTIVE POLICY DEVELOPMENT AND IMPLEMENTATION</p>	<ul style="list-style-type: none"> • A policy stating standards of conduct, including acts of SEA, exists and a work plan to implement the policy is in place. • The policy/standards of conduct have been conveyed to current staff and senior management (at HQ and field level) on repeated occasions (such as inductions and refresher trainings).
<p>2. COOPERATIVE ARRANGEMENTS</p>	<ul style="list-style-type: none"> • SG’s Bulletin (ST/SGB/2003/13) or respective codes of conduct are included in general contract conditions. • Procedures are in place to receive written agreement from entities or individuals entering into cooperative arrangements with the agency that they are aware of and will abide by the standards of the PSEA policy.
<p>3. A DEDICATED DEPARTMENT/FOCAL POINT IS COMMITTED TO PSEA</p>	<ul style="list-style-type: none"> • A dedicated department/focal point have the overall responsibility for the development and implementation of PSEA policy and activities. • The responsible department/focal point is required to regularly report to senior management on its progress on PSEA through the Senior Focal Point on PSEA. • Staff members dealing with PSEA have formalised responsibility for PSEA in their job description, performance appraisal or similar. • They have received systematised training on PSEA and the time committed to PSEA is commensurate with the scale of implementation required under the current situation of the organisation.
<p>4. EFFECTIVE AND COMPREHENSIVE COMMUNICATION FROM HQ TO THE FIELD ON EXPECTATIONS REGARDING RAISING BENEFICIARY AWARENESS ON PSEA</p>	<ul style="list-style-type: none"> • The HQ has communicated in detail the expectations regarding beneficiary awareness raising efforts on PSEA (including information on the organisation’s standards of conduct and reporting mechanism). • The HQ has distributed examples of awareness raising tools and materials to be used for beneficiary awareness raising activities.
<p>5. EFFECTIVE COMMUNITY BASED COMPLAINTS MECHANISMS (CBCM), INCLUDING VICTIM ASSISTANCE</p>	<ul style="list-style-type: none"> • The HQ urges its field offices to participate in community based complaint mechanisms that are jointly developed and implemented by the aid community adapted to the specific locations. • There is guidance provided to the field on how to design the CBCM to ensure it is adapted to the cultural context with focus on community participation. • There is a mechanism for monitoring and review of the complaint mechanism. • The organisation has written guidance on the provision of victim assistance.

PSEA MINIMUM OPERATING STANDARDS	KEY INDICATORS
6. EFFECTIVE RECRUITMENT AND PERFORMANCE MANAGEMENT	<ul style="list-style-type: none"> • The organisation makes sure that all candidates are required to sign the code of conduct before being offered a contract. • Each organisation commits to improving its system of reference checking and vetting for former misconduct. • Supervision and performance appraisals include adherence to participation in Code of Conduct trainings (or similar) that includes PSEA. • Performance appraisals for Senior Management include the adherence to create and maintain an environment which prevents sexual exploitation and abuse and promotes the implementation of the ST/SGB/2003/13 or code of conduct.
7. EFFECTIVE AND COMPREHENSIVE MECHANISMS ARE ESTABLISHED TO ENSURE AWARENESS-RAISING ON SEA AMONGST PERSONNEL	<ul style="list-style-type: none"> • Staff receives annual refresher training on the standards of conduct, learn about the mechanism to file complaints and reports of misconduct and the implications of breaching these standards. • Training on misconduct (specifically mentioning SEA) forms part of the induction process. • Staff members are aware of their obligation to report SEA/misconduct and are aware that there is a policy for Protection from retaliation in place.
8. INTERNAL COMPLAINTS AND INVESTIGATION PROCEDURES IN PLACE	<ul style="list-style-type: none"> • Written procedures on complaints/reports handling from staff members or beneficiaries are in place. • Staff members are informed on a regular basis of how to file a complaint/report and the procedures for handling these. • Standard investigation operating procedures or equivalent issued and used to guide investigation practice. • Investigations are undertaken by experienced and qualified professionals who are also trained on sensitive investigations such as allegations of SEA. • Investigations are commenced within 3 months and information about out-come is shared with the complainant. • Substantiated complaints have resulted in either disciplinary action or contractual consequences and, if not, the entity is able to justify why not.

ANNEX IV

IASC STRATEGY ON PROTECTION FROM AND RESPONSE TO SEXUAL EXPLOITATION AND ABUSE AND SEXUAL HARASSMENT (2018)

VISION

The IASC Champions support the vision of a humanitarian environment in which people caught up in crises feel safe and respected and can access the protection and assistance they need without fear of exploitation or abuse by any aid worker, and in which aid workers themselves feel supported, respected and empowered to deliver such assistance in working environments free from sexual harassment.

Sexual Exploitation and Abuse (SEA) and Sexual Harassment (SH) must not be tolerated; they are an unacceptable breach of the fundamental rights of the people we serve and of those with whom we work as well as a deep betrayal of our core values.

STRATEGY

Recognizing that the IASC is the only forum that facilitates coordination among international humanitarian actors, bringing together UN agencies, the Red Cross and Red Crescent movement, and NGOs;

Tapping into the added value of this broad membership;

and Counting on the support of the Emergency Relief Coordinator;

The IASC Champions will lead efforts within the IASC to better address SEA and SH by:

- a. setting the tone for all entities
 - (i) internally within the IASC to recognize that addressing SEA and SH is a top priority and dedicate resources accordingly, ensuring in particular engagement in the field and with IASC membership in the NGO community;
 - (ii) beyond the IASC to improve coordination on these issues and foster synergies with the broader efforts within the UN system;
- b. advocating for reinforced prevention and response measures to SEA and SH based on a victim/survivor-centered approach that are operationalized in the field in a way that is systematic, predictable and resourced accordingly, in line with defined priorities;
- c. convening IASC and external stakeholders around a shared vision and a cohesive humanitarian approach around SEA and SH;
- d. promoting long term culture and attitudinal change towards all forms of sexual misconduct.

PRIORITIES

Until June 2020, the Champions will tackle priorities under three main objectives.

1. ENCOURAGING VICTIMS TO COME FORWARD AND A SPEAK UP CULTURE

Community-Based Complaints Mechanisms (CBCMs). Building on the considerable work already carried out within the IASC context, ensure that safe, trusted and accessible mechanisms for reporting SEA are available in all humanitarian situations and developed based on contextual assessments that consider the best means of safe and confidential reporting in particular environments.

Reporting and speak up culture within IASC entities. While recognizing that IASC member entities will have their own reporting channels for misconduct, ensure that barriers to reporting SH are gradually removed. This includes addressing key issues such as fear of speaking up and/or retaliation and lack of trust in reporting systems, looking at good practices among IASC entities, bringing forward supportive measures which could encourage reporting, and taking up joint approaches to culture change initiatives as appropriate.

2. IMPROVING QUALITY, SURVIVOR CENTERED SUPPORT AND PROTECTION

Multifunctional support. Support the implementation of quality and multifunctional assistance for survivors of SEA and SH, including, as appropriate, medical care, psychosocial support, legal assistance and reintegration, improving the experience of recourse and ensuring a consistent approach among IASC members.

Additional protection measures. Support the implementation of measures to ensure people who report SEA and SH will be safe and protected, pool existing good practices within the IASC to strengthen and harmonize policy frameworks, and join forces in developing additional protective measures for those who have experienced or witnessed SEA or SH.

3. STRENGTHENED VETTING, REFERENCE-CHECKING, INVESTIGATION PROCESSES AND DISCIPLINARY MEASURES

Vetting and reference-checking processes. Building upon existing tools and good practices¹ develop IASC-wide common standards for vetting and reference-checking in order to prevent re-employment of transgressors across the sector. This will require additional policy analysis to take into account the specifics of the IASC composition and consideration of issues of data protection, standards for disqualification and mechanisms to ensure consistent record checking.

Investigation and disciplinary processes. Strengthen the capacity of investigation functions within the IASC and ensure that allegations of SEA and SH are met with a robust investigative process based on a survivor centered- approach. Recommendations from the CEB/IASC investigatory bodies meeting (November 2018) and resources made available through the Investigations Fund managed by OCHA will drive interagency work to ensure experienced, professional and adequately resourced services are either available or made available to those with limited capacities. IASC entities will ensure a consistent approach to subsequent disciplinary measures and that those who are found to have engaged in SEA or SH will face the most severe disciplinary sanctions, in particular dismissal.



Henrietta H. Fore
Executive Director
UNICEF



Filippo Grandi
High Commissioner
UNHCR



Mark Lowcock
Under-Secretary-General
for Humanitarian Affairs and
Emergency Relief Coordinator

¹ See IASC paper on “Preventing Transgressors from Moving through the System” (May 2018) and extensive efforts under the auspices of the UN Special Coordinator and the Chief Executive Board Task Force on Sexual Harassment to ensure that those who are found to have engaged in SEA or SH, or those who resign while a disciplinary process is ongoing, shall not be recruited by any other UN entity (the Clear Check databases). Reference is also made to the proposed Inter-Agency Misconduct Disclosure scheme, an initiative of members of the Steering Committee for Humanitarian Response.

ANNEX V

TERMS OF REFERENCE, REGIONAL NETWORK ON PROTECTION FROM SEXUAL EXPLOITATION AND ABUSE BY HUMANITARIAN PERSONNEL IN THE AMERICAS REGION (AUGUST 2017)

I. MEMBERSHIP

The Network on Protection from Sexual Exploitation and Abuse (PSEA) will function under the auspices of the Director of the Americas Bureau of UNHCR. Membership normally includes Focal Points on Protection from Sexual Exploitation and Abuse officially designated by regional, national and field offices who manage the provision of humanitarian aid to refugees, asylum-seekers, returnees, internally displaced and stateless people, and other people in need of international protection (hereinafter UNHCR's persons of concern) within the context of the Americas Region.

II. RESPONSIBILITIES

The Network on Protection from Sexual Exploitation and Abuse (PSEA) will serve as the primary body for awareness, prevention, and protection from sexual exploitation and abuse by international and national personnel of operations providing humanitarian services to UNHCR's persons of concern. The Network is **NOT** responsible for investigation or adjudication of complaints, or for dealing directly with them. These functions rest exclusively with the Inspector General's Office (IGO) and the dedicated investigative bodies of individual entities (e.g. Partners, NGOs). Doubts regarding potential cases could be referred from partners to designated UNHCR PSEA focal points for advice and guidance. The Protection Unit of the Americas Bureau will act as Regional PSEA Advisor to support field operations as needed. (i.e. should an investigation be conducted in consultation with IGO and the relevant protection services, the necessary measures for the protection and support of survivors and their families will be implemented, following the principles of confidentiality and a survivor-centered approach).

III. GUIDING PRINCIPLES

1. The Regional Network will work closely with other units and coordination bodies at national, regional and global levels, including the Regional Safe Spaces Network, the Regional Inter-Agency Coordination for the Venezuelan Situation, the United Nations Development Group for Latin America and the Caribbean (UNDGLAC GIG) and relevant bodies of Humanitarian Coordination such as the Inter-Agency Standing Committee (IASC) Working Group on PSEA & Accountability, Global Protection Working Group, Global Child Protection Working Group, and Gender-Based Violence Area of Responsibility (AoR).
2. The Regional Network meetings should provide a supporting environment to discuss potentially sensitive challenges faced by operations with regards to PSEA. The information shared during the meetings should be confidential, particularly with regard to potential individual cases of SEA. Moreover, information related to the elaboration of protocols may determine its public character.

3. In order to ensure that the Regional Network has a strong membership and representation at decision-making levels, operations and partners are encouraged to nominate two staff members (the focal point and the alternate) to participate in the Regional Network. The appointment of such persons as PSEA Focal points will be officially conducted by each operation in accordance with the profiles and structures of the respective operation.
4. The information that identifies the alleged victims, witnesses or perpetrators will never be shared during the meetings nor recorded in its minutes. Additional procedures for eventual discussions or potential collection and systematization of individual cases shall respect the principles of confidentiality following the requirements of the investigation as indicated by the relevant investigative entity.

IV. MAJOR TASKS

The main tasks of the Regional Network are indicated below as part of the four pillars of the Protection from Sexual Exploitation and Abuse:

ENGAGEMENT WITH AND SUPPORT OF REFUGEES, ASYLUM-SEEKERS, RETURNEES, INTERNALLY DISPLACED AND STATELESS PEOPLE, AND OTHER PERSONS IN NEED OF INTERNATIONAL PROTECTION.

- In cooperation with communities affected by forced displacement at international or internal level, or by statelessness or the risk of becoming stateless, **establish coordinated (not necessarily common) complaints mechanisms in each community**. Such mechanisms should be safe, accessible, and confidential (i.e. on a need-to-know basis) and tailored to the needs of each geographical area. The Regional Network will support the development of adequate mechanisms for the coordination of complaints mechanisms, i.e. referral to competent services.
- **Facilitate awareness** raising of the obligations established under humanitarian Code of Conduct for staff of partner services providers, as well as their dissemination in communities receiving such services, including PSEA, complaint mechanisms, available services and referral pathways.
- **Identify potential risk factors** as well as areas of concern of operations, partner agencies, and target populations.

PREVENTION

- Ensure and, as necessary, coordinate the provision of **awareness raising on SEA for all humanitarian personnel and volunteers in each of the countries where there is an active operation of UNHCR**, including their responsibility to report all suspicions of sexual exploitation and abuse committed by colleagues (pursuant to ST/SGB/2003/13 section 3.2 (e) for UN staff and related personnel).
- Share and analyze information about **potential risk factors and areas of concern and develop strategies** to minimize them within the protection response.
- **Advocate with Senior Managers and relevant national, regional and international actors** to ensure that PSEA strategies are adequately implemented.
- Share good practices to improve the organizations' procedures for vetting staff and reduce hiring of individuals who may have established criminal records for having committed serious misconduct, especially in relation to sexual exploitation and abuse. This would include engagement with Community-Based Organizations (CBOs) and volunteers.

RESPONSE SYSTEMS

- **Support the implementation of Standard Operating Procedures (SOP)**, including safe, confidential and efficient cross-referral mechanisms of the Regional Safe Spaces Network to ensure the timely access of victims to protective solutions. In this process, and in consultation with the corresponding investigative services, the necessary efforts will be made for the preservation of the evidence with due respect to the confidentiality, and informed consent of the alleged victims.
- In accordance with the guiding principles and the agreed upon SOP, the persons designated as Focal Points of the PSEA Regional Network will provide technical advice to offices and partner agencies on referral pathways and investigation mechanisms. The Protection Unit of the Americas Bureau will provide support operations as needed.
- Suspicion and Allegation of SEA will be submitted to PSEA focal points and relevant Investigation Bodies following the updated Inter-Agency Complaint Referral Mechanism (at regional and national levels)
- When any of the formally designated Focal Points receives information of unspecified/generic (“in-the-air”) allegations of sexual exploitation or abuse affecting refugees (i.e. where the institutional affiliation of the alleged perpetrator(s) is uncertain or unknown), the PSEA Focal Points Network **will alert the Relevant Country Representative and the Regional Director of the UNHCR’s Americas Bureau, and Regional Refugee and Migrant Coordinators** to ensure an adequate response to potential protection needs of the allegedly affected population in consultation with investigative services. In the event of suspicions of cases of SEA committed by UNHCR staff, they must be presented to the IGO.
- **Support the implementation of minimum standard procedures** for reporting SEA, in order to protect whistle-blowers and to take appropriate action against malicious reports.

MANAGEMENT AND COORDINATION

- Hold **regular meetings** every two months, write the minutes and share them with all members of the Regional Network. **Ad hoc meetings** may be called as required.
- **UNHCR’s Americas Bureau will coordinate** the PSEA Network. Co-chairing by other organizations operations could be explored if deemed necessary.
- **Assess gaps** in protection from SEA, and develop and implement action plans to fill any deficiencies and strengthen operations.
- **Coordinate trainings** for designated Focal Points on their PSEA roles and responsibilities.
- **Share information** on achievements, best practices and/or effective mechanisms in addressing SEA and develop an action plan and monitoring mechanism of its implementation.
- **Support operations** to adhere to applicable monitoring and compliance mechanisms.
- **Report annually** to the Director of the Bureau on the implementation of the Regional Network action plan.
- **Review this** ToR and other coordination documents, such as SOP, on an annual basis and as required.

ANNEX VI

EXAMPLE - TERMS OF REFERENCE FOR NATIONAL PSEA FOCAL POINTS WITHIN THE REGIONAL INTER-AGENCY COMPLAINT REFERRAL MECHANISM IN THE AMERICAS

ROLE

PSEA Focal Points are appointed from within Regional Safe Space Network (RSSN) and PSEA Network member agencies and represent their agency in the PSEA activities in their area of operations. They report to the relevant coordinator for PSEA (e.g. RSSN or PSEA network) in their area and participate in PSEA activities and consultations with communities. Additionally, they report back to their agencies on PSEA progress and knowledge gained from working with the Networks. Each agency participating in the Networks shall nominate at least two National level Focal Points (a PSEA Focal Point and alternate), ideally from different gender and sexes. If appropriate, e.g. scope, range geographic coverage of activities, field level PSEA Focal Points can be assigned and coordinate with national and local level PSEA activities with other service providers.

MEETINGS

PSEA Focal Points shall meet on the [set a regular time/day in the month] in order to share PSEA updates and experiences, confer with the PSEA Coordinator/co-chairs, and address issues with trainings and awareness raising activities when necessary. Regular meetings should facilitate information-sharing on each provider's measures in place to prevent and address SEA and SH, documented incidents (maintaining confidentiality), and incident follow-up. PSEA Focal Points work within the framework of the Regional Safe Spaces Network (RSSN) or the relevant protection coordination forum.

RESPONSIBILITIES

INSTITUTIONAL

- Work with senior management within one's own agency to strengthen structures under the Regional Inter-Agency Complaint Referral Mechanism in the Americas, MOS-PSEA¹ and implement the PSEA Action Plan as agreed within the PSEA Network and own agency
- Ensure that the identity of PSEA focal points is known throughout the organization and that contact details are made widely available
- Make appropriate recommendations to senior management on enhancing prevention and response strategies for PSEA/SH.

1. IASC PSEA Minimum Operating Standards <https://interagencystandingcommittee.org/accountability-affected-populations-including-protection-sexual-exploitation-and-abuse/content-1>

AWARENESS- RAISING ACTIVITIES

- Plan and organize trainings for personnel within their agency on PSEA and SH, the agency's code of conduct, internal and joint complaint mechanisms, inter-agency complaint referral mechanisms and the Regional Community-Based Inter-Agency Complaint Referral Mechanism (cross-border).
- Plan and organize awareness campaigns for concerned populations and local communities on PSEA/SH, which emphasize beneficiary rights and how to report incidents.

COMPLAINTS

- Act as an in-person channel for SEA/SH complainants
- Work with the PSEA Coordinator/Chair, Regional Safe Spaces Network, SGBV and Protection working groups to ensure that survivors are referred to appropriate assistance services
- PSEA Focal Points trained and experienced in child protection should be engaged in child-survivor cases.

COORDINATION

- Serve as the main channel for sharing PSEA/SH information between service providers at relevant coordination meetings
- Serve as key representative in the implementation of the Regional Inter-agency Complaint Referral Mechanism
- Respond to requests for information on PSEA/SH activities.

JOINT AND INTER- AGENCY COMPLAINT MECHANISM MANAGEMENT

- Conduct regular community consultations with all stakeholders from the design phase and throughout the life of the complaint mechanism, leading to effective programme adjustment
- Support the PSEA Coordinator / Chair in complaint monitoring and providing complainant/survivor feedback when needed
- Receive, refer and provide feedback on complaints at the regional level within the PSEA and RSSN network member agencies
- Contribute to the exchange of experiences and best practices during implementation, monitoring, and evaluation
- Produce comprehensive handover notes when exiting the site / programme area.

PSEA Focal Points shall advocate with their Human Resources and/or senior management to ensure that the above PSEA/SH responsibilities are reflected in their job descriptions and evaluations. This is necessary so that they may devote the time for continued and meaningful engagement with PSEA/SH, including: attending coordination meetings, trainings, awareness-raising events for concerned populations and the community, and other relevant PSEA/SH activities.



NOTE

It is not the responsibility of PSEA FP to investigate a complaint, nor is it their responsibility to counsel a survivor / complainant of SEA/SH, unless they are trained to do so and this is reflected in their job description.

PROFILE

- The PSEA Focal Point must be personnel of a Regional Inter-Agency Complaint Referral Mechanism member agency. S/he must be able to easily access the management team of their own agency and should be at a sufficient level to be able to initiate institutional change therein
- The Focal Point must have the following skills and experience:
 - o Proven integrity, objectivity, and professional competence
 - o Demonstrated sensitivity to cultural diversity and gender issues
 - o Ability to maintain confidentiality (e.g. trained in data protection)
 - o Fluency in relevant languages
 - o Demonstrated experience working directly with local communities and concerned populations.

TRAINING

In addition to regular PSEA/SH trainings for personnel, PSEA Focal Points must receive trainings to assist them in successfully fulfilling their inter-agency duties. These include:

- As the PSEA/SH representative of their agency to the concerned population, Focal Points must be trained in the guiding principles of community-based complaint mechanisms, including the standards of confidentiality, safety, and health/psychosocial needs of survivors
- As the primary persons receiving complaints, Focal Points should be thoroughly familiar with the Regional Inter-agency Complaint Referral Mechanism and joint complaint handling processes that are agreed and being implemented in the programme area
- Focal Points should be trained on other forms of misconduct in addition to SEA/SH, in order to enhance their ability to recognize SEA/SH when it is mixed with other issues e.g. fraud and corruption
- Focal Points should be familiar with the internal policies and procedures of other agencies involved in the regional Inter-agency referral Mechanism, to ensure that accurate information is provided to complainants and so as to manage complainant expectations during intake
- Focal Points should also be familiar with general investigation procedures for the PSEA and RSSN network agencies, as well as international standards on evidence gathering, so that the intake process does not jeopardize subsequent agency investigation
- Where the state and/or local governments in which the complaint mechanism is situated has mandatory reporting laws related to SEA/SH incidents, it is the responsibility of the PSEA Focal Points to be up-to-date on relevant national laws and to incorporate them into complaint mechanism procedures and information packages for survivors/complainants, as appropriate.

These Terms of Reference should be reviewed on an annual basis and revised as appropriate.

EXAMPLE: PSEA NETWORK TORS (FROM JORDAN 2016)

1. MEMBERSHIP

The Network will function under the auspices of the Refugee Coordinator (UNHCR Representative) in Jordan and report to him/her. Membership includes normally one Focal Point on Protection from Sexual Exploitation and Abuse officially designated by agencies who provide humanitarian aid to refugees within the context of the Syrian Refugee Response¹ (hereinafter “entity”).

2. RESPONSIBILITIES

The Network on Protection from Sexual Exploitation and Abuse (PSEA) will serve as the primary body for awareness, prevention, coordination and oversight on protection from sexual exploitation and abuse by international and national personnel of the entities providing humanitarian services to refugees. The Network is **NOT** responsible for investigation or adjudication of complaints, or for dealing directly with complainants. These functions rest exclusively with dedicated bodies of individual entities. Cases can be referred to UNHCR PSEA focal points for advice and guidance (i.e. Should investigation be conducted, relevant entities are encouraged, in respect of confidentiality and wishes of the survivor as well as in line with their internal accountability framework and complaint mechanism systems, to alert UNHCR on possible risks for individual refugees to ensure that adequate protection for victims and witnesses is ensured from the start of the individual agencies’ investigation).

3. GUIDING PRINCIPLES

- The Network will closely work with other coordination bodies such as IATF, ISWG, Protection WG, SGBV SWG, CP SWG and MHPSS SWG.
- The Network meetings should provide a supporting environment to discuss potentially sensitive challenges to PSEA for organizations, and information shared during the meeting will be kept confidential, if needed and requested.
- In order to ensure that the Network has a strong membership and representation at decision-making levels, organizations are encouraged to nominate two staff (the focal point and the alternate) in managerial or advisory positions to participate in the Network. The PSEA Focal points and the alternates will be officially designated by each entity according with their respective organization profile and structure.
- Names or identifying information of alleged victims, witnesses or perpetrators, will never be shared during meetings nor recorded in minutes. Additional procedures for eventual discussions/recording of individual cases in respect of confidentiality and investigative requirements will be determined by the Network in due course.

1.The possibility of supporting refugees of other nationalities is not excluded.

4. MAJOR TASKS

The tasks of the Network are listed below under each of the 4 pillars of Protection from Sexual Exploitation and Abuse:

ENGAGEMENT WITH AND SUPPORT OF REFUGEES

- In cooperation with the refugee communities and population affected by the Syrian refugee crisis, **establish coordinated (not necessarily common) complaints mechanisms in each community** where the entities work. Such mechanisms should be safe, accessible, and confidential (i.e. on a need to know basis) and tailored to the needs of each geographical area. The network will develop adequate mechanisms for the coordination of complaints mechanisms, i.e. referral to competent services.
- **Facilitate** awareness raising with service providers and refugee communities on codes of conduct, including PSEA and complaint mechanisms, available services and referral pathways.
- **Identify** potential risk factors and areas of concern engaging concerned entities and refugees.

PREVENTION

- Ensure and, as necessary, coordinate the provision of awareness raising on SEA **for all humanitarian personnel and volunteers in the country**, including their responsibility to report all suspicions of sexual exploitation and abuse committed by colleagues (pursuant to ST/SGB/2003/13 section 3.2 (e) for UN staff and related personnel).
- Share and analyze information about **potential risk factors and areas of concern and develop strategies to minimize** them within the refugee response.
- **Advocate** with Senior Managers and relevant national and international actors to ensure that PSEA strategies are adequately implemented.
- **Share good practices** to improve the organizations' procedures for vetting staff and reduce hiring of individuals who may have established criminal records for having committed serious misconduct, especially in relation to sexual exploitation and abuse. This would include engagement with Community Based Organizations (CBOs) and volunteers.

RESPONSE SYSTEMS

- **Support the implementation of Inter-Agency Standard Operating Procedures**, including safe, confidential and efficient inter agency referral mechanisms to ensure timely access of victims to quality protection solutions. In this process, and in consultation with the relevant investigative services of individual responsible organizations, attention will be paid to the preservation of evidence in respect of the confidentiality, the consent and wishes of the alleged victims.
- In accordance with the guiding principles and the agreed upon SOP, the PSEA focal points network will seek to **provide advice** to members on individual cases upon their request. As indicated above special cases can be referred to UNHCR PSEA focal points for advice and guidance. (E.g. should it be required, and upon request of individual entities, technical advice and investigative support could be made available in consultation with and through the Inspector General's Office (IGO), the investigative service of UNHCR.
- When any of the formally designated Focal Points receives information of unspecified/generic ("in-the-air") allegations of sexual exploitation or abuse (i.e. where the institutional affiliation

of the alleged perpetrator(s) is uncertain or unknown), the PSEA Focal Points Network **will alert the Refugee Coordinator (UNHCR Representative)** to ensure an adequate response to address the potential protection needs of the allegedly affected population in consultation with the IGO, the investigative service of UNHCR.

- **Support the implementation of minimum standard procedures** for reporting SEA, protecting whistleblowers and responding to malicious reports by each individual organization.

MANAGEMENT AND COORDINATION

- Hold **regular meetings**, every two months, and circulate the minutes to all members. Ad-hoc meetings may be called as required.
- **UNHCR will coordinate** the PSEA Network. Co-chairing could be explored at the time of the review of this TOR if deemed necessary.
- **Assess gaps** in protection from SEA and develop and implement action plans to fill them.
- **Coordinate trainings** for Focal Points and managers on their PSEA roles and responsibilities.
- **Share information** on achievements, best practices and/or effective mechanisms in addressing SEA and make recommendations to relevant entities for action. Develop plans for monitoring implementation of recommended actions within the refugee response plan.
- **Support** entities to adhere to applicable monitoring and compliance mechanisms.
- **Report annually** to the Refugee Coordinator on the implementation of the network action plan.
- **Review** this TOR and other coordination documents, such as SOP, on annual basis and as required.

ANNEX VII

PSEA FOCAL POINTS AND ALTERNATIVES



NOTE

This contact list will be updated every 6 months by the Regional PSEA Network and will be available online on the RSSN service referral map in the Americas Region; <https://www.arcgis.com/apps/MapSeries/index.html?appid=ae15aa2fe0c4469b83ea10f0925e8625>

List Dated: 01 October 2019

AGENCY	FULL NAME	TITLE	EMAIL	TEL NO	COUNTRY
Asociación Lambda	Focal Point: Carlos Valdes	Director	charly251@hotmail.com	45710633	Guatemala
	<i>Alternate: Estuardo Juarez</i>	Case manager	estuardo.moscoso1980@gmail.com	55475236	
Cruz Roja Guatemalteca	Focal Point: Héctor López	Coordinator	hector.lopez@cruzroja.gt	54478970	Guatemala
	<i>Alternate: Gladys Coton</i>		gladys.cotom@cruzroja.gt	41736008	
Pastoral de Movilidad Humana	Focal Point: Walter Paxtor	Coordinator	pastoral.rpm@gmail.com	59968894	Guatemala
	<i>Alternate: Amilcar Vasquez</i>	Coordinator	movhuceg@yahoo.com	59228504	
Refugio de la Niñez	Focal Point: Rosibel Najera	Manager	coordinacionraicesdeamor@refugiodelaniñez.org.gt	55275798	Guatemala
	<i>Alternate: Oty Morales</i>	Psychologist		55275798	
ODHAG	Focal Point: Mario Ramirez	Psychologist	mramirez@odhag.org.gt	49559535	Guatemala
	<i>Alternate: Evelyn Martinez</i>	Social Worker	emartinez@odhag.org.gt	55627324	
Asociación Lambda	Focal Point: Carlos Valdes	Director	charly251@hotmail.com	45710633	Guatemala
	<i>Alternate: Estuardo Juarez</i>	Case manager	estuardo.moscoso1980@gmail.com	55475236	
Cruz Roja Guatemalteca	Focal Point: Héctor López	Coordinator	hector.lopez@cruzroja.gt	54478970	Guatemala
	<i>Alternate: Gladys Coton</i>		gladys.cotom@cruzroja.gt	41736008	
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	<i>Alternate: Evelyn Martinez</i>	Social Worker	emartinez@odhag.org.gt	55627324	
Casa del Migrante Scalabrini	Focal Point: Astrid Montenegro	Coordinator	asticha22@gmail.com	53175004	Guatemala
	<i>Alternate: Karina Lopez</i>	Social Worker	kopez2100@gmail.com	59806099	
UNHCR Guatemala	Focal Point: Amanda Solano	Protection Officer	solano@unhcr.org		Guatemala
	<i>Alternate: Susan Carrera</i>	Protection Assistant	carrera@unhcr.org		

AGENCY	FULL NAME	TITLE	EMAIL	TEL NO	COUNTRY
UNHCR Mexico	Focal Point: Margarita Bonilla	Ass. Field Officer	bonilla@unhcr.org		Mexico
	<i>Alternate: Sofia Cardona</i>	Resettlement Associate	cardona@unhcr.org		
UNHCR El Salvador	Focal Point: Inti Alvarado	Associate Protection Officer	ALVARADI@unhcr.org		El Salvador
	<i>Alternate: Andrea Astacio</i>	Protection Assistant	astacio@unhcr.org		
UNHCR Honduras	Focal Point: Lara Zunelli	Eligibility Officer	ZUNELLI@unhcr.org		Honduras
UNHCR Costa Rica	Focal Point: Miguel Urbano	Associate Durable Solutions Officer	urbano@unhcr.org	22420741	Costa Rica
	<i>Alternate: Kelleen Corrigan</i>	Senior Protection Officer	CORRIGAK@unhcr.org	84506001	
HIAS	Focal Point: Gabriela Núñez	Country Director	gabriela.nunez@hias.org	87774466/ 40004427	Costa Rica
RET Internacional	Focal Point: Jazmin Monge	Project Officer	j.monge@theret.org	22342523/ 40356913	Costa Rica
	<i>Alternate: Rodrigo Zuniga</i>			40356913	
CENDEROS	Focal Point: Cristina Valerio	Immediate Assistance Coordination	c.valerio@cenderos.org	87102441	Costa Rica
Consultorio Jurídico Universidad de la Salle	Focal Point: Fidelina Mena	Director	fidemenac76@gmail.com		Costa Rica
Glasswing	Focal Point: Laura Sequeira	Country Director	lsequeira@glasswing.org	88591808	Costa Rica
DNI Costa Rica	Focal Point: Karin van Wijk	General Coordinator	coordinaciongeneral@ dnicostarica.org	88871618	Costa Rica
UNHCR ROPAN	Focal Point: Itza de Gracia	Program Associate	degracia@unhcr.org	66231820	Panama
	<i>Alternate: María Lorena Suarez</i>	Regional Protection Officer	suarezm@unhcr.org	64122386	
UNHCR Brazil	Focal Point: Gabriela Cortina	Resettlement Officer	cortina@unhcr.org		Brazil
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	<i>Alternate: Rodrigo Zuniga</i>			40356913	
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	<i>Alternate: María Lorena Suarez</i>	Regional Protection Officer	suarezm@unhcr.org	64122386	
UNHCR Brazil	Focal Point: Gabriela Cortina	Resettlement Officer	cortina@unhcr.org		Brazil
HIAS VENEZUELA	Focal Point: Angelica Sarmiento	Program Manager	angelica.sarmiento@hias.org	4122665115	Venezuela
	<i>Alternate: Jenny Fernandez</i>	National Project Coordinator	jenny.fernandez@hias.org	4122665114	
NRC	Focal Point: Adriana Arias	Lawyer	adriana.arias@nrc.no	0414- 7267323	Venezuela
	<i>Alternate: Rosa Godoy</i>	Lawyer	rosa.godoy@nrc.no	4247566243	
JRS-VENEZUELA	Focal Point: Juan Carlos Ramírez Molina	Agro-food engineer	tsc.sjrven@gmail.com	0416- 7791107	Venezuela
	<i>Alternate: Mariajosé García Romero</i>	Political Sciences	ts.sjrven@gmail.com	0424- 7368202	
UNHCR Venezuela	Focal Point: Carolina Mateos	Senior Protection Officer	mateos@unhcr.org		Venezuela
	<i>Alternate: Adriana Negry</i>	Protection Officer (SGBV/CP)	negrylei@unhcr.org		
APOYAR	Focal Point: Dania Carina González Tovar		apoyotecnico4@apoyar.org	3132883150	Colombia
	<i>Alternate: María Claudia Velandia Lara</i>		apoyotecnico@apoyar.org	3015566114	

AGENCY	FULL NAME	TITLE	EMAIL	TEL NO	COUNTRY
Comité Internacional de Rescate	Focal Point: Edith Guerrero	Manager of protection and empowerment of women	edith.guerrero@rescue.org	3127049367	Colombia
	<i>Alternate: Lina Castro</i>	Gender Focal Point	LinaJimena.Castro@rescue.org	3127055681	
Comité Internacional de Rescate	Focal Point: Carlos Miranda	Child Protection Manager	carlos.mirandasanguino@rescue.org	3127070507	Colombia
	<i>Alternate: Natali Dulce</i>	Child Protection Focal Point	Maria.Dulcey@rescue.org	3127080345	
UNHCR Colombia	Focal Point: Chelsea Sommer	Associate Protection Officer CBP	sommer@unhcr.org		Colombia
	<i>Alternate: Saskia Loochkartt</i>	Associate Community Services Officer, Protection	loochkar@unhcr.org		
HIAS	Focal Point: Margarita Ron	Coordinator of the Psychosocial and Social Work Program	margarita.ron@hias.org	999882272	Ecuador
NRC	Focal Point: Brigitte Quintero	Technical Officer ICLA	brigitte.quintero@nrc.no	988230340	Ecuador
Kimirina	Focal Point: María Elena Acota	Technical Director	eacosta@kimirina.org	2449585/ 0992826255	Ecuador
Dialogo Diverso Ecuador	Focal Point: Jorge Medradan Jordan	Facilitator of personal and group processes	micasafueradecasa@dialogodiverso.org	(+) 593 999889801	Ecuador
	<i>Alternate: Aitor Narbarte</i>	Psychologist	psicologia@dialogodiverso.org	(+)593 999889801	
Fundacion Ecuatoriana Equidad	Focal Point: Alejandra Quintero		mquintero@fequidadecuador.org	983882018	Ecuador
	<i>Alternate: Efrain Soria</i>	Psychologist	coordinacion@fequidadecuador.org	996671112	
Casa de Acogida "Manos Unidas Tejiendo Progreso"	Focal Point: Vanessa Rodriguez Casanova	Administrator	ca.manosunidastulcan@gmail.com	990165000	Ecuador
	<i>Alternate: Gabriela Rodas</i>	Protection Assistant (SGBV)	rodasher@unhcr.org	939436405	
NRC (Norwegian Refugee Council)	Focal Point: Mileidy Capurro Tapia	Team Leader ICLA, Tulcán Office	mileidy.capurro@nrc.no	(593)9880 23010	Ecuador
	<i>Alternate: Harold Freire</i>	ICLA Assistant	harold.freire@nrc.no	(593) 98834 9895	
ASA	Focal Point: Monica Barreno	Social Worker	coordinacion.asa2019@gmail.com	997034499	Ecuador
	<i>Alternate: Nathali Herrera</i>	Psychologist	psicologia.asa2019@gmail.com	999733421	
UNHCR Ecuador	Focal Point: Juan Pablo Terminiello	Protection Assistant	terminie@unhcr.org		Ecuador
	<i>Alternate: Diego Nardi</i>	Protection Associate Officer	NARDID@unhcr.org		
UNHCR Peru	Focal Point: Collen Roberts	Protection Officer (CB/ SGBV/CP)	robertco@unhcr.org		Peru
	<i>Alternate: Natalia Al-Bani Asensio</i>	Protection Officer (SGBV)	albani@unhcr.org		
WORLD VISION CHILE	Focal Point: Paola Avello Ramos	National Coordinator ESF	paola_avello@wvi.org	569429 48124	Chile
	<i>Alternate: Natalia Cuello</i>	Local Coordinator ESF	natalia_cuello@wvi.org	5695004 7562	
UNHCR Chile	Focal Point: Silvana Lauzan	Snr Prot Associate	lauzans@unhcr.org		Chile

REGIONAL TOOLKIT

for PSEA/SH and Community-Based
Complaint and Referral Mechanisms
in the Americas

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TOOL 1

TEMPLATE MODEL STANDARD OPERATING PROCEDURE (SOP) FOR PSEA/SH COMPLAINT HANDLING MECHANISMS



NOTE

Tool 1: This is a template (based on IASC Global tools for PSEA) and should be developed and adapted by service providers in the Americas region, as part of the regional effort to establish robust and effective procedures for PSEA/SH and complaint handling.

This template can be used to develop a SOP for an individual service provider or as a collective of providers working jointly. This is also intended to be used with reference to the Regional Community-Based Complaint Referral Mechanism¹.

Insert NAME of service provider / agency [country, operation]

1. INTRODUCTION

Sexual exploitation and abuse (SEA) and sexual harassment (SH) must not be tolerated, they violate universally recognized international norms and standards and have always been unacceptable behaviour. SEA [and SH] represent **a breach of the fundamental rights of the those for whom support, services and protection are provided, and of the personnel of those agencies that provide such services**. SEA brings harm to concerned populations whom humanitarian service providers are responsible to protect and damages the credibility of any agency that provides services to them; it also jeopardizes the reputation of all service providers and their ability to provide support and protection. Humanitarian actors are expected to maintain the highest international standards of personal and professional conduct at all times as required by an agency's/ service provider's code of conduct, Charters and other relevant guidelines and standards that each subscribe to.

Sexual exploitation and abuse of [concerned populations and members of host communities – insert most appropriate terminology for context/operation] by humanitarian personnel [insert most appropriate language i.e. UN staff, community volunteers and collaborators, law enforcement and other actors responding in the North of Central America, the Venezuelan or the Nicaraguan situation] is unacceptable and constitutes serious human rights misconduct and requires appropriate intervention to ensure prevention of and response to such situations, particularly with the aim of establishing safe and accessible complaint mechanisms, providing adequate support to survivors and investigating reported cases for disciplinary action.

¹ Regional Inter-agency Community-based Complaint Referral Mechanism in the Americas (the “Mechanism”)

2. DEFINITIONS

For the purposes of this Standard Operating Procedure (SOP) the following definitions apply **[insert additional definitions as relevant to this SOP, and further additional definitions are included in the Regional Inter-agency Community-Based Complaint Referral Mechanism for reference]**:

SEXUAL ABUSE

Any physical intrusion committed or threatened physical intrusion of a sexual nature, whether by force, under conditions of inequality or coercion.

SEXUAL EXPLOITATION

Refers to any abuse committed or threatened in a situation of vulnerability, unequal relationship of power or trust, for sexual purposes, with the aim - but not exclusively limited to them - of taking material, social or political advantage of the sexual exploitation of another person.

DIFFERENCES BETWEEN SEXUAL HARASSMENT AND SEA

SEA occurs against a refugee, internally displaced person, returnee, stateless person, migrant or other person of the move or a vulnerable member of the local population. Sexual harassment occurs between personnel of an organization and involves any unwanted sexual advances, verbal or physical conduct of a sexual nature.

SEXUAL HARASSMENT VERSUS SEA

Sexual and gender-based violence is a general term for any act perpetrated against a person's will that is based on socially constructed markers of difference attributed to people based on the idea of femininity and masculinity, always marked by unequal power relations between perpetrators and survivors, both individually and socially. Acts that characterize situations of sexual and gender-based violence include physical, sexual and psychological violence and suffering, threats, deprivation of access to resources, deprivation of liberty, etc. SEA situations can be characterized as a form of sexual and gender-based violence as they relate to unequal conditions of power between humanitarian workers, people of interest and people from host communities.

3. PURPOSE AND SCOPE

This Standard Operating Procedure (SOP) provides guidance and direction on the procedures to be followed for the establishment and management of complaint channels, the follow-up of complaints filed in a confidential and efficient manner, and the care of survivors.

This Standard Operating Procedure (SOP) applies to **[insert all those whom are covered i.e. Agency names, personnel, volunteers, service contractors, interns, community mobilisers etc.]** in **[insert location to which this SOP applies i.e. name of country, region, operation]**.

In the event that a complaint is made against the personnel (or associated personnel) of a service provider other than their own, PSEA focal points have an obligation to: inform the PSEA focal point or Head of Office of the agency concerned following the referral procedures of the Regional Inter-agency Community-Based Complaint Referral Mechanism (the Mechanism); and to ensure that survivors have access to adequate support in line with the established referral pathways within the **[insert most relevant agency-level or inter-agency framework i.e. protection working group, SGBV sub-working group or similar] [insert link to referral pathway in an Annex and link to the Regional Safe Spaces Network online map of services]**.

4. PRINCIPLES OF IMPLEMENTATION

This Standard Operating Procedure is based on the following principles **[adapt and add as appropriate]**:

1. Cooperation
2. Participation
3. Survivor-centered approach
4. Non-discrimination
5. Security and Wellbeing
6. Child's best interest
7. Age, Gender and Diversity approach
8. Confidentiality
9. Transparency
10. Accessibility
11. Compulsory/Mandatory Reporting

5. PSEA FOCAL POINTS

PSEA Focal Points are officially designated by each service provider to represent it and participate in the implementation activities of the PSEA action plan in the **[insert the most relevant level to which the SOP applies and the PSEA Focal Point engages i.e. agency level, network, relevant working group e.g. Protection working group, SGBV working group, Regional Safe Space Network]**. For the implementation of this SOP and to ensure community liaison on PSEA issues, the **[insert relevant information on how your agency will work e.g. service provider will have PSEA Focal Points assigned at the main National office, field offices? How many Focal Points will be established and at what level(s) of the agency's work to ensure a robust system is in place to facilitate PSEA/SH measures]**. The agency shall ensure that PSEA focal points have a gender balance and have the necessary competencies and expertise to undertake the role. Please refer to the Regional "Mechanisms" Annexes V and VI for TORS for the Regional PSEA Network in the Americas and National Level PSEA Focal Point TORS.

PSEA focal points are responsible to:

- a. Ensure the implementation of this Standard Operating Procedure in the context of their **[work, office, operational area]**;
- b. Work with local teams and concerned populations and communities **[internally displaced, refugees, migrants, stateless people, people on the move, host communities]** to ensure knowledge of expected behaviors of personnel, their rights, of existing complaint channels, and provide people with information on issues related to PSEA/SH;
- c. Hold meetings and communicate with concerned populations to evaluate existing mechanisms and enable feedback, as well as assess the risks of SEA/SH in the operational area **(See Tool 8 - Risk Assessment and Strategies for Safe Operations and Programmes)**;
- d. Ensure that identified survivors have access to services in-line with **[insert relevant local/national SGBV, Child Protection, and other protection referral pathways]**;

- e. Document and forward complaints received by their agency and share information of the number of cases referred and dealt with as agreed - **[insert agreements made on complaint reporting within the agency and/or with other providers in the area and/or as part of the PSEA Focal Points or RSSN];**
- f. Work with other local actors (i.e. implementing partners, support services) within their operational area to ensure awareness of the agency's policies on PSEA issues, implementation of appropriate complaint mechanisms, and coordination within the established coordination mechanisms related to this SOP and PSEA agenda **[insert most relevant: i.e. Protection Working Groups, SGBV Sub-Working Group, Regional Safe Spaces Network (RSSN)].**
- g. Ensure that all personnel (including volunteers, contractors and any other person working with or in contact with concerned populations) are sensitized to PSEA/SH issues, and that they are aware of **[name of agency's]** policies on the issue, in particular the zero tolerance policy, Code of Conduct and existing complaint channels.

The focal points should be provided with regular training on PSEA/SH issues, particularly in relation to the confidential and safe handling of complaints, and care for survivors.

6. COMPLAINT AND FEEDBACK MECHANISMS

To facilitate concerned populations to submit feedback and complaints to service providers and ensure adequate response, a range of channels to report are established at different levels of the operation and project sites, in-line with their needs **(See Tool 2: Guidance for consultations for concerned populations on PSEA and community-based complaint mechanisms).**

Integrated complaint mechanisms are established to receive and address complaints regarding **programmatic** and **sensitive** issues i.e. fraud, security, SEA, protection, based on best practice **(See Link Tool 4: Guidance to set-up community-based complaint mechanisms).**

All personnel **ARE** made aware of the available complaint mechanisms, the process they should follow if they receive a complaint through any channel below, of PSEA/SH issues and how to directly report such cases in line with internal procedures, local service providers for survivor support and protection, and the regional referral Mechanism where relevant **(Refer to next section below on processing complaints).**

The channels available to the concerned population and local communities are: **[Insert list and describe the mechanisms that are provided under the following points. These mechanisms can be managed by a single service provider or jointly with a group of providers for the same user group or covering a specific operational area].**

SUGGESTION BOXES

Suggestion boxes should not be used only for SEA issues, but for any type of complaint/request related to the performance of **[insert Agency(ies) name]** and its personnel.

Suggestion boxes are located **[insert which Agency(ies) offices, locations i.e. field sites, shelters, community centers, safe spaces etc. will have a suggestion box. It is suggested that each office of an agency has a suggestion box, and focal points should identify with concerned populations the locations where boxes would be best located].** Suggestion boxes are placed in easily accessible spaces where there is no visible reference to sexual exploitation and abuse, avoiding stigmatization and exposure of potential survivors, witnesses or complainants to protection risks.

Describe how the boxes will be managed and by whom in the agency [Best practice is that each box has two locks and a copy of each key must be in the hands of different persons, which guarantees a joint opening, and that this takes place at least every fifteen days, in a manner that is witnessed by others].

Identified complaints and grievances should be processed expeditiously, always ensuring notification of receipt of the complaint to the complainant and prioritizing the determination of the immediate protection and assistance needs of survivors or complainants.

DIRECT LINE

[Insert relevant information about direct lines that are set-up in your area of operation for receiving complaints and which are available to concerned populations].

[E.g. A direct line for complaints is operated by the UNHCR National Office. The line is managed by the protection team, which receives and routes complaints to the Office of the Inspector General Office (IGO) and ensures - through the consent of complainants and survivors - liaison with field offices to determine immediate protection and assistance needs]

ELECTRONIC MAIL

[Insert relevant information about dedicated email addresses that are designed to receive complaints, and which are available to concerned populations. Describe who will manage the email mailbox and how different categories of complaints will be processed and referred either within your agency or to another provider. It is advisable to have a singular, centrally managed e-mail mailbox as opposed to multiple email channels, which can appear confusing for users].

[E.g. The National Office of UNFPA handles an e-mail for SEA/SH complaints. The mail is managed by the protection team, which receives and forwards complaints to the Office of Internal Oversight Services and ensures - through the consent of complainants and survivors - liaison with field offices to determine immediate protection and assistance needs.]

DIRECT APPROACH TO PERSONNEL

The concerned population and community members **are** able to approach the offices and any personnel in the field and project sites i.e. shelters, transit, to make complaints. Persons receiving complaints should - first - ensure the well-being and safety of survivors and complainants. **[Insert: information related to how personnel in person must behave or the process they must follow if in direct receipt of a complaint that raises a concern of SEA/SH /SGBV/Protection issues. Link to local services for survivor support – SGBV, Child protection, Protection, RSSN Referral Pathways]**

SENSITIZED COMMUNITY MEMBERS

Specific members of the concerned population and host communities **are** identified by relevant service providers to be sensitized on SEA/SH issues and the complaint processes available. This is so that they can receive complaints in their communities, communicate these directly to PSEA focal points, and raise awareness about the existing complaint mechanisms and SEA-related issues. PSEA focal points should maintain regular contact and support to such persons.

7. PROCEDURE FOR RECEIVING AND PROCESSING COMPLAINTS

IDENTIFICATION AND RECEIPT OF COMPLAINTS

SEA/SH complaints may be received through any of the complaint mechanisms listed above in written and verbal form. Complaints may be made directly by persons, or by third parties, such as a family member, friend or witnesses.

In line with the zero-tolerance policy, whenever personnel have concerns or suspicions about a SEA/SH situation involving a co-worker either from their own or another service provider, they should communicate their concern immediately to their PSEA focal point and/or their established investigative body i.e. UNHR Inspector General's office (IGO), UN Office of Internal Oversight Services (OIOS).

Whenever personnel receive or identify a complaint, they should - if there is no risk to the survivor and it is appropriate - direct the complaint to the local SEA focal point to make contact with the survivor to notify them of the receipt of the complaint and to inform them of available protection services. With informed consent of the survivor, they should facilitate survivors' access to protection teams to assess their support and protection needs. When necessary immediate assistance should be provided in-line with established referral pathways for specialized services for survivors of sexual and gender-based violence and other required protection services **(See Regional "Mechanism" referral pathways and follow <https://www.arcgis.com/apps/MapSeries/index.html?appid=ae15aa2fe0c4469b83ea10f0925e8625>)**

PSEA Focal Points should complete a Complaint Report Form with the information collected **(See Tool 5 – Sample Complaint Referral Form for SEA/SH)**

Upon receiving a complaint in person, personnel should inform individuals of the organization's zero tolerance policy regarding SEA/SH, and - also - the **mandatory / obligation to report** SEA/SH incidents before filling out the complaint form. This avoids conflicts between the right to confidentiality of survivors and the **obligation to report** that falls on all service providers.

PROCESSING OF COMPLAINTS

Upon receipt of a complaint, PSEA focal points shall:

- Inform survivors/ whistleblowers about the complaints process, including information about the mandatory/obligation to report
- Assess the support and protection needs of survivors whenever possible, and provide assistance when informed consent is available
- Fill out the Complaint Form and/or Complaint Referral Form **(See Tool 5 - Sample Complaint Referral Form for SEA/SH complaints)**
- Transmit the complaint to the established investigative body [e.g. for UNHCR and all implementing partners this is the UNHCR Inspector General's Office (IGO)]

Complaints should be forwarded immediately to the investigative body (i.e. IGO), sharing the Complaint Form and informing if there is an immediate threat or danger.

In case of informed consent, survivors should be immediately referred to SGBV/Child protection services according to identified needs. **(Reference: <https://www.arcgis.com/apps/MapSeries/index.html?appid=ae15aa2fe0c4469b83ea10f0925e8625>)**

Within the limits of confidentiality, when there is an immediate risk, threat or danger to personnel, complainants, survivors and/or whistle-blowers, the PSEA Focal Point will seek support from relevant senior staff (i.e. PSEA Senior Focal Point, PSEA Network Coordinator/Chair,) to request information on immediate measures to be taken, based on the national laws of [\[enter country\]](#).

PROCESSING OF COMPLAINTS BY PERSONNEL OF ANOTHER SERVICE PROVIDER OR ANONYMOUS PERSONS

Within the framework of the Regional Community-Based Complaint Referral Mechanism (**see the “Mechanism” document**), whenever a complaint is received about personnel of another provider, the complaint should be forwarded to the National PSEA Focal Point of that service provider.

The survivor should be assisted equally by all service providers concerned or involved in referring a complaint, ensuring confidentiality, dignity and informed consent.

When complaints are received where the institutional affiliation of the alleged perpetrators is uncertain or unknown, the PSEA Coordinator, RSSN Coordinator, Refugee Response Coordinator, Refugees & Migrants Coordinator, the Humanitarian Coordinators, or the Resident Coordinator according to the context will be alerted and will ensure an adequate response in consultation with the relevant investigative services.

Anonymous complaints, where the complainant or survivor is not known or disclosed, these should be treated seriously and can be investigated, despite being more difficult to do. Likewise, anonymous complaints should be managed by the agency’s internal complaint procedures, and can be sent to the most relevant Response Coordinator (Refugee, IDP, Development, Migration, etc.), PSEA Coordinator, and RSSN Coordinator.

DATA PROTECTION

Information about PSEA/SH incidents should not be handled in physical files. Incident information will be transmitted to the PSEA Senior Focal Point via an internal reporting form, while all protective actions and referrals will be recorded in accordance with SGBV and Child Protection incident recording SOPs [\[insert specific information. E.g. proGres, V4, KoBo\]](#).

In the event that e-mails are shared about PSEA/SH incidents, all shared documents must be encrypted and password-protected, while the number of people copied must be limited to the people working directly on the case.

INVESTIGATION OF COMPLAINTS

The investigation concerns an administrative investigation exercise and not a punitive undertaking. The purpose of an investigation is to determine whether the facts and prevalence of the available evidence points to the existence of misconduct. If the findings indicate that personnel have engaged in misconduct, the ultimate responsibility of the investigative body, e.g. the UNHCR IGO, UN OIOS is to prepare an Investigation Report for transmission to [\[Insert the specific procedure followed by your agency for the implementation of the applicable measure, including possible applicable disciplinary measure\]](#).

In all cases, the IGO, OIOS or other Investigative Bodies retain the prerogative to determine whether the circumstances warrant a formal investigation and when the appropriate investigation process should be followed.

Personnel (including representation) or others should not take steps to investigate alleged misconduct without first consulting with the Investigative body on appropriate procedures and due process considerations. Staff members do not have to be certain of their suspicions or concerns, or have evidence before making a report, as long as the report is made in good faith.

The process shall respect the individual rights and obligations of staff and shall be conducted with strict respect for impartiality, the presumption of innocence and due process.

The decision to refer cases to national authorities for legal proceedings will be assessed and decided by Headquarters and the most senior staff of the operation with support from the Senior Focal Point of PSEA, and the relevant RSSN or Protection coordination groups.

PROTECTION AGAINST RETALIATION FOR REPORTING SEA/SH OR COOPERATING WITH INVESTIGATIONS

Any person who has a direct contractual link with **[insert name of service provider]** who reports misconduct, provides information in good faith about alleged irregularities, cooperates or participates in an investigation, has the right to be protected by the service provider

Retaliation means any direct or indirect harmful action recommended, threatened or taken because an individual participates in an activity protected by the Whistleblower Policy **[Include link to your policy as Annex]**. When established, retaliation is itself misconduct.

E.g. For UNHCR personnel, the only agency established to receive reports of retaliation is the Ethics Office of UNHCR. Individuals who believe they have been subject to retaliation or a threat of retaliation because they participated in the activities listed above should inform the Ethics Office and share the information and documentation available to support their complaint.

TOOL 2

GUIDANCE FOR CONSULTATIONS WITH CONCERNED POPULATIONS ON PSEA AND COMMUNITY-BASED COMPLAINT MECHANISMS



NOTE

This guidance forms part of the PSEA/SH Project in the Americas region and should be used in coordination with **Tool 4: Steps to set-up a community-based complaint mechanism**. It is intended to be used as part of the process any service provider undertakes to set-up and monitor feedback and complaint mechanisms. This tool is designed for PSEA Focal Points and/or other personnel who have specific experience and expertise in protection of vulnerable persons as part of their role.

INTRODUCTION

Establishing accessible, safe and confidential complaint mechanisms is a key component of any system intended to protect, prevent and respond to exploitation and abuse, including sexual exploitation and abuse (SEA) by service providers, agencies and their personnel against concerned populations and communities.

Systems to address SEA should not stand-alone. It is important it fits within the existing feedback reporting, response and referral mechanisms provided by service providers and those within the local populations themselves. This can help ensure that each person's right to access protection and proper services is met. It is also good practice that complaint mechanisms are designed to handle complaints about different types of issues e.g. programme activities, protection, SEA or other misconduct related complaints, etc. This can better facilitate people coming forward and reporting serious incidents and is referred to as an 'integrated' complaint mechanism (**See Tool 4: Steps to set up a community-based complaint mechanism**).

PURPOSE OF THIS GUIDE

A feedback and complaint mechanism is most effective when it is based on and is appropriate to the needs of the concerned population and potential users of the mechanism, and takes into consideration the different age, gender and diverse characteristics of the individuals that form part of the specific group. It is therefore important when designing a mechanism to first consult with concerned populations to gain an understanding of their needs and risks, and the vulnerabilities and capacities of different groups. It is also necessary to conduct consultations and communicate with them throughout the duration of the mechanism to assure it remains appropriate and responsive to needs.

This guide comprises of 3 Tools (See Annex: Tools A, B and C) which are designed to support PSEA Focal Points and/or other personnel who have specific experience and knowledge of PSEA, and protection issues, to conduct consultations with concerned populations.

The tools can support personnel to better understand the perspectives of the concerned populations on issues of protection and SEA, of their preferred ways to discuss sensitive issues safely, their preferred ways to raise and resolve issues within their communities, and how they would want to report and communicate with service providers on such issues. This information can be used to put in place mechanisms that will be appropriate and therefore used, and be effective in addressing complaints, including on SEA.

OBJECTIVES

The objectives of conducting consultations with concerned populations are to:

- Raise awareness of the rights of concerned populations to submit a complaint to service providers and to receive a response
- Identify existing community-based and indigenous complaints systems
- Explore the most relevant complaints systems for different members of a concerned population group
- Identify appropriate procedures for submitting complaints and receiving feedback to concerned populations
- Identify barriers and risks to reporting within a concerned population group and to service providers
- Inform the design, set-up and management of community-based complaint mechanisms.

METHODOLOGY¹

The following are important considerations when preparing for and facilitating the consultations with different concerned population groups:



Be aware of the background of participants and consider how best to group people in order to discuss this specific subject matter. When grouping different people consider their specific needs and the potential risks that different grouping may be affected e.g. e.g. people with different religious, political or cultural beliefs, survivors of SGBV, children at risk, individuals with diverse sexual or gender identities (SOGI).

CONTEXTUALIZE

The introduction and questions below (See Annex: Tools A, B and C) need to be adapted to the operational context and the specific situation of the population groups being consulted. In some situations, the engagement of a respected member from the concerned population can help review and adapt the questionnaire and the methodology. This will ensure that information is gathered using appropriate terminology and language, and cultural and sociological aspects are respected e.g. 'denouncement' may be a relevant word to be used in some contexts whereas 'complaint' is best in others, likewise 'reporting' is not seen as encouraging to come forward by some individuals.

1. Please refer to the following tools for participatory assessments for further guidance:

<https://www.unhcr.org/publications/legal/450e963f2/unhcr-tool-participatory-assessment-operations.html>

<https://www.unhcr.org/protection/children/50f6d1259/listen-learn-participatory-assessment-children-adolescents.html>

GROUPINGS

Conduct an amount of consultations necessary to get a representative sample of the population group that the complaint mechanisms are intended for and based on the location and accessibility to the services being provided. Divide people into groups that represent the most appropriate demographic grouping within the specific context. Each group should have no more than ten participants.

Recommended groups include; women, girls, men, boys, older people, people with diverse capacities, people from different ethnic or indigenous groups, people with diverse SOGI if culturally appropriate. Regional pilot teams recommended an appropriate age grouping to be; adolescent girls, women aged 18 to 40, women over 40, adolescent boys, men aged 18-40, men over 40, girl and boy children groups.

Consider the different groupings and how this may affect people's participation and group them accordingly, and always assess potential risks for participants.



In meetings involving women, in consideration with the specific cultural context, female facilitators may be required. It is therefore recommended to ensure the availability of women to support the consultation.

If you intend to consult children, ensure that you **prepare them in an age appropriate manner on the issue of SEA**. Ideally have no more than 5 children with similar ages or instance group of children under 5 years, 5-8, 9-12, 13-17 years. Consider using different techniques (where the facilitators have experience of doing so) i.e. drawing, drama etc.

Consider conducting individual consultation meetings with key informants or people where one-to-one discussions are more appropriate i.e. community leaders, care takers, parents associations, someone who plays a pivotal role within the community, protection focal person etc.

FACILITATION

Consultations are best facilitated by personnel who are experienced at working directly with concerned populations and who are familiar with the specific population group being consulted. Due to the potential sensitivity of the discussions, it is important that facilitators have experience and knowledge of the type of issues that are likely to be raised, and of how these can be appropriately addressed in the specific context e.g. protection, gender, SEA, SGBV, child protection, feedback and complaint mechanisms. Assure confidentiality of the discussion from the outset, but explain mandatory reporting obligations in the case of disclosures.



Discussing and asking questions around the subject of sexual exploitation abuse and the personal risks and vulnerabilities they face must be done sensitively. These issues can bring up emotional experiences for people. Facilitators must be prepared and equipped with the necessary skills and information to limit the scope of the conversations so as to not open-up disclosures in this type of situation but be able to properly support participants in the event that this occurs.

The facilitators role is to guide the discussion and ask for feedback from participants based on the questions outlined below (See Annex: Tools A, B and C). Agree how the consultation will be managed between the facilitators, who will take notes, ask which questions etc. Facilitators must actively listen to responses and give appropriate feedback to questions that may arise during discussions about this topic (i.e. what should I do if I know of wrong-doing happening where I live now? How do we know that information is kept confidential? etc.).

IMPORTANT CONSIDERATIONS

The following points should be considered in the planning and facilitation for consultations:

- Ensure an appropriate gender (balance) of the facilitators for each consultation
- Prepare introduction and briefing on complaint mechanisms and SEA issues based on the context and relative to the demographic group
- Arrange a location for consultations which provides privacy, security and confidentiality for the discussion
- Create an environment for the consultations where people feel at ease and discussions can take place uninterrupted
- Understand and respect specific sensitivities and cultural dynamics about SEA in your context
- Set clear expectations on what the information collected from the tool will be used for
- Consider the potential for disclosure of SEA, SGBV, child protection or other risks during consultations and ensure that facilitators are well prepared with the most up to date and appropriate advice in such a situation
- When identifying SGBV and Child protection (CP) cases, set clear and safe referral pathways for such situations that require case management
- Ensure inclusion of diverse and vulnerable groups i.e. displaced populations, women, girls, men, boys and others of diverse backgrounds, Afro-American and indigenous populations, people with diverse capacities, people with diverse SOGI
- Use variety of participatory methodologies (group discussions, consultations, bilateral discussions with individuals, complaints cards, etc.)
- Be aware of how dynamics in the concerned population can affect peoples' ability to participate e.g. strong community leader or individuals dominating the discussion
- Record responses respecting confidentiality and do not take any photos of the discussions.

TOOLS FOR CONSULTATION MEETINGS:

TOOL B: QUESTION AND RESPONSE FORM – use one form per consultation group and note down the responses given for each question. This Form can be used electronically as it is, or the table can be adjusted to increase the response spaces and printed out to be filled in by hand during the consultation.

TOOL C: CONSOLIDATED FEEDBACK FORM - use this form to consolidate and present the findings from the consultations with communities.

TOOL A: INTRODUCTORY PARAGRAPH

** General guidance that should be contextualized and adapted to use as an introductory briefing for the consultation group.*

My name is _____ and this is my colleague _____. I work for _____ and she/he works for _____. [Introduce your role, your agency etc. if not known. Ask for names and any other basic information you would prefer].

We have invited you here today to ask for your feedback on how we can improve our services to you. We want to improve the ways we communication on important issues with you. And how we can set-up clear and confidential ways for you to raise any questions or concerns that you have about our work or about the way our personnel behave in their work and when delivering services.

There can sometimes be situations where personnel do not act in the way that is expected of them by their agency. Humanitarian workers, personnel and service providers have strict rules of behaviour which must be followed. [Using the IASC 6 Basic Standards for PSEA² clearly explain what the rules of behaviour/conduct are and what is prohibited by service providers. Explain that personnel are dismissed if they do no conduct in the right way or do wrong. This includes: any humiliating, degrading or exploitative behaviour; any form of exploitation and abuse (including sexual) of a member of the concerned population; sexual activity with children; any exchange of money, jobs, goods or services for sex or sexual favours; sexual relationships between personnel and concerned population. Explain that personnel are obliged to report any suspicions/incidents of wrong-doing by any personnel from any service provider. Explain rules of confidentiality are respected at all times].

We want to make sure that you have ways of communicating with service providers, which are best, safe and confidential for you. Your feedback is important to us, so that we set-up ways to communicate on these sensitive issues that will work best for you and in your situations. Our intention is to ensure that you can raise a concern or report incidents at any point to the most relevant personnel, and from any service provider, and that you receive a clear response safely and confidentially.

Your participation is completely voluntary and don't feel that you must answer questions that you are not happy to do so. We would like to have a general discussion and we will not ask for your specific stories or names. If at any time you would like to ask us something individually then please see either of us the end of the meeting.

Other than our discussion and the information that we will share with you regarding the issues we discuss, there are no other direct benefits related to this meeting.

We will keep this conversation confidential, and we will treat everything that you say today with respect, and we will only share the answers you give as general responses. We ask that you also keep everything confidential and private to this discussion in this space.

Is it ok if we take some notes to record the main points of our conversation?

We expect our discussion to last for at most an hour.

Do you have any questions before we begin?

2. <https://interagencystandingcommittee.org/principals/documents-public/iasc-six-core-principles-relating-sexual-exploitation-and-abuse-2002>

TOOL B: GUIDING QUESTIONS AND RESPONSE FORM

* Use form can be used to record feedback given during each consultation group.

Country: _____	Location of consultation: _____
Date: _____	Facilitators names: _____
Type of group/persons (i.e. women, girls, men, boys, others, older people, age, leaders, people with diverse capacities and SOGI etc.): _____	
Total Number of participants: women:____ men:____ girls:____ boys:____ others:____	
Status of people (i.e. indigenous, refugees, IDP): _____	

The following are guiding questions and facilitators may use different words adapted to the context and background of the population and community to discuss the different topics:

GUIDING QUESTIONS	RESPONSES
<p>First ask general questions to enquire about what service providers/agencies they have contact with and what services are being provided in their area. Ask a few general questions regarding they current situation to open up the conversation.</p>	
<p>Questions 1 - 11 relate to how people raise concerns or complaints about personnel to service providers:</p>	
<p>1. For you, what are the best / clearest ways that announcements are made, and information is shared with you by service providers about their work and the services? What works best and is clear for everyone? Examples: posters, face to face, radio, visual leaflets, through conversation etc.</p>	
<p>2. In what ways could communication materials /methods be made better, clearer for you in your current situation?</p>	
<p>3. In terms of the provision of services: What do you consider to be unfair/bad/not good provision of services in your experience? (explore what is expected from the services provided and of service providers)</p>	
<p>4. If you experience unfair/bad/not good service provision from a service provider, who would you raise a concern or submit a complaint to? (If people say that they wouldn't raise complaints it is important to explore a different word i.e. report, denouncement etc. that they relate to. You can use the next step of questions about how people raise issues within the community to facilitate a conversation on this)</p>	
<p>5. How do you expect service provider personnel to behave in their work with you and when providing services to you? (explore what behaviour is expected of personnel of service providers)</p>	

GUIDING QUESTIONS		RESPONSES
<p>6. If you experienced a situation where personnel of service providers did not behave in this way and you experienced misconduct from service providers, what can you do, who would you raise a concern or submit a complaint to?</p>		
<p>7. Do you consider these ways to submit complaints to be confidential? Do you prefer to submit complaints in an anonymous way? If so, why?</p>		
<p>8. How would you prefer to submit a complaint to service providers in your area? Examples: in writing (complaint box, letter); face-to-face discussions; by phone; through another family member; through community gatherings; online tools; social networks; e-mail; Other ways, please explain</p>		
<p>9. What would you expect to happen upon the submission of the complaint?</p>		
<p>10. What would prevent you, or other people you know, from submitting a complaint to a service provider?</p>		
<p>11. Are there any safety and security risks for you or other members of the community who submit a complaint? Which ones?</p>		
<p>12. How would you prefer to receive feedback from service providers about your complaint? Examples: in writing (complaint box, letter); face-to-face discussions; by phone; through another family member; through community gatherings; online tools; social networks; e-mail; Other ways, please explain</p>		
<p>13. Who would you prefer to provide feedback/respond to you about your complaint?</p>		
<p>14. What would you change in the current way that complaints are submitted and responded to by service providers?</p>		
<p>15. Are there any types of complaints that you would never recommend submitting to anybody?</p>	<p>If yes, which types of complaints and why?</p> <p>If yes, what do you think that should be changed so that this type of complaints can also be submitted and responded?</p>	

GUIDING QUESTIONS		RESPONSES
<p>15. Are there any types of complaints that you would never recommend submitting to anybody?</p>	How and to whom would you prefer to submit this type of complaint?	
	How and by whom would you prefer to receive feedback to this type of complaint?	
<p>16. If the person who receives the complaint is not able to help you, would you like your complaint to be referred to those who can deal with it upon your consent and with confidentiality? If yes, please explain why? If no, please explain why?</p>		
<p>17. In your view, what would be the best way to provide this referral?</p>		
<p>Question 18 - 22: these can be used to facilitate discussion about how people raise issues, concerns, complaints within their communities/groups</p>		
<p>18. Are there certain people within your group/ community/situation that you can best speak to or report issues you experience with service providers and personnel? Who are they, what is their role?</p>		
<p>19. How would they usually deal with these issues/reports made to them? What would you expect to happen?</p>		
<p>20. How do they normally give feedback to you about the issue or report made?</p>		
<p>21. Are there any barriers faced by people to raise issues and complaints about service providers within your community/group? If so, what are they? (Do they feel that it is confidential, how; do they feel that there would be retaliation, don't think anything would happen etc.)</p>		
<p>22. Are there ways that these barriers could be removed, so that people can more easily raise concerns or make a complaint about service providers and personnel?</p>		
<p>END</p> <ul style="list-style-type: none"> • Tie-up the discussion and thank participants for their time. • Explain again that their feedback is confidential and explain how you are to use the information given. 		

TOOL C: CONSOLIDATED FEEDBACK FORM FOR PILOT COUNTRY

** This form can be used to consolidate and summarize feedback received from all the consultations with concerned population groups, in order to facilitate the analysis of the information gathered.*

Country: _____ **Location of consultation:** _____

Number of groups consulted: _____ **Number of individuals:** _____

Total numbers: F _____ , M _____ , Girls _____ , Boys _____ , People with diverse SOGI _____
 People with diverse capacities _____ , Youth _____ , Older people _____ , Key informant _____

Status of concerned populations: _____

GUIDING QUESTIONS	RESPONSES
1. What are the common words used for 'complaint'?	
2. What are the common risks people face within their groups/communities?	
3. What common issues are faced by service providers and personnel?	
4. What barriers do people face to raise issues and what are the preferred ways to raise issues and deal with complaints in their communities?	
5. What ways/mechanisms are known to people to raise a complaint about service provision or personnel to service providers?	
6. What are the preferred ways to submit a complaint to service providers?	
7. What are the preferred ways to receive feedback from service providers about complaints?	
8. What are the preferred ways that referrals could be made between service providers?	
9. What are the main risks/barriers faced by people to making a complaint to service providers?	
10. What are preferred communication methods?	

TOOL 3:

GUIDANCE FOR DISCUSSIONS WITH PARTNER ORGANISATIONS ON PSEA AND COMMUNITY-BASED COMPLAINT MECHANISMS



NOTE

Use this tool in coordination with other tools in the Regional PSEA/SH Mechanism and Toolkit e.g. **Tool 7: PSEA Self-Audit Checklist; Tool 1: Template Model SOPs for PSEA and complaint handling mechanisms; and Tool 4: Steps to set-up a community-based complaint mechanism.**

It is intended that discussions with partners using this guidance is facilitated by personnel with a good knowledge of PSEA/SH and complaint mechanisms, and the programme context, and of the partnership.

INTRODUCTION

Establishing accessible, safe and confidential complaint mechanisms is a crucial component of any system intended to protect, prevent and respond to exploitation and abuse, including sexual exploitation and abuse (SEA) and sexual harassment (SH), by service providers and personnel against concerned populations. PSEA systems should not stand-alone and it is important that complaint mechanisms fit within any existing reporting and response and referral mechanisms to ensure each individual's right to access protection and proper services, at the agency and local level.

When working with partners to provide services it is important to include them in the design of any complaint mechanism. It is also important to support partners, where necessary to establish the required policies and procedures to assure a robust PSEA/SH system is established, and that concerned populations are sufficiently protected in all operational/programme areas.

This guide can form part of a service providers assessment process of partners, to identify any gaps in practices and to plan actions to address these within the partner agreement and proposed programme activities. Key areas where improvements are needed to ensure a PSEA/SH system is in place across the operational area and program can be collated and assessed based on the information gathered using the tools below.

OBJECTIVE OF DISCUSSIONS WITH PARTNERS

- Provide information to partners on PSEA/SH feedback, complaint handling mechanisms and the Regional Mechanism for inter-agency complaint referrals
- Discuss with partners shared commitments and obligations to PSEA/SH
- Raise awareness of the rights of concerned populations to submit a complaint to the partner and service providers, and to receive a response
- Raise awareness of partners' responsibilities to facilitate reporting and complaints
- Identify existing feedback and community-based complaints systems
- Explore which existing or suggested feedback and complaint mechanisms, reporting and referral procedures are most relevant for partners

- Discuss appropriate procedures for submitting complaints and providing feedback to concerned populations
- Understand barriers and risks to reporting within a community and to service providers
- Inform the design of the regional Community-Based Complaint Referral Mechanism (the “Mechanism”) and agency feedback and community-based complaint processes.

IMPORTANT CONSIDERATIONS

Discussions on PSEA/SH feedback and community-based complaint mechanisms with partners should consider the following:

- Highlight that the discussion and information gathered will be used to improve inter-agency systems in the region to ensure PSEA/SH and Accountability to Affected Population (AAP)
- Understand and respect the specific sensitivities and cultural dynamics about SEA/SH for partners in their context
- Acknowledge the different capacity, size, mandate and structure of each partner
- Recognise the trust that partners might have with concerned populations and within their communities.
- Ensure that the discussion is with personnel who are knowledgeable about the relevant PSEA/SH and AAP policies and procedures within their organisation
- Respect their ability to identify most relevant entry points for complaints from people and communities.
- Ensure the location and timeframe arranged for the meeting provides adequate confidentiality and time and for the discussion.

TOOLS FOR CONSULTATIONS WITH PARTNERS

Find below a Tool, which can be used to guide a discussion and consultation with partners regarding PSEA/SH feedback and community-based complaint mechanisms. This information can be used to support the development of an improvement plan and to develop the Regional inter-agency complaint referral Mechanism.

Please contextualize the questions where necessary to best reflect the partner, their operational activities and capacity.



This can be used electronically or printed to document the discussion and the partners’ responses. The questions should be used **to guide** the discussion.

TOOL: DISCUSSION GUIDE

Name of partner: _____

Partner representative(s) name and role: _____

Location and Date: _____

Relationship with other service providers: _____

Main activities implemented by partner: _____

GUIDING QUESTIONS	RESPONSES
<p>Make a brief introduction of the subject and make sure that all participating understand the purpose of the consultation and how the responses can be used. Please refer to the first section of this guidance note in preparation of the consultations.</p>	
<p>Question 1 - 10 relate to organisational policies and procedures for PSEA/SH and complaint procedures</p>	
<p>1. Does your organization have a Code of Conduct (CoC) that includes protection from sexual exploitation and abuse and sexual harassment (SEA/SH)?</p>	
<p>2. Does your organisation have a policy on prevention and protection from SEA/SH?</p>	
<p>3. Does your organization have clear procedures for handling complaints on SEA/SH (from staff or concerned people)?</p>	
<p>4. Does your organization have a SEA/SH investigation policy/procedure in place?</p>	
<p>5. Does your organisation have the capacity to initiate an investigation of a SEA/SH complaint within 72 hours of receipt? If not, what procedure would you follow in [name of site] _____ ?</p>	
<p>6. Does your organisation have assigned PSEA focal points, in [name of site] _____? Do they have clear TORs of their responsibilities?</p>	
<p>7. Has your staff given or received any training on PSEA/SH (within the last 12 months)?</p>	
<p>8. Are protection risks, for concerned populations assessed and well understood by your programmes and staff?</p>	
<p>9. Are risks of SEA of communities and concerned populations assessed and reviewed regularly in your programme activities?</p>	
<p>10. Does your organization participate in any coordination groups in relation to Protection, SGBV, PSEA in [programme / operational site] _____?</p>	

GUIDING QUESTIONS	RESPONSES
Questions 22 - 24 relate to awareness raising of PSEA feedback and community-based complaint mechanisms with communities / concerned populations	
<p>22. Has your organization informed people/ concerned persons of their rights regarding protection from SEA? If so, give details: methods, how many people reached etc.?</p>	
<p>23. Has your organisation informed people/ concerned persons of how they can raise a concern, provide feedback or make a complaint in [site]? If so, give details: methods, how many people reached etc.?</p>	
<p>24. In your area of operation does your organisation ensure that all concerned populations, from all back grounds and origins, women, girls, men and boys, people of all sexual orientations and gender identities, indigenous populations, people with functional diversity and others, can access, use and are informed about their rights and how to provide feedback and submit a complaint? Please give examples of how this is done, what methods have been used.</p>	
Questions 25 - 28 relate to organisational policies and procedures to prevent and protection personnel from sexual harassment (SH)	
<p>25. Does your organization have a clear staff policy on prevention of sexual harassment, bullying, abuse of power within the organization?</p>	
<p>26. Has your organisation informed its personnel on its anti-bullying, zero-tolerance of sexual harassment and any abuse of power in the workplace and in the field?</p>	
<p>27. Does your organization have clear policies and procedures on grievances and whistle-blowing for personnel? Are personnel made aware of this policy and of how to use it?</p>	
<p>28. Is an dedicated HR function exist in your organization to manage issues of sexual harassment, and other forms of harassment by personnel?</p>	
FINAL ROUND-UP QUESTIONS	
<p>29. What key challenges does your organization have to setting up PSEA/SH systems in your organisation? i.e. complaint mechanisms, reporting and referral systems, PSEA policies etc.</p>	
<p>30. Are there any questions or anything else that the partner wants to discuss in relation to the consultation?</p>	

TOOL 4

STEPS TO SET-UP A COMMUNITY-BASED COMPLAINT MECHANISM¹



NOTE

This guidance forms part of the PSEA/SH Project in the Americas region and should be used in conjunction with the Regional Inter-Agency Complaint Referral Mechanism and SOPs for Complaint Handling at national and operational levels. It is intended this tool be used as part of the process any service provider undertakes to set-up and monitor feedback and complaint mechanisms. This tool is designed for PSEA Focal Points and/or other personnel who have specific experience and expertise in protection of vulnerable persons as part of their role.

KEY DEFINITIONS

SEXUAL EXPLOITATION AND ABUSE (SEA)

Particular forms of gender-based violence that have been reported in humanitarian contexts, specifically alleged against humanitarian workers/personnel.

Sexual Exploitation: *“Any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.”*

Sexual Abuse: *“The actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.”*

SEXUAL HARASSMENT VERSUS SEA

SEA occurs against a refugee, migrant or other member of the community receiving services. Sexual harassment occurs between personnel and involves any unwelcome sexual advance or unwanted verbal or physical conduct of a sexual nature. Sexual harassment is not covered by these SOPs although agencies’ internal procedures for reporting sexual harassment allegations may be the same as for reporting SEA complaints. The distinction between the two is important so that agency policies and staff trainings can include specific instruction on the procedures to report each.

1. The Oxfam resource, “Setting up Community Feedback Systems in Oxfam Programmes” was used in developing the content for this guidance document .

PERSONNEL

For the purposes of this guide, “personnel” is a broad and inclusive term and refers to any person engaged by a participating agency to provide support, services and protection to concerned populations, whether internationally or nationally recruited, whether as an employee, volunteer, contractor or service provider, or formally or informally engaged from the community (e.g., community volunteers).

COMPLAINT

A complaint is an expression of dissatisfaction about the standards of service, actions or lack of action, or misconduct by the organisation or its staff, personnel, volunteers or anybody directly involved in the delivery of its work. It is a criticism that expects a reply and would like things to be change.

Serious misconduct includes (but is not limited to) the following: fraud and corruption; bullying and harassment; SEA/protection incidents; actual or potential harm or risk in programming.

FEEDBACK

Feedback is any positive or negative statement of opinion about someone or something – an opinion shared for information. It may be expressed formally or informally and may or may not require a response.

1. INTRODUCTION AND BACKGROUND

This guidance is part of a package of tools developed to support the delivery of commitments outlined in the Regional Inter-Agency Community-Based Complaint Referral Mechanism (the Mechanism) in the Americas. The Mechanism was developed as part of collective efforts in the region to ensure adequate safeguards and appropriate actions are established on protection from sexual exploitation and abuse (SEA) and sexual harassment (SH).

THE KEY AIMS OF THE MECHANISM ARE TO:

- improve prevention and reporting of sexual exploitation and abuse and sexual harassment;
- facilitate inter-agency referral of complaints at a regional and national level, i.e., within and across borders;
- increase transparency around these issues in the region.

To achieve this, it is essential that all agencies have robust community-based complaint mechanisms in place, and which are fully accessible to concerned populations in all locations.

2. PURPOSE OF THIS GUIDANCE

The purpose of this document is to support service providers to set-up community-based complaint mechanisms in their areas of operations. It covers the most important principles and steps required to ensure that complaint mechanisms are established and can fulfil their functions in a safe, effective and culturally appropriate way. This tool can support service providers to establish national and operational Standard Operating Procedures (SOP) for PSEA/SH complaint handling mechanisms in conjunction with Regional Community-Based Complaint Referral Mechanism and Model PSEA SOPs (**see: TOOL 1: Template Model PSEA SOPs (country/operational level) and Regional Inter-Agency Community-based Complaint Referral Mechanism**).

3. WHAT IS A COMMUNITY-BASED COMPLAINT MECHANISM?

The goal of a community-based complaint mechanism is to allow concerned populations to report issues to service providers in a safe, effective, and culturally appropriate manner. It should account for practical concerns, such as the local context, cultures, languages, and literacy levels, and must be accessible to all members of the concerned population. It should be based on the needs and priorities of concerned populations.

An Integrated system: A complaint mechanism should be set-up as an integrated system, whereby it can receive and manage programmatic complaints e.g. about the services, assistance, support provided, and about sensitive issues and allegations against the behaviour of personnel e.g. PSEA/SH, fraud or corruption, serious misconduct by personnel. The complaint mechanism should be simple for people to understand and to access safely.

Individual or joint system: The complaint mechanism can be a system established by an individual service provider or it can be a joint effort involving multiple providers working together in one location. In either case, the design of the complaint mechanism should take account of the perspectives of all relevant stakeholders: concerned populations, service providers, agencies, implementing partners, local authorities and other community members.

Inter-agency referrals: provide an integrated complaint mechanism to make it easier for people to understand and to safely access. It should deal with all complaints and not be solely focussed on receiving SEA/SH allegations; it should include any issue in relation to assistance, support and services, based on the needs and priorities of concerned populations. In being part a wider system of complaint referral, the CBCM offers the complainant the option of reporting SEA/SH to an agency which does not itself employ the alleged perpetrator of the misconduct, reducing fear of reprisal. Complaints relating to SEA/SH should be clearly established as a specific type of complaint that can be made.

4. KEY CHARACTERISTICS OF AN EFFECTIVE COMPLAINT MECHANISM

At all stages of the process of setting up a community-based complaint mechanism it is important to follow and assure these essential points are met:

RIGHT TO COMPLAINT AND DUTY TO RESPOND

All parties need to be informed that they have a right to complain and that the organisation has a duty to respond.

CONFIDENTIALITY

Restricts access to, and sharing of information, ensuring that information is only available to a limited number of people as necessary or as authorised. This is particularly important in cases of PSEA/SH and fraud and corruption. Confidentiality helps create an environment in which people are more willing to raise complaints, recount their versions of events and it build trust in the system and service providers.

SAFETY

Considers the potential risks or dangers to all parties; incorporates ways to prevent injury or harm to people. Includes ensuring confidentiality, offering physical protection when possible and addressing the possibility of retaliation against all parties. Is considered in line with case management systems for SGBV and Child Protection.

ACCESSIBILITY

Can be used by as many people as possible, from as many groups as possible, in all locations

TRANSPARENCY

Members of concerned populations know it exists, have input into its development, and possess enough information on how to access it and ensure it is adhered to. Consultation with and participation by concerned populations will help ensure that your complaint mechanism is confidential, accessible, safe and transparent.

TIMELINESS

An effective mechanism will deal with complaint in a timely manner. The timeline for acknowledgment and response should be stated in the procedures.

REPORTING

The outcomes of an investigation should be reported to the relevant parties. Learning from complaints and investigations need to be integrated into adjusting programme activities, policies and practices.

5. VISION FOR EFFECTIVE COMPLAINT MECHANISMS

For complaint mechanisms to be effective and to be trusted by concerned populations, and personnel, complaints must be responded to and complainants should be kept informed of the outcome of action taken, within an appropriate timeframe. This is known as ‘closing-the-loop’ – if feedback is not provided, then the loop is not considered ‘closed’ and the system cannot be truly effective or accountable to all parties involved.



6. KEY STEPS IN ESTABLISHING A COMMUNITY-BASED COMPLAINT MECHANISM



CONSULTATIONS

Consult with the stakeholders of the mechanism to decide the most appropriate method to channel feedback and complaints.

CONSULT WITH CONCERNED POPULATIONS

A complaint mechanism is most effective when it is based on and is appropriate to the needs of the populations of concern, communities and users of the mechanism. It is important when designing a community-based complaint mechanism to first consult with concerned populations to gain an understanding of their needs and risks, and the vulnerabilities and capacities of different groups. It is important to gain their perspective: on their preferred ways to discuss sensitive issues safely, such as SEA, child protection, SGBV; of their preferred ways to raise and resolve issues of concern within their population group or community; and how they would want to report to and communicate with service providers and personnel on such issues. (**See: Tool 2 – Consultations with concerned populations & Tool 8 – Risk Assessment template**).

Consultation with concerned populations will help ensure the complaint mechanism:

- Is appropriate for the needs and priorities of the local context
- Takes account of relevant safety and security issues
- Reduces the risk of building an overly complicated and bureaucratic system
- Facilitates identification of appropriate translation and terminology for the local context.

Aside from understanding issues related to the effective design and operation of the complaint mechanism consulting with concerned populations is also an opportunity to:

- Raise awareness about issues related to PSEA/SH
- Create understanding of the expected behaviors of personnel in accordance with their service provider Code of Conduct and helps reduce risk of SEA/SH
- Builds confidence and trust amongst the population and with service providers.

Consultation with concerned populations provides you with answers to specific questions about the design of the mechanism such as;

- How will highly mobile people/people on the move be able to give feedback/raise complaints?
- How will people in remote locations be able to give feedback/raise complaints?
- How will people with different disabilities and vulnerabilities be able to share their feedback?
- Can complaints be received verbally or only in writing?
- Can complaints be received through online platforms?
- Can anonymous complaints be received?
- Is it possible to give feedback / raise a complaint on behalf of somebody else (owing to their illiteracy, disability, fears for their personal safety, inability to travel, etc.)?
- How can the confidentiality/anonymity of a complainant or any other party involved i.e. witness, be protected when using the mechanism?

CONSULT WITH PERSONNEL AND PARTNERS

A complaint mechanism needs to be designed in consultation with personnel and partners, and anyone else, involved in the operation of a complaint mechanism to ensure that:

- All stakeholders understand the purpose and scope of the mechanisms (internal, inter-agency referrals)
- They are aware of their responsibilities, in relation to standards of behaviour (Code of Conduct) and mandatory reporting
- Can fulfil any specific responsibilities for the operation and administration of the mechanism
- They fully understand the key characteristics and know how to put these into practice in their day to day work
- They can offer ideas and suggestions that will increase the efficiency, effectiveness and sustainability of the complaint mechanism.

CONSULT WITH OTHER SERVICE PROVIDERS AND KEY STAKEHOLDERS E.G. LOCAL AUTHORITIES

Consultation with other service providers and stakeholders is important to ensure that:

- There is understanding and support for the complaint mechanism, its purpose and scope
- That the mechanism is designed in accordance with local laws and is aligned with existing support and services in the area e.g. local SGBV, child protection referral pathways
- That any service providers to whom the complainant may be referred for survivor/victim assistance can do so in accordance with requirements (e.g., members of the Regional Safe Spaces Network (RSSN))
- Contributes to transparency and openness

DESIGN THE SYSTEM FOR RECEIVING, HANDLING AND RESPONDING TO COMPLAINTS

Develop Standard Operating Procedures (SOPs) for the complaint mechanism using Tool 1: Template Model SOP for PSEA complaint handling mechanisms, for guidance (**see Tool 1: Template Model SOPs**). This guide can support you to operationalise the principles, processes, roles and responsibilities and the practical administration, processing, investigation and referral of complaints within your agency and operation / programme.

To get a baseline of the systems and processes that already being used by service providers a number of tools within the Regional Toolkit can be used (**see Tool 2 – Guidance – Discussion Guide for Partners, Tool 7 – PSEA/SH Self-Audit Checklist, Tool 9 PSEA/Complaint System Mapping Survey**). These tools can be used at the agency and operational levels to gain a good picture of what systems are already in place and working, to receive, respond to and investigate complaints from concerned populations and service providers in each response area. Gaps can be identified through these processes and an action plan to address the gaps can be put in place.

In the design phase involve concerned population groups in designing and testing the system of receiving complaints. It is advisable to use more than one channel to ensure that different groups of the concerned population are being reached, including people with specific needs. Don't be afraid to try different approaches – not all of them will be successful, it will be a learning process. It may be necessary to try out different ideas until it is clear which channels are most effective and which ones concerned populations consider safe and accessible.

The following are ideas for ways to receive complaints which can be tested depending on the context:

- Help Desks / Designated information kiosks in key locations
- Dedicated telephone lines (preferably free)
- Online platforms
- SMS/WhatsApp
- Suggestion boxes
- Community meetings, committees
- Social media
- Face to face in service provider's office through PSEA or protection focal points.

Each of these may have certain advantages or disadvantages but through consultation and testing it will be possible to establish which are most effective for the context. It is preferable to have more than one route through which concerned populations can give feedback and raise complaints. It is equally important that the service provider is able to adequately manage, and resource whichever options are selected.

RAISE AWARENESS

It is important to continuously raise awareness about the complaint mechanisms to ensure concerned populations, and personnel, understand their purpose and know how to use them. Example templates and ideas (posters, leaflet) for use in the Americas region are included in the toolkit (**see Tool 6: Visual information Materials on PSEA/SH Reporting**).

It is important to highlight that: people have a right to raise a complaint and that service providers have a duty to respond; that there would be no retribution for complaints submitted; that complaints can be given/received anonymously; that confidentiality will be maintained; and that support will be provided for survivors/victims in need of services. It is essential to:

- Regularly tell concerned populations (through a variety of media) how they can complain and that it is their right to do so
- Communicate the behaviours concerned populations should and shouldn't expect from any personnel (e.g. representatives, staff, contractors, collaborators, mobilisers, etc.)
- Be clear about the scope of the complaint mechanism and that complaints can be referred to other agencies (through the Regional complaint referral Mechanism)
- Ensure procedures for dealing with complaints relating to SEA/SH are understood.

RECEIVE, ACKNOWLEDGE AND RECORD COMPLAINTS

It is important to provide the complainant with an acknowledgement of the receipt of a complaint (in line with the agreed SOP) and provide an indication of the next steps to be take, and when a response might be expected. Having and respecting set timeframes for responses for different categories (e.g. programme, sensitive, financial, misconduct etc.) of complaints and feedback is desirable.

- Ensure complaints are logged and processed according to agreed internal procedures (SOPs) or referred to other agencies for processing (in line with the regional Mechanism), as required
- Consider data security and who should have access to the complaint system and ensure data protection elements meet relevant standards and regulations
- Set standard timeframes for feedback on complaints e.g., ranging from immediate - 48 hours/72 hours [to be discussed and agreed] for straightforward issues, while longer may be required for more complicated cases such as SEA/SH complaints. It is important that complainants are fully aware of the timeframes.

RESPONSE AND CLOSE-THE-LOOP

Clear communication with complainants, and other parties e.g. witnesses as appropriate, is essential. In consideration of populations on the move and potentially crossing border, coordination and communication between service providers is key to being able to respond to complaints and ‘close-the-loop’ within reasonable timeframes. If this does not take place confidence in the system is lost.

Updates to the complainant on the process being followed, of how your agency will respond and of appropriate action being taken is important. Communication helps build trust amongst concerned populations, especially when populations are on-the-move, and shows they are being listened to, and that service providers are responding to them. Even in cases where no action is taken in response to a complaint, it is important and helpful to explain why. Make sure each complainant receives a response and/or appropriate action is taken:

- Be consistent: ensure similar complaints and feedback receive a similar response
- Where an issue affects more than one person, it may be worth giving aspects of the response in a public forum so that everyone is aware the issue has been managed.
- Sensitive referrals pathways for victim/survivor support, including SGBV and SEA/SH, should be handled according to agency specific guidance and standards, and in line with the regional SGBV and Child Protection Referral Pathways (see <https://www.arcgis.com/apps/MapSeries/index.html?appid=ae15aa2fe0c4469b83ea10f0925e8625>)

ANALYSE, REFLECT, AND LEARN FROM FEEDBACK AND COMPLAINTS

Analyzing complaint data, identifying statistics, tracking trends and collectively discussing these with other service providers, e.g. in within the Regional and National PSEA Network or the RSSN, helps identify ways to improve work, particularly in relation to PSEA/SH.

- Share analysis with relevant outside service providers and agencies i.e. including the Regional and National PSEA Networks and RSSN members
- If use of the complaint mechanism is limited, i.e. not many complaints are received over time, this should be analyzed to discover why people aren’t using it (e.g. this could be due to a lack of understanding of its purpose, a feeling that it is not safe to use, it is not confidential etc.)
- Accept and acknowledge that complaints can be difficult, they may reveal problems which can be uncomfortable, time-consuming, and politically challenging to address. Avoid finger-pointing and placing blame; focus on improvement and next-steps, either internally or for other service providers.

ENGAGE AND ADAPT

To fulfil the objective of establishing adequate safeguards and appropriate actions on PSEA/SH it is essential that service providers constantly improve on the support, services and protection for concerned populations. Evidence (the nature of complaints, learnings from complaints received etc.) from the community-based complaint and referral mechanisms should influence the improvement to service provision for concerned populations, and personnel. Sharing reflections and learning from complaints, with concerned populations, and personnel, helps to validate the learnings, that can then be translated into action by adapting and improving support and services that affect them.

- Translate reflection and learning into action by adapting support, services and protection to meet needs of concerned populations
- Data analysis should be routinely shared and validated with the concerned populations, they will have ideas for solving any commonly raised issues
- Share information on complaints, learnings and statistical data with personnel to engage them in adapting and improving the provision of services.

7. REFERRING SEA/SH ALLEGATIONS FOR INVESTIGATION AND FOLLOW-UP

The process of referring SEA/SH allegations to the service provider employing the alleged offender for potential investigation and follow-up, is one of the most important roles of the complaint mechanism. Clear procedures for communication between personnel responsible to manage SEA/SH complaints within the agency and with the designated investigative body during referrals must be agreed upon and clearly outlined in the Standard Operating Procedures (SOPs) and in line with the Regional complaint referral Mechanism.

In the referral of complaints, the complaint mechanism must assure accountability to both the affected concerned population(s)/individual and the service providers engaged in the Regional inter-agency complaint referral Mechanism. This is because incomplete or mismanaged referrals will result in an ineffective system, leaving the concerned provider unable to fully investigate SEA/SH allegations against its own personnel, and the concerned parties of the complaint unable to receive an appropriate response. A strong referral system is necessary in order that all participating service providers can receive SEA/SH allegations so they can take appropriate action, and to strengthen collective accountability.

If a referral system is not in place:

- The concerned population(s) will lose faith in the system and cases will go unreported
- Reported cases/complaints will go unaddressed and no disciplinary/prevention action will be taken
- Service providers/agencies cannot be accountable to affected populations, or to each other.

After a complaint is referred it is the sole responsibility of the concerned service provider to carry out further action, including assessing the actionability of the complaint, investigating if warranted, and providing feedback to the survivor/complainant according to its internal policies.

- The Regional inter-agency referral Mechanism supports referrals and investigative capacity and should be referred to for further guidance. It may play a supportive role for the concerned provider, if requested, and may act as a liaison for continued communication with the complainant/survivor.
- The concerned provider will make the initial assessment to decide whether an investigation into the allegation is warranted and conduct such an investigation according to its own procedures or in-line with investigation procedures as outlined in the Regional Mechanism.

The service provider operating the complaint mechanism does not conduct investigations.

CRIMINAL OFFENCES:

When an incident of SEA/SH constitutes a criminal offense, it is the decision of the investigating agency to refer cases to the proper law enforcement authorities in conformity with the service provider's internal procedures. The decision of the provider to refer a case to the national authorities should take into account the consent of the survivor/complainant, who may not wish to involve the local authorities. However, in some instances, the state and local governments in which the complaint mechanism operates may also have mandatory reporting laws related to SEA/SH incidents. It is the responsibility of the PSEA focal points and protection personnel to be up to date on relevant national laws and to incorporate them into the complaint mechanism SOPs and in line with the Regional Mechanism.

HANDLING ANONYMOUS COMPLAINTS:

Where the complainant or survivor is not known or disclosed, these should be treated seriously and can be investigated, despite being more difficult to do. Likewise, anonymous complaints should be sent to the service provider concerned in the complaint/allegation or to the most relevant and appropriate body e.g. in the Americas the UNCHR Country Representative, relevant Protection actor, UNHCR Regional PSEA Focal Point.

8. REFERRAL PATHWAYS FOR SURVIVOR SUPPORT

The design of any complaint mechanism must be linked to competent services to provide appropriate support for survivors, including survivors of SGBV, Child survivors and SEA/SH.

- Design of the community-based complaint mechanism should be coordinated with existing services for referral and support for survivors including, as appropriate, SGBV; child protection; mental health and psychosocial support; legal assistance.
- Design of the complaint mechanism should be carefully coordinated with existing efforts to address and mitigate sexual and gender-based violence (SGBV) and child protection risks.
- PSEA/SH is an important aspect of preventing SGBV and PSEA/SH efforts should link to SGBV and child protection expertise and programmes and to the SGBV and Protection Working Groups.
- Because SEA/SH is a form of SGBV, agencies establishing complaint mechanisms should promote a common understanding of the different responsibilities within the PSEA Network, SGBV coordination mechanisms and Regional Safe Spaces Network (RSSN) in the Americas.

<https://www.arcgis.com/apps/MapSeries/index.html?appid=ae15aa2fe0c4469b83ea10f0925e8625>

9. MANAGING AND TRANSFERRING NON-SEA/SH COMPLAINTS:

Within the mechanism procedures must be clear to respond to and refer complaints regarding programme delivery and services programme complaints to other service providers concerned. A system for transferring non-SEA/SH complaints to the relevant own internal programme or operations department or to another provider need to be in defined. The mechanism should expect to receive complaints on a wide variety of issues and from people not directly involved in the complaint or the operation. A response to these complaints, is still necessary and relevant.

TOOL 5

INTER-AGENCY COMPLAINTS REFERRAL FORM (FOR SEXUAL EXPLOITATION AND ABUSE / SEXUAL HARASSMENT)

* Information contained in this form is CONFIDENTIAL. All Forms must be PASSWORD PROTECTED.

 <https://enketo.unhcr.org/x/#psDGQsdd>

Name of Complainant: _____ Ethnic origin/Nationality: _____
Address: _____ Identity no: _____
Age: _____ Sex: _____
How does complainant prefer to be contacted (give details): _____

Name of survivor (if not the complainant): _____ Ethnic origin/Nationality: _____
Address/Contact details: _____ Identity no: _____
Sex: _____ Age: _____

Name(s) and address of parent/guardian, if under 18: _____
How does survivor prefer to be contacted (give details): _____
Has the survivor given consent to the completion of this form and referral?
 Yes No Don't know

Date of incident(s): _____ Time of incident(s): _____ Location of incident(s): _____

Brief description of incident(s) in the words of the survivor / complainant: _____

Name of accused person(s): _____ Position / Job title of person(s): _____

Service provider/agency accused person(s) works for: _____

Address or location where accused person(s) works: _____

AGENCY RECEIVING COMPLAINT

Name of PSEA Focal Point: _____ Name of person completing form: _____ Position / Job title: _____

Agency: _____ Signature: _____ Date completed: _____

REFERRAL TO AGENCY OF CONCERN PSEA FOCAL POINT

Name of agency/name of person (PSEA Focal Point) report forwarded to: _____

Name and position of person report forwarded to: _____

Date of referral: _____

ACKNOWLEDGMENT OF RECEIPT

Name: _____ Agency: _____ Position / Job title: _____

Signature: _____ Date received: _____

TOOL 6

VISUAL INFORMATION MATERIALS ON PSEA/SH REPORTING IN THE AMERICAS

Leaflet for communities

IF YOU HAVE EXPERIENCED SEXUAL EXPLOITATION OR ABUSE PLEASE REPORT IT TO US

WE WANT TO HEAR YOU

ALL service providers take reports of exploitation and sexual abuse very seriously. We will investigate them independently and confidentially and action will be taken to stop this happening again.

- ▶ You can report to a service provider in any country and they will listen to you and follow-up your complaint.
- ▶ Your safety will always be carefully considered when following up on a complaint or report.
- ▶ The person you tell will be able to help advise and help you with the support you need for assistance.
- ▶ Investigations will be conducted by an independent person and action will be taken against service providers if found guilty of inappropriate behaviour.



INDIVIDUALS WHO WORK FOR SERVICE PROVIDERS OF HUMANITARIAN ASSISTANCE must comply at all times to

HIGH STANDARDS OF BEHAVIOUR in their personal and professional lives.

SEXUAL EXPLOITATION AND ABUSE of anyone from the local populations (including refugees, displaced population, and migrants and other populations receiving services).

WILL NOT BE TOLERATED

REMEMBER,
ACTS OF SEXUAL EXPLOITATION AND ABUSE COMMITTED AGAINST YOU are **NOT YOUR FAULT**



REGIONAL SAFE SPACES NETWORK

IT IS NOT ALLOWED FOR ANY SERVICE PROVIDER TO ASK FOR OR FORCE YOU TO PROVIDE THEM WITH ANY SEXUAL FAVOUR OR ACT!

Report

WHAT IS SEXUAL EXPLOITATION AND ABUSE?

Sexual exploitation is service providers accepting sexual relations or favours in exchange for assistance, services, money, shelter, food or other property.

Sexual abuse is the threat or use of force by a service provider to have sexual relations with another person.



ANY ACT OF SEXUAL EXPLOITATION OR SEXUAL ABUSE

committed by a service provider (staff, volunteer, personnel) is serious misconduct and can be grounds for disciplinary action and termination of their contract. The following behaviours are prohibited by service providers:

- ▶ All sexual intercourse with children (under the age of 18) regardless of the age of majority or consent
- ▶ The offering of money, employment, goods or services in exchange for sex
- ▶ Offering assistance and services in exchange for sex
- ▶ Any sexual relationship maintained by force or by coercion or of a degrading nature.

YOU OR SOMEONE YOU KNOW:

- Where you forced or asked to exchange sex or do any action of a sexual nature for any assistance, food, shelter, money, or any other kind of support?
- Were you forced by anyone from a service provider to have sexual relations or any other act of a sexual nature?
- Were you threatened by anyone from a service provider to engage in sexual intercourse or any other act of a sexual nature?
- Do you know or are you a person under the age of 18 that has had or been asked for sexual relations, of any sort, with someone from a service provider?

HOW TO MAKE A COMPLAINT OR REPORT?

- You have the right to make a report or a complaint in-person, anonymously or on behalf of someone else.
- Reporting an incident or raising concerns will NOT prevent you from receiving assistance and support and will not stop the provision of services.
- You can contact any trusted service provider in the Americas to raise an issue, regardless of which country the incident happened.
- You can tell a trusted person that you want to make a complaint of sexual exploitation and abuse and an official will contact you to follow-up.
- You can use a designated phone number in your country.
- You can submit a complaint to a service providers office, complaint box.

YOU CAN ALSO DIRECTLY CONTACT THE UN HERE:

UN Office of Internal Oversight Services (OIOS)
Report online: <https://oios.un.org/content/contact-us>
Call: +1 212 963 1111 (24 hours)

UNHCR Inspector General's Office (IGO)
Report online: <https://www.unhcr.org/uk/making-complaint.html> | Call: +41 22 7398844
Email: inspector@unhcr.org





SEXUAL EXPLOITATION AND ABUSE

have no place in the work of humanitarian actors and service providers.

If any service provider worker attempts or has exchanged any assistance for sex or sexual favors, or money or goods, with you or someone you know, or forced you or any other person to have sex or any act of a sexual nature **REPORT THEM.**



You can make a report or complaint to any service provider, directly, anonymously or on behalf of someone else. Making a report of sexual exploitation or abuse will **NOT** prevent you from receiving assistance or cause service provision to stop.

HOW TO REPORT?

- 🗨️ Approach a staff member or go to an office of the service provider to make a complaint in person
- 📞 Call or write a message to
UN OFFICE OF INTERNAL OVERSIGHT SERVICES (OIOS)
Report online: <https://oios.un.org/content/contact-us> | Call: +1 212 963 1111 (24 hours)
UNHCR INSPECTOR GENERAL'S OFFICE (IGO)
Report online: <https://www.unhcr.org/uk/making-complaint.html> | Call: +41 22 7398844
Email: inspector@unhcr.org

YOUR COMPLAINT WILL BE LISTENED TO AND WE WILL TAKE ACTION TO MAKE SURE YOU ARE SAFE!

Poster for concerned populations





SEXPLOITATION AND ABUSE, AND SEXUAL HARASSMENT

are **NOT ACCEPTABLE** behaviour by humanitarian personnel.

WE ARE CLEAR THAT:

- We must respect the local population of concern with respect and dignity at all times
- Sexual exploitation and abuse threaten the lives of those we are here to serve and support.
- Asking for anything from concerned populations in exchange for providing services is prohibited.
- Asking for sexual favors, sex, money or goods from concerned populations are prohibited.
- Sexual exploitation and abuse constitute acts of gross misconduct and are therefore grounds for termination of employment.
- Any form of sexual harassment against a fellow colleague or service provider is unacceptable and will not be tolerated.

ALL PERSONNEL MUST ABIDE BY THESE RULES:

SEXUAL ACTIVITY WITH CHILDREN (PERSONS UNDER THE AGE OF 18) IS PROHIBITED regardless of the age of majority or age of consent locally. Mistaken belief regarding the age of a child is not a defense.

EXCHANGE OF MONEY, EMPLOYMENT, GOODS, OR SERVICES FOR SEX IS PROHIBITED, including sexual favors or other forms of humiliating, degrading or exploitative behaviour. This includes exchange of assistance that is due to beneficiaries and concerned populations.

ANY SEXUAL RELATIONSHIP BETWEEN THOSE PROVIDING HUMANITARIAN ASSISTANCE AND PROTECTION and a person benefitting from such humanitarian assistance and protection that involves improper use of rank or position is prohibited. Such relationships undermine the credibility and integrity of humanitarian aid work.

Where a humanitarian worker develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same agency or not, **THEY MUST REPORT** such concerns via established agency reporting mechanisms.

Humanitarian workers **ARE OBLIGED TO CREATE AND MAINTAIN AN ENVIRONMENT WHICH PREVENTS SEXUAL EXPLOITATION AND ABUSE AND PROMOTES THE IMPLEMENTATION OF THEIR CODE OF CONDUCT.** Managers at all levels have particular responsibilities to support and develop systems which maintain this environment.



ALL HUMANITARIAN PERSONNEL CAN REPORT ANY CONCERN OR SUSPICION TO A PSEA FOCAL POINT OF ANY SERVICE PROVIDER IN THE AMERICAS, REGARDLESS OF WHICH COUNTRY THE INCIDENT OCCURRED.

Poster for personnel

TOOL 7

PSEA/SH SELF-AUDIT CHECKLIST

 <https://enketo.unhcr.org/x/#H7Z8Xocn>

This self-auditing tool has been developed as part of the Americas Regional PSEA Network to support service providers (offices, agencies) to understand where they stand in relation to preventing sexual exploitation and abuse (SEA) and sexual harassment (SH). The self-audit process supports the identification of gaps and provides direction on the next steps you and your agency can take to strengthen ongoing work to protect those with whom we work.

As part of continuing efforts to strengthen the prevention of SEA/SH in the Americas, the results of the self-audit can be shared with the PSEA Network Focal Points. This can promote a collective response to PSEA/SH and can assist service providers to take specific measures to address and focus on identified weaknesses.

For the purposes of this checklist, the term 'Code of Conduct' refers to a service provider's own Code of Conduct for its personnel, as long as it makes explicit its commitment to PSEA/SH and incorporates the PSEA/SH principles.

For each statement, each box should be ticked:

A = fully in place; B = partially in place; C = not in place.

Grouping the results into Mostly As/Bs or Cs, will give an indication of your agency's progress. It should also be noted that boxes highlighted in yellow are considered to be essential and therefore a priority for PSEA/SH. If these are "B" or "C", then these would be critical areas to focus on.

1	RECRUITMENT AND INTERVIEWS	A	B	C
A	The service provider has a Gender Policy and monitors the gender-balance of staffing and strives to be gender-balanced, at all levels of responsibility, in both main and sub-offices and among nationally and internationally contracted staff and community workers.			
B	During the recruitment / interview process, the service provider discusses policies regarding relations between staff and concerned population and assesses interviewee's responses to Code of Conduct related questions.			
C	References are rigorously gathered and follow a specific format /checklist while respecting the principle of confidentiality. They should include questions about disciplinary actions.			
D	All personnel (e.g. staff, consultants, contractors, volunteers) contracts or templates include the main principles of the Code of Conduct or have the Code of Conduct attached, which should also be available in the language of the relevant country.			
E	All job advertisements reaffirm the provider's/agency's commitment to the Code of Conduct and PSEA/SH.			
F	Applicants must fill in job application forms, which require the applicant to give information about criminal convictions, reasons for leaving previous jobs and periods when no employer is listed.			

2	RECRUITMENT AND INTERVIEWS	A	B	C
A	There is an orientation/induction process for all personnel, including community volunteers, contractors etc., which includes administrative procedures and human resources as well as programmatic and operational issues.			
B	Guidance is provided to new employees on the cultural context, gender equality principles, and appropriate behaviour expected of personnel as well as complaint, investigation and disciplinary procedures and consequences.			
C	During the orientation process, personnel are taken through the Code of Conduct, which includes PSEA/SH principles, by a manager/supervisor to ensure they understand the issues and have their questions answered.			

3	MANAGEMENT	A	B	C
A	Senior management work to ensure an organizational culture which eliminates sexual exploitation and abuse, and sexual harassment. For example, PSEA/SH is included as part of the performance goals for managers and performance is rated in accordance with the implementation of these goals. Senior managers make regular announcements on these issues and personnel are reminded that the organization takes these issues seriously.			
B	The agency/office has developed and incorporated into personnel rules and regulations a Code of Conduct, which includes principles related to protection from sexual exploitation and abuse and protection from sexual harassment, as well as appropriate investigation and disciplinary procedures when violations of core principles occur.			
C	Senior managers are required, and are evaluated on their ability, to promote the standards outlined in the Code of Conduct internally to the agency to personnel, with other agencies/service providers, and among concerned populations.			

4	AWARENESS RAISING / TRAINING	A	B	C
A	The Code of Conduct including PSEA/SH principles (either a simplified or complete version) is displayed in all operational and office areas.			
B	The agency/office has distributed the Code of Conduct and PSEA/SH policies and guidelines, in English or translated versions, to all personnel.			
C	A manager is responsible for ensuring that a training strategy is being implemented to raise awareness of gender equality, SGBV, human rights, SEA/SH prevention and response, and the Code of Conduct among all personnel, in addition to procedures for reporting incidences, whether substantiated or not (including consultants, contractors, incentive staff, security guards, collaborators etc).			
D	Personnel who have direct contact with concerned populations receive more in depth training on causes and consequences of SGBV and SEA on a regular basis.			

5	REPORTING AND COMPLAINTS MECHANISMS	A	B	C
A	The agency/office has established, together with concerned populations, a confidential and safe SEA reporting system suitable for personnel and concerned populations.			
B	The agency/office has established policies, procedures and mechanisms to facilitate the reporting of SH by personnel, including, for example, a whistle blowing policy and staff grievance procedures.			
C	Mechanisms to facilitate anonymous SEA/SH complaints are available, e.g. complaints box / telephone hotline / email address.			
D	The agency/office raises awareness of its reporting, feedback and complaints mechanisms through public information campaigns			
E	Personnel who receive complaints are trained in how to handle complaints, including reception of feedback complaints and referrals to relevant response and support services, and other service providers of concern.			

F	SOPs for complaint mechanisms stress the importance of confidentiality and data protection and are known and applied by all personnel, including ICT and other technical staff.			
G	The agency/office has a clear, updated and documented guideline on reporting cases to the investigative service.			
H	The agency/office promotes a culture and environment in which women, girls, men and boys from diverse backgrounds and with specific needs, such as people with disabilities, older people, LGBTI and people with low literacy, are listened to and respected as individuals.			
I	The agency/office provides regular feedback on complaints to concerned populations ensuring the inclusion women, girls, men and boys from diverse backgrounds and with specific needs, such as people with disabilities, older people, people with disabilities LGBTI and illiterate people			

6	RESPONSE	A	B	C
A	The Agency/office promotes the development of a culture, which ensures that reported abuses are immediately reported upwards and acted upon, ensuring that all confidential information is channelled correctly and handled with the utmost discretion			
B	Responses are 'survivor-centred', keeping the needs of the survivor at the forefront of any investigation process.			
C	The agency/office responds to reported cases according to their internal standard guidelines on complaints and investigation procedures and guidance related to SEA/SH and consulting with the PSEA Network as required. Regional/Country operation Child Protection & SGBV SOPs and IASC guidelines are also taken into account.			
D	The agency/office will coordinate investigations with other agencies when and if appropriate, in accordance with the agreed referral pathways.			
E	The agency/office has / or has access to a team of personnel (female and male) with the skills and expertise to investigate SEA and SH cases.			
F	The agency/office ensures that all cases are properly documented and followed up to ensure that the survivor receives the optimum support required through appropriate referral processes, this also includes availability of counselling services for personnel in the event of an incident of sexual harassment.			
G	Coordination with the authorities is carefully assessed in consideration of a survivor-centred approach, the agency's HR and administrative procedures and the applicable national laws.			

7	PREVENTION	A	B	C
A	The agency/office has its own Code of Conduct, which incorporates the six principles related to sexual exploitation and abuse ¹ and commits to a zero tolerance policy on sexual exploitation and abuse, and sexual harassment.			
B	The agency/office has an action plan in place for mainstreaming PSEA/SH in all sectors and programmes using a participatory approach.			
C	Clear policies/guidelines are in place for concrete measures to prevent increased vulnerability of concerned populations and to minimize the risk of malicious/false allegations against personnel (i.e., regulations around number of personnel present in one space).			
D	Clear policies/guidelines are in place for qualification criteria to prioritize vulnerable individuals in the provision of basic services, which are strictly monitored.			
E	Budgets include PSEA/SH funding lines for promotional materials/trainings etc.			
F	The agency/office promotes regular interaction between concerned populations and senior personnel.			

1. As per the Secretary-General's Bulletin, Special Measures for protection from sexual exploitation and abuse which can be accessed at <http://www.unhcr.org/405ac6614.html>

G	The agency/office ensures (or encourages) that all personnel complete* an on-line training on PSEA and SH, and that this is repeated on a regular basis.			
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8	MONITORING AND EVALUATION	A	B	C
A	The agency/office has established safe and confidential procedures for monitoring incidences, to better identify trends and improve the assessment of programme risks.			
B	Regular programmatic monitoring and evaluation incorporates PSEA as a standing item.			
C	Regular consultations with concerned populations on service provision and delivery of assistance (distribution of commodities, health services, education, etc.) take place.			
D	Senior managers regularly visit the field, project sites.			
E	Senior managers analyse trends and ensure reporting to relevant investigative bodies of SEA/SH incidents.			

9	COMMUNITY AWARENESS RAISING	A	B	C
A	The agency/office has strengthened the mass information systems to ensure that all members of concerned populations, regardless of sex, age and diversity, receive information in appropriate forms to inform them that goods and services are their entitlement and do not require payment of any kind.			
B	The agency/office has disseminated the Code of Conduct amongst concerned populations, and community leaders can advise their communities on the Code / expected behaviours of personnel and the reporting mechanisms.			
C	The agency/office ensures that copies of the Code of Conduct, translated into local languages, are freely available to concerned populations.			
D	Information on complaints mechanisms are displayed prominently at service deliver and provision sites and translated into local languages.			
E	The agency/office ensures that field staff have the ability to promote and encourage standards of accountability and their Code of Conduct to concerned populations in their programmes.			

10	COORDINATION	A	B	C
A	A focal point at a senior level, and an alternate, have been appointed within the agency for the implementation / follow up of PSEA/SH activities. The focal point and senior management are committed to implementing SEA/SH inter-agency referral pathways.			
B	The agency/office has strengthened collaboration and coordination among all sectors and partners in addressing SEA/SH with an emphasis on the needs of survivors, e.g. case management, advocacy and emotional support.			
C	The PSEA focal point or her/his alternate attends regular coordination meetings with all actors to ensure a concerted effort in prevention and response to sexual exploitation and abuse, and sexual harassment.			

11	EXTERNAL/IMPLEMENTING PARTNERS	A	B	C
A	All contracts with external implementing partners or service providers (including transporters, warehouse staff, guards etc.) incorporate the core principles of the Code of Conduct, which includes PSEA/SH, as part of the agreement			
B	It is written into the contract that any violation of the Code of Conduct by that implementing partner can result in termination of the contract.			
C	All implementing partners are aware that they are responsible for ensuring the Code of Conduct is made known to concerned populations with whom they are working.			
D	All community-based organisations, partners and government officials participate in SEA/SH trainings offered by the agency/office.			

TOOL 8

RISK ASSESSMENT AND STRATEGIES FOR SAFE OPERATIONS AND PROGRAMMES ¹



NOTE

This template forms part of the PSEA/SH Project in the Americas region and should be used in coordination with other tools e.g. **Tool 1: Model SOPs for PSEA and complaint handling mechanisms** and **Tool 4: Steps to set-up a community-based complaint mechanism**. This tool is intended to be used as part of the process any service provider undertakes to establish PSEA systems and to be used by PSEA Focal Points and/or other personnel who have specific experience and expertise in protection of vulnerable persons as part of their role.

AREA	QUESTIONS TO CONSIDER FOR RISK ASSESSMENT	POSSIBLE MANAGEMENT STRATEGIES
PROFILE OF CONCERNED POPULATION	<ul style="list-style-type: none"> • What is the demographic profile of the population in the target areas (e.g. sex, age, education level, income level, household size, percentage of female- and child-headed households, marriage age, religion, ethnicity, migration status, etc.)? • What are some of their characteristics that may render them more susceptible to SEA? Which groups are particularly vulnerable?² 	<ul style="list-style-type: none"> • Adapt awareness-raising efforts on SEA and complaint mechanisms to meet specific needs of target concerned populations e.g. high visibility at borders, transit areas • Conduct targeted information campaigns for population groups that are highly susceptible to SEA e.g. LGBTI
PROFILE OF PERSONNEL	<ul style="list-style-type: none"> • Is there an adequate gender balance of personnel involved in provision of services and programming (i.e. at least 50% female), particularly of personnel directly engaging with affected women and children? • Have personnel been sufficiently vetted e.g. background checks, references? • Have personnel received a comprehensive induction on code of conduct, PSEA/SH and complaint mechanisms? 	<ul style="list-style-type: none"> • Re-adjust gender balance of personnel involved in service provision and direct work with concerned populations • Recruit additional female personnel involved in direct service provision and operations • Review HR files of personnel and conduct additional screening for previous misconduct where needed

1. This tool is adapted from UNICEF draft PSEA field toolkit piloted in 2019

2. For a list of at-risk groups, see pages 11-12 of the IASC, **Guidelines for Integrating GBV Interventions in Humanitarian Action**, September 2015. Also note that some individuals may have overlapping vulnerabilities (e.g. adolescent girls, mothers with disabilities).

<p>PROFILE OF PERSONNEL</p>	<ul style="list-style-type: none"> • Are all personnel regularly trained on PSEA/SH and complaint mechanisms? 	<ul style="list-style-type: none"> • Conduct (refresher) training on SEA/SH for all personnel on a regular basis, specifically focused on possible risks associated with the context and programme activities e.g. shelters, mobile population • Include training and capacity building on PSEA/SH for personnel in programme plans and budgets, and ensure personnel receive regular refresher trainings • Ensure that all personnel are informed and updated on PSEA/SH, complaint and referral mechanisms, inter-agency systems for referrals, PSEA focal points' names and contacts.
<p>OPERATIONAL/ PROGRAMME APPROACHES</p>	<ul style="list-style-type: none"> • In what ways could the operation/programme create or exacerbate existing imbalances between personnel and members of the concerned population? • How do personnel communicate, make themselves known, and share information (including on PSEA, complaint mechanisms) to concerned populations and host communities? • Does the operation/programme involve direct interaction between personnel and concerned populations, especially children? • How are personnel providing services (e.g. private/public, working in pairs/alone, gender-mixed)? • Are external visitors allowed to attend operation/programme activities unaccompanied? Who is in charge of making these decisions? 	<ul style="list-style-type: none"> • Have multi-disciplinary teams for assessments and monitoring e.g. include protection and PSEA focal points • Include assessment of language, literacy, communication preferences in needs assessments and monitoring and, based on this provide regular, accessible information (including on the agency, the programme deliverables, PSEA commitments, complaint mechanisms etc.) • Arrange periodic site visits by PSEA focal points or other independent observer, to assess potential risks and review solutions to actual negative effects reported or observed • Regularly assess the locations, timings of services provided to ensure they are safe for people to access, they ensure adequate privacy and create safe spaces for vulnerable groups • While in respect of the context and the need for discretion, protection and privacy for vulnerable populations, consider the visibility requirements of personnel to ensure that they are appropriately identifiable / accessible • Restrict access of external visitors to operations/programme activities, as needed. Ensure that external visitors have received security briefings, signed a Code of Conduct and are accompanied by personnel at all times

<p>OPERATIONAL/ PROGRAMME CONTEXT</p>	<ul style="list-style-type: none"> • Where are services provided (e.g. shelters, safe houses, camps, informal settlement, host community, rural/urban setting, etc.)? What are specific risks associated with the location (e.g. lack of availability of complaints mechanisms or service providers, insecurity, remoteness)? • What is the attitude of concerned populations towards SGBV concerns? How comfortable would they be to raise concerns and make complaints regarding SEA? • Are systems / mechanisms in place and functioning whereby concerned populations are facilitated to raise concerns and submit complaints to service providers in the operational/ programme area? • Are service providers coordinating and working together to ensure that concerned populations are protected from SEA/SH by all personnel operating in the area? 	<ul style="list-style-type: none"> • Create a more secure environment in operation/ programme locations (e.g. install lights, hire appropriate and trained night security guards) • Establish Standard Operating Procedures (SOPs) for community-based complaint mechanisms e.g. for individual service providers and/or jointly with a group of providers covering a specific operational area • Work with concerned populations to design, monitor and adapt feedback and communication channels, and complaints mechanisms to meet their needs • Agree and establish inter-agency complaint referral mechanisms and SOPs • Ensure referral pathways for SGBV, child protection, other services are established and are understood by relevant personnel e.g. field personnel, PSEA FPs • Report transparently (in respect of confidentiality) on statistics of complaints received, investigated, results.
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TOOL 9

PSEA/SH MAPPING SURVEY

<https://enketo.unhcr.org/x/#sfoZlv2u>



NOTE

This survey can be used as an online survey (e.g. survey monkey) or through a questionnaire format, depending on how many offices, or personnel, it aims to cover. It should be compiled by the most relevant and appropriate representative, manager or PSEA Focal Points of the agency in consultation with relevant colleagues for specific areas of enquiry.

The objective of this survey can be used to update information and map-out the current measures that are in operation to prevent and respond to Sexual Exploitation and Abuse (SEA) against concerned populations, and Sexual Harassment (SH) in the workplace. The information gathered from the results of the survey can be used to support the development of an agency's systems and regional, country and operational community-based complaint mechanisms, and inter-agency and cross-border referral mechanisms in the Americas region.

Please take into consideration when completing this survey, the activities of your agency, office and partners you work with in your area of operation and programmes.

1. Please insert the name of the office

2. Please enter the name of staff member completing survey information for your office

3. Please select the coordination groups that the office is a member of at the national level?

- Regional Interagency Coordination Platform for Refugees and Migrants
- PSEA Focal Point Network
- Regional Safe Spaces Network
- Protection Working Group
- Sexual and Gender-based violence sub-working group
- Child protection sub-working group
- Inter-Sector Working Group
- UNDGLAC: Gender Group
- UNDGLAC: Protection
- UNDGLAC: Youth
- UNDGLAC: SGDs
- Other, *please indicate.*

4. How many partners do you work with in your area of operation?

- 0-5 6-10 10+

List name of partners

* (Following Points I – IV are based on the IASC PSEA Pillars and SOPs AND the UNHCR Emergency Handbook on PSEA)

I. MANAGEMENT AND COORDINATION
Effective policy development and implementation
5. Have all staff been given a copy of the Secretary-General's Bulletin, especially new staff appointed in emergencies?
<input type="checkbox"/> YES <input type="checkbox"/> NO
6. Have all staff been given a copy of the IASC Six Core Principles related to PSEA/SH?
<input type="checkbox"/> YES <input type="checkbox"/> NO
7. Has any communication / refresher information / reaffirmation of your agency's Code of Conduct and PSEA / SH commitments been given to staff within the past year
<input type="checkbox"/> YES <input type="checkbox"/> NO
8. Have staff received any training on PSEA and SH in your office in the past year?
<input type="checkbox"/> YES <input type="checkbox"/> NO
9. Has your agency's relevant policies i.e. Policy on Discrimination, Harassment, Sexual Harassment and Abuse of Authority been disseminated to all staff?
<input type="checkbox"/> YES <input type="checkbox"/> NO
Cooperative Arrangements
10. Is your Code of Conduct, including PSEA / SH, written into all implementing/cooperative partner agreements?
<input type="checkbox"/> YES <input type="checkbox"/> NO
11. Are all partners made aware of your agency's commitments to PSEA/SH?
<input type="checkbox"/> YES <input type="checkbox"/> NO
12. When selecting suppliers/vendors does your agency ask for information on the standards of behaviour/conduct it expects from its personnel?
<input type="checkbox"/> YES <input type="checkbox"/> NO
13. When contracting suppliers/vendors in your operation is PSEA / SH included in contracts?
<input type="checkbox"/> YES <input type="checkbox"/> NO
A dedicated department/focal point is committed to PSEA among personnel
14. Does your office currently have an appointed PSEA Focal Point and Alternate?
<input type="checkbox"/> YES (<i>Names, title, email address, phone number</i>)
<input type="checkbox"/> NO
15. Do partners in your area of operation have PSEA Focal Points?
<input type="checkbox"/> YES <input type="checkbox"/> NO
16. Does your office have a PSEA action plan in place?
<input type="checkbox"/> YES <input type="checkbox"/> NO

17. Has the PSEA Focal Point, or an alternative staff member, conducted any PSEA / SH awareness-raising sessions with:

- Staff
- Partners
- Communities / concerned populations
- Government counterparts
- None

18. Has your office provided support to partners on establishing PSEA systems:

- Training on PSEA
- Training on setting up community-based complaint mechanisms
- Any other *please specify*

19. What specific challenges to establishing PSEA systems does your office have?

20. What specific challenges to establishing PSEA systems do partners have?

21. Have SEA / SH risks been analysed in your area of operation and activities?

- YES
- NO

II. ENGAGEMENT WITH AND SUPPORT OF LOCAL COMMUNITY POPULATION

Effective and comprehensive communication from head office to field offices on expectations regarding raising awareness on PSEA with concerned populations

22. Have any communication or awareness raising campaigns for concerned populations/ communities on PSEA been implemented in your area of operation (by you or partners)?

- YES *(please provide details)*
- NO

Effective community-based complaint mechanisms

23. Are complaint mechanisms available to concerned populations and communities in your operations / programmes?

- YES
- NO
- To some degree

24. Are these mechanisms functioning systematically?

- YES
- NO
- To some degree

25. What key challenges are faced in your operations to setting-up community -based complaint mechanisms?

26. Are the complaint mechanisms coordinated between your agency and other service providers, partners in your programme and operational area?

- YES *(please provide details)*
- NO *(please give reasons why)*

27. Are the complaint-mechanisms developed and implemented in consultation with concerned populations and communities?

- YES NO

28. Which of the complaint mechanisms below are operational in your programme and operational area?

- Programmatic/operational complaint mechanism
- SEA & misconduct complaint mechanism
- Integrated SEA/programmatic/operation related complaint mechanism
- Other, *please specify*

29. In which offices (head, field, sub offices) do you implement complaint mechanisms to receive programmatic/operational complaints?

30. Which of the below tools do you use to receive programmatic/operational complaints?

- Complaint box
- Hotline
- E-mail
- Community Volunteers/Focal Points
- Community Gatherings/Meetings with the community
- Protection monitoring
- Outreach
- Other, *please specify*

31. How do you provide feedback to concerned populations / communities on **programmatic/operational** complaints?

a. After processing the complaint in accordance to internal procedures:

- By phone
- By e-mail
- Individual counselling
- Through Community Volunteers/Focal Points
- Through Community Gatherings/meetings with the community
- During protection monitoring
- During outreach
- Other, *please specify*

b. On the spot:

- By phone
- By e-mail
- Individual counselling
- Through Community Volunteers/Focal Points
- Through Community Gatherings/meetings with the community
- During protection monitoring
- During outreach
- Other, *please specify*

32. In which field offices do you implement complaint mechanisms to receive SEA/misconduct?

33. Which of the below tools are used to receive SEA/misconduct complaints?

- Complaint box
- Hotline
- E-mail
- Community Volunteers/Focal Points
- Community Gatherings/Meetings with the community
- Protection monitoring
- Outreach
- Other, *please specify*

34. How do you provide feedback to concerned populations/communities on programmatic/operational complaints?

a. After processing the complaint in accordance to internal procedures:

- By phone
- By e-mail
- Individual counselling
- Through Community Volunteers/Focal Points
- Through Community Gatherings/meetings with the community
- During protection monitoring
- During outreach
- Other, *please specify*

b. On the spot:

- By phone
- By e-mail
- Individual counselling
- Through Community Volunteers/Focal Points
- Through Community Gatherings/meetings with the community
- During protection monitoring
- During outreach
- Other, *please specify*

35. Which methods are most used by concerned populations/communities to make programmatic/operational complaints?

36. Which methods are most used by concerned populations/communities to make SEA/misconduct complaints?

III. PREVENTION

Effective recruitment and performance management

37. Does your agency and office have appropriate recruitment and performance management systems in place to prevent SEA/SH?

YES NO

38. Does your agency have a Whistle Blowing policy, Sexual Harassment Policy and Grievance procedures in place?

YES
 NO, *describe gaps*

IV. RESPONSE

Internal complaints and investigation procedures are in place

39. Are all staff in your office/operation clear on mandatory reporting requirements, how to report incidents and what to expect?

YES
 NO, *please explain what is required?*

40. Are staff informed about how they can address grievances within the agency?

YES NO

41. Are there inter-agency complaint referral mechanisms being implemented for SEA/misconduct complaints?

YES NO

42. Do partners have programmatic/operational complaint-referrals investigation mechanisms?

YES *(please give examples)*

NO

43. Do partners have SEA/misconduct complaint-referrals investigation mechanisms?

YES *(please give examples)*

NO

TOOL 10

EXAMPLE: STAFF CODE OF CONDUCT FOR PREVENTION OF SEXUAL EXPLOITATION AND ABUSE (SEA) AND SEXUAL HARASSMENT (SH)

The highest standards of ethical and professional conduct are expected of all staff, representatives, contracted parties, volunteers working for the protection of and provision of services to concerned populations in the Americas Region.

This Code of Conduct applies to all [Name of service provider/agency] _____ staff/personnel and our partners, including all service providers, i.e., all people and organizations involved in the provisions of services including, contractors, sub-contractors, day laborers, and volunteers and all are expected to sign it. This Code of Conduct is based on the Secretary-General's Bulletins on 1. Special Measures for Protection from Sexual Exploitation and Abuse (ST/SGB/2003/13) and on 2. Prohibition of discrimination, harassment, including sexual harassment, and abuse of authority (ST/SGB/2008/15).

I, _____, understand that I have duty of care to beneficiaries and a responsibility to ensure that affected women, girls, boys, and men are treated with dignity and respect.

I understand that I have a responsibility to my colleagues and co-workers to ensure their right to be treated with dignity and respect and to be free from all forms of harassment in the workplace.

I commit to uphold the highest standards of professional and personal conduct, even when I am off duty or away from my duty station.

I understand that sexual exploitation and abuse and sexual harassment¹ are all unacceptable forms of behavior and jeopardize the credibility and reputation of all agencies and their staff/personnel in [SITE] _____.

In order to prevent **sexual exploitation and abuse**, I commit to respect the six core principles of PSEA:

- I. Sexual exploitation and abuse are **serious misconduct** and grounds for **disciplinary measures**, including summary dismissal.
- II. Sexual activity with **children** (persons under the age of 18) is **prohibited**, regardless of the age of majority or local age of consent. Mistaken belief in the age of the child is not a defense.
- III. Exchange of **money, employment, goods or services for sex**, including any humiliating, degrading, or exploitive behavior is **prohibited**.

1. **Sexual Exploitation** is any actual or attempted abuse of a person in a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.

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

Sexual Harassment is any unwelcome sexual advance, request for sexual favour, verbal or physical conduct or gesture of a sexual nature, or any other behaviour of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation to another. Sexual harassment may occur when it interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive environment.

- IV. Any sexual relationship between those providing humanitarian assistance and protection and a person benefiting from such humanitarian assistance and protection that involves improper use of rank or position is **prohibited**. Such relationships undermine the credibility and integrity of humanitarian aid work.
- V. Service providers, personnel providing assistance to concerned populations are obliged to create and maintain an environment that prevents sexual exploitation and abuse. Managers at all levels have an additional responsibility to do so.
- VI. Where service provider or personnel has **concerns or suspicions** regarding sexual exploitation or abuse by a service provider, personnel he/she **must report** such concerns. In [SITE – add specificity of the site/operation] _____ , a confidential complaint can be made by or on behalf of a survivor by contacting:
[Names, numbers, email etc. for complaint referral pathways].

In order to prevent **sexual harassment**, I commit to respect the following principles and conditions:

- I. Sexual harassment at the workplace, or in connection with work, constitutes unacceptable behaviour and will **not be tolerated**.
- II. Sexual harassment is a form of **sex discrimination** which negatively affects the working environment and adversely impacts the dignity and well-being of a person.
- III. Something can be considered sexual harassment even if the alleged harasser did not intend for it to be. It does not have to be intentionally directed at a specific person.
- IV. Failure to promote and maintain a respectful work environment may result in disciplinary action, including summary dismissal.
- V. All service providers and personnel are obliged to create and maintain an environment that **prevents sexual harassment**. Managers at all levels have an additional responsibility to do so.
- VI. Where an individual has concerns regarding an incident of sexual harassment, he/she should report such concerns. In [specific site/operation] _____ , a formal or informal process can be initiated by contacting:
[Specificities of office/operation]

By signing this Code of Conduct, I hereby agree to uphold its principles to the best of my ability at all times.

Name and Signature: _____

Title: _____

Date: _____

TOOL 11

GUIDANCE ON SEXUAL HARASSMENT¹

WHAT IS SEXUAL HARASSMENT?

Sexual harassment is any unwelcome sexual advance, request for sexual favour, verbal or physical conduct or gesture of a sexual nature, or any other behaviour of a sexual nature that might be expected or be perceived to cause offence or humiliation to another, when such conduct interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment. Something can still be considered sexual harassment even if the alleged harasser didn't mean for it to be. It also doesn't have to be intentionally directed at a specific person.

It is important to remember that not all sexual harassment involves an abuse of a position of vulnerability, differential power or trust or the actual or threatened physical intrusion of a sexual nature. If it does, it also constitutes sexual exploitation or sexual abuse.

Experiencing sexual harassment can be an extremely difficult situation for personnel to meet.

All personnel are protected from sexual harassment in the workplace by organisational policies and procedures. This applies to one-off incidents and ongoing incidents. This protection comes from both employment laws and criminal laws, depending on the circumstances and countries involved.

WHO CAN IT HAPPEN TO?

Sexual harassment can happen to anyone at any time, in any place. This includes the workplace, guest houses, field offices, project site locations etc. However, there are many things an employer and its personnel can do to minimise the risks (**See Tool 8 – Risk Assessment and Strategies for Safe Operations & Programming**).

Sexual harassment can come from a colleague and from someone in a position of power or influence. Sexual harassment can happen to all people, regardless of their gender and sexual orientation and can be perpetrated by someone of the same or opposite or different sex or gender. Personnel can experience sexual harassment from anyone, for example, a supervisor or manager; a team member or close colleague; someone from another agency or service provider; a supervisee; another member of staff in another location or office.

1. This tool has been developed in reference to: UNHCR "Fight against sexual misconduct review" (2018), <https://www.unhcr.org/5c51a5d34.pdf>; UNHCR Policy on Discrimination, harassment, Sexual Harassment and Abuse of Authority (2014); ACAS [acas.org.uk/bullying](https://www.acas.org.uk/bullying); Equality & Human Rights Commission (EHRC) [equalityhumanrights.com/en/how-fair-britain/tackling-challenge-identity-based-bullying](https://www.equalityhumanrights.com/en/how-fair-britain/tackling-challenge-identity-based-bullying); British Film Institute Anti-Bullying Guidelines.

HOW DOES SEXUAL HARASSMENT HAPPEN?

Sexual harassment can take place in any number of ways, including:

- Emails, text messages, social media posts with content of a sexual nature
- written or verbal comments of a sexual nature, such as remarks about the appearance of a staff member, offensive jokes, or questions about their sexual orientation or sex life
- displaying pornographic or explicit images
- unwanted physical contact and touching
- sexual assault.

Service providers should make it clear to all personnel the sort of behaviour that is considered sexual harassment and ensure that personnel understand what is unacceptable. Accepted or expected behaviour and conduct of personnel and contracted parties should be outlined clearly in a Code of Conduct or Behaviour, that all personnel are aware of, accept and understand the consequences of not adhering to (**see Tool 10 – Sample Code of Conduct for the prevention of PSEA /SH**).

SEXUAL ASSAULT AND PHYSICAL THREATS

Some types of sexual harassment, such as sexual assault and other physical threats, constitute a criminal matter as well as an employment/contractual matter. Criminal matters should be reported to the police. It is important that advice is sought to understand the criminal proceedings in the country where you work. Where criminal cases are followed and investigated, an employer is need required to undertake a formal investigation of the matter and would follow the relevant disciplinary procedures of the agency regardless of the outcome of a criminal investigation or proceeding.

PROMOTE COMMITMENTS TO COMBAT SEXUAL HARASSMENT AND DON'T STAND BY

All agencies should make clear their commitment to global and agency commitments to combat sexual harassment. All personnel should sign-up to principles of to combat, prevent and protect people from sexual harassment. These can be in the form of an agency's staff Code of Conduct/behaviour, the IASC Six Core Principles. Agencies, and personnel, should make commitments visible and accessible to all personnel and colleagues, and visitors or others e.g. partners, in order to develop a culture where personnel are included, protected and respected. This could be through staff meetings, briefings, posters, leaflets, Sharepoint or internal systems, LinkedIn profiles etc.

All personnel across the organisation at all levels should make it clear that inappropriate behaviour and conduct is not acceptable, this can include workplace banter, jokes, gossip. Challenge comments that you hear and acts that you see that are inappropriate or not acceptable, or that make someone feel uncomfortable in any way. Don't encourage or laugh along with such behaviour. Doing nothing makes you complicit.

KNOW YOUR RIGHTS

Everyone has the right to work and carry out one's work activities in a workplace and environment free from harassment. This can also extend outside of official work hours, especially when personnel travel or are housed together. This is important when considering the situations

where humanitarian personnel work and live away from their normal places of residence or follow a formal 9-5 office work, and where personnel are considered to be “at-work” and under an agency’s codes of practice at all times whilst working in other countries or locations as to their common workplace. It is also unlawful and against global principles if anyone from an agency victimizes you for raising a complaint or reporting an incident of harassment.

DEALING WITH INAPPROPRIATE BEHAVIOUR

Recognize and challenge inappropriate behaviour immediately when you see or experience it. Intervene if you see others being treated inappropriately – challenging can give people the chance to change their behaviour. People can shy away from tackling behaviour because they are scared that it might disrupt the team. However, it is possible to challenge behaviour in a way that results in improved workplace conditions for all.

- Clearly describe the behaviour you find unacceptable.
- Use clear language such as ‘that is not appropriate’, ‘it makes me feel uncomfortable’, and ‘you didn’t have to speak to that person that way’.
- It might be useful to talk about effects of behaviour – i.e. rather than say ‘you are dismissive’, say ‘when you don’t let me speak, it makes me feel as if you aren’t interested in my point of view’.
- Offer colleagues practical advice and strategies about what to do when things go wrong, e.g. who they can report to. Encourage them to think about what they would like to happen in the future.
- If you see poor behaviour, and you are in the midst of a pressing deadline, without time to address the issue there and then, tell those involved that that behaviour is unacceptable, and that you want to meet with them to discuss it after the work is finished – show that bad behaviour is noted, has consequences, and will be dealt with.

MAKING A COMPLAINT OF SEXUAL HARASSMENT

Personnel who feel they have been sexually harassed, or who feel they have seen sexual harassment take place, should be able to make a complaint of sexual harassment.

Personnel should check their agency’s policies on sexual harassment and complaint handling or grievance procedures and be clear who they should make their complaint to. Many organisations will suggest complaints can be made by writing a grievance letter to appropriate supervisors or managers, but there might be others too, including a:

- member of Human Resources or Personnel with specialist training
- named personnel with specific responsibilities to support personnel to report incidents or receive external support from other services i.e. PSEA/SH Focal Points
- agency ombudsman, trade union representatives.

In cases where it doesn’t seem possible to follow internal procedures, for example if the power and influence limit this ability, personnel should seek advice and support. This could be from Regional PSEA Focal Points or Regional Safe Spaces Network Coordinator at the national or regional level in the Americas. For example, a complaint of harassment against a high-level representative in-country could be handled by the most relevant Protection actor or Investigative Body, as appropriate, or the Head Quarters of the organisation concerned.

HANDLING A COMPLAINT OF SEXUAL HARASSMENT

All complaints of sexual harassment should be taken very seriously and handled fairly and sensitively. It is often particularly emotional and distressing for personnel experiencing sexual harassment. Agencies should facilitate personnel to report such matters as simply as possible and in ways that do not cause further stress or difficulty for those involved.

It is advisable that, if wanted by the survivor, personnel can be accompanied by a work colleague or representative when meeting personnel and reporting allegations of sexual harassment. Likewise, it can be extremely stressful for those accused of sexual harassment, and they should be offered support and guidance throughout any investigative or disciplinary procedure.

All reports and complaints should be handled consistently in line with agency's existing grievance, whistleblowing and complaints policies and procedures.

HISTORIC ALLEGATIONS

Although it is advisable that sexual harassment complaints be reported within a short timeframe from the incident, employers should always take complaints and reports that are made at a later date seriously. The same complaint and investigation procedures should be followed and all those involved in the complaint e.g. witnesses, survivor, alleged perpetrator, should be treated fairly and sensitively. Circumstances can change for individuals and whereas they were not able to make a complaint or report an incident sooner, they want to report it at a later date, and also protect others from experiencing similar harassment.

Where complaints of sexual harassment include sexual assault or physical threats, they could be considered under criminal laws and this can involve different timeframes and processes. Personnel are advised to seek further advice and support here.

GUIDANCE FOR PERSONNEL

Be clear and understand your rights under the policies and procedures of your agency and global commitments relevant to your role and position. Understand the procedures that your agency has in place to promote and facilitate you to raise issues, concerns, complaint and reports of sexual harassment.

If you believe that you, or someone else, is being or has been harassed in any way by a colleague or fellow worker in the course of your work, the following guidance can support you in the next steps:

- Be clear on your rights and understand your agency's policies on what is and what is not acceptable behaviour, what is harassment at work
- Understand your agency's procedures for reporting and managing issues of harassment
- Consider what your concerns are and why you believe you are being, or have been, harassed (or bullied)
- Consider what you would like to see happen and how you would want the situation to be resolved
- Consider talking to the person you believe is harassing you and ask them to not do it, if you feel comfortable to do so
- Following your agency's procedures, report to the most relevant personnel that can take action and that you feel comfortable to report to e.g. your direct line manager, HR Manager or designated personnel within your agency

- It not possible for you to report harassment in-person to your agency or it is not clear to whom you should speak to, you can raise a complaint through your agency's formal complaint procedure, or you could directly contact the most relevant ombudsman or investigative body to which your agency is connected e.g. your agency's Union, OIOS or IGO for UN personnel, external staff welfare representative. You can also raise a complaint anonymously.
- It can be important that the process you take is documented and that a record is made of what is said, by whom to whom and when. This can then be referred to at any point in the process and to ensure that you are treated equitably and fairly. This can be crucial if formal action is taken at a later date. Take notes of what is reported and said.
- If there is any form of physical threat, abuse or criminal activity, it is advisable to contact the police, or seek local advice as to best way forward.

REPORT IT AND SEEK SUPPORT

If you see or experience bullying or harassment, find out how to report or make a complaint within your agency and approach the most relevant person e.g. line manager, heads of department or team leaders, the designated PSEA Focal Points, union officials, relevant Protection actor, UN IGO or OISO etc. Line managers and colleagues can offer support to those on the receiving end of inappropriate behaviour or conduct.

If you do not feel able to formally or informally challenge inappropriate behaviour when it happens, seek support or advice from your agency's Head Quarters or, relevant Protection actors in your area of operation, or PSEA Focal Points or employee union, investigative body. Where you or others, want to remain anonymous, a trusted intermediary can help to bring a complaint to the attention of employers, especially where they become aware of multiple complaints about the same individual.

GUIDANCE FOR MANAGERS

- Make your commitment to ensuring a positive and inclusive work environment and workplace culture visible and noticeable
- Organize regular dialogues with your staff and partners on safe work places, gender equality and non-discrimination.
- Recognize you have a duty of care for personnel of your agency and offer a process whereby personnel can escalate concerns and make complaints safely and confidentially
- Be open to receive feedback and give appropriate feedback to all personnel equally
- Be clear on and follow your agency procedures and take immediate action by responding to and investigating allegations as soon as possible, and in consideration of the wishes of the worker
- Respect confidentiality and support personnel to raise concerns or make a complaint, asking them how they wish to proceed and what they expect to happen
- Reassure personnel that incidents, reports, complaints will remain confidential, where possible, and information will be shared only with those necessary to conduct a fair and objective investigation of the matter i.e. on a need-to-know basis
- Offer the appropriate support to personnel e.g. psycho-social or medical support
- Tell personnel that each concern will be appropriately investigated in a timely manner and as thoroughly as possible. Work to the timescales outlined in your policy and procedures and give updates to those making a complaint or report. Deal with the complaint or report as quickly as possible
- Ensure that anyone reporting a case of harassment is treated equally, this includes consultants,

- volunteers, collaborators, full or part-time personnel
- Make clear to all personnel that your agency does not tolerate any form of intimidation, relationship or victimization of anyone who reports, makes a complaint, raises a concern or is witness to sexual harassment.
- All personnel, especially those raising the concern, should be aware that any report will be taken seriously, as long as it is made in good faith and without malicious intent.
- Personnel can remain anonymous, but they should be aware of how this might affect the ability of the agency to investigate the complaint, but it does not mean that a complaint is not investigated. Be clear on mandatory reporting laws and explain these to complainants in cases where relevant.
- Work with external agencies or bodies i.e. investigatory bodies, who have been contacted directly by personnel and whereby they are not able to come forward directly to your agency. Review why personnel might not be comfortable to raise complaints within the agency and consider how you, or your agency, can reassure or make the process more accessible and safer for people to raise concerns and make reports confidentially.

KNOW YOUR ROLE AND RESPONSIBILITIES, AND CONTEXTUAL ISSUES

Be clear on your responsibilities and expectations of you as a supervisor or manager, and those of your agency as employer. Take all reasonable steps to prevent bullying, harassment and discrimination in the workplace, office, field, project sites etc. Think about how you would like to be treated.

Understand the local laws, national level HR rules and procedures that are in place and followed by your agency in the location where you work. Participate in relevant coordination and protection groups to be aware of the contextual risks that are prevalent and can exacerbate risks of sexual harassment for personnel. Work with your relevant Protection, HR, PSEA Focal Point personnel to promote a positive working environment and to establish robust safeguards against sexual harassment and inappropriate behaviour.

BE CLEAR AND SHARE YOUR AGENCY'S POLICIES

- Your agency should have in place a policy that includes a set of principles, explicit statement of zero-tolerance of discrimination, bullying or harassment, definitions of these terms and specific examples, including harassment on social media or online e.g. Code of Conduct.
- A commitment to investigating complaints and agreed procedures with appropriate resources to manage fair and confidential investigations should be in place, with clear disciplinary procedures and responses to inappropriate behaviour and complaints. Make clear that raising issues of harassment or bullying will not lead to victimization or retaliation, and that everyone, regardless of seniority or position, will be treated equally.
- These policies should be understood and shared with all personnel transparently. Consider ways in which you can promote the principles, code of conduct and commitment to anti-bullying and harassment e.g. posters, leaflets, events.
- Ensure that personnel are trained, updated on relevant commitments and understand their rights.

