Best Practice Guide

Inter-Agency Community-Based Complaint Mechanisms

Protection against Sexual Exploitation and Abuse

IASC Inter-Agency
Standing Committee

IOM•OIM

Save the Children

UNHCR
The UN Refugee Agency

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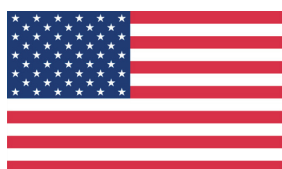
Word-Cloud: The front cover of this *Best Practice Guide* features a cloud of words associated with CBCMs. During the Best Practices Workshop conducted in Kigali for the IASC's PSEA CBCM Pilot Project (2–6 November 2015), participants were asked to name a word or phrase that symbolizes a CBCM to them. The results were compiled to form the word-cloud, where the size of a word or phrase corresponds to the number of individuals who listed that term.

The CBCM Best Practice Guide is based on the lessons learned from an IASC pilot project to establish inter-agency complaint mechanisms, and was produced in coordination with the project's Global Steering Committee members: International Medical Corps (IMC), International Rescue Committee (IRC), Save the Children, UNICEF, UNHCR and the Co-chair and Coordinator for the IASC Task Team on Accountability to Affected Populations and PSEA.

Suggested citation: Inter-Agency Standing Committee *Inter-Agency PSEA-CBCM Best Practice Guide (2016)*.

FOREWORD

Sexual exploitation and abuse by humanitarian workers and other actors engaged in assisting the most vulnerable populations directly contradicts the principles upon which humanitarian action is based.

Sexual exploitation and abuse inflicts indelible harm on the very people seeking protection from armed conflict and natural disasters.

Despite humanitarian principles and commitments to counter these abhorrent acts, instances of abuses committed by aid workers have occurred. As such, much high-level attention has been directed at effectively fighting sexual exploitation and abuse over the past decade, and the international humanitarian community has been actively engaged in efforts to eradicate it. These include initiatives to establish clear guidelines and global standard operating procedures to strengthen responses to sexual exploitation and abuse allegations, by individual organizations and collectively. This Community-Based Complaint Mechanism Best Practice Guide is a compilation of lessons learned from an Inter-Agency Standing Committee pilot project, coordinated by the International Organization for Migration on behalf of the Committee and carried out by the United Nations High Commissioner for Refugees and Save the Children in Ethiopia and the Democratic Republic of the Congo. The project was a key objective of the Inter-Agency Standing Committee Task Team on Accountability to Affected Populations and Protection from Sexual Abuse and Exploitation in 2014-15, and the resulting tools were endorsed by the Committee Principals in June 2016. This Guide demonstrates a significant step forward in strengthening systems at the field-level for protection against sexual exploitation and abuse. It provides instructions on how to set up and run an inter-agency community-based complaint mechanism to handle reports of abuse by humanitarian aid workers and to provide victim assistance.

Building on the substance of international commitments, as well as lessons learned from previous research and complaint mechanisms in various countries, the Guide aims to turn high-level commitment into useful instruction. Experience has shown that the community-based complaint mechanism is a vital and effective component of a comprehensive response to sexual exploitation and abuse in an emergency operation.

Humanitarian organizations, coordinators, country teams, clusters and donors – all have a responsibility to report sexual exploitation and abuse incidents and to mainstream protection measures into every aspect of humanitarian assistance programming.

In the words of United Nations Secretary-General Ban Ki-moon "We must all be resolved to create a United Nations that lives up to the public's trust and that combats any form of sexual exploitation of abuse. We must model a spirit of respect, dignity, equality and other universal ideas that we hope to instill in society."
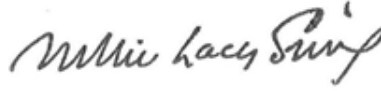
In keeping with the core responsibilities outlined in the Secretary-General's Agenda for Humanity launched at the World Humanitarian Summit, the Inter-Agency Standing Committee Principals have affirmed their international commitment to actively respond to incidents of sexual exploitation and abuse and achieve a true system of collective accountability necessary to eradicate this wrongdoing.

Together, we can help the communities, families and individuals we serve to be stronger and safer.

Stephen O'Brien
Under-Secretary-General
for Humanitarian Affairs and
Emergency Relief Coordinator

William Lacy Swing
Director General
International Organization for Migration
and IASC Champion on PSEA

Filippo Grandi
United Nations High Commissioner
for Refugees

Helle Thorning-Schmidt
Chief Executive Officer
Save the Children International

ACKNOWLEDGEMENTS

This Best Practice Guide was a collective endeavor of many agencies and individuals. The Guide is based on the lessons learned from an IASC pilot project to establish inter-agency complaint mechanisms in order to compile best practices and address a gap in the collective response to prevent and address sexual exploitation and abuse. The initiative was spearheaded by the IASC Task Force on PSEA[1], and supported by the IASC Principals and Working Group. The 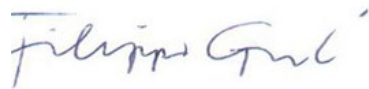Principals' endorsement of this Guide will help promote the good practices found within and contribute towards ensuring that inter-agency complaint mechanisms are systematically developed in all humanitarian response operations.

Large thanks are due to the Director General of the International Organization for Migration (IOM), Ambassador William Lacy Swing. He has been a staunch advocate of inter-agency collaboration in his role as the IASC Champion on PSEA since 2011. Particular gratitude is extended to Mr. Stephen O'Brien, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, and Ms. Valerie Amos, former Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, under whose leadership the PSEA pilot project was carried out.

The main contributing authors of this Guide were Alexandra Hileman (IOM) and Tristan Burnett (IOM), the project's Global Coordinator. Significant appreciation is extended to Mohammed Abdiker, Director of IOM's Department of Operations and Emergencies for his continued support throughout the duration of the project, and the pilot's Global Steering Committee members International Medical Corps (IMC), International Rescue Committee (IRC), Save the Children, UNICEF, UNHCR, and the Co-chair and Coordinator for the IASC Task Team on Accountability to Affected Populations and PSEA, who provided guidance and oversight throughout the life-span of the project and who reviewed the Guide. Particular thanks goes to the CBCM member agencies in Ethiopia and the Democratic Republic of the Congo, especially the programme managers in Dollo Ado, Restituta Cang (UNHCR), Eric Dentor (IMC) and Rocky Oyoo (IMC); and in North Kivu, Anita Exantus (Save the Children). Substantial contributions and support were provided by the IASC Task Team Coordinator, Astrid De Valon, who facilitated the Best Practices Workshop in Kigali, Rwanda in November 2015, by the IASC Secretariat, particularly Christelle Loupforest, and by the IOM Special Liaison Office in New York, especially Lea Matheson. Special gratitude is extended to the IOM Publications Department for its outstanding assistance on the design and editing, notably Valerie Hagger and Mae Angeline Delgado. Finally, a note of thanks is extended to all individuals who devoted substantial time and effort to design the pilot project, especially David Derthick (IOM) and Manisha Thomas.

The pilot project was made possible through the generous financial support of the United States Department of State, Bureau of Population, Refugees, and Migration (PRM) and the European Commission's Humanitarian Aid and Civil Protection department (ECHO).

TABLE OF CONTENTS

ACRONYMS

CBCM	Community-Based Complaint Mechanism
CBO	Community-Based Organization
CHS	Core Humanitarian Standard on Quality and Accountability
GBV	Gender-Based Violence
HC	Humanitarian Coordinator
IASC	Inter-Agency Standing Committee
IP	Implementing Partner
MOS-PSEA	Minimum Operating Standards for PSEA
NGO	Non-Governmental Organization
PSEA	Protection from Sexual Exploitation and Abuse
SEA	Sexual Exploitation and Abuse
SOC	Subject of the Complaint
SOPs	Standard Operating Procedures
TOR	Terms of Reference
UN	United Nations

KEY TERMINOLOGY

Beneficiaries of Humanitarian Assistance

A person who receives assistance as part of either emergency relief or development aid through assistance programmes (en mass: "the affected population," or "the affected community"). Persons under this title include refugees, internally displaced persons and other vulnerable individuals, as well as host community members. Sexual exploitation or abuse of a beneficiary is SEA, but the individual need not be in a vulnerable position; a differential power or trust relationship is sufficient to establish SEA.

CBCM Stakeholders

CBCM stakeholders are agencies which have committed to participate in joint complaint mechanisms. They should include organizations which provide humanitarian assistance in the implementation site (UN agencies, international and national non-governmental organizations (NGOs), international organizations and their implementing partners/contractors), as well as community-based organizations and relevant host government agencies.

CBCM Standard Operating Procedures

The Standard Operating Procedures (SOPs) for an inter-agency CBCM outline the protocols that all CBCM Stakeholders agree to in running the CBCM. SOPs for CBCMs will vary in content as they will be tailored to fit the specific needs/structures on site, but they should always facilitate the joint actions of Stakeholders by detailing the roles and responsibilities of actors and timelines for actions. CBCM SOPs should be based upon the Global SOP template to simplify drafting and to ensure that procedures are in-line with stakeholder's SEA reporting and data-protection procedures.

Code of Conduct

A set of standards for behaviour that staff of an organization are obliged to adhere to.

Community-Based Complaints Mechanism

A Community-based complaints mechanism (CBCM) is a system blending both formal and informal community tructures, built on engagement with the community where individuals are able and encouraged to safely report grievances – including SEA incidents – and those reports are referred to the appropriate entities for follow-up.

Complainant

A person who brings an allegation of SEA to the CBCM in accordance with established procedures. This person may be an SEA survivor 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 Agency

The agency or organization that employs the Subject of the Complaint. It may be a UN agency, intergovernmental organization, NGO, Community-based organization (CBO), implementing partner, or any organization involved in the provision of humanitarian or developmental aid. This is the organization responsible for investigating allegations of sexual exploitation and abuse (SEA) and taking appropriate follow-up action, to which the CBCM will send the complaints it receives.

Gender-Based Violence

Gender-based violence (GBV) 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.[1]

Humanitarian Aid Worker

For the purposes of this Guide, this term encompasses all persons involved in providing protection and/or assistance to affected populations and who have a contractual relationship with the participating organization/partners, including incentive workers from target communities. It refers to all staff of humanitarian agencies and organizations, including UN agencies, IGOs, NGOs, implementing partners, and relevant CBOs including paid staff, volunteers, contractors, incentive workers, and anyone performing a task on behalf of any humanitarian agency or organization, regardless of the type or duration of their contract.[2]

Incentive Workers

Individuals who receive non-monetary compensation for work or representation for an organization, and are frequently members of the affected community. They are considered as humanitarian workers for the purpose of determining SEA.[3]

Implementing Partners

Entities or organizations that operate at country level, in accordance with established UN, IO or NGO procedures, to provide services and deliver humanitarian assistance. Staff of, and all those employed by, an implementing partner are "humanitarian aid workers" for the purposes of this Guide.

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1   Inter-Agency Standing Committee, *Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action – Reducing Risk, Promoting Resilience and Aiding Recovery* (2015) [hereinafter IASC GBV Guidelines (2015)].
2   International Council of Voluntary Agencies, "Building Safer Organizations Guidelines: Receiving and Investigating Allegations of Abuse and Exploitation by Humanitarian Workers" (2007) [hereinafter ICVA BSO Guidelines (2007)], Inter-Agency Standing Committee's Task Force on Protection from Sexual Exploitation and Abuse, "Guidelines to implement the Minimum Operating Standards for Protection from Sexual Exploitation and Abuse by UN and non-UN Personnel" (2013) [hereinafter IASC Guidelines to Implement the MOS-PSEA (2013)], and Inter-Agency Standing Committee Task Force on PSEA, "Model Complaints and Investigations Procedures and Guidance Related to Sexual Exploitation and Abuse" (2004) [hereinafter IASC Model Procedures (2004)].
3   ICVA BSO Guidelines (2007).

Sexual Exploitation and Abuse (SEA)	Particular forms of GBV that have been reported in humanitarian contexts, specifically alleged against humanitarian workers.
	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.[4]
	Sexual Abuse: The actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.
Staff	For the purposes of this Guide, "staff" of an organization is any person who works for or represents that organization, whether or not s/he is compensated monetarily and regardless of the type or duration of their contract.
Subject of the Complaint	Once a complaint has been filed, the alleged perpetrator of SEA is referred to under these terms.
Survivor	A person who has SEA perpetrated against him/her or an attempt to perpetrate SEA against him/her. For the purposes of this Guide, a Complainant who reports SEA committed against him/herself is treated as a Survivor for the purposes of security and needs assessments (i.e. assistance is *not* dependent on the proof of a Complainant's allegation).
Whistleblower	For the purposes of this Guide a whistleblower is a type of complainant, not the survivor, who is a humanitarian aid worker making a report of SEA. Organizational whistleblowing policies encourage staff to report concerns or suspicions of misconduct by colleagues by offering protection from retaliation[5] for reporting, and clarify the rules and procedures for reporting and addressing such cases. Therefore the definition, scope, and protection measures may differ between organizations. CBCM principles (e.g. confidentiality) apply to whistleblowers as they would to any complainant, and internal agency policies shall protect whistleblowers on SEA from retaliation, so long as the report is made in good faith and in compliance with internal agency policies.[6]

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4   The definitions for both Sexual Exploitation and Sexual Abuse are contained in the United Nations Secretary-General's Bulletin, "Special measures for protection from sexual exploitation and sexual abuse" ST/SGB/2003/13 (9 October 2003) [hereinafter Secretary-General's Bulletin on SEA (2003)].

5   Statement of Commitment on Eliminating Sexual Exploitation and Abuse by UN and Non-UN Personnel" (2006, updated 2011) [hereinafter Statement of Commitment (2006)] #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." Note: ST/SGB/2005/21 requires also that the report be made "as soon as possible and not later than six years after the individual becomes aware of the misconduct. The individual must […] submit information or evidence to support a reasonable belief that misconduct has occurred".

6   UN SGB Protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations ST/SGB/2005/21 (19 December 2005) §2.1.

Distinctions

Agency versus Organization

Both are entities formed by treaty or other institutional document with a particular mandate and internal governance. While often used interchangeably, within the UN system an "agency" usually implies an independent, specialized organization with increased autonomy. This Guide uses the term "agency" throughout rather than "agency/ organization," purely for brevity. This usage is not meant to imply any difference in responsibilities among humanitarian actors. Whether an entity is an "agency" or an "organization," their commitments and responsibilities as CBCM Stakeholders remain the same.

GBV versus SEA

SEA can be seen as a form of GBV, as victims of SEA are often abused because of their vulnerable status as women, girls, boys, or even men (in some circumstances). The guidance in this document specifically applies to SEA prevention and response, but CBCM stakeholders – especially those working directly with beneficiaries – should be trained to recognize SEA as opposed to GBV survivors, and should be aware of the role PSEA plays in larger GBV protection campaigns. Guidance can be found in the IASC GBV Guidelines (2015).

Sexual Harassment versus SEA

SEA occurs against a beneficiary or member of the community. Sexual harassment occurs between personnel/staff, and involves any unwelcome sexual advance or unwanted verbal or physical conduct of a sexual nature.* While the two acts are factually different, the prevalence of Sexual Harassment can be an indicator of gender power imbalances and/or indicate a sense of impunity on site that can lead to SEA. It is important for the CBCM to keep the distinction between these two forms of misconduct clear, as both the affected population and staff can potentially confuse them and be unclear about their rights and reporting options/requirements. Because agency reporting procedures for sexual harassment may be the same as for reporting SEA complaints, it is important that agency policies and staff trainings include specific instruction on the procedures to report each.

Survivor versus Victim

Like "Survivor," "Victim" is also intended to reflect a person who has SEA perpetrated or attempted against him/her, and is often used interchangeably with "Survivor."** This Guide uses the term "Survivor" for consistency. However, as much literature on assistance provision that was sourced for this Guide uses the "Victim" terminology, the Guide 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.

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* Sexual harassment is covered by the UN Secretariat "Administrative Instruction Procedures for dealing with sexual harassment" ST/AI/379 (29 October 1992), and UNSG Bulletin "Prohibition of discrimination, harassment, including sexual harassment, and abuse of authority" ST/SGB/2008/5 (11 February 2008).

** See IASC Guidelines to Implement the MOS-PSEA (2013), and IASC GBV Guidelines (2015) Part I Introduction, p.1: "the terms 'victim' and 'survivor' can be used interchangeably. 'Victim' is a term often used in the legal and medical sectors, while the term 'survivor' is generally preferred in the psychological and social support sectors because it implies resiliency."

INTRODUCTION

What to expect in an inter-agency PSEA-CBCM

This Guide gives instructions on how to set up and run an inter-agency community-based complaint mechanism to handle reports of sexual abuse and exploitation by humanitarian aid workers. A Community-Based Complaint Mechanism (CBCM) is a system rooted in community input so that the structure is both culturally and gender-sensitive, maximizing its safety and effectiveness. The primary concern of the mechanism is to aid known and potential SEA survivors, facilitate SEA reporting and allegation referrals, and to fulfill a prevention function through training and awareness-raising. The inter-agency aspect entails that the mechanism can receive complaints against actors from multiple organizations, and that the complaints will be referred to the proper unit within each organization for follow-up. Altogether, the CBCM is a relevant and efficient means of comprehensively responding to SEA in an emergency response operation.

When implemented properly, a PSEA-CBCM will increase awareness of SEA in both the affected population and humanitarian staff, including how to report SEA incidents. This means that a well-run CBCM may actually *increase* the number of reported SEA incidents in the target area. In fact, reports should increase. Increasing complaints after the inception of a CBCM does not necessarily mean an increasing SEA problem. **SEA is already a problem**. Rather, increased complaints can indicate community acceptance of the mechanism, and its use facilitates the streamlined referral of complaints to agencies' investigative units so that appropriate action can be taken on staff misconduct. Conversely, the absence of SEA reports should not be interpreted as an absence of SEA. Given current reports of SEA incidents across the globe, lack of reports may be a warning that there are inadequate mechanisms on site that the affected population can safely access.

