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

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

TABLE OF CONTENTS

1. INTRODUCTION AND SCOPE	6
1.1 PROTECTION FROM SEXUAL EXPLOITATION AND ABUSE AND SEXUAL HARASSMENT (PSEA/SH)	6
1.2 PSEA/SH DEVELOPMENT IN THE AMERICAS REGION	7
1.3 SCOPE OF THIS MECHANISM	8
1.4 DEFINITIONS	8
1.5 OTHER RELEVANT DEFINITIONS	10
2. THE COMPLAINT REFERRAL MECHANISM	13
2.1 ROLES AND RESPONSIBILITIES OF STAKEHOLDERS	13
<i>Regional level</i>	13
<i>National level</i>	14
<i>Individual level</i>	15
2.2 GUIDING PRINCIPLES AND MINIMUM STANDARDS	15
<i>Conduct of personnel</i>	15
<i>Minimum standards and guiding principles</i>	16
3. MANDATORY REPORTING	18
4. RECEIVING COMPLAINTS AND REPORTS OF SEA/SH	19
4.1 INTEGRATED COMPLAINT MECHANISMS	19
4.2 FACILITATING THE RECEIPT OF COMPLAINTS	20
4.3 RECEIVING AND RESPONDING TO COMPLAINTS	20
5. CROSS BORDER AND INTER-AGENCY COMPLAINT REFERRALS	21
5.1 COMPLAINT REFERRAL PRINCIPLES	23
5.2 INTER-AGENCY AND CROSS-BORDER REFERRAL PROCEDURE	23
6. INVESTIGATIONS	25
7. SUPPORTING THE NEEDS OF SURVIVORS, COMPLAINANTS, WHISTLE BLOWERS AND WITNESSES	26
8. RECORDING AND REPORTING SEA/SH COMPLAINTS WITHIN THE PSEA NETWORK	27
9. REGIONAL PSEA FOCAL POINTS CROSS-BORDER AND INTER-AGENCY COMPLAINT REFERRAL PATHWAY	28

ANNEXES

ANNEX I: Secretary-General’s Bulletin on Special Measures for Protection from Sexual Exploitation and Abuse (2003)	32
ANNEX II: The Statement of Commitment on Eliminating Sexual Exploitation and Abuse by UN and Non-UN Personnel (2006, rev.2011) Updated IASC Six Core Principles relating to PSEA (Updated September 2019)	35
ANNEX III: The IASC Statement on PSEA (2015) and The IASC Minimum Operating Standards (MOS) for PSEA (2012)	41
ANNEX IV: IASC Strategy on Protection from and Response to Sexual Exploitation and Abuse and Sexual Harassment (2018)	44
ANNEX V: Regional PSEA Network and RSSN Terms of Reference (ToRs)	46
ANNEX VI: National Level PSEA Focal Point TORs in the Americas (Generic) Example PSEA Network TORs (from Jordan, 2016)	49
ANNEX VII PSEA Focal Points and Alternatives	55
REGIONAL TOOLKIT FOR PSEA/SH AND COMMUNITY-BASED COMPLAINT AND REFERRAL MECHANISMS IN THE AMERICAS	59

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.

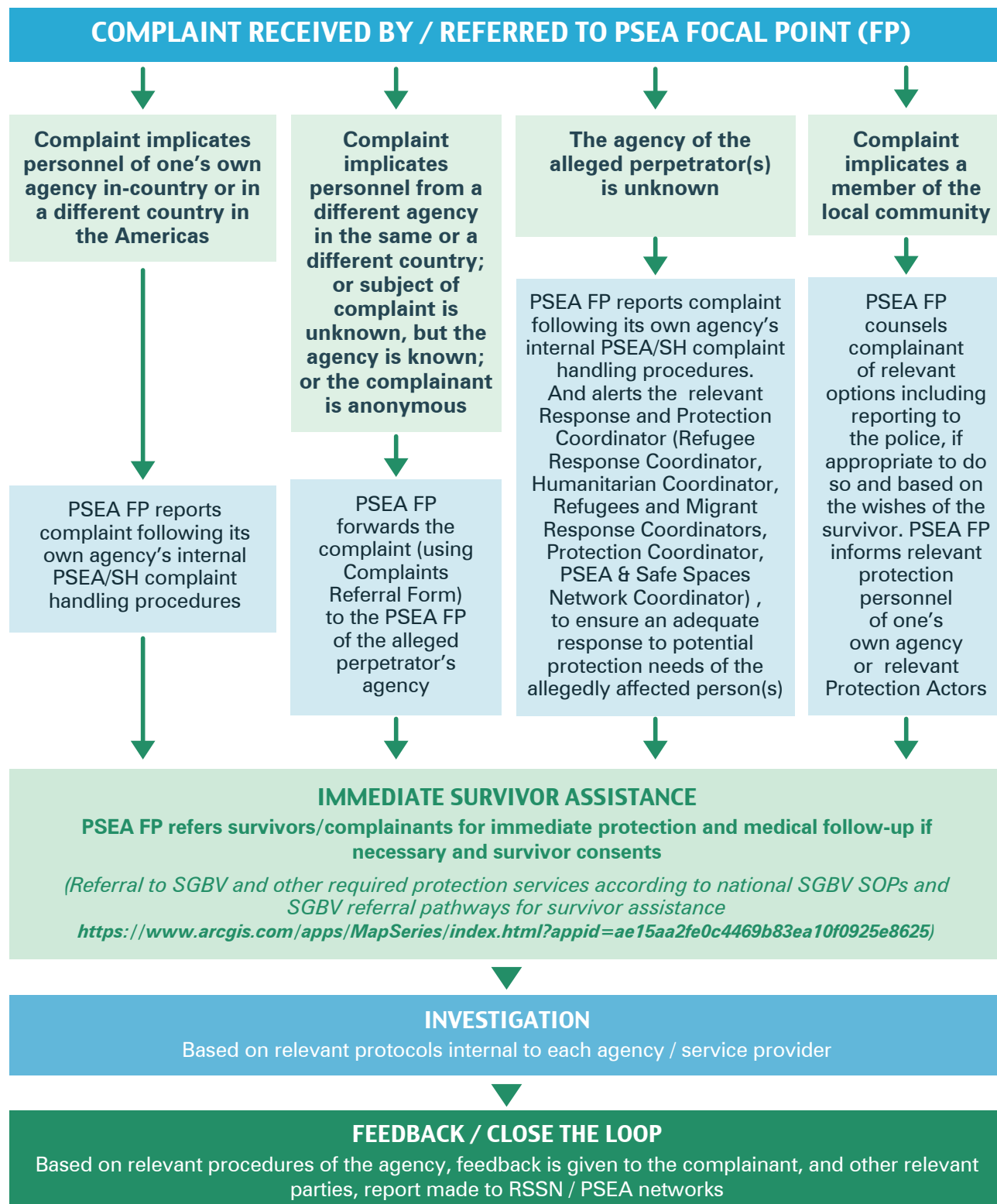
Anonymous complaints, where the complainant or survivor are not known or disclosed, or information of an unspecified nature which involves allegations of sexual exploitation and abuse (i.e. where the agency of the alleged perpetrator(s) is uncertain or unknown), must be treated seriously. Despite being 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.arccgis.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)
--	--	--	---



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.
---	---



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	
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	
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
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	
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
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