

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.