

International Medical Corps
COMPLAINTS PROCEDURES MANUAL
FOR CASES OF SEXUAL EXPLOITATION AND ABUSE

December 2010

Introduction

The purpose of this Complaints Procedures Manual is to specify steps to be taken when sexual exploitation or abuse (SEA) of a program beneficiary or other person of concern (such as a member of the community) is allegedly perpetrated by an International Medical Corps staff member or by any other staff member of the aid community.

International Medical Corps takes complaints about SEA of beneficiaries or other persons of concern by its staff very seriously and will take disciplinary action when complaints are substantiated. International Medical Corps senior management will be notified of all allegations of SEA.

International Medical Corps will endeavor to ensure that all staff are made aware of their responsibilities under the International Medical Corps Code of Conduct and under the complaints procedures set forth in this Manual.

The following definitions apply throughout this Manual:

“Accused” means the person alleged to have sexually exploited or abused the victim.

“Beneficiary” means a person who receives assistance as part of either emergency relief or development aid through assistance programs.

“Complainant” means the person who initially notifies International Medical Corps of the SEA complaint. The Complainant may or may not be the Victim.

“Focal Point” means a person specifically designated to receive complaints of cases of SEA and to provide support to management on SEA matters.

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

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

“Staff member” means any person who either works for or represents International Medical Corps, regardless of whether or not s/he is compensated monetarily for such work or representation.

“Victim” means the person who is sexually exploited or abused. This term is not meant to imply a lack of strength, resilience or capacity to survive.

“Witness” means any person in a position to give testimony or evidence in an investigation, including but not limited to the Victim, the Complainant, a beneficiary, a staff member of another agency, the Accused or another International Medical Corps staff member.

Code of Conduct for International Medical Corps Staff¹

International Medical Corps adheres to a code of conduct that includes the core principles on SEA adopted by the Interagency Standing Committee (IASC) Task Force.²

The International Medical Corps Code of Conduct is as follows:

1. All people have the right to adequate nutrition, sanitation, health care, housing, and education and to be treated with respect, dignity, and courtesy.
2. International Medical Corps staff members will promote the human rights of all people and may not discriminate on the basis of an individual's race, color, ethnicity, national origin, religion, age, political affiliation, gender, sexual orientation, marital status, pregnancy, or disability.
3. International Medical Corps staff members are accountable to local, national, and international laws and should be aware of the consequences for violating these laws.
4. Sexual exploitation, sexual abuse, corruption, trafficking of adults or children, and other abuse by International Medical Corps staff members constitute acts of gross misconduct and will result in disciplinary action, up to and including immediate termination of employment.
5. In accordance with international law, sexual activity with a child (a person under age 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief in the age of a person is not a defense. The sole exception in applying this principle may be in the instance where a staff member is legally married to a person under the age of 18.
6. International Medical Corps staff members are prohibited from having sexual relationships with beneficiaries. These relationships are often based on unequal power dynamics and may undermine the credibility and integrity of humanitarian work.
7. Exchange of money, employment, goods, or services for sex, including sexual favors or other forms of humiliating, degrading or exploitative behavior, is prohibited. This includes the exchange of money, employment, goods, or services for sex, including sexual favors or other forms of humiliating, degrading or exploitative behavior, for selection as a beneficiary or assistance as a beneficiary.
8. When an International Medical Corps staff member has concerns or suspicions of sexual exploitation or sexual abuse committed by a fellow worker, whether or not the person is affiliated with International Medical Corps, he or she must report such concerns in accordance with the procedures outlined in International Medical Corps' Complaints Procedures Manual.
9. International Medical Corps staff members must properly care and account for money, vehicles, equipment, assets, assistance, and property for which they are responsible.
10. International Medical Corps supervisory employees will aspire to promote equal opportunity in hiring and to prohibit job discrimination based on race, color, religion, ethnicity, national origin, age, disability, gender, marital status, pregnancy or sexual orientation.
11. International Medical Corps staff members are obliged to create and maintain an environment that prevents sexual exploitation and abuse and promotes implementation of International Medical Corps Code of Conduct. Managers at all levels have a particular responsibility to support and develop systems that maintain this environment.

¹ Herein defined as employees, volunteers, consultants and visitors.

² The IASC Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises was established in May 2002. The Task Force was co-chaired by OCHA and UNICEF and comprised WFP, UNHCR, OHCHR, DPKO, UNOPS, UNDP, OSAGI, OSRSG/CAAC, IFRC, InterAction and SCHR (Oxfam and Save the Children/UK).