Development of international PSEA commitments

The international fight against SEA has been ongoing since the offense was first recognized in 2002, after scandals emerged in West Africa. Since then the international community has produced several commitments to eradicate these injustices. The four instruments below include key agency commitments that the CBCM should be familiar with and keep on hand as a reference:

> For more on the development of international PSEA commitments, see the Introduction to the Global Standard Operating Procedures on inter-agency cooperation in CBCMs, in Annex 3.

PSEA commitments

UN Secretary-General's Bulletin on SEA (2003): Outlines a zero-tolerance policy toward SEA, incorporates the IASC's Six Principles on PSEA,* obliges UN staff to report incidents of abuse, and is binding on all UN staff, including all agencies and individuals who have cooperative agreements with the UN.

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*   The Six Core Principles relating to SEA are found in the Statement of Commitment (2006) in Annex 2.

Statement of Commitment Eliminating Sexual Exploitation and Abuse by UN and Non-UN Personnel (2006): Broadened the international commitment to fight SEA by establishing standards of conduct that are applicable to all personnel at all times, including when off duty and on leave.

Minimum Operating Standards for PSEA (2012): Provides guidance and specific indicators on how organizations can set up internal structures to fulfill their PSEA commitments.

IASC Statement on PSEA (2015): Reaffirms commitments to eradicate SEA and actively respond to incidents, including concrete action points to translate PSEA commitments into operational change.

In addition to PSEA-specific commitments, other humanitarian principles also provide a framework from which organizations must take concerted actions to protect the affected population from harm. The 2013 IASC Statement on the Centrality of Protection reaffirms that humanitarian decision-making and response must take into account the protection of all affected and at-risk individuals and communities. Furthermore, the commitment to mainstream protection in all humanitarian action requires the incorporation of protection principles and promoting meaningful access, safety and dignity in humanitarian aid.[7] In addition the Core Humanitarian Standard – commitments to improve assistance provision subscribed to by more than 250 organizations – requires that "Communities and people affected by crisis are not negatively affected and are more prepared, resilient and less at-risk as a result of humanitarian action."[8] These provisions should include taking steps to prevent humanitarian workers from sexually exploiting and/or abusing members of the affected community whom they are charged to assist.

Despite these commitments, an unacceptable level of sexual exploitation and abuse against beneficiaries continues to occur. The 2013 Report to the UN Secretary-General on IASC progress to prevent SEA since 2010 noted an underreporting of SEA cases and lack of punishment of perpetrators. The perceived impunity in the current system increases the likelihood of repeated abuses and deters reporting. The international community needs to establish systems that will ease reporting for the affected population, while ensuring that those complaints reach the agencies' investigative units to encourage follow-up.

Strengthening the humanitarian community's fight against SEA in order to achieve a true system of collective accountability requires a philosophical shift in the way that senior management and field staff approach sexual exploitation and abuse. PSEA activities and systems cannot be viewed through a project-based lens, dependent on external funds and carried out during a specified time-frame. Rather, they must be an ongoing effort that commences at the start of a crisis and continues throughout all phases of a humanitarian response operation. SEA is a protection violation committed by members of the humanitarian community, and the impetus falls upon us to develop the systems to prevent and respond to such cases in every environment where we provide assistance. This is not only an ethical responsibility; In line with UN and IASC commitments on PSEA, and central to protection, it is the responsibility of all humanitarian actors to minimize risks and actively protect members of the affected population(s) from being subjected to abuse by those who are charged to assist and protect them.

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7   Global Protection Cluster, "Protection Mainstreaming Training Package" (2014) p.20.
8   Core Humanitarian Standard: Commitments, Actions and Responsibilities #3.

Previous work done and what this guide seeks to do

Much high-level attention has been put on effectively fighting SEA over the past decade, and international commitment to eradicate the abuse is at an all-time high. This Guide builds on the substance of international commitments, as well as lessons learned from previous research and complaints mechanisms in various countries,[9] with a goal of turning that high-level commitment into useful instruction. A 2010 Global Review on PSEA commissioned by the IASC identified many protection gaps that this Guide seeks to fill in, including lack of clear PSEA directives from agency Headquarters to the field, and the use of ineffective awareness-raising strategies. The 2012 Compendium of CBCM Practices was instrumental in exploring good practices to follow, and a solid starting place for this Guide. This Guide also draws from model procedures and guidelines in complaints mechanisms developed by the IASC and other inter-agency networks.

PSEA resources

- IASC Global Review of Protection from SEA (2010)
- IASC Compendium of Practices on Community-Based Complaints Mechanisms (2012)
- IASC Model Complaints and Investigation Procedures and Guidance Related to SEA (2004)
- ICVA Building Safer Organizations Handbook (2007)
- ECHA/ECPS UN and NGO Task Force on PSEA's SEA Victim Assistance Guide (2009)*

* The ECHA/ECPS UN and NGO Task Force on Protection from Sexual Exploitation and Abuse was the early forum responsible for promoting global policy and guidance on PSEA for humanitarian actors. In 2011 the work of the Task Force was taken up by the Inter-Agency Standing Committee (IASC) PSEA Task Force, which merged with the IASC Task Force on Accountability to Affected Populations in 2014.

This Guide provides new material on inter-agency coordination to establish and maintain PSEA CBCMs. The best practices and specific recommendations listed throughout this Guide are primarily derived from lessons learned during a 2-year project carried out on behalf of the IASC to pilot inter-agency CBCMs in two distinct humanitarian situations.[10] The project established CBCMs for IDPs and refugees in a fluid, open, and remote setting with ongoing displacement due to conflict and a Chapter VII peacekeeping force (Democratic Republic of the Congo), and for refugees in the closed and controlled environment of a camp (Ethiopia). As a result, the recommendations contained in this Guide can be applied in diverse response scenarios. While both project sites were humanitarian response settings – given the role the IASC plays as the key forum for humanitarian partners on coordination, policy, and decision-making – international PSEA commitments are not restricted to the humanitarian context and the recommendations in this Guide may also be applicable in transition and development contexts.

The goal of the project was to establish an effective inter-agency system to receive and address SEA cases, gather lessons learned, and contribute to a broader vision where the humanitarian community is able to ensure that complaints are received safely, victims are protected and assisted, and appropriate follow-up is ensured. Because the focus of the project was inter-

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9   In addition to the two Pilot Project countries, this Guide is built on lessons contained in single- and inter-agency CBCM evaluations in Thailand, Haiti, Kenya and by CARE.

10 Objective 3.2 of the IASC Task Team on Accountability to Affected Populations and Protection from Sexual Exploitation and Abuse Workplan for 2014-2015.

agency cooperation, this resulting Guide is targeted toward CBCM stakeholders *as a group* to provide guidance on how CBCMs can be run as a joint effort, rather than instructing one agency how it can independently fulfill its

> Agencies looking for institutional guidance to establish or strengthen internal procedures to fight SEA are encouraged to see agency-targeted Guides, such as InterAction's *Step by Step Guide to Addressing Sexual Exploitation and Abuse (2010).*

PSEA commitments. This Guide does not address internal agency issues, such as investigations, for which stakeholders must adhere to their own internal procedures.

Importance of inter-agency coordination

The reasons why the international community needs PSEA-CBCMs is clear and basically unquestioned: A complaint mechanism is a basic accountability tool in humanitarian response, needed to air grievances from those we owe protection. They are a mandatory step as outlined in the Secretary-General's Bulletin on SEA (2003) and a routine feature of many organizations for quality assurance.

It is the multi-agency coordination inherent in an inter-agency CBCM that has presented challenges in the past. Given the disparate policies and procedures of agencies operating in any one response site, as well as data protection and confidentiality principles that impede cross-institutional information sharing, implementing inter-agency complaint handling mechanisms has been understandably fraught with difficulties.[11] Add to this resistance the fact that more time is always required to achieve consensus in a group; an inter-agency CBCM must expect from the beginning that every action will take longer than anticipated. These are the hurdles that the IASC Pilot Project sought to find means to overcome, and the obstacles that this Guide aims to help address.

Studies are reinforcing time and again the need for collective action against SEA, and agency commitments reflect this good practice.[12] Despite the additional coordination needed, inter-agency CBCMs have proven an increasingly effective response to SEA. Some of the concrete benefits are:[13]

Benefits of inter-agency mechanisms

- One joint mechanism is easier for communities to understand and to safely access. It offers the beneficiary complainant (or even a staff complainant) the option of reporting SEA to an agency which does not itself employ the alleged perpetrator of the misconduct, reducing fear of reprisal.

- The referral system also ensures that the complaint will arrive at the appropriate agency when a beneficiary cannot or does not distinguish which agency employs the offending staff member.

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11 See concerns raised in Humanitarian Accountability Partnership, "Do Complaints Mechanisms Work? Report on the HAP PSEA Conference 2014".

12 Inter-Agency Standing Committee, "Minimum Operating Standards: Protection from Sexual Exploitation and Abuse by own Personnel" (2012) [hereinafter MOS-PSEA (2012)] #5 Indicator 1: "The HQ urges its field offices to participate in community based complaint mechanisms that are jointly developed and implemented by the aid community." Internal agency policies are also recognizing the importance of joint field-based complaint mechanisms. An inter-agency approach is also aligned with the Core Humanitarian Standard on Quality and Accountability.

13 Expanded from findings in the Inter-Agency Standing Committee, "Protection from Sexual Exploitation and Abuse: Compendium of Practices on Community-Based Complaints Mechanisms" (2012), and the Evaluation of the IASC Pilot Project.

- One mechanism on site maximizes resources, and is easier to maintain. Efforts costing both financial and human resources will not be duplicated where they are coordinated. Capacity-building events become more cost-effective and efficient when agencies harmonize activities and procedures and maintain a consistent stance on messaging re: staff misconduct.

- An inter-agency approach allows individual agencies to contribute their own good practice and experience where it exists, increasing learning and buy-in while improving practices. It allows agencies to jointly discuss CBCM issues and envisage possible adjustments together.

- As a symbolic gesture, agencies working collaboratively on one issue offers a strong message to both the affected population and staff of the importance placed on PSEA. As reported in the Evaluation of the IASC Pilot Project, "Both interagency pilot projects benefited from the presence of CBOs, national and Government agencies. This encouraged beneficiaries to relate to the PSEA pilot in a more meaningful manner. As one woman pointed out during the household survey, seeing their local staff working with international staff and all having Codes of Conduct for PSEA was a novel idea." Inter-agency coordination presents the image to the community (and field staff) that PSEA is a collective, all-important issue.

Global SOPs: Filling in the cooperation gap

In an effort to promote the establishment of inter-agency PSEA-CBCMs and to provide global-level guidance on agency coordination in joint complaint mechanisms, the IASC set up a team to draft *Global Standard Operating Procedures on inter-agency cooperation in CBCMs*.* Based on collaborative discussions with sixteen agencies and endorsed by the IASC Principals in 2016, these Global SOPs fill a major gap in field level coordination by providing Headquarters-agreement on many of the procedures that have hindered joint CBCMs in the past. These Global SOPs provide a template for drafting CBCM-specific procedures – minimally tailored to reflect the local context and account for existing structures – by showing CBCM stakeholders how they can share information while respecting their internal SEA reporting and data-protection policies. When setting up a CBCM, stakeholders should use these Global SOPs in conjunction with this Guide to set up a CBCM that is both procedurally and practically effective.

> For more guidance on drafting CBCM SOPs, see this Guide's Chapter on "Setting up the CBCM Infrastructure".

* The *Global Standard Operating Procedures on inter-agency cooperation in CBCMs* were developed based on an IASC Principals decision on 21–22 May 2015 and endorsed by the same body at their biannual meeting on 7 June 2016. For more on the drafting history, see the Introduction to the Global SOPs in this Guide's Annex 3.

How to use this guide

This is a user-friendly troubleshooting guide for developing and maintaining inter-agency PSEA-CBCMs in humanitarian settings. It identifies the practices and goals a CBCM should follow grouped by thematic areas – colour-coded for clarity – with explanations why the practice should be followed and the likely consequences if it is not. The Guide anticipates some of the specific challenges an inter-agency CBCM is likely to face, and attempts to address each with targeted recommendations for success, listed at the end of each Chapter.

Within the main text, the Guide includes text boxes to alert the reader to key pieces of information:

Best Practice

Best Practice box is a short statement of the practice to be discussed within that Chapter.

Information

Information box highlights key information or provides additional information to complement the ideas in the main body of the text.

Example

Example box provides an example or a Lesson Learned from a CBCM in executing the practices found in the text.

Be Aware

Be Aware box introduces a key hurdle faced by CBCMs in the past, or a PSEA issue that is currently unresolved.

Essential to Know

Essential to Know box includes especially vital information.

Tips

Tips box is a short tip to complement the guidance found in the text.

Tools

Tools box provides tools and/or guidelines that can be accessed to implement the practices found in the text.

The Guide is arranged around key steps that must be taken to establish an inter-agency CBCM, beginning with engaging the necessary stakeholders, through setting up and running CBCM activities, and finishing with monitoring and programme adjustment. The organization of the Guide should *not* be seen as a timeline. Many steps covered in this Guide will continually overlap; for example, both consulting with humanitarian agencies and conducting monitoring and evaluation (the first and final Chapters) should be done throughout the life of the mechanism. For this reason, each of the Chapters can be read alone out of order (although a familiarity with the whole Guide is recommended for a comprehensive view of CBCM issues). For quick review and cross-referencing of practices and desired outcomes, there is a Summary Chart in Annex 1 of this Guide.

The Guide is a living document, and it will be updated regularly to reflect developments and new tools in PSEA. Country teams, PSEA/CBCM Coordinators, and anyone using this Guide are encouraged to add local and regional practices and policies into this Guide's binder. It should be noted that this Guide is a direct output from lessons learned during the IASC Pilot Project, which was limited to two African countries and did not represent response to a natural disaster. While the authors have attempted to make the recommendations in this Guide universally applicable, local and regional solutions are highly encouraged and future editions of this Guide will benefit from further lessons.

In order to make the guide more comprehensive, we invite you to make suggestions of Best Practices or relevant PSEA documents that we can add/annex to later editions of this Guide. If you would like to make a submission, please contact PSEA-CBCM@iom.int or helpdesk-aap-psea@unhcr.org. If appropriate, please include a short story about how this Best Practice or guiding document was used by your organization/team.

Finally, if CBCM stakeholders at any time need further assistance than what is provided in this Guide, they are invited to contact the IASC AAP-PSEA Task Team's helpdesk at helpdesk-aap-psea@unhcr.org.

CHECKLIST FOR SETTING UP AN INTER-AGENCY PSEA-CBCM

This checklist can be used to make sure that all the necessary steps that are covered in the Guide are completed when setting up an inter-agency community-based complaint mechanism for protection from sexual exploitation and abuse. It is *not* a timeline. Many steps will continually overlap throughout the life of the mechanism.

Engage with key actors

Secure early participation of, and regularly consult with:

- ☐ The Humanitarian Coordinator;
- ☐ Humanitarian agencies providing aid on site, e.g. Humanitarian Country Teams;
- ☐ National NGOs, CBOs, and Community Structures;
- ☐ The host government(s);
- ☐ The affected community.

Design and implement the CBCM

The process of creating the CBCM was collaborative with all the key actors, and took into account the following considerations:

- ☐ Setting up the organizational structure took into account local culture, linked to pre-existing mechanisms, and followed the principles governing an effective complaints mechanism.
- ☐ Writing the procedures that govern the mechanism ("CBCM SOPs") was a collaborative process among all participating agencies and was based on the *Global Standard Operating Procedures on inter-agency cooperation in CBCMs* so that they align with agency policies.
- ☐ Deciding whether the CBCM is designed to handle a range of different types of complaints, or only handle SEA complaints.
- ☐ Creating reporting channels that meet the needs of the whole community.
- ☐ Having documented and transparent processes for receiving and reviewing SEA allegations.
- ☐ Having agreed-upon protocols for referring SEA allegations to the concerned agency for potential investigation and follow-up, including feedback, as well as methods to transfer non-SEA complaints to the relevant agency/Cluster.
- ☐ Taking steps to ensure that the mechanism is sustainable.

Awareness-raising

Educational activities on PSEA and the CBCM reflect the policies of all participating agencies, and promote behaviour change and capacity-building both for:

☐ Staff, including all humanitarian staff and with specially targeted trainings for Managers, CBCM Focal Points, Key Cluster Leads and Implementing Partners;

☐ Affected communities.

Protection

☐ The CBCM is linked to existing victim assistance systems that are educated on PSEA and services are provided immediately, without waiting for the outcome of the complaint.

☐ A wide range of SEA prevention measures are implemented throughout the programme, with the goal of stopping SEA before it occurs.

Monitoring and evaluation and programme adjustment

☐ The CBCM consistently monitors its performance and makes responsive adjustments to ensure a culturally relevant, safe and effective mechanism.

Ensuring Support and Active Engagement in the CBCM

CHAPTER I
HUMANITARIAN AGENCIES

Best Practice

Humanitarian agencies participating in a PSEA CBCM must be committed to and actively engaged in creating and maintaining the CBCM for it to be effective and proactively fight sexual exploitation and abuse. A CBCM will falter without the regular investment of resources and efforts by its members.

Active engagement from the agencies participating in the CBCM is absolutely vital to the success of the mechanism. Initially agencies need to commit to participating in the conception, design, and implementation phases. Just as important however, is the continued active involvement by committing

"That is why we need to work together. SEA is one agency's issue, but every agency's problem."

Quote from Best Practices Workshop, Kigali 2015

the necessary resources – particularly staff time – to partake in CBCM activities, an ongoing willingness to coordinate with other agencies, and taking steps to ensure that PSEA activities are carried out in their own organizations. A CBCM will not be sustainable without the continued hands-on support of the member agencies, because they are the entities in the best position to make real progress in the fight against SEA.

Essential to Know

The buck stops here: Recent media reports on SEA are scandalous not only due to the SEA incidents that are occurring, but because of the lack of follow through afterwards. Survivors are shuffled through the humanitarian infrastructure with no single entity ensuring that the proper person is held responsible, nor that appropriate institutional changes are made to improve protection to beneficiaries and deterrence to future offenders. Agency buy-in to the CBCM is crucial because they are the only entity that has the authority to hold individuals responsible for SEA and end the culture of impunity, and agencies have committed to do this through multi-agency commitments.*

* Inter-Agency Standing Committee, "Statement on Protection from Sexual Exploitation and Abuse," (11 December 2015) [hereinafter IASC Statement on PSEA (2015)], MOS-PSEA (2012), Statement of Commitment (2006).

Securing agency involvement

The first step is getting humanitarian agencies to commit to participate in the CBCM. While many agencies have already committed to the creation of PSEA-CBCMs in general,[1] they have not all explicitly committed to an inter-agency cooperative model. Humanitarian Coordinators, when advocating for an inter-agency CBCM under their newly integrated

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1   MOS-PSEA (2012) #5 ("Effective community based complaints mechanisms") and Statement of Commitment (2006) #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."

PSEA responsibilities, should approach agencies on the benefits of collective action and how participating in joint CBCMs relates to many agencies' broader commitments on PSEA.[2]

📖 Information

Important steps when approaching humanitarian agencies to ensure engagement with the CBCM:

For what to expect in an inter-agency CBCM, see this Guide's Introduction.

- Encourage buy-in to the CBCM at the local level and discuss with local heads of office on what to expect from participation in the mechanism.
- Encourage all targeted agencies to consult their headquarters about their institutional commitments on PSEA and to secure agreement to join the CBCM. Headquarters commitment for participation in a joint CBCM is vital on a practical level because investigation and disciplinary actions are usually carried out by agencies' headquarters.
- Inform the IASC Task Team on AAP/PSEA on the CBCM initiative so they can maintain a comprehensive understanding at the global-level of country-based activities. This step also allows for Task Team members to advocate within their own organizations to ensure their respective agency's Headquarters cooperation in the CBCM. Engaging humanitarian staff at the headquarters level, through the Task Team, will help ensure that agencies' PSEA commitments are communicated to and carried out at the field level.

💡 Tip

Engaging management: Senior Management of agency field offices are key points of contact, because they are the persons responsible for ensuring that CBCM Focal Points have guidance and support to fulfill their PSEA duties.*

* MOS-PSEA (2012) #6 ("Effective recruitment and performance management") and Statement of Commitment (2006) #4.

Spotlight on the IASC AAP/PSEA task team

The Task Team was developed to assist the IASC in achieving its priority objectives related to Accountability to Affected Populations, including Protection from Sexual Exploitation and Abuse. The Task Team aims to create a system-wide "culture of accountability" through institutionalization of AAP, including PSEA. They are the inter-agency body at the global level tasked with monitoring local initiatives and maintain a comprehensive view of PSEA issues so as to promote system-level cohesion, coordination, and learning.*

* IASC Task Team on AAP/PSEA Terms of Reference, 21 January 2014. For more, see the Task Team page on the IASC website at https://interagencystandingcommittee.org/accountability-affected-populations-including-protection-sexual-exploitation-and-abuse.

Engaging non-members

It is important for the CBCM to reach out to local agencies even if they choose not to participate in the CBCM. All humanitarian actors on site should ideally be encouraged to engage with the CBCM and create/strengthen their own PSEA policies. At a minimum, they should receive awareness-raising on PSEA and the CBCM's role in referring complaints and providing victim

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2 Collective commitments to prevent SEA include MOS-PSEA (2012) Pillar 1 to engage in Cooperative Arrangements, and Statement of Commitment (2006) #10: "Engage the support of communities and governments to prevent and respond to sexual exploitation and abuse by our personnel." In particular, MOS-PSEA (2012) #5, Indicator 1 encourages agencies' headquarters to urge their field offices to participate in CBCMs that are jointly developed and implemented by the aid community, and to provide guidance to the field in how to design such CBCMs.

For more on referring allegations to non-member agencies, see this Guide's Chapter on "Referring SEA sllegations for investigation and follow-up".

assistance, even if they do not engage with the mechanism. The CBCM should expect to receive complaints about actors employed by entities outside the CBCM, and must have procedures in place for referring such allegations. It will benefit the CBCM to have a professional working relationship with all humanitarian actors operating in the CBCM implementation site.

> **! Be Aware**
>
> **Engaging implementing partners**: There are some challenges to engaging all agencies on site – including implementing partners – to become participating members of the CBCM. Increased participation does mean more actors on site with clear and explicit PSEA roles and responsibilities. However, where both the lead agency and implementing partner are CBCM members, the question of which agency has investigative and follow-up responsibilities following an allegation referral can become confused. Lead agencies have expressed concern that if their IP becomes an active member of a CBCM, they will lose the ability to oversee the PSEA obligations of their contract partners. *The responsibility of an IP to inform its lead agency of a received SEA allegation is a contractual issue for parties to decide between themselves. It is not the role of a CBCM to enforce PSEA contractual clauses between an agency and its implementing partner or contractor*. A good practice for SEA prevention is to encourage all agencies on site to participate in the CBCM while having clear contractual language between partner agencies on PSEA responsibilities if an incident is reported (see sample PSEA language in Partnership Contracts in Annex 4). Regardless of the challenges, the CBCM must process and refer all complaints it receives, and CBCM SOPs should clearly determine which agency shall receive allegations in the above scenario.

Member agencies are the driving force behind a CBCM. For this reason, agency representatives must take an active role in the setup and design of the CBCM, ensuring that cooperation and referral procedures complement their internal policies, agreeing on structures for inter-agency communication, etc. Agencies must be fully involved to ensure their buy-in to the CBCM in order to maximize effectiveness. PSEA is a key facet of Accountability to Affected Populations – responsibility for their staff's behaviour is one of the most important accountability commitments of every organization.

Commitment of human and monetary resources

One means by which an agency actively supports the CBCM is by nominating Focal Points to work with and support the CBCM on PSEA.

PSEA focal points

International standards recommend that all humanitarian agencies dedicate an institutional PSEA Focal Person at Headquarters to have the overall responsibility for the development and implementation of the agency's PSEA policy and activities, as well as to regularly report to his/her senior management on PSEA progress.[3]

CBCM focal points

At the operations level, agencies should also nominate individuals to engage in PSEA activities in each humanitarian response operation, including inter-agency efforts such as PSEA networks

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3 International instruments, such as the MOS-PSEA (2012), commit many agencies to selecting and supporting PSEA Focal Points. See the MOS-PSEA #3, Indicators 1-4.

and CBCMs. An active CBCM Focal Point in the field, with sufficient decision-making authority and who can represent his/her agency in the CBCM and SEA prevention activities, will contribute to the exchange of experiences and best practices during implementation, monitoring and evaluation, and programme adjustment.

> For more on the roles and responsibilities of CBCM Focal Points, see this Guide's Chapter on "Setting up the CBCM infrastructure".

> ## Information
>
> While selection of CBCM Focal Points is an internal agency decision, the CBCM should advocate for staff with the following criteria:
> - Proven integrity, objectivity, and professional competence
> - Demonstrated sensitivity to cultural diversity and gender issues
> - Ability to maintain confidentiality (i.e. trained in data protection)
> - Fluency in relevant languages
> - Demonstrated experience working directly with local communities
> - Proven communication skills

Ideally, at least one male and one female Focal Point should be selected in each member agency. Agencies should also be encouraged to consider a "decentralized" structure by nominating a Focal Point in each sub-office to mainstream PSEA activities throughout agency programming.

To effectively participate in the CBCM, member agencies should ensure that adequate support from senior management is extended to their Focal Point(s) so that they may devote the necessary time to attend CBCM coordination meetings, trainings to understand his/her CBCM functions, awareness-raising events for the community, and other CBCM activities. Ideally, agencies should integrate CBCM functions into their operation plans so that PSEA is a planned responsibility, not additional. The CBCM should advocate that PSEA responsibilities are imbedded in the Focal Point's job TORs. Consistent and strong participation by agency Focal Points is critical for maintaining CBCM activities, and ensures that information flows between the CBCM and its member agencies. Where a Focal Point's time is stretched too thin, s/he may de-prioritize working with the CBCM in daily activities, becoming a passive observer at inter-agency meetings or, worse, not appearing at all.

> For more on integrating PSEA and the CBCM, see the section on mainstreaming in this Guide's Chapter on "Ensuring a sustainable mechanism".

> ## Essential to Know
>
> **Putting PSEA in TORs of key CBCM member agency representatives:** CBCM stakeholders should recognize that CBCM activities will be in addition to the rest of an agency Focal Point's job. Their TORs should make PSEA responsibilities and time commitments explicit within their entire job description so that they can participate in an effective and meaningful manner. Having PSEA activities explicit in Focal Points' TORs avoids a potential conflict of interest for PSEA actors in managing their duties.

> ## Tool
>
> Use Sample Terms of Reference as templates (see samples in Annex 4).

Financial resources

Member agencies will also need to commit financial resources to the CBCM to keep it functioning. While a CBCM should reduce its operating costs by linking with existing complaints/feedback mechanisms and victim assistance programmes in each site, designing

and implementing a CBCM requires investment in, e.g. staff training, maintaining entry points for receiving complaints (e.g. a hotline if appropriate), as well as providing facilities (e.g. meeting rooms, computer(s), etc.). Agencies are encouraged to integrate PSEA into their operational planning and budgets so that PSEA activities and focal points are not add-ons to a programme, but rather the work on PSEA is planned from the outset.

> For more on linking with existing mechanisms, see this Guide's chapters on "Setting up the CBCM infrastructure" and "Ensuring quick and appropriate assistance for complainants and victims".

> **Tip**
>
> In seeking to secure funds, CBCM stakeholders should remind agencies that establishing a complaint mechanism is a mandatory step to ensure accountability as outlined in the UN Secretary-General's Bulletin on SEA (2003). Allocating the necessary resources for establishing and maintaining a complaint mechanism is an investment in accountability and quality. From a cost-benefit perspective, a CBCM can be cost-effective as it constitutes an organized system for interacting with the affected population. The integration of indigenous methods of revealing information renders the system even more efficient, resulting in increased SEA allegations reaching the appropriate investigation units for follow-up and potential disciplinary and/or criminal sanctions against staff. Investing in an inter-agency CBCM is an important way of reducing potential future costs, both financial and reputational, incurred by an individual agency – as well as by the humanitarian community at large – after a staff member is found to have committed SEA.
>
> > See also this Guide's chapter on "Ensuring a sustainable mechanism" for Donors' role in linking PSEA commitments to funding.

Improvement of internal policies and procedures

Agency engagement in a PSEA-CBCM is more than a commitment to join, but also requires internal institutional action. It is the responsibility of the CBCM to advocate for and educate stakeholders on PSEA best practices. Potential members should be informed of the practical implications of participating in a PSEA-CBCM, and be encouraged to devote the appropriate resources before agreeing to participate.

> **Information**
>
> The CBCM should develop and/or disseminate information resources on PSEA, which will help colleagues to better understand the issue and stimulate informed involvement with the CBCM. This could include holding workshops for Clusters or general members of the humanitarian community on PSEA, accountability systems, and complaint mechanisms. Agency policies are public documents, and the CBCM can instigate its own information campaign at the sub-office level.

Internal policies that the CBCM should advocate be in place for all participating agencies include:

> For more on the importance of internal policies, see this Guide's chapter on "Prevention activities and policies."

☐ **Standards of conduct which include PSEA:** Ideally an agency will have a stand-alone PSEA policy with a clear articulation of prohibited conduct, reporting procedures, and disciplinary actions for when employees violate the policy. Failing this, the agency's Code of Conduct should explicitly reference the prohibition of SEA, and include a Workplan for implementing the Code.[4] The Code should incorporate the Six Principles of PSEA laid out by the IASC.

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4   MOS-PSEA (2012) #1: "Effective Policy Development and Implementation" Indicator 1: "A policy stating standards of conduct, including acts of SEA, exists and a work plan to implement the policy is in place."

Example

Due to lobbying by staff in the Melkadida CBCM in Ethiopia, four operational agencies modified their Codes of Conduct to include the Six PSEA principles.

Tip

The CBCM should inform targeted agencies that do not yet have a Code of Conduct that the CBCM is available to provide technical support to develop Codes that include PSEA, as well as reinforce capacity to monitor and implement them.

☐ **Internal complaint mechanism:** A participating agency should have an internal complaint mechanism in place, so that there is clear procedure when it receives an allegation referred by the inter-agency mechanism.

> For more on the necessity of internal complaint mechanisms, see this Guide's chapter on "Referring SEA allegations for investigation and follow-up".

☐ **PSEA in performance reviews:** Participation in Code of Conduct trainings (or similar) that include PSEA should be part of employee supervision and performance appraisals. Senior Management appraisals should include adherence to the commitment of creating and maintaining an environment which prevents SEA.[5] Imbedding PSEA in employee evaluations serves to demonstrate that the organization takes the issue seriously, and may reveal potential SEA-risks before they become full violations.

☐ **Whistleblower policy:** Agency whistleblower policies should explicitly welcome good faith reports of SEA, offering both anonymous and non-anonymous whistleblowing channels. Agencies should make clear to their staff that no action will be taken against any worker who makes such an allegation in good faith.[6]

Example

The evaluation of the IASC Pilot Project determined that whistleblower protection was weak in both pilot sites. Policies were either not in place, or not trusted by the staff. CBCM member agency representatives reported it is especially difficult for female staff to report. Because Whistleblower protection is directly linked to the accessibility and therefore the usefulness of a CBCM, stakeholders have a strong interest in advocating for increased implementation of such policies.

☐ **Recruitment and vetting:** Human resources departments of participating agencies should have a system in place to avoid the re-recruitment of past SEA-offenders.[7] At a minimum, agencies should have an articulated process for checking return employees (i.e. employees who left the agency in the past and are seeking reemployment) against previous allegations and/or investigations relating to SEA.

☐ **PSEA contractual clauses:** Participating agencies should include a paragraph or clause on PSEA in their contracts with implementing partners and/or sub-contractors, and outline the legal consequences if the contracting agency violates the provision.[8] Furthermore, agencies should take concerted steps to enforce these clauses.[9]

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5   MOS-PSEA (2012) #6, Indicators 3 and 4.

6   Statement of Commitment (2006) #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."

7   MOS-PSEA (2012) #6, Indicator 2: "Each organisation commits to improving its system of reference checking and vetting for former misconduct." Statement of Commitment (2006) #3: "Prevent perpetrators of sexual exploitation and abuse from being (re-)hired or (re-) deployed." IASC Statement on PSEA (2015) #3: "Strengthen investigation and protection responses to SEA allegations […] This also requires concerted efforts to operationalize the recommendations for preventing the re-recruitment of individuals disciplined for SEA".

8   MOS-PSEA (2012) #2 Indicator 1: "SG's Bulletin (ST/SGB/2003/13) or respective codes of conduct are included in general contract conditions."

9   IASC Statement on PSEA (2015) #3: "[E]nforce PSEA contractual clauses with implementing partners."

> **Example**
>
> Prior to the PSEA CBCM in Ethiopia, none of the operational agencies had PSEA clauses in the contracts with their refugee incentive workers, which are considered "humanitarian workers" under the IASC definition. This left a protection gap in that abuses by incentive workers had no PSEA oversight or professional repercussions. The CBCM in Ethiopia targeted this issue by advocating with member agencies to include PSEA in all their contracts, and by explicitly including incentive workers in the CBCM's Code of Conduct.

Communicating policies

Participating CBCM agencies must have a system in place to disseminate their internal policies to all staff persons, including short-term staff and volunteers at the field level. The best-written PSEA policy is of little practical use if field staff do not know if and how it applies to them. Findings from the 2010 Review of Protection from SEA indicate that while progress has been made on establishing internal PSEA policies, this has not translated into managerial and staff understanding and acceptance of these policies.[10] One component of agency engagement with a CBCM is to ensure that its institutional policies and procedures on PSEA are communicated to all field staff in an emergency response operation, are made with sufficient authority, and include technical guidance and clear direction on reporting obligations and methods.[11]

> **Example**
>
> The evaluation of the IASC Pilot found that field teams compensated for lack of guidance from headquarters through collaboration and resource-sharing including training and outreach, data-sharing (where appropriate), and explicitly defining the roles and responsibilities of CBCM member agency representatives. Internally, agencies can better communicate their policies through ongoing staff trainings, and by ensuring that all new recruits, volunteers, and contractors read and sign the Code of Conduct before being offered a contract.*
>
> * MOS-PSEA (2012) #6, Indicator 1.

> For more on the content of staff trainings, see this Guide's chapter on "Humanitarian staff: Training and capacity-building".

Enforcing policies

Engaged CBCM participation also means agency implementation and enforcement of internal policies. This includes taking swift and appropriate administrative sanctions, and developing and sharing best practices on enforcing Code of Conduct breaches. While for the vast majority of humanitarian agencies, enforcing the Code of Conduct and issuing administrative sanctions will take place at the Headquarters level, CBCM representatives should understand their role in streamlining SEA allegations and thus contributing to reaching these standards.

> **Be Aware**
>
> The 2010 IASC Global Review of Protection from SEA found that implementation of internal policies has been patchy, poor, or non-existent. The CBCM should advocate among its member agencies at the field level, whose managers can in turn engage with their headquarters to fully implement their institutional commitments and policies on PSEA.

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10 Inter-Agency Standing Committee, "Global Review of Protection from Sexual Exploitation and Abuse by UN, NGO, IOM and IFRC Personnel" (July 2010).

11 MOS-PSEA (2012) #1 Indicator 2: "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)."

Coordinate with other agencies

Active participation in a CBCM requires a commitment to work together with other participating agencies, particularly on information sharing, programme strategizing and adjustment, and cross-institutional trainings. For a CBCM to be most effective in monitoring SEA trends and conducting targeted awareness campaigns and prevention activities, agencies should be encouraged

> For more on sharing information between agencies, see this Guide's chapter on "Referring SEA allegations for investigation and follow-up".

to provide feedback to the CBCM on the status and outcome of case investigations after an allegation has been referred. Inter-agency communication on specific cases is limited by internal data protection policies and confidentiality procedures, which safeguard due process and protect the safety of the survivor. However, sharing generalized information for the purposes of providing feedback to survivors and targeting SEA prevention activities should be encouraged,[12] and is in-line with international commitments on information sharing.

> **Tool**
>
> Existing agency PSEA commitments, including the *Global Standard Operating Procedures on inter-agency cooperation in CBCMs*, provide information-sharing protocols that the CBCM can reference when requesting agency feedback. PSEA Commitments and SOPs are found in Annexes 2 and 3.

Beyond formal communication procedures, an effective CBCM also includes a network of support and knowledge-sharing for Focal Points. Open communication between member agency staff can greatly benefit the sustainability of the mechanism by reducing the detrimental

effects of staff turnover and limited resources. The knowledge lost when staff leave an operation site is one of the biggest hurdles in maintaining PSEA momentum, and fostering an informal network amongst Focal Points to share processes and best practices on site can bolster the effects of formal trainings and meetings.

> For solutions to the challenges of staff turnover, see this Guide's chapter on "Ensuring a sustainable mechanism".

> **Information**
>
> A CBCM should foster a close and trusted working relationship between member agency representatives, so that inter-agency meetings are viewed as a safe space in which to discuss and coordinate on PSEA issues. Where agency representatives are invested in knowledge sharing, and have a firmly established trust in their CBCM colleagues, as well as a common goal, they are more likely to develop innovative ways to address challenges. On the informal side, Focal Points are also more likely to reach out to colleagues who have missed meetings or other PSEA activities, to ensure that they remain active in the CBCM.

> **Example**
>
> At the 2015 CBCM Best Practices Workshop in Kigali, involving field representatives from both the Ethiopia and Democratic Republic of the Congo mechanisms, several participants noted that the workshop was the first time they had been able to fully communicate with their counterparts in other sites, even within the same agency. Many commented that after the workshop they no longer felt like they were "alone in the fight against SEA". Cross-CBCM workshops and trainings may be a means of wider information sharing in the future, as inter-agency CBCMs become more common.

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12   The level of feedback will be determined by, and must be in compliance with, the investigating agency's internal data protection policy.

ENGAGING HUMANITARIAN AGENCIES

Challenge		Recommendation
✗ The CBCM has no authority over agencies, neither to join nor to force member agencies to actively engage (including share information, enforce PSEA contract clauses, or actually investigate and – if substantiated – discipline their employees for SEA).	⇨	✓ Advocate with participating agencies to fulfill their existing PSEA commitments, including participation in joint mechanisms. The CBCM can cite the specific commitments noted in this Chapter.
✗ Ineffective dissemination of PSEA policies and commitments by member agencies' Headquarters to the field can leave country sub-offices without instruction and create misunderstanding and misinterpretation on PSEA roles and responsibilities.	⇨	✓ CBCMs should educate their member agency representatives on international agency commitments to develop PSEA policies, including the dissemination of guidance on those policies. Representatives should then advocate that their headquarters develop technical guidance on their own policies, and share it with field offices. Agencies have already committed to - at a minimum - a "passive approach to SEA" (e.g. signing Codes of Conduct, including PSEA clauses in partnership contracts). It is time to advocate for an active approach that involves disseminating and enforcing existing commitments. The CBCM can cite the specific commitments noted in this Chapter.
✗ Heads of agencies have competing priorities and are often overwhelmed. Many will de-prioritize PSEA as it is not considered as "life-threatening" as other immediate concerns. This can lead to senior management not providing guidance or support to their CBCM Focal Points, nor monitor that they fulfill their PSEA duties, as instructed under international commitments.	⇨	✓ Advocate that agencies include PSEA as a strategic priority to ensure that PSEA responsibilities are prioritized and internal funding is allocated to PSEA-related activities.
✗ The CBCM must communicate with agencies at the field level, while the decision to participate in a CBCM – as well as the necessary decision-making on PSEA Policies, investigation procedures and resources, etc. – sits at the Headquarters level. The engagement and buy-in a CBCM gains with agencies at field level with not necessarily translate to Headquarters-level buy-in.	⇨	✓ In addition to advocating best practices with local agency offices, the CBCM should actively encourage field offices to communicate with their Headquarters to support participation in the CBCM and ensure that their internal policies are in line with international commitments. The AAP-PSEA Task Team can also foster coordination at the global level. ✓ The HCs' new PSEA responsibilities include establishing complaint mechanisms and reporting regularly to the ERC on PSEA in humanitarian operations. Agency cooperation and buy-in challenges can be included in the HC updates, and conversely the HC reports will encourage Headquarters-level buy-in.
✗ Information sharing is limited by internal data protection and confidentiality procedures, as well as CBCM member agency representatives' lack of clarity on their own institution's procedures.	⇨	✓ Develop country-specific Standard Operating Procedures for the CBCM that explicitly include procedures for inter-agency information sharing and Focal Point responsibilities.
✗ Focal Points are rarely (if ever) PSEA-funded positions but rather staff focused on administration or programming in an emergency response operation. They often perceive PSEA activities as supplementary to their regular job performance, and not a prioritized requirement, leading to a lack of motivation and/or an inability to fully engage because of other programme responsibilities.	⇨	✓ Hold regular trainings for agency CBCM Focal Points on their expected participation in the CBCM, and advocate with agencies to embed PSEA responsibilities in their Terms of Reference and Job Descriptions.
✗ Even when CBCM Focal Points are motivated to prioritize CBCM activities, inter-agency meetings can receive poor attendance due to distance concerns or Focal Points going on R&R.	⇨	✓ The Focal Points, along with the CBCM Coordinator, should brainstorm innovative ways to ensure that Focal Points who cannot physically attend meetings do not miss out on the opportunity for inter-agency communication. Ideas can include status update memos circulated by the Coordinator, or teleconferencing where available.
✗ Staff turnover can be a major problem, as staff leave with the agency's institutional memory on PSEA. This gap results in agency difficulty to maintain uninterrupted continuation of PSEA and CBCM activities.	⇨	✓ Part of a PSEA Focal Point's responsibility should be regular feedback to his/her agency on CBCM engagement, and to reproduce PSEA trainings for agency staff. An enhanced internal agency understanding of the CBCM's role and purpose will mitigate the impact of staff turnover and institutional memory loss.
✗ Translation of Codes of Conduct into local languages is not easy - it can be difficult to capture the true concept and meaning of SEA in a local language.	⇨	✓ To ensure that Codes of Conduct have been translated in a manner that accurately conveys an agency's PSEA policy, agencies should always field test translated materials, and then ensure their consistent use.

CHAPTER 2
NATIONAL NGOS, CBOS, AND COMMUNITY STRUCTURES

✓ Best Practice

A CBCM should engage with national NGOs, CBOs, and community structures in the implementation and running of an inter-agency complaint mechanism. Achieving the support and buy-in of local organizations before beginning programme activities is essential to developing a culturally sensitive and sustainable CBCM, because they are the link between international organizations and members of the affected community.

National organizations and community leadership structures are the bridge between affected communities and larger organizations. Though they vary in size, mandate, and structure, CBOs often enjoy great trust within communities and can provide the link that agencies, especially larger international organizations, need to deliver aid or assistance. Given their close work with, or leadership positions within the community, they are ideally situated to help identify relevant entry points to the complaint mechanism, to incorporate traditional forums for dispute resolution, and to understand the social and cultural dynamics that must be taken into account in designing an appropriate and relevant mechanism.

Tip

These groups will know if cultural taboos exist in the local community that limit open discussion of sexual activity. They may be able to offer useful ideas for raising awareness in a manner that respects local beliefs.

Regional structures are also vital for passing on messages to the community.

Tip

Local media services can participate in community sensitization of PSEA and be instrumental in promoting attitude change through mass campaigns. Engaging the support of local media can help spread awareness and may reduce advertising costs. Having the engagement of local structures is vital here, so that the international community is not perceived as infiltrating local media.

Before designing the CBCM, members of the humanitarian community – specifically the PSEA network or task force if it exists – should carry out a mapping exercise within the community, involving local structures. The exercise can be informal – just talking to people – it does not have to be an expensive process. The outcome of the assessment should identify the local and/or regional support networks the CBCM can liaise with, and inform stakeholders which organizations will be helpful contacts.

Failure to achieve high-level support and involvement from local structures has been an ongoing detriment of CBCM projects in the past. CBOs, by virtue of having grown or emerged from affected communities themselves, often enjoy more trust by the vulnerable members of those communities than do NGOs, INGOs, or UN agencies. A strong working relationship between local and humanitarian assistance organizations increases the sense of community ownership over a CBCM, which in turn facilitates sustainability. In addition, their close involvement with the design and operation of a CBCM will encourage these local structures to continue PSEA momentum after larger humanitarian organizations leave the site.

> **Tip**
>
> When seeking to engage identified local structures, sending a formal letter of invitation to participate in the CBCM can be a sign of respect and commitment to a working partnership.

Consulting community structures helps ensure that the CBCM is effective and relevant. For example, they are an excellent resource to consult when choosing the different reporting channels to set up in the CBCM. They will also have invaluable knowledge about local security matters, which can be a particular issue in

> For more on selecting reporting channels, see this Guide's chapter on "Safe and accessible channels for reporting SEA".

volatile and rapidly changing humanitarian situations. Engagement with local leadership on the causes and effects of heightened security issues can ensure the continuation of planned activities through the development of day-to-day action plans. In the same vein, lack of buy-in from community structures can result in the CBCM not addressing the factors contributing to risk of SEA in a given community, and behavioural change is unlikely to result without such understanding.

> **Be Aware**
>
> **A note on local justice systems**: While it is absolutely necessary that community-based justice mechanisms be respected and involved in the CBCM, stakeholders should be aware that in some cultures, there may be a substantial difference between traditional justice measures and the best interests of the survivor under international standards. Some cultural practices
>
> > Information on mandatory reporting laws and the role of national judicial systems is addressed this Guide's chapter on "Referring SEA allegations for investigation and follow-up".
>
> may compound the hardship felt by an SEA survivor. For example, the CBCM Pilot Site in the Democratic Republic of the Congo found that some SEA case investigations were halted when the survivor's family and the Subject of the Complaint negotiated a private livestock or monetary settlement or, if the survivor was pregnant, marriage to the alleged offender. While traditional dispute resolution mechanisms should always be respected, stakeholders need to be aware of these potential cultural practices and educate as appropriate for the best interests of the survivor.

> **Essential to Know**
>
> **A note on responsibilities:** Respecting traditional justice systems does not negate the CBCM's responsibility to refer all SEA complaints it receives to the concerned agency for follow up. The agency then has the obligation to investigate all viable complaints,* which it must do as long as it has enough information to proceed, even if a parallel local process is taking place.** Whether the complainant has reported – or subsequently reports – his/her complaint to the local system does not affect these procedures (although the complainant's refusal to participate may make agency investigation practically more difficult).
>
> * Statement of Commitment (2006) #6: "Investigate allegations of sexual exploitation and abuse in a timely and professional manner" and MOS-PSEA (2012) #8, reinforced by the IASC Statement on PSEA (2015).
>
> ** The issue of duplicative process is irrelevant here, because the traditional process is designed to bring interpersonal justice (i.e. between the offender and the survivor, his/her family, community, etc.), while any disciplinary action by the agency will be for violating the contract between the offender and the agency (i.e. the agency's Code of Conduct).

Two-way communication

Because local infrastructures are one of the CBCM's connections to the community, they should be kept regularly updated on the policies, procedures, and implementation strategies of the CBCM. Their understanding of the goals and intents of the CBCM will therefore be conveyed to the community to demystify PSEA and inter-agency cooperation in CBCMs. National NGOs, CBOs, and leadership structures should be fully informed on the Codes of Conduct and PSEA policies of the CBCM member agencies, and where appropriate they should nominate community Focal Points to engage with the CBCM and receive staff trainings along with the rest of the CBCM agency representatives. All CBCM Focal Points and engaged community members should be familiar with good conduct and behaviour through regular capacity-building sessions.

> **Tools**
>
> - PSEA toolkits and CBCM training materials can be shared with local organizations/community structures to engage their participation in and understanding of the CBCM.
> - Clear PSEA messaging on flyers, posters, etc., in languages that communities easily understand will help engage community structures in the CBCM.
> - Member agencies' clear internal PSEA policies and commitments are valuable tools to share with local structures to communicate an agency's commitment to the fight against SEA. Confused and vague policies will hamper local understanding of the CBCM's mission and discourage engagement.

Just as the local structures should be trained on the CBCM and PSEA issues, community members should receive awareness-raising on the national NGOs and local CBOs that are engaged in the mechanism. Informing the affected population on the vision, mission, and mandate of the local partners will make the mechanism more accessible to the community, while re-engaging the local bodies through their direct involvement in the mechanism's activities.

ENGAGING NATIONAL NGOS, CBOS, AND COMMUNITY STRUCTURES

Challenge		Recommendation
✗ Community structures and smaller local organizations may choose not to integrate with the CBCM for a variety of reasons, chief of which is the under-funding of NGOs/CBOs. Smaller organizations may not feel they have the staff resources to spare.	⇨	✓ Even if NGOs/CBOs avoid participation in the initial implementation of the CBCM, continue outreach efforts as local organizations will be encouraged to participate when the CBCM demonstrates its commitment and effectiveness to work on behalf of the community. ✓ Once NGOs/CBOs are engaged, CBCM leadership must be diligent to ensure that all stakeholders are mobilized. Smaller organizations may require more regular contact to ensure their members remain engaged.
✗ Under the cultural influences and attitudes of many populations, SEA issues are often considered a taboo discussion topic. In many cases, community leaders may be perpetuating the ban on discussion of sexual abuse issues.	⇨	✓ A respectful and open dialogue should be encouraged between the CBCM and community leaders so that SEA issues can be discussed and prioritized, rather than suppressed. Involve community leaders in the discussion to devise appropriate awareness-raising strategies.
✗ There is a prevailing concern that women's voices are not raised in traditional community structures, particularly when women do not have a formal decision-making role. This can result in a lack of advocacy about women's rights and issues.	⇨	✓ While respecting the traditional community structures, women's voices should be encouraged in community dialogues. In circumstances where community leadership lacks engagement of women, the CBCM should seek out the input and engagement of women in designing and running the CBCM.
✗ CBOs and community leadership structures that lack well-formulated Codes of Conduct and data protection policies may lead to confidentiality breaches of sensitive complaint information. Such breaches can jeopardize the safety of survivors/ complainants, creates fear of repercussions or retaliation in potential complainants, and undermines the integrity of the CBCM.	⇨	✓ To ensure confidentiality, local structures' involvement with the CBCM should be a contractual process just like any other partnership. Local members should sign confidentiality agreements and be instructed on the dangers of sharing sensitive complaint information, just as a humanitarian staff member would.

SECTION A. Ensuring Support and Active Engagement in the CBCM

CHAPTER 3
HOST GOVERNMENTS

> ✓ **Best Practice**
>
> Government consultation, support, and approval are basic necessities for the implementation and maintenance of an effective and sustainable CBCM.

Engaging local governmental structures early on is absolutely necessary for the success and sustainability of the CBCM. The CBCM will have to work with the government throughout the life of the mechanism, whether it be the need for permission to operate a CBCM, the receipt of security clearances or further official declarations so that humanitarian staff may travel, or when the CBCM receives an SEA allegation against government staff. As sovereign, the government is entirely autonomous and the CBCM has no authority to dictate its behaviour. Therefore, the government's participation in the CBCM is wholly dependent on their buy-in into the mechanism and the good-will generated by CBCM stakeholders.

> 👓 **Essential to Know**
>
> Never operate or implement a CBCM without government approval.

During the design of the CBCM, stakeholders should consult the appropriate government officials on logistical issues (e.g. location of the mechanism), as well as work to ensure the relevant officials' thorough understanding of the purpose and scope of the CBCM as well as the roles and responsibilities of CBCM member agencies.[13] The host government may have its own PSEA policy, which the CBCM will need to consider and work with as it would any stakeholder policy. CBCM stakeholders should be fully transparent about what the expected role of the government will be in the implementation and running of the CBCM. Officials may be naturally reluctant to embrace a mechanism that will put their own staff under potential liability, so the key to establishing a good working relationship is to be candid and frank about what they can expect from having the CBCM in their territory. One of the worst scenarios a CBCM can find itself in is to receive continued resistance from the government. Open discourse with and support from state actors can minimize this pushback.

> ❗ **Be Aware**
>
> Governmental resistance can result in any scenario from daily reticence to provide information, to full dissolution of the CBCM. The CBCM and its member agencies should be clear and forthcoming with state actors about the goals and scope of the CBCM. Clarify and specify the expected roles and responsibilities of the government from the inception of the CBCM, and do not make promises that cannot be kept.

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13   "Appropriate government officials" will vary based on the local context and may include members of the office coordinating refugees, IDPs, and migrants; military and/or law enforcement figures; or any other state actors whose roles and responsibilities intersect with beneficiaries of humanitarian assistance.

Resistance from host governments may include concern over why PSEA efforts are necessary in their territory and apprehension over how the CBCM will address potential cases involving their own staff. Clarification of the roles and responsibilities of the CBCM Focal Points can also lessen concerns, especially as CBCMs will be able to clarify that they do not take on an investigative function absent explicit request by the entity employing the alleged offender. Discussion of these parameters with government officials can help convey the benefits of an inter-agency CBCM to prevent and mitigate SEA and enhance accountability of humanitarian agencies, while relieving some of the government's concerns.

In addition to early engagement, the CBCM should offer regular training and awareness-raising to state actors to foster ownership and increase understanding of the mechanism. Establishing government buy-in is crucial for both the everyday smooth running and long-term sustainability of the mechanism. As the CBCM continues, government support can mean the difference between programmes being halted or continuing during volatile security contexts (e.g. elections, protests, etc.).

Tools

- Studies and statistics on the prevalence of SEA in the local area, as a basis of discussion.
- Fully formed CBCM Operating Procedures, to familiarize the government with the expected processes of the CBCM.

Tool

P S E A training materials made applicable to state actors.

Example

In the Melkadida CBCM under the IASC Pilot Project, the host government demonstrated support and buy-in to the mechanism by sending a representative to a Best Practices and Lessons Learned workshop for local and international participants. The representative engaged in the process by sharing the perspective of the government, and took the substance of the workshop discussions back to the host government.

Two-way communication

A large part of consulting with the government is to understand relevant reporting requirements, their procedures for meetings and communications, and estimate their intended level of involvement with the CBCM. Initial consultations may indicate that the government will wish to – for example – have final approval of all Workplans and to receive status updates on a regular basis. The CBCM should keep these requirements in mind when designing CBCM procedures, bearing in mind that such approval and updates can take significant time and effort.

Example

The host government of one CBCM insisted on being present for the opening of complaint boxes and for all high-level stakeholder meetings. Both these circumstances led to delays in complaint processing and missing deadlines set out in the CBCM protocols, as government officials frequently postponed PSEA events when they conflicted with other obligations. In such a case, the CBCM should reach out and educate the government on the importance of efficient and timely complaint processing, and attempt to build a working relationship in which compromise can be reached.

ENGAGING HOST GOVERNMENTS

Challenge		Recommendation
✘ The CBCM may face government reluctance to participate because the CBCM is seen as infringing upon their sovereign role, may be perceived as causing national embarrassment by acknowledging that SEA is occurring, or there is skepticism as to the necessity of the CBCM.	⇦	✓ To receive support to implement the CBCM, provide the government with evidence-based information about why the PSEA programme is needed and the least-invasive method of accountability to the community. Clarify that disciplinary action is an internal administrative process to the concerned organization and is carried out based upon the organization's policy(ies) on misconduct. Always be aware of the political constraints on state actors, and recognize the local government's concern about the potential negative impact on their reputations.
✘ A CBCM has no authority over the government. Their decision to continually cooperate is their own.	⇦	✓ Encourage buy-in by creating a position in the CBCM for a government liaison, who acts as a designated PSEA Focal Point within the local government. ✓ Involve the government in design and throughout operation of the CBCM to encourage buy-in and working relationships with state actors. ✓ Encourage the government to make its own PSEA commitments. While the Secretary-General's Bulletin on SEA and IASC's Six Core PSEA Principles apply to humanitarian agencies and not states, governments can make independent commitments to prohibit sexual abuse and exploitation of refugees and IDPs by government workers, and engage in PSEA activities (e.g. staff trainings on PSEA standards and local SEA concerns).
✘ In a long-term CBCM, turnover of government staff and/or political changes of office may interrupt established working relationships.	⇦	✓ Minimize the impact of government staff turnover by offering PSEA trainings to all new staff.
✘ Securing government endorsement/buy-in/participation may be difficult or impossible where there is no established government in place (e.g. a failed state).	⇦	✓ The CBCM should attempt to engage all local governing actors to ensure that – at a minimum – they will not impede the efficiency of the CBCM due to lack of understanding.

SECTION A. Ensuring Support and Active Engagement in the CBCM

CHAPTER 4
AFFECTED COMMUNITIES

> **Best Practice**
>
> It is critical to establish and maintain community trust so that affected populations actively participate in and feel ownership over the CBCM. A strong means of securing trust is through early and ongoing consultations with the community on the design and maintenance of the CBCM.

"We are international NGOs or local NGOs from a slightly different area – we are not from the community and there may also be the perception of outside influence being thrust upon the camps. We are outsiders and yet we are asking people to share very sensitive information with us (information that is not only personally sensitive if the complainant is the victim, but also could have implications on their safety, their ability to receive aid, etc.). It is a challenge to build trust especially to the level needed to be able to discuss these issues."

Quote from Best Practices Workshop, Kigali 2015

Consultations with the affected community are necessary to create a culturally sensitive and effective CBCM. Being a truly "community-based" complaint mechanism adds efficiency to the reporting mechanism by incorporating local solutions into the system. Community members are best-situated to inform CBCM stakeholders on how to best structure the mechanism so that it will be used by community members, taking into account local culture, beliefs, attitudes, and preferences. Meaningful community consultation offers a unique means to understand and build trust within communities, as well to gain critical understanding of the real effectiveness of the CBCM in monitoring and evaluation. Engaging the community in programme design, adjustment, and monitoring of the CBCM will help identify aspects of the CBCM that must be adjusted and sustainable solutions owned by the community.

> **Example**
>
> In the Democratic Republic of the Congo CBCM, Save the Children conducted 84 community consultation sessions on the design of the CBCM alone. This was in addition to the KAP and assessment process, and consultations with NGO and humanitarian agencies. In the subsequent evaluation of the Project, beneficiary satisfaction with the CBCM rated high, with 79% of people surveyed reporting a greater feeling of safety from SEA than one year prior.

Beneficiary input is critical in identifying and/or developing:

- The best complaint intake channels;
- Location of physical reporting channels;
- How to structure awareness-raising events (combining or separating men from women, time of day/week, etc.);
- Language and/or literacy logistics;
- Local perceptions of complaining generally and to "outsiders";

- Local perceptions of speaking about sexual abuse matters generally, to another sex, or to "outsiders";
- Vulnerability factors common in the community.[14]

Consultations with the community are especially helpful in designing targeted responses and PSEA campaigns. For instance, if the site has a "culture of acceptance" over sexual abuse and exploitation, large-scale sensitization and/or behavioural change may be required.

> **Essential to Know**
>
> Efforts in behaviour change among the community should always be carried out with the understanding that the primary cause of SEA lies with the individuals who commit it.

Ensuring trust – Meaningful consultations

Ensuring community trust in the CBCM is absolutely vital to the effectiveness and sustainability of the mechanism. A lack of community acceptance or trust in the CBCM will result in the affected population choosing not to report through it. Lack of community ownership will lead to community members not taking on responsibilities for the mechanism, which will diminish the long-term sustainability of the CBCM, because the mechanism will dissolve when humanitarian agencies leave. Additionally, lack of community support can endanger CBCM member agency staff if their work is not accepted or welcomed by the community.

> **Essential to Know**
>
> **Warning:** SEA is a provocative issue. The CBCM should be on the lookout for unintended consequences of beneficiary participation in the mechanism in societies where stigma and shame may further victimize SEA survivors. In such an environment, individuals may become targeted due to mere association with the "taboo" issue, and the participation of the community might endanger its members as opposed to empowering them. The CBCM must at all times be aware of the perception and role of SEA in the community where it is working, and make CBCM adjustments accordingly.

The 2012 Compendium of CBCM Practices indicated that there is still insufficient meaningful consultation with the affected community in the establishment of CBCMs, especially in the early stages of an initiative, and most notably in inter-agency mechanisms. While many agencies and programmes engage in consultations, they are insufficient to guide the design of the CBCM to the needs to the community using it and to engender the trust necessary for operating it. Engaging participation, not just speaking to community members when setting up complaint

> **Tool**
>
> Clear Codes of Conduct in place that include proper behaviour when consulting with communities.

mechanisms, is of utmost importance to ensure their buy-in from the start of the project. Once the community experiences ownership of the project, they will more easily engage in designing a complaint mechanism with which they feel comfortable and trust. Their full participation will reveal any preferences and successful practices in the community that need to be linked in and built upon at the inter-agency level.

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14   While community members will be informed on the prevalence of poverty, LGBTI issues, child-headed households, etc., an objective evaluation should be used to determine how these factors equate to SEA risk-factors in the given area.

📌 **Example**

Pilot success story: In the PSEA CBCM in the Democratic Republic of the Congo, four suggestion boxes were destroyed by unknown persons. The damage was reported to the CBCM by members of the community. After member agencies carried out consultations to determine the root of the problem and learn what reporting system the community would prefer, community members themselves took action and rapidly replaced or repaired the boxes. This level of investment in the CBCM shows a strong engagement in the complaints process, and indicates a transferring of oversight of this aspect of the mechanism to the community.

Ways to enhance community participation

- For the general population, conduct semi-structured discussions with different groups of women, girls, boys, and men on what type of complaint mechanism works for them and use their input to inform the CBCM development.

- For groups with specific needs (single women, children that are heads of household, older persons, persons with disabilities, etc.), hold targeted focus groups to understand their attitudes around revealing sexual abuse and to identify the environments in which they feel most comfortable reporting it.

💡 **Tip**

Two-way communication: Let the community know how their contributions informed the final complaint mechanism and create opportunities for them to give the CBCM feedback on how the mechanism is working.

For more on Community Feedback tools, see this Guide's chapter on "Safe and accessible channels for reporting SEA".

Focus group discussions

Focus groups are a great tool to reveal topics that are difficult to discuss. Participants will become more comfortable and open up if these topics are addressed indirectly. For example, the starting point for the conversation could be the ways in which an emergency situation has made people feel more vulnerable, their needs, and the ways in which they can feel protected. Once an atmosphere of group trust is created, participants will find it easier to open up about individual and more delicate concerns like SEA. Discussion groups should be formed considering factors such as the sex and age of participants, based on the composition that community consultations have identified will make participants feel most comfortable.

🛠 **Tool**

Community Consultation guides, such as The UNHCR Tool for Participatory Assessment in Operations, can be helpful in designing community discussion groups.

💡 **Tip**

To ensure that all segments of the population are engaged, communications must use a wide range of media (posters, radio, print, etc., depending on the context) and be available in appropriate local languages and/or through visual representations.

Targeting specific groups for buy-in

Evaluations of CBCM efforts show a recurring lack of community consultations that target groups in the community most relevant to the issue or who hold positions that are key to implementing an effective and sustainable CBCM. For instance, consultation with groups working with vulnerable women and girls can enable implementing agencies to devise or build-on appropriate channels for reporting. Other groups, such as surrounding or hosting communities, can be involved in the design of the project, to minimize potential resistance or tension towards the project, or other obstacles jeopardizing the initiative entirely. Additionally, while consulting with the community leadership is critical to obtaining buy-in, it is by itself insufficient as they do not fully represent all perspectives of the affected communities. Expanding consultations into communities is particularly important in circumstances where leaders or community representatives may themselves be involved in exploitative practices.

Ensuring access by vulnerable groups

The CBCM must ensure that vulnerable persons actively participate in the design of and have full access to the inter-agency CBCM. Such persons have a special place in the CBCM, because they are especially at-risk of SEA: Marginalized persons are at once most likely to be victimized and traditionally face the most barriers in accessing information and the channels to report abuse. Therefore, consideration of their needs should be paramount when designing the CBCM, and they should play an active role throughout the life of the programme so that the mechanism works for them and they are engaged within it.

Identify vulnerable groups by:
- Discussions with community leaders;
- Community consultations;
- Cross-checking with Cluster/agency vulnerability lists and/or mapping exercises, although it is important not to come to the community with pre-conceived notions of which groups are marginalized in order to avoid biased conversations.

Engage vulnerable groups by:
- Organizing community consultations specifically targeting vulnerable persons;
- Tailor PSEA awareness events toward the particular issues of vulnerable groups, both for the benefit of those persons and to raise awareness in the whole community. Discover through consultations if members of different groups would like to participate in group activities designed just for them, community-wide events, or a combination of both;
- Solicit their involvement in designing and promoting CBCM activities;
- Solicit information on their preferred reporting channels.

Cultural barriers faced when engaging vulnerable groups are the same encountered when engaging the whole community. However, be prepared that some – such as speaking openly about gender or sexual issues – may be more pronounced.

While community outreach is essential for buy-in before implementing the CBCM, it is also necessary to continue that dialogue and to develop and grow trust throughout the programme. A successful complaints mechanism will ensure the full participation of the community by integrating formal and/or informal community structures. CBCM stakeholders need to

work with existing trusted structures as an entry point to the communities and then continue to work with, support, and strengthen them throughout the project in order to increase sustainability. If there are no suitable community structures, CBCM member agencies need to work with the community to establish an appropriate network to support PSEA efforts and SEA survivors.

Effective management

Encouraging maximum community participation must be balanced against the reality that consultation with the appropriate groups in the affected community can be constrained by project deadlines, funding constraints, and unanticipated local delays (such as changing community power dynamics). It is crucial that CBCM members design a consultation schedule and tactics which have clearly defined objectives, and are coordinated with partners across the CBCM so that processes are not duplicated. Lack of coordination and duplication of efforts can result in both NGO fatigue and losing community buy-in through bombardment with repetitive questioning.

Tools

- Beneficiary Satisfaction and Beneficiary Perception surveys can be used to assess whether the community believes that the mechanism is developed and implemented in an appropriate and relevant way.
- The use of Knowledge, Attitude and Practices ("KAP") surveys can be informative in understanding local processing of sensitive information. Such a survey should be included in any project to ensure that the programmes developed are appropriate for the community in question.

Two-way communication

In addition to receiving input from the community on the design and maintenance of the CBCM, the CBCM should also be candid with the community about its scope, purpose, and limitations. Throughout the running of the mechanism, a CBCM should aim to maintain effective communication and transparency with the community, most especially with persons who have personally interacted with the complaint mechanism.

Managing expectations

From the beginning, CBCM stakeholders must endeavour to manage community expectations on what the CBCM can and cannot do for them. Communities should have a clear and detailed understanding of the CBCM's objectives, activities, and expected results. It is especially important to explain the full scope of CBCM activities as well as what is excluded (e.g. complaint investigation, and any other functions that are the responsibility of the concerned agency). This clarity will allow the CBCM and member agencies to better manage community expectations and reduce or eliminate potential misunderstandings, which could result in decreased trust if communities feel that the CBCM is not delivering what it promised.

Feedback to build trust

One way to sustain community trust is through the proper maintenance of the complaint system itself. Every effort must be made to ensure that complaints, both SEA and non-SEA, are responded to in a timely manner so that complainants feel listened to and the trust in agencies' accountability is maintained.

! Be Aware

The CBCM may face challenges in providing feedback to the community due to the dynamics between the CBCM and the agencies that investigate complaints. Once a complaint is referred to an agency for investigation, the CBCM's knowledge of details on the investigation, its outcome, and any disciplinary measures instituted is *entirely at the discretion of the investigating agency*. A CBCM may not be able to provide feedback to a complainant on the status or outcome of a case, simply because it does not have the information to share. Lack of follow-up can lead survivors/complainants to feel as if their complaint has been forgotten, leaving a sense of dissatisfaction with the CBCM that can spread to the community at large. The CBCM must advocate with member agencies to share information on the status and outcome of the case where their internal policies allow, and in particular ensure that survivors/complainants understand the impact of agencies' institutional policies on the level of feedback provided.

See the section "CBCM's role after referral" in this Guide's chapter on "Referring SEA allegations for investigation and follow-up".

For more on feedback to survivors and managing expectations, see this Guide's chapter on "Referring SEA allegations for investigation and follow-up." See also the *Global SOPs on inter-agency cooperation in CBCMs* on agency commitment to share basic case data.

One means for the CBCM to have some control over feedback is to remain vigilant about reporting the information it does have back to the survivor/complainant. Acknowledging that the CBCM has received the complaint, sharing when it has referred the complaint to the concerned agency, and checking back with the complainant for follow up are all within the control of the CBCM, and should be done in a timely manner to indicate that the mechanism takes the complaint seriously.

ENGAGING AFFECTED COMMUNITIES

Challenge		Recommendation
✗ Cultural traditions may raise difficulties in initiating community consultations. For example beneficiaries may be reluctant to discuss the sensitive topic of humanitarian abuse with outsiders. In some situations women do not feel comfortable speaking up in the presence of men. Children's voices are often under-represented in community consultations despite children representing a high percentage of SEA survivors.	⇨	✓ Always be aware of the cultural context during consultations. Discuss with implementing partners, other local actors in the camps, and community members themselves to identify the appropriate people to meet with, the groups that should be engaged, and how to best approach the sensitive issue.
✗ Community consultations can be burdensome for community members where agencies fail to communicate with each other and repeat the same questions. This duplicative process also wastes valuable agency time and money.	⇨	✓ Design clear consultation objectives and coordinate responses with all CBCM partners, so as not to duplicate efforts and waste community, agency and CBCM time.
✗ The CBCM has limited power to put pressure on agencies to effectively investigate SEA complaints, discipline the offender where appropriate, or provide feedback to complainants on their case status. Where the beneficiaries see that their complaints are consistently not followed through or are left uncertain whether action has been taken, they will lose faith in the system.	⇨	✓ To counter the lack of action and/or feedback from the concerned agency, the CBCM will need to manage expectations of survivor/complainants and have an effective feedback system of its own, whether through formal CBCM procedures, through community meetings, or some other means. The mechanism should share all relevant information possible with the survivor/complainant (e.g. available assistance services, when the allegation was referred to the investigating agency) – putting special emphasis on confidentiality and the safety of the survivor/complainants. A CBCM must ensure its own timely and effective review and referral of allegations, and inform the survivor/complainant after doing so.

✓ The CBCM should inform the survivor/complainant that the level of feedback (if any) that will be provided to them on the start and outcome of an investigation is fully dependent upon the investigating agency's internal policy. The CBCM should advocate with participating agencies to provide feedback to victims and share the investigation outcome and disciplinary action taken with the CBCM. |
| ✗ For communities to trust in the CBCM, humanitarian staff behaviour should be beyond reproach, especially CBCM member agency representatives. It can be very difficult to police the behaviour of humanitarian workers, especially in the more volatile and complex environments and where host-country laws are not in line with international norms (e.g. legal age of marriage). | ⇨ | ✓ Staff trainings should emphasize the Code of Conduct and proper manners for engaging with community members. All CBCM representatives should receive the message that they should be on exemplary behaviour both in their professional and private lives, because their perceived behaviour by the community directly feeds into the community's trust in the CBCM. |

Structuring and Establishing an Inter-Agency CBCM

CHAPTER 1
SETTING UP THE
CBCM INFRASTRUCTURE

Best Practice

An inter-agency CBCM should be designed following essential principles and in accordance with the specific needs of the community. Designers must consider all the cultural issues, logistical constraints, and pre-existing complaint and victim assistance structures on site when structuring the CBCM. The Humanitarian Coordinator should be fully engaged in the design and establishment of a CBCM.

The goal of a CBCM is to allow individuals to report concerns in a safe, effective, and culturally appropriate manner. The CBCMs' design must take into consideration the key characteristics of effective complaint mechanisms: safety, transparency, confidentiality, and accessibility. It must account for practical concerns such as the local culture, language, and literacy levels in order to strengthen its effectiveness, and must be developed to ensure access by targeted vulnerable groups. The design must be a joint effort, taking into account the perspectives of all the participating entities: HC and humanitarian country teams (HCTs), humanitarian agencies, local structures, government, and community members.

Essential to Know

International commitment to institutionalize PSEA response systems in all emergencies: Through the IASC Statement on PSEA (2015) the IASC Principals reaffirmed their commitment to eradicate SEA and strengthen the humanitarian community's fight against SEA and achieve a true system of accountability. They also affirmed the role of the Humanitarian Coordinators and Humanitarian Country Teams to implement this commitment in all humanitarian response operations.* Under this commitment, efforts should be made to establish a CBCM and SEA prevention strategies at the onset of an emergency.

* The IASC Statement on PSEA committed to three action points in order to fulfill PSEA commitments, including to "[R]einforce the responsibilities on PSEA for the Humanitarian Coordinator role, in order to ensure that PSEA has a clear place in the humanitarian architecture and IASC system-wide responsibility for developing PSEA strategies and action plans is institutionalized. [...] this would include developing complaints mechanisms, ensuring that survivors have access to appropriate immediate and longer-term assistance, coordinating inter-agency allegation referrals..." IASC Statement on PSEA, 11 December 2015, action point II.

Principles

Keeping in mind the purpose of the CBCM, stakeholders should construct a mechanism that incorporates key principles. The following are essential, critical elements for any effective complaint mechanism[15]:

15 From InterAction's *Step-by-Step Guide to Addressing Sexual Exploitation and Abuse* (June 2010).

☐ **Confidentiality**: The CBCM restricts access to/sharing of information, and helps create an environment enabling survivors/complainants to submit allegations and receive appropriate assistance without stigmatization.

☐ **Accessibility**: The CBCM is available to be used by as many people as possible in its operational area, has special access measures in place for vulnerable groups, and informs communities on how to report SEA and encourages complaints as necessary.

☐ **Safety**: The CBCM considers potential dangers and risks to all parties, incorporates ways to prevent injury and harm, offers physical protection and addresses potential retaliation to survivors/complainants, and offers a safe space for reporting.

☐ **Transparency**: Members of the affected community know the CBCM exists, may offer input into its development, and know how to access it.

Practical questions

Responses to these questions will affect the design of the CBCM:
- If in a camp, is the setting closed or open?
- How many beneficiaries are present?
- How many aid agencies are operating? How many aid workers (including volunteers and contractors)?
- What complaints and feedback mechanisms already exist?
- What victim assistance pathways and services already exist?
- Are there agencies working in the area that have not committed to working on PSEA and with the CBCM?

The name of the mechanism can have a strong effect on how it is perceived. While a primary purpose of the CBCM is to receive and refer complaints against humanitarian staff, highlighting this role may not be the most effective way to approach actors at the site. When faced with resistance from humanitarian agency staff or leadership, governments, etc., during preliminary consultations, the CBCM should emphasize the CBCM's role in securing victim access to assistance, and consider not using the name "complaint mechanism" and instead introduce it as a "feedback and referral mechanism".

Link to existing mechanisms

Design of a PSEA-CBCM should be coordinated with pre-existing complaints and feedback structures on site so as to 1) not duplicate efforts, and 2) meet the needs of the community. To avoid creating parallel processes, CBCM designers in a particular setting are advised to map the existing complaint mechanisms from individual agencies, including local and international NGOs, to ensure that the design of the CBCM will naturally align with those mechanisms, and thus facilitate the receipt and referral of complaints. Feeding into existing systems also fosters ownership of the CBCM with local organizations and the host government, which in turn benefits sustainability.

> 📖 **Information**
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> A CBCM needs to take community reporting preferences into account. Special note should be taken of any pre-existing indigenous complaint systems, whether formal or informal. These systems should be carefully assessed, built upon, and linked to the CBCM to avoid making it an "outsider-owned" system. For example, research in Kenya suggests that communities used various processes to complain – including local government channels and traditional methods of dispute resolution – and did not always go first to NGO-run complaint mechanisms.

Inter-agency benefits

One of the greatest advantages of an inter-agency CBCM is that it facilitates access for affected populations to file complaints, because it relieves the need for survivors to determine which agency their perpetrator works for and then identify the appropriate complaint mechanisms through which to submit allegations. The integrated referral system also minimizes the potential hardship on complainants, e.g. travel costs, language barriers, potential stigmatization, and confusion on reporting procedures and mechanisms. By coordinating efforts, the inter-agency CBCM can provide a "one-stop-shop" for complainants that will encourage reporting and maximize beneficiary comfort and safety with the process.

Linking to GBV partners

Design of a CMCB should also be coordinated with existing efforts to address and mitigate gender-based violence (GBV). "PSEA is an important aspect of preventing GBV and PSEA efforts should therefore link to GBV expertise and programming – especially to ensure survivors' rights and other guiding principles are respected."[16] Because SEA is a form of GBV, CBCM stakeholders should promote a common understanding of the different responsibilities within the PSEA in-country network and the GBV coordination mechanism, and the willingness to work cooperatively. It is important that the GBV sub-cluster Coordinator knows and promotes the key PSEA principles and standards of conduct. The CBCM is responsible for ensuring that GBV sub-cluster Coordinators are apprised of local reporting procedures and processes for SEA allegations in order to facilitate case referrals.

Tool

The IASC GBV Guidelines (2015) discuss factors that distinguish SEA from other forms of GBV, which can be helpful when training GBV actors on SEA.

Essential to Know

Perhaps most importantly, PSEA in-country networks should work with GBV coordination mechanisms to ensure that SEA survivors have access to services. PSEA networks have a responsibility to ensure that victim assistance mechanisms are in place for survivors, which should ideally build upon existing GBV services and referral pathways in order to harmonize service provision and avoid creating parallel SEA-specific service structures. A preliminary mapping exercise should be carried out to determine the existing assistance infrastructure, including medical and psychosocial services. GBV actors working with the PSEA-CBCM and/or with SEA survivors should receive training on the distinction between GBV and SEA, as the particular needs of SEA survivors may require different treatment.

For more on mapping assistance providers, see this Guide's chapter on "Ensuring quick and appropriate assistance for complainants and victims".

The organizational structure

While each inter-agency CBCM will vary in organizational structure, based on consultations with the community and available resources, the following roles are key for efficient CBCM functioning:

Tool

See the *Global Standard Operating Procedures on inter-agency cooperation in CBCMs* in Annex 3, defining the roles, responsibilities, and limits of actors, as well as the process to manage complaints and the inter-agency relationships that have been agreed upon between agencies at the Headquarters level.

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16   IASC GBV Guidelines (2015).

Humanitarian coordinator

The IASC Statement on PSEA (2015) reaffirmed the role of the Humanitarian Coordinators and Humanitarian Country Teams to implement PSEA commitments in all humanitarian response operations. It also reinforced the responsibilities of the Humanitarian Coordinators, coherent with existing responsibilities as Resident Coordinator,[17] on PSEA including: developing complaint mechanisms, ensuring that survivors have access to appropriate immediate and longer-term assistance, coordinating inter-agency allegation referrals. As such, it is critical that efforts to establish a CBCM should be carried out in close coordination with the acting HC.

Steering committee

This body is comprised of the high-level management (i.e. head of office or sub-office) of participating agencies at the country or sub-office level to guide and support the design, implementation and monitoring of the CBCM activities. Steering Committee members facilitate the identification or nomination of Focal Points from their respective agencies, actively participate in coordination meetings, take PSEA-related decisions on behalf of their agencies, implement accountability and quality standards, and work collectively to develop prevention strategies and mobilize resources to support the CBCM. As the senior-most body overseeing the CBCM, the TORs of these members should spell out regular inter-agency meeting times to report on progress, identify gaps in the CBCM programming, and find solutions (see sample TORs in Annex 4). The Steering Committee must be established before the CBCM becomes operational to ensure that there is oversight and ownership by senior management at the field level.

Steering committee members have the responsibility:

☐ To ensure that all staff within his/her agency read, understand, acknowledge, and adhere to his/her agency's internal SEA complaint handling procedures, including the institutional Code of Conduct, internal reporting mechanism, victim assistance and support policy and procedures, and complaint management for staff. Staff involved in prevention of and response to SEA should in particular understand and sign a Code of Conduct (or similar)[18] that adheres to international standards on PSEA.

☐ To raise SEA awareness among staff through induction trainings for new personnel and refresher trainings for current staff on PSEA, the Code of Conduct, the importance of complying with SEA policies, and procedures to report incidents.

☐ To support CBCM Focal Points and ensure they have direct access to the head of office (sub-office and country office) and agency headquarters to execute their functions:

- Ensure that both human resources and programmatic sides are engaged in PSEA;
- Ensure that the designated focal points are actively engaged in the inter-agency PSEA CBCM, and allotted the staff time to regularly participate in the CBCM meetings;
- Incorporate PSEA responsibilities into their performance evaluation reports.

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17 The UN Resident Coordinator is responsible for ensuring that a network of focal points exists to implement the provisions in the Secretary-General's Bulletin on SEA (2003), and for supporting the development and implementation of a country-level action plan to address PSEA issues. The RC, in consultation with relevant actors, also designates a lead person(s)/entity(ies) in-country to establish and coordinate SEA and victim assistance responses. (UNDP, UN Resident Coordinator Generic Job Description, 29 January 2009).

18 Staff should sign their respective agencies' Code of Conduct, or a Common Code of Conduct if developed by the CBCM. See this Guide's "Special Note on Common Codes of Conduct."

☐ To promote agency adherence to SEA prevention procedures, including but not limited to:

- Due diligence to prevent re-recruitment of offenders;
- Ensuring that victim assistance services are provided;
- Forestalling retaliation for whistleblowing on SEA allegations; and
- Requiring adherence to PSEA clauses in cooperative agreements.

> For more on SEA prevention, see this Guide's chapter on "Prevention activities and policies".

☐ To raise the PSEA awareness and capacity of implementing partners (IPs) from the moment they are selected, including but not limited to:

- Ensure that IPs have a clear understanding of what SEA means and what their duties and responsibilities are in preventing and reporting cases;[19]
- Encourage IPs to engage with the CBCM and create/ strengthen their own PSEA policies;[20] and
- Include IPs in PSEA trainings, as much as possible, to ensure adherence and commitment to PSEA.

> For more on PSEA trainings for Implementing Partners, see this Guide's chapter on "Humanitarian staff: Training and capacity-building".

Example

The Evaluation of the IASC Pilot Project found that the Steering Committee members also provided an accountability function. In the absence of a protocol that requires agencies to provide feedback on case investigation to the CBCM, the Steering Committees in both Pilot sites used their peer-to-peer influence to encourage their fellow agencies to follow-up investigations with appropriate information sharing. Field staff also reported that there is a certain social pressure to interact with affected populations using the highest professionalism when the head of one's agency is a PSEA Steering Committee member.

CBCM focal points

These are field agents appointed from within CBCM member agencies whose role it is to collect and record complaints. They are also responsible, when proactively approached by complainants, for receiving in-person complaints and recording

> For more on desired criteria for CBCM Focal Points, see this Guide's chapter on "Engaging humanitarian agencies".

the information using a standard Incident Report Form (see the sample Incident Report Form in Annex 4). They provide support in conducting community consultations, awareness campaigns, training, and complaint monitoring. Technical-level CBCM member agency Focal Points must be trained, committed, regularly participate in meetings, and respect the confidentiality of SEA allegations.

Example

Regular meeting times for agency Focal Points should be determined early in the design of the CBCM, and maintaining the schedule should be included in the Focal Points' TORs. The Evaluation of the IASC Pilot Project found that only roughly half of all designated Focal Points would come to most meetings in one site due to holidays, R&R/leave, travel constraints, and competing programme obligations. Such irregular attendance directly impacts the efficiency of the individual Focal Points, and through them their agencies and the CBCM itself.

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19 PSEA duties and responsibilities for IPs can be made explicit and binding by including a PSEA clause in partnership agreements. Sample PSEA Contract Clauses are provided in Annex 4. See also the IASC Statement on PSEA (2015), which calls for stronger enforcement of such clauses, and the "Section PSEA Clauses in Contracts" in this Guide's Chapter on "Prevention Activities and Policies."

20 Whether or not implementing partners become members of the CBCM, all complaints received by the CBCM must be processed and referred. For more on referring SEA allegations to non-participating entities, see this Guide's Chapter on "Referring SEA Allegations for Investigation and Follow-up."

PSEA/CBCM Coordinator – Complaint review role

One of the functions of the PSEA/CBCM Coordinator is to review the complaints received through the CBCM for referral to the concerned agency and victim assistance. Independent review and referral of complaints is one of the most important functions of the CBCM: As the bridge between the community and the agency responsible for follow-up (i.e. employing an alleged SEA perpetrator), the CBCM must assess the nature of each complaint and refer each complaint under objective standards to remain accountable to both parties. Having complaints reviewed by an independent individual reinforces the all-important perception of neutrality and objectivity of the complaint mechanism. It also enables complaints to be evaluated by a single set of standards as opposed to agencies applying discrete criteria to the receipt of a complaint. Finally, limiting review to one person reduces the risk of leaking sensitive information and encourages timely complaint processing.

> For more on the many functions of the PSEA/CBCM Coordinator, see this Guide's chapter on "Ensuring a sustainable mechanism".

Information

As described fully in the Chapter on Referring SEA Allegations, the Coordinator determines whether the complaint alleges SEA, makes the appropriate referral (if SEA) or transfer (if non-SEA), and records the complaint for monitoring. *Neither the PSEA/CBCM Coordinator nor the CBCM Focal Points investigate complaints.*

The Coordinator's TORs must clearly outline his/her complaint assessment role for the sake of transparency to all parties (complainants, participating agencies, etc.). The Coordinator will also follow up on referred cases and facilitate feedback to the survivor/complainant, so the procedures by which the Coordinator will communicate with the investigating agencies must be clear and explicit in the CBCM SOPs.

Tip

Given that PSEA responsibilities, including developing complaint mechanisms and referring SEA allegations, has recently been reinforced for the Humanitarian Coordinator role, the PSEA/CBCM Coordinator should keep the HC fully informed of the activities carried out in allegation referral.

Example

The PSEA CBCM in Ethiopia chose to use a "Clearinghouse" structure to review complaints, a body made up of each of the participating agencies' CBCM Focal Points. Regular Clearinghouse meetings were used as a means for agency representatives to meet and discuss SEA trends and issues in the community, and strategize PSEA activities. To review complaints, 2-3 members would be selected on a rotating basis to limit exposure to sensitive information. The Clearinghouse served as both a means of independent complaint review, and a venue for (non-sensitive) information sharing between agencies. *Since the finalization of the Pilot Project, agencies' legal departments have indicated that their internal policies will not support a multi-agency complaint review structure. Rather, the CBCM Coordinator will perform the complaint review and allegation referral, in order to limit the knowledge of case details to one individual.* (see the sample Complaint Handling Flowchart in Annex 4).

Peer-review element of CBCM review

Independent complaint review through the inter-agency CBCM acts as an agency accountability tool. The PSEA/CBCM Coordinator is in position to follow up on the complaint with the agency that employs the Subject of the Complaint, encouraging action if none is being taken to stop the exploitation or the abuse which is occurring. While the ability to follow-up with the concerned agency will be based upon the agency's cooperation and case handling/data protection procedures, the existence of the independent reviewing structure can act as a symbolic oversight.

Standard operating procedures

Specific protocols, procedures, roles and responsibilities, and methods of communication and coordination between participating agencies in each CBCM must be clearly outlined in Standard Operating Procedures (SOPs), and be endorsed by the CBCM's Steering Committee in the early stages of its design. Having an explicit document that clearly outlines the workings of the CBCM increases the safety and efficiency of the mechanism, as well as encourages transparency and accountability to all actors involved. SOPs must complement the internal policies of all participating agencies, should incorporate information from community consultations, and take into account the safety and security issues particular to the response site. The SOPs should be based on the Global SOP template and tailored to the local context to reflect, e.g. the affected population, the assistance infrastructure, and the member agencies operating in that humanitarian setting.

Essential to Know

Global SOPs: Global Standard Operating Procedures on inter-agency cooperation in CBCMs (found in Annex 3) have been developed and endorsed by the IASC in order to clarify how agencies can cooperate in joint complaint mechanisms while adhering to their internal policies. These procedures, agreed-upon by the international humanitarian response agencies, should facilitate the development of country-specific SOPs.

> For background on the Global SOP initiative, see this Guide's Introduction.

CBCM SOPs: The following must be included in each CBCM's SOPs:
- Roles and Responsibilities of the CBCM representatives (Steering Committee members, Focal Points, etc.) and meeting schedules.
- Protocols for complaint review and referral of all SEA allegations received (including those that involve an implementing partner, a non-CBCM member agency, and anonymous complaints) as well as non-SEA complaints received.
- Contact information for the units within each participating agency that receive and investigate SEA allegations.
- Procedures for assessing complaints and referring SEA survivors to victim services on site, including identifying the actor(s) responsible for conducting the needs assessment and relevant on-site service providers.
- Timeframes the CBCM will work under, e.g. deadlines for communicating feedback to the complainant/survivor and for referring allegations to the concerned agency.

SETTING UP THE CBCM INFRASTRUCTURE

Challenge		Recommendation
✗ While there is substantial literature and guidance on developing community-based complaint mechanisms, there is a lack of best practices on inter-agency coordination for establishing and maintaining joint CBCMs. Without such guidance, cooperation amongst agencies in handling SEA complaints has been piecemeal.	⇨	✔ Procedures written to govern the CBCM should be explicit about roles and responsibilities of the CBCM actors, and very clearly define the day-to-day processes of the mechanism. All participating agencies should take active part in designing the CBCM so that all stakeholders share the same understanding of the mechanism.
✗ Confusion between SEA and GBV: While SEA consists of sexual abuse and exploitation of beneficiaries by humanitarian workers, GBV focuses on sexual and gender based violence against beneficiaries by all (including beneficiaries themselves). These concepts may create confusion in programme design and role-delegation, as they are closely linked.	⇨	✔ Institute trainings that distinguishes SEA from GBV, to clarify the CBCM's role and scope, and distinguish it from existing complaints and feedback mechanisms. This distinction is necessary for mechanisms to work together without confusion.
✗ Inconsistent participation in CBCM focal point meetings directly impacts the efficiency of the individual Focal Points and the CBCM as a whole.	⇨	✔ Develop solutions as a group to address low meeting attendance e.g. devise alternative methods for making decisions outside a physical meeting, establish an agreed-upon quorum requirement for carrying out meetings and/or making decisions (for instance, representatives from five agencies required), and provide regular status update memos to the high-level Steering Committee for oversight.
✗ Agency field staff are often unclear how they can cooperate in joint complaint mechanisms while adhering to their institutional policies on SEA reporting and case handling.	⇨	✔ The *Global SOPs on inter-agency cooperation in CBCMs* provide a template for joint complaint mechanisms that is aligned with agencies' SEA reporting and data protection policies. The procedures should be used by field staff when developing and maintaining a country-specific CBCM. CBCM SOPs must be catered to the local context, for example referral pathways may vary given existing service providers on site.

CHAPTER 2
SCOPE OF THE CBCM: SEA-SPECIFIC OR NOT?

> ✓ **Best Practice**
>
> CBCM member agencies must decide on the primary scope of the complaint mechanism, taking into account both logistical concerns and the safety and desires of the community.

One of the first steps in designing a CBCM is deciding whether the mechanism should be focused solely on receiving SEA allegations, general staff misconduct complaints, or on broader humanitarian assistance/programming issues. There are pros and cons to each model, and the important concept to remember is that there is no "right" approach – the right design is the one that offers a safe and accessible avenue for the affected population and works with the realities of the humanitarian situation on site, e.g. humanitarian staff capacity, the presence of pre-existing complaint mechanisms, level of literacy, the community's culture of dealing with grievances.

> 📖 **Information**
>
> The scope of a CBCM is a decision to be made by the Steering Committee in consultation with communities at the field level, so that the CBCM is adequately catered to the local context, meets the site/country-specific needs, and integrates with other reporting/feedback mechanisms.

A good lesson to keep in mind is that simpler is better. The CBCM should not confuse the affected population and stakeholders by creating a bureaucratic and overly complicated and/or duplicative system. Rather, the CBCM should be a mechanism that facilitates reporting avenues for beneficiaries, and streamlines the referral of SEA allegations received to the appropriate agencies' investigation units. This will limit beneficiary confusion by not overwhelming them with complaint intake options, and save CBCM budget and staff efforts by integrating with pre-existing mechanisms rather than starting from scratch.

Pros and Cons

The following are pros and cons to consider among three different scopes for a CBCM:

SEA-specific mechanism
The CBCM only receives complaints on SEA incidents:

Pros:

- Focusing only on SEA issues allows stakeholders to devote all their attention and resources to this one issue, allowing further efforts to be devoted to related prevention activities and more streamlined monitoring and project adjustment.
- It is simple: Beneficiaries will know exactly where to go for SEA complaints, which can encourage reporting.
- The importance of PSEA stands out with its own stand-alone mechanism.
- CBCM stakeholders only have to align the PSEA-relevant agency policies and procedures to facilitate inter-agency coordination.

Cons:

- Setting up exclusively PSEA CBCMs – and advertising them as such – may discourage reporting by the affected population for fear of stigmatization and retaliation. Anyone seen accessing the complaint mechanism becomes associated with SEA and is therefore at-risk of direct reprisals from aid workers or community members, social stigma, or community disapproval. Visibly accessing such a mechanism in itself can jeopardize the much-needed confidentiality and discretion in disclosing such abuses.
- Separating PSEA from other issues makes it more difficult to mainstream PSEA into general humanitarian assistance programming.
- Physical reporting channels (e.g. suggestion boxes) are more likely to be destroyed when they deal with one sensitive and/or socially charged issue, which further jeopardizes the CBCM's ability to create safe and accessible reporting channels.
- Creating separate mechanisms for each type of humanitarian programming and staff misconduct issue is confusing for community members and staff, is resource-intensive (both human and financial), is duplicative, and risks inconsistent response rates which jeopardizes the credibility of the humanitarian community and their ability to adjust programming.

Staff misconduct mechanism

The CBCM receives complaints on SEA, Fraud, Corruption and other misconduct issues:

Pros:

- Having one mechanism to deal with all staff misconduct can make reporting simpler by limiting the number of reporting options.
- A mechanism that focuses solely on staff misconduct rather than broad accountability issues allows for a more targeted response by working on one thematic issue of staff accountability.
- Grouping SEA with other staff misconduct issues can ease mainstreaming of PSEA.

Cons:

- The risk of stigmatization and retaliation that potential complainants face remains similar to when accessing an SEA-specific CBCM, as both staff and the community know the complainant is reporting on staff misbehaviour.
- A mechanism that receives some complaints from beneficiaries, but not all types, may cause confusion as to where one goes to report each type of complaint.
- The CBCM may receive lack of support from humanitarian staff, who are threatened by a mechanism that is perceived to oversee and inform on their behaviour. This can also create tensions between humanitarian response staff on site and CBCM Focal Points, who may be perceived as judging their peers' behaviour.
- Attempting to address multiple issues may decrease staff efficiency, requiring CBCM Focal Points to learn special skills/expertise on all staff misconduct issues.

- By increasing the reach of the CBCM, it increases the variety of applicable agency Codes of Conduct and other relevant policies, making inter-agency coordination more difficult.
- Without its own mechanism, SEA may be "overshadowed" by other complaints.

Broad accountability and feedback mechanism

The CBCM receives complaints on SEA, staff misconduct, and other programme-related complaints (WASH, shelter, protection, NFIs, etc.):

Pros:

- Risk of stigmatization and retaliation against SEA survivors/complainants decreases.
- Simplicity in having all programme-related complaints together – the affected population need not be confused by multiple choices on where to lodge complaints.
- CBCM is strengthened by sharing resources of other projects' accountability measures, and a broader mechanism may be easier for donors to fund in general.
- Grouping SEA with other programmatic issues can ease mainstreaming of PSEA. It can be easier to integrate PSEA where it is not treated as an isolated issue; making SEA a part of a broad accountability mechanism allows PSEA to be part of the overall programming discussion.

Cons:

- Risk of conflicting internal agency policies on accountability increases, making inter-agency coordination and complaints management more difficult.
- Abundance of issues may reduce CBCM efficiency, and the amount of community feedback to assess in order to identify SEA allegations may cause delays.
- Risk that SEA may be "overshadowed" by other complaints and missed is increased.

Experience from past PSEA programmes indicates that the scope of a CBCM's complaint-handling should be broad so as to maximize safety and trust in accessing the mechanism. Reports from agencies represented at the HAP 2014 "Do complaints mechanisms work?" conference suggests that complaint mechanisms designed specifically for SEA work less well than complaint mechanisms set up to receive complaints on organizations' service delivery, as well as the conduct of its representatives. The 2012 Compendium of CBCM Practices also notes that it is "good industry practice" to integrate PSEA into a broader complaint mechanism and that limiting a complaint mechanism to SEA or staff misconduct alone is to be avoided.

Practical concerns

In addition to weighing the pros and cons above, basic logistics will also factor into how broad a scope the CBCM should have. For example:

- How many agencies are participating in the CBCM (impacting joint Focal Point capacity)?
- How large is the entire humanitarian response (affecting how busy a broad programming accountability mechanism could get)?
- How pervasive is SEA on site, from early indications?
- What is the community's attitude about discussing sexual abuse issues and reporting to outsiders?

Bottom line

The scope of the CBCM is ultimately the choice of CBCM stakeholders, factoring in the wishes and needs of the affected community and local practical concerns. Whether the CBCM is designed to handle only SEA complaints or is broadened to accept further misconduct and accountability issues, three practices must be followed:

1. The mechanism should not advertise itself as "an SEA compliant mechanism." Practice has shown that beneficiaries are less inclined to make a complaint through a reporting channel focused solely on a sensitive issue such as SEA for fear of social stigma, safety concerns, and a host of other barriers.

2. Awareness-raising activities for the affected community and training for CBCM member agency staff must be clear on the scope and capacities of the CBCM. Beneficiaries and agency staff must understand what the CBCM is and is not designed for, and what type of complaints that can be submitted.

3. Regardless of the intended scope of the complaint mechanism, the CBCM cannot control the types of complaints that beneficiaries submit. Practice demonstrates that the majority of complaints submitted will be about non-SEA issues. Therefore, a CBCM must have a means to record and transfer broader programme-related complaints to the relevant agency or Cluster, e.g. to WASH, shelter, etc., for follow up, otherwise it will lose credibility in the eyes of the affected population.

> For more on recording non-SEA complaints – including tracking – see this Guide's chapter on "Monitoring and evaluation, with programme adjustment".

Tools

- Consultations with communities, as described in this Guide, will identify the type of complaint mechanisms that the local population is comfortable using.
- PSEA literature, such as the 2012 Compendium of CBCM Practices and the report on the 2014 HAP Conference "Do Complaint Mechanisms Work?" offer detail on the experiences of past CBCMs in determining the scope of complaints they would hear.
- Minimum Operating Standards on PSEA and the Core Humanitarian Standard on Quality and Accountability include commitments to work collectively, which can aid stakeholders in securing buy-in to a broader mechanism.

DESIGNING THE CBCM SCOPE

Challenge		Recommendation
✗ Regardless of the designated focus of a CBCM, affected populations will bring a wide variety of complaints, including food distribution, resettlement, etc.	⇧	✓ Design and implement a system to transfer complaints, regardless of the intended scope of the CBCM, to the appropriate agency/cluster/accountability forum for follow up. If the CBCM lacks the capacity to monitor the level and quality of follow-up and feedback provided to the complainant, ensure that expectations are managed and the complainant is aware of the CBCM's role and limitations.
✗ While broader scope may be more efficient and address more beneficiaries' needs, there is a danger that SEA complaints will be overshadowed or de-prioritized.	⇧	✓ Where SEA is integrated into an overall complaint system, SEA should be clearly established as a specific type of complaint that can be made, and all CBCM Focal Points must be trained to recognize and address SEA. Conduct PSEA-specific awareness-raising events and trainings that include the importance of reporting known or suspected incidents of SEA and what can be expected from making a complaint.
✗ Agencies can be more reluctant to collaborate on a broader accountability mechanism because the difficulty in coordinating internal agency policies increases.	⇧	✓ When facing agency resistance to coordinate in creating a broad accountability mechanism, the CBCM should look to internal agency commitments to work jointly on accountability projects, such as the Minimum Operating Standards on PSEA and the Core Humanitarian Standard.

CHAPTER 3
SAFE AND ACCESSIBLE CHANNELS FOR REPORTING SEA

✓ **Best Practice**

Safe and accessible reporting channels are necessary to enable and encourage complainants to come forward and report confidentially, without fear of retaliation or stigmatization. A proper design will give all complainants equal access to report and overcome cultural, social and physical barriers.

A CBCM must be set up so that complainants feel free and safe to bring complaints to the CBCM. One of the most important components of a CBCM's design is to establish avenues for complainants to submit SEA allegations.

Reporting channels for the affected community

First and foremost, the CBCM must establish multiple reporting channels in order to provide a wide range of options for the affected population to submit complaints.

- Direct in-person reporting should be one entry point, such as to an agency's CBCM Focal Point, staff at a GBV/Women's Centre or medical facility, or to community members/leaders trained on PSEA.
- Beneficiaries must be able to report SEA verbally or in writing, including submitting anonymous complaints,[21] such as through a suggestion box.
- The CBCM should explore the potential use of information technology (when available) i.e. through SMS, phone hotlines, or email.

A CBCM will need to identify early-on the barriers to complaining and to find ways to overcome them. Such barriers can be:

- **Physical**: People are prevented access to a humanitarian agency's office, or are unable access it due to disability or hardship;
- **Cultural**: Complaining might not be acceptable in certain cultures;
- **Personal safety**: People may fear retribution or stigmatization as a result of complaining;
- **Marginalization**: Some groups, such as youth or the illiterate, might be excluded from the mechanism if it is not designed taking their needs into account.

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21   While experience shows that affected communities prefer to have a means to submit complaints anonymously, stakeholders should be aware that agencies' ability to process and investigate anonymous complaints will be impacted and dependent upon the agencies' institutional investigative policies.

The importance of multiple channels

The lack of safe and accessible reporting channels can be highly detrimental to the success of the CBCM. Difficulties in accessing the mechanism will mean that survivors are vulnerable – or feel vulnerable – to the negative consequences of reporting, e.g. the real and/or perceived risk of stigmatization if the entry points are not well-situated and confidential. They will not trust the existing channels and may fear using them, making the channels effectively useless. Furthermore, unsafe reporting channels can lead to confidential information leaks, which can subject survivors to stigmatization and possible re-victimization, as well as jeopardize the credibility of the CBCM in the eyes of the community.

> **Tip**
>
> The CBCM should consult with the community and encourage their active participation in the CBCM, both during design and implementation, in order to instill community buy-in to the CBCM in general and the reporting channels in particular.

Having a variety of reporting channels can also ease significant practical burdens on complainants, such as the distance a person has to travel to report. When considering options in designing the complaint entry points, agencies should consider interests of anonymity, options for persons lacking mobile phone or internet service, and options for persons who cannot read and/or write. The mechanism should offer the possibility of making both written and verbal complaints, as one over the other may be more comfortable for complainants.

Appropriate access to reporting channels also means that there are enough channels physically in place in proportion to the size of the target community. Congestion that limits access to reporting channels could lead to potential complainants abandoning reporting. The number and placement of reporting channels should take into account the distance complainants will need to travel to access the mechanism, weather and other constraints that block access, disabilities making access more difficult, and lack of privacy while making the complaint.

> **Information**
>
> **Costs for the complainant**: It is important to consider how much it "costs" to make a complaint – in terms of money for phone calls or time spent away from other duties – and in what ways the CBCM can offer support to complainants and mitigate such costs. Ideally, efforts should be made to develop a reporting mechanism that does not exact any cost to the survivor/complainant.

Other key components of safe and accessible reporting channels:

• They should be culturally appropriate and overcome cultural barriers. For example, while it is universally recommended to have female staff available to speak with survivors of sexual violence or abuse, it is especially necessary that women have the opportunity to report to another woman in cultures that discourage discussion of sexual abuse between men and women.
• They must be absolutely confidential. This is vital for the security and safety of the survivor/complainant, the due process rights of the accused, and for the continued effectiveness of the CBCM. Confidentiality is the right of the survivor/complainant, the alleged perpetrator, and any witnesses involved.
• They should be tailored to overcome language barriers. The CBCM must be able to receive and process complaints in the appropriate local or tribal language. In communities with high illiteracy rates, there must be channels that allow verbal reporting.
• They should be based upon community input received during consultations.
• They should be supported by information campaigns to ensure that communities understand how and where to access the various reporting channels.

- They should be designed for two-way communication, as the channel used to complain is often the channel that should be used to provide feedback.

> For more on discovering the complainant's feedback preferences during Intake, see the section "Taking in-person complaints" in this Guide's chapter on "Intake and review of complaints".

In-person or "face-to-face" reporting to CBCM Focal Points should always be an available channel. The human engagement allows a relationship to develop and generally provides for more thorough complaint intake. In-person reporting spaces, or "safe spaces," should be prepared to handle a variety of topics, in addition to SEA. In practice, beneficiaries may bring less-sensitive grievances to a complaint mechanism to "try out" the experience, before raising such a sensitive issue as SEA. The relationship built through in-person reporting can empower a survivor over time to share abuses that s/he would not otherwise feel comfortable sharing with a stranger.

Example

Creating a safe space for women in the community to go can encourage reporting over time. Places like Women's Centres, which act as complaint intake channels but also exist as safe community spaces, can build beneficiary trust and comfort in reporting SEA allegations. In the Ethiopia Pilot CBCM, a safe house was established for women inside an existing health centre. The location meant that survivors were not immediately identifiable from other persons who visited the health centre, and because it was an existing structure that women were familiar with, they felt comfortable visiting. This safe space provided a workable venue for receiving in-person SEA complaints: Of the six SEA allegations received in Ethiopia, three were received through the health centre,* two of which lead to decisive disciplinary action from the agencies concerned. The women described feeling much more comfortable reporting within a safe space and to a trusted person.

* The other complaints were made to suggestion boxes.

Tools

- For in-person reporting, using a standardized Incident Report Form encourages consistent complaint data.
- ICVA's Building Safer Organizations Guidelines include instructions on the sensitive intake of in-person complaints.
- Checklists, based on the mechanism's Incident Report Form, ensure that all necessary information is captured during intake. Checklists can also be shared as awareness-raising tools for staff and the community.

Reporting to community leaders

Some complainants may prefer to report abuses committed by humanitarian workers to their community leaders. Where this is the case, the CBCM should identify key community leaders and train them to serve as community PSEA Focal Points. Training should include general PSEA concepts, how to appropriately receive a complaint (confidentiality, maintaining the safety and dignity of the complainant, securing the necessary information), how to refer complaints and what to expect in the referral process, and how to assist survivors in receiving support. Community Focal Points should be instructed to immediately forward complaints to the CBCM so that allegations can be referred to the relevant investigating agency and victims can be assisted. Their role and their relationship with the CBCM must be clearly understood and outlined in the CBCM SOPs, particularly that they should not conduct any evidence gathering or investigation.

> **Information**
>
> Where community consultations reveal a preference to report sensitive issues to community/traditional leaders, and especially if this process is already trusted and used by the affected population, training community leaders on PSEA and CBCM referral procedures may strengthen community protection. However, the CBCM must also weigh the benefit of offering this culturally sensitive reporting channel against the principle of confidentiality, as it broadens the number of individuals who are aware of a complaint. Using community leaders as an entry point may lessen the control the CBCM has over sensitive information. The CBCM should also attempt to account for the fact that community leaders may be involved in perpetuating the attitudes that condone SEA and/or stigmatize SEA survivors. These counterpoints are moot if beneficiaries are reporting to community leaders regardless of "official" CBCM channels, and educating these persons on CBCM procedures can only help by encouraging a principled process.

Reporting directly to the concerned agency

The CBCM should encourage agencies to establish an internal reporting mechanism for complainants to report. Many agencies have not fully established direct complaint reporting systems, despite designation of PSEA Focal Points as required under international commitments.[22] Those that are in place can be difficult to access, or may not clarify that they can be used to submit SEA allegations. Having a well-placed reporting system inside participating agencies to receive SEA complaints gives beneficiaries the option to go directly to the concerned agency if they prefer to do so.

> For more on the necessity of internal complaint mechanisms, see this Guide's chapter on "Referring SEA allegations for investigation and follow-up".

> **Essential to Know**
>
> One of the advantages of an inter-agency CBCM is that it frees survivors of the need to determine what agency their perpetrator works for and then identify the appropriate complaint mechanisms through which to submit allegations. That said, where the complainant knows the agency employing the alleged perpetrator, reporting directly to the agency should always be an option open to the complainant if they wish to.

Mapping

The CBCM should conduct an early assessment to identify existing reporting channels (for example, GBV complaint mechanisms) so that the CBCM can work with existing systems and not duplicate efforts. The assessment should also make a demographic breakdown of the community to ensure that all groups – women, children, men, elderly, illiterate, disabled, etc. – have an accessible channel. Focus group discussions with the community are extremely valuable to learn where the community would prefer to place the entry points.

> **Tip**
>
> For example, using trusted teaching staff as community Focal Points may be an option to meet the needs of school-going children.

A CBCM should be child-friendly

The CBCM should be easily accessible to children, especially in locations where youth have been identified as at-risk for SEA. Setting up entry points for children to submit complaints may require

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22   MOS-PSEA (2012) #8 ("Internal complaints and investigation procedures in place") and Statement of Commitment (2006) #4.

engagement with the Education Cluster or Child Protection sub-Cluster, include outreach to schools and teachers through the Ministry of Education, and involve the recruitment of a Child Rights agency in the design and implementation of the mechanism. Actors with experience in child protection are more likely to understand both child-specific protocols and local legislation that impacts children (e.g. Mandatory Reporting Laws), and should be involved in drafting CBCM guidelines/procedures on interacting with child complainants.

> ### Example
>
> The Evaluation of the IASC PSEA-CBCM Pilot Project identified schools and child activity centres as desirable locations for child-accessible entry points to the CBCM. This guidance should be balanced with the knowledge, however, that structures that engage with children (e.g. teaching staff), are in some circumstances the source where the SEA occurs. Special PSEA education should, therefore, be extended to structures that regularly interact with children to ensure they understand their PSEA obligations and how they can best work with the mechanism to protect the children in their care. Protection principles and child safeguarding measures should be in place to avoid the chance of children been put at risk for taking part in the CBCM.

Staff reporting

When a humanitarian staff member becomes aware of, or suspects, an incident of SEA, most agency policies require him/her to report directly to their agency's department in charge of receiving SEA complaints.[23] The Secretary-General's Bulletin on SEA (2003) and many agency policies make reporting concerns or suspicions of SEA via "established reporting mechanisms" a mandatory requirement of staff. These policies frequently prohibit staff from disclosing any case information to other individuals or entities, and stipulate that breaches of this policy can result is disciplinary measures taken against the reporting staff member.

> ### Essential to Know
>
> **Mandatory SEA reporting for staff**: Humanitarian workers have a duty to report any concern, doubt, or allegation of SEA in accordance with the internal policies and procedures of their agency, whether or not the alleged perpetrator is from the same agency. In line with this Mandatory Reporting requirement, agency protection for whistleblowers needs to be robust so that staff are not harmed for fulfilling their duties.

> ### Be Aware
>
> While reporting SEA is mandatory for the majority of humanitarian workers, this obligation may in practice conflict with the principles of confidentiality and the right of the survivor to choose how s/he would like to address an SEA incident. CBCM member agencies will need to internally reconcile this potential conflict, balancing both the rights of the survivor and the safety of the broader community, along with the internal policies of participating agencies. One possibility is to inform the survivor of the mandate to report on SEA before proceeding with complaint intake.

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23   This department will vary among organizations: For some agencies, SEA reports will be sent directly to the investigation unit. Other agencies require staff to submit reports to other departments, such as Human Resources, Ethics, etc.

> **Tip**
>
> The CBCM should work with participating agencies to learn their individual procedures and promote this information as part of its staff training events. It should maintain a list of the contact information for each agency's investigation unit (or unit that receives all complaints), and visibly post that list for beneficiaries and staff to access.

Clear contact information

While many agencies require staff to report SEA through their internal mechanisms, access to such mechanisms is not always clear to all staff, especially contract and field staff. Lack of direction on reporting requirements and instruction on how to submit those complaints is an ongoing problem in the field. Every humanitarian aid worker should be aware of the proper reporting procedure for when s/he learns of or witnesses an SEA incident in-person, whether the allegation is against a co-worker in the worker's same agency, or against staff of another agency.

Feedback to the CBCM

Where incidents are reported directly to the concerned agency, the CBCM is not involved in intake or review of the complaint. Member agency headquarters are especially encouraged to share general case statistics when direct reporting bypasses CBCM review, as well as the outcome of investigations, for the following reasons:

> For more on sharing case status information, see this Guide's chapter on "Monitoring and evaluation, with programme adjustment".

- Lack of disclosure impacts the perceived neutrality and independence in the eyes of both the affected population and staff. These features can go a long way towards encouraging reporting.
- Internal referral of complaints without informing the CBCM does not allow for consistent data tracking and identification and analysis of SEA trends.
- Referring complaints directly to the concerned agency without informing the CBCM lacks transparency, particularly if the investigating agency either lacks a protocol on sharing feedback with complainants/survivors, or its SEA policy and procedures prohibit feedback on the outcome of the case. In this instance, the lack of feedback provided to beneficiaries may impact the credibility of the CBCM, as beneficiaries will have no knowledge about whether action has been taken on the complaint.

> **Tip**
>
> The CBCM should encourage participating agencies to share anonymized case status data so that the CBCM can maintain a complete view of the prevalence of SEA in a whole site, and to aid it's targeted response. Procedures that outline direct staff reporting to their agencies and case status updates to the CBCM should be included in the CBCM SOPs.
>
> For additional guidance on reporting channels for humanitarian aid workers and aligning with internal reporting procedures, see the Global SOPs on inter-agency cooperation in CBCMs in Annex 3.

A look at one channel – The suggestion box

Setting up suggestion boxes as one reporting channel has been a common practice for complaint mechanisms. They are beneficial in that they allow anonymous complaints and put very little social pressure on a complainant who might not otherwise be comfortable reporting in person. If they are designed and advertised as "general complaints boxes," they offer low risk of stigmatization of SEA complainants. Additionally, many beneficiaries specifically request having the suggestion box option during consultations.

However, in practice the detriment of using these boxes seems to outweigh the benefits, and may actually increase protection risks instead of reducing them. If complaints are not retrieved discreetly, or if the location is poorly planned, use of the box can put complainants at risk. There are other logistical drawbacks such as geographic accessibility (i.e. how far the complainant has to travel to use the box) or the need to be literate to submit complaint letters. The lack of a guided in-person interview process also means that complaints submitted in suggestion boxes are often missing vital information needed for the Coordinator to be able to refer the complaint. Under no circumstances should suggestion boxes be the only method for the community to report complaints.

> For the basic information needed in an SEA allegation, see the "Incident report form" section in this Guide's chapter on "Intake and review of complaints".

📖 Information

Location of physical channels: Physical entry points, such as suggestion boxes, should be placed in areas that are easily accessible to potential survivors, as identified during community consultations and mapping exercises, and not contain any visible references to "SEA." However, experience from past CBCMs has shown that the placement of Complaints Boxes in open locations – such as markets and schools – is not safe or confidential for complainants. The CBCM should identify locations that are easily accessible but physically secure.

❗ Be Aware

One of the greatest problems with using such boxes is the challenge of providing feedback on allegations submitted anonymously or without adequate contact information. Because the CBCM cannot respond directly to such complaints, not even to acknowledge that the complaint was received, documented, and properly referred to the concerned agency, the complainant may have no means of knowing if their complaint was ever received or acted upon. In addition, investigating anonymous complaints is inherently difficult. Unless the alleged offender is found complicit in SEA and visible disciplinary action is taken – a measure beyond the control of the CBCM, and unlikely without sufficient evidence base – the complainant is likely to perceive the suggestion box as a "black hole" into which complaints or feedback disappears forever. This perception harms the trust in the CBCM and ultimately its effectiveness.

> For more on investigating anonymous complaints, see this Guide's chapter on "Referring SEA allegations for investigation and follow-up".

Safety and transparency

If suggestion boxes are to be used, the CBCM must take steps to ensure safety and transparency in the opening process to retrieve the written complaints. Each box should have two locks, representatives from more than one agency should hold a key and 2-3 agency representatives should be present at the opening. More than 1 representative ensures the image of an "objective presence," and also decreases any safety risk to the representatives. More than 2 or 3 individuals is too many persons with access to the confidential information in the complaints. These protocols must be discussed and made explicit in the CBCM SOPs.

While accessibility to the sensitive complaints inside the box must remain controlled and restricted, the retrieval itself must be transparent and open so that complainants can see that their complaints are being processed. A schedule for opening the boxes must be established and conveyed to the community.

Example

Lesson from the IASC Pilot Project: While opening complaints boxes should be public so that the community knows that the complaints are being received, staff should not wear SEA-branded clothing while retrieving complaints, nor should the boxes be labeled with SEA messaging. Such practice links the box to SEA in the eyes of the community, which can be detrimental for reasons noted above.

Example

In the IASC Pilot, member agencies in one site carried out extensive consultations after multiple boxes were destroyed, to try to determine the root of the problem and learn what system the community would prefer. Unfortunately, this left the destroyed boxes visibly broken to the community for 4 months, potentially jeopardizing community trust in the mechanism. Member agencies thereafter decided on a new protocol: if a physical reporting channel is destroyed or compromised, the regional head of the lead agency needs to be notified within 24 hours, and corrective action taken within 10 days.

Maintenance of physical channels

Where implemented, a suggestion box in many ways represents the face of the CBCM to the community. The community cannot see prolonged neglect of the boxes – or any entry points – or they will lose trust in system through the CBCM's perceived lack of care and respect.

Rumours

One challenge that CBCMs consistently face is the lack of a method for dealing with SEA rumours. A CBCM will have to devise a method, based on the internal policies of participating agencies, on how to respond to "informal" complaints. CBCM representatives will very likely hear rumours of SEA incidents in the site that do not arise to actual reported complaints, especially where the CBCM has successfully integrated into the community. As is often the case with staff misconduct, patterns of abuse often surface first as rumours before being reported by way of an official channel. CBCM member agencies may wish to proactively look into these incomplete allegations, in order to combat potential abuses before they become entrenched in the community. It may be very difficult for CBCM members to have to wait to receive "official" reports of abuse, especially if they have reason to believe the rumours are true.

However, taking any proactive approach to SEA rumours needs to be balanced against the fact that it is the concerned agency's role alone to investigate complaints, as well as consideration for the due process rights of the alleged offender. An innocent person's reputation can be destroyed by investigations into unfounded rumours, and unnecessarily place the alleged survivor at risk. When designing the CBCM, member agencies should come to a clear and explicit agreement on how the CBCM will address informal complaints about SEA, as rumours may indicate a deeper or systemic SEA problem, as well as a potential lack of confidence in the CBCM and its reporting mechanisms.

Essential to Know

The role of the CBCM is to capture and document complaints or concerns, and trigger a response process to address the concern. The CBCM is not an investigative body.

New channels and technology

Lack of phone and internet service remains a challenge at many operational sites. However, where the technology is available, new reporting channels are being created that offer increased options to affected populations. Using new technologies usually comes with the benefit of allowing complainants to make reports in a manner that shields them from stigmatization, and without the necessity of travelling to an agency or office. A CBCM should make an early assessment of the technological capabilities in a given site, and examine the use of the following options as potential reporting channels:

A note on the following channels

Technology can add a useful dimension as a channel for reporting complaints, but it is important that confidentiality is always assured. In some situations, people feel more comfortable with one-on-one conversations. This is particularly the case where the issue is as sensitive as SEA.

Calls

As mobile phones become increasingly common, CBCMs should look into encouraging call-in reporting. Part of information campaigning can be sharing the phone numbers to directly contact agency CBCM Focal Points and the CBCM office.

SMS services

New technology is being developed to assist mobile messaging and receive community feedback. The CBCM can look into different apps and software that enable free messaging and incorporate feedback possibilities.

- Frontline SMS is open-source software that enables instantaneous two-way communication to any mobile handset (www.frontlinesms.com/technologies/frontlinesms-overview/). It has so far been used for wide-scale tracking of protection incidents and also for responding to cases of violence affecting specific vulnerable populations, including children.

- The Transparency International mechanism in Kenya uses a two-way technology that allows reporting and receipt of feedback through SMS (www.tikenya.org/index.php?option=com_content&view=article&id=98&Itemid=101). Complaints can be made by SMS, after which the mechanism gives each complainant a tracking number, also through SMS. The concerned agency can then respond to the complainant using the mechanism's web-based system and SMS messaging.

- Danish Refugee Council (DRC) installed an online Beneficiary Feedback platform in Somalia (http://drc.onlinefeeds.org/). By sending an SMS or voice call, a beneficiary can give feedback about services provided by DRC, including complaints, which is then registered in an online dashboard for monitoring.

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CHAPTER 3 Safe and Accessible Channels for Reporting SEA
SECTION B. Structuring and Establishing an Inter-Agency CBCM

Once the relevant agency has received and followed-up on the comment, an automatic response is sent to the reporting beneficiary.

- The International Organization for Migration (IOM) has developed the Community Response Map (CRM) – an online data platform to facilitate direct feedback from beneficiaries using SMS technology (http://communityresponsemap.org/). This platform may be used in conjunction with a site-specific online complaint monitoring platform.

- The International Rescue Committee (IRC) developed and piloted a web-based beneficiary feedback mapping app, ServiceInfo, in Lebanon in 2015–2016. The software, as well as guidance and recommendations to assist in using and adapting the tool in other humanitarian contexts, will be made public in late 2016 / early 2017. The app is particularly well suited to work in urban contexts.

Internet

Where the affected population can access the internet, the CBCM can provide additional reporting channels by instructing beneficiaries how to report to the agency directly through their website, or by providing email addresses for CBCM member agency Focal Points. The CBCM should assist participating agencies in strengthening their websites to simplify complaint reporting. Access to internet also offers tools to overcome illiteracy as a reporting barrier, through innovative technology such as Internet Voice Recording (IVR).

Hotlines

Hotlines are free phone numbers or e-mail addresses available every day and all day (or at minimum for set hours) to allow a complainant to make direct contact with trained personnel employed by an independent third party. Call takers create a record of all calls and report them promptly to a designated person within the agency/mechanism for further review and handling as appropriate.

> **Tip**
>
> **Resourcing**: Using a hotline as an entry point requires financial resources for staffing, unless the CBCM engages in a partnership with a pre-existing hotline focused on broader issues. In this case, call centre staff should receive training on PSEA and on CBCM referral procedures.

CREATING SAFE AND ACCESSIBLE REPORTING CHANNELS

Challenge		Recommendation
✖ Economic constraints on potential complainants can limit their ability to travel to reporting channels. It can also impact their access to technology, such as phones or computers. ✖ Language barriers exist if the mechanism does not allow participants to report freely in their mother tongue. ✖ Infrastructure constraints may exist, including lack of phone and/or internet network, or heightened security constraints. There may be a lack of roads to access face-to-face channels, or roads may become inaccessible due to weather conditions.	⇦	✔ Using a variety and adequate number of well-placed reporting channels, allowing both verbal and written complaints in the local language(s), can solve many of the challenges raised by economic constraints, literacy/language barriers, and infrastructure difficulties. When choosing placement and design of reporting channels, the CBCM should consider particular demographic groups that may have more difficulty reporting (e.g. children and disabled persons) and ensure that the channels in place are accessible to them.
✖ Low literacy can limit the available reporting channels for many beneficiaries.	⇦	✔ Any channel that requires a written complaint must include safeguards to protect the confidentiality and physical safety of the complainant, as complainants may use a third party to write down their allegation.
✖ Lack of community acceptance of the CBCM itself may place staff and community members implementing the mechanism – particularly CBCM Focal Points – at risk during face-to-face reporting. It can also lead to physical reporting channels being destroyed (e.g. suggestion boxes).	⇦	✔ To counter the lack of action and/or feedback from the concerned agency, the CBCM will need to manage Awareness-raising for the affected community should include sensitization on the reporting issue itself to instill community acceptance of reporting.
✖ Beneficiaries may lack trust in the person who is receiving complaints if the CBCM has not been fully integrated into the community, or for other inter-personal reasons.	⇦	✔ CBCM Focal Points who receive complaints should endeavour to develop trusted relationships with community members.
✖ In-person complaint channels that are identified to the whole community as "places to report SEA" can stigmatize complainants by branding them as "SEA victims."	⇦	✔ The CBCM should utilize existing mechanisms as reporting channels, for example establishing Focal Points at