Procedures to be Followed in Making or Receiving a Complaint

It is the responsibility of the staff member to report **within 24 hours** a concern/complaint via the process outlined below:

1. The staff member who initially receives the complaint should immediately report it to his or her direct supervisor, the Country Director (CD), the Regional Coordinator (RC), the Director of International Human Resources (DIHR), or the SEA Focal Point. It is particularly important that the staff member receiving the complaint considers whether the Complainant has immediate health or safety needs requiring attention. If the Complainant is the Victim of sexual exploitation or abuse, s/he may require immediate medical attention. If the Complainant may be returning to an unsafe situation, his or her safety should be given careful consideration. These needs should be reported directly to either the CD, DIHR, RC or SEA Focal Point.
2. The International Medical Corps manager named in paragraph 1 (above) who received a report of a complaint from a staff member must ensure that that staff member has properly completed the **Complaints Referral Form** in accordance with the procedures set forth in this Manual.
3. The International Medical Corps manager named in paragraph 1 (above) must ensure that the Complainant is informed of International Medical Corps' policy on confidentiality. That policy is as follows:
 - a. Complainants, Witnesses, and the Accused have a right to confidentiality.
 - b. In some instances, it will not be possible to guarantee confidentiality, in which case the guiding principle will be that of "informed consent."³
 - c. It is possible that the Accused will be informed of the allegations.
 - d. Records will be stored securely to avoid accidental or unauthorized disclosure of information.
4. Once a complaint is received, the SEA Case Team, comprising the DIHR, the VP of International Operations (VPIO), an Operations staff person to be designated by the VPIO, and the VP of Domestic and International Affairs, with the SEA Focal Point, RC and Legal Counsel advising, as necessary, will assign an investigator to conduct a preliminary investigation to determine whether to initiate a formal investigation, in accordance with International Medical Corps policies and procedures. The International Medical Corps Global Security Director will be advised by the SEA Case Team that a complaint was received; however, confidential information will be shared only on an as-needed basis.
5. If the complaint involves staff of another NGO, or military or other non-International Medical Corps personnel, the DIO and DIHR will determine whether to inform such agency of the complaint.
6. A decision as to whether or not to report the complaint to national law enforcement authorities or to other external stakeholders will be made by the DIO, DIHR and Legal Counsel.

³ "Informed consent" is a person's decision to allow something to happen that is based on a full disclosure of facts needed to make the decision intelligently; that is, knowledge of risks involved, alternatives, etc.

7. A detailed record of information gathered via the complaints procedure must be kept confidentially on file in the field, for eventual forwarding to the DIHR, as it may be used in subsequent disciplinary or legal action. International Medical Corps must make all reasonable efforts to ensure the security of such files.
8. If the Accused is an International Medical Corps staff member, and if a formal investigation has been launched, he/she shall be suspended, pending the conclusion of any investigation.

Causes for Concern

Concerns about sexual exploitation or abuse in relation to a member of staff may arise in a number of ways, for instance:

- A practice or behavior suggesting that a member of staff has abused the power invested in him/her, by virtue of his/her post, to sexually abuse or exploit a beneficiary or other person of concern.
- An allegation that a member of staff has breached International Medical Corps' rules regarding sexual exploitation and abuse outside the work environment (e.g., by paying for sex with a child prostitute).
- Concerns that cover a wide range of issues involving the exploitation of women and/or children, ranging from inappropriate behavior to various criminal offenses.
- Concerns regarding the past behavior of a staff member.
- Concerns expressed by a government partner, United Nations (UN) agency, NGO, donor or others about the behavior of a staff member.

Responsibility to Report

Although it is the responsibility of all International Medical Corps staff members to report any suspected violations of the Code of Conduct, it is not the reporting staff member's responsibility to determine whether or not the complaint is true. S/he must simply report the concern via the process outlined in this Manual.

No action will be taken against any member of staff who reports in good faith information indicating a breach in the Code of Conduct that, following an investigation, proves unfounded. However, if a staff member knowingly and wilfully reports or spreads false or malicious information regarding another member of staff, his/her behavior will constitute misconduct.

Good Practice in Receiving a Complaint

When a staff member receives a complaint, s/he should:

- Find a discrete location in which to discuss the matter.
- React calmly and listen carefully to what is being said.
- Reassure the Complainant that he or she was right to raise the concern.
- Address issues of confidentiality, explaining that there are limits to ensuring confidentiality to the extent that staff members are obliged to report SEA complaints, and that senior management must be informed of SEA complaints. Reassure the Complainant that information will only be shared on a “need-to-know” basis. It is possible that the Accused will be informed of the allegations. If an investigation will be conducted, the Accused must be informed of the allegations.
- Take what is said seriously: the ‘unthinkable’ *is* possible.
- Avoid asking too many questions. Ask only as many as are required to gain a clear understanding of the complaint, so that it can be passed on via International Medical Corps’ reporting procedures.
- Make note of the Complainant’s safety needs.
- Make note of the Complainant’s need for medical attention.
- Inform him/her of the next steps in the procedure, namely, that the matter will be reported to senior management at International Medical Corps and appropriate steps will be taken.
- Make a written record of what has been said, using the Complaints Referral Form if possible. **At a minimum, a record of the complaint should be filled out and submitted within 24 hours of the complaint, and it must be signed and dated by the person receiving the complaint.**

Recording of Information, Suspicions, or Concerns

Information that is gathered via the complaints procedure needs to be as clear as possible. It may be used in subsequent disciplinary or legal action, hence the need to make a detailed record, including:

- Correct names of all involved.
- The nature of the complaint.
- An accurate account of what was said by the Complainant in his or her own words.
- Any observations made by the staff member receiving the complaint.
- Times, locations and dates of any reported exploitation or abuse.
- Whether anyone else knows or has been given information about the complaint.
- The relationship between the Complainant and the staff member receiving the complaint.

Needs of the Victim or Complainant

It is particularly important to address the Victim's and/or Complainant's potential need for immediate and ongoing protection or assistance. There may be immediate safety needs if a Victim or Complainant is returning to an unsafe situation, or immediate health care and/or counseling needs. The physical and psychological well-being of any such person must be a primary concern throughout the reporting and investigation process.

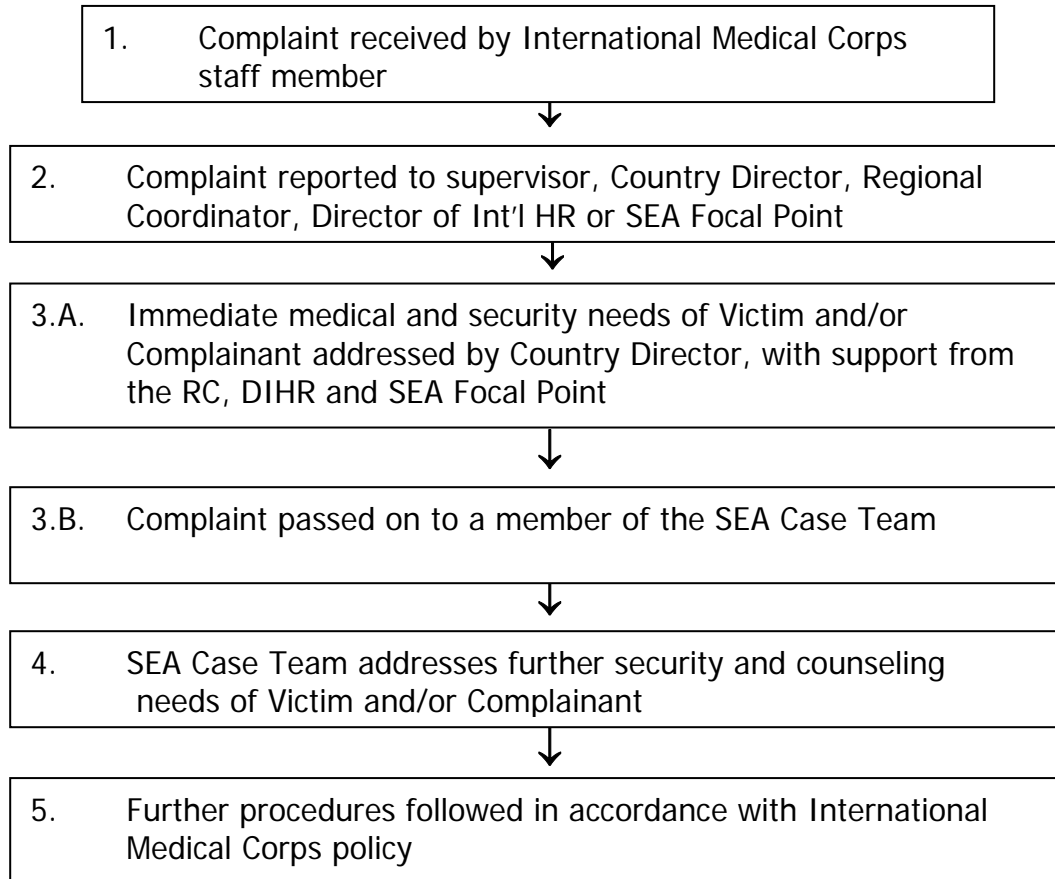
Urgent medical assistance and counseling, where possible, must be made available within 72 hours of a complaint to anyone who was potentially harmed by any alleged sexual exploitation or sexual abuse. The person(s) receiving the report of the complaint—supervisor, CD, RC, DIHR and/or SEA Focal Point—are responsible for ensuring that such arrangements are made.

Every reasonable effort must be made to ensure that anyone who was potentially harmed by an alleged sexual exploitation or abuse is provided with the necessary means for ongoing protection. The DIO, working with a case manager and International Medical Corps Security staff, is responsible for ensuring that such arrangements are made.

International Medical Corps' Response to Complaints

International Medical Corps' procedure for receiving and processing complaints is outlined in the chart below. Complainants should be advised that the matter will be reported to senior management at International Medical Corps and appropriate steps will be taken. Once a complaint is received, the SEA Case Team, comprising the DIHR, the VPIO, an Operations staff person to be designated by the VPIO, and the VP of Domestic and International Affairs, with the SEA Focal Point, RC, and Legal Counsel advising, as necessary, will determine whether to initiate an investigation, in accordance with International Medical Corps policy. A complaint will be processed with a reasonable amount of speed, allowing for the necessity of thorough investigation to ensure the fair treatment of all parties, with a view to concluding the investigation within twenty-eight days. Depending on the outcome of the complaint process, a response to a complaint may range from dismissal of the complaint to disciplinary action against the Accused, up to and including termination. The Complainant will be informed that the Complaint has been addressed and that appropriate action has been taken. International Medical Corps will endeavor to ensure a safe referral process for any complaints that International Medical Corps is not equipped to handle.

Complaints Procedure





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Complaints Referral Form Sexual Exploitation and Abuse (SEA) ALLEGATION REPORTING

The Complaints Referral Form is used to report allegations of SEA. It is the responsibility of all International Medical Corps staff to report suspected allegations of SEA to International Human Resources and to one of the following: their supervisor, Country Director, Regional Coordinator, or SEA Focal Point within 24 hours or as soon as possible. Please print or type clearly and complete this form as accurately as possible. The completed form, or the information on this form, must be given to International Human Resources (seareport@internationalmedicalcorps.org, Phone: 1-310-826-7800 or Fax: 1-310-453-3914) and a copy to your supervisor, Country Director, Regional Coordinator, or SEA Focal Point. The SEA Focal Point can be reached at seafocalpoint@internationalmedicalcorps.org. If your supervisor or Country Director is the person accused of the allegation, please submit your complaint directly to International Human Resources. All information is treated as confidential and must be held securely and handled strictly in line with International Medical Corps policies and procedures.

Name of Complainant:

[Note: "Complainant" means the person who initially notifies International Medical Corps of the SEA complaint. The Complainant may or may not be the Victim.]

Contact Details (*address, email or telephone number*):

Age:

Sex (*male or female*):

Name of Victim (*required if different from complainant*):

Contact Details (*email or telephone number*):

Age:

Sex (*male or female*):

Date of Incident (if known): (*MM/DD/YY*)

Local time of Incident (if known): (*HH:MM*)

Location(s) of Incident (if known): (*Country and Site*)

Detailed Description of the Problem/Incident(s):

[NOTE: It is not the responsibility of the complainant or of the staff member filling out this form to determine whether or not the complaint is true or to investigate any unknown details. Therefore, please insert here an accurate description of the incident and include the following additional details only if known:

- *Describe the relationship between the victim and the accused person.*
- *Describe any visible signs of abuse or other injuries on the victim.*
- *Name the identity of witnesses--provide full names and contact information.*
- *Did the victim seek medical treatment?*
- *Were any security measures taken for the victim or the complainant?*

Name of Accused Person(s):	
Job Title of Accused Person(s):	
Location of Accused Person(s):	
If known, name of the organization the accused person(s) works for:	

Form Completed by (full name):	Signature:	Date/Time/Location:
HQ- Form Received by (full name):	Position:	Date/Time/Location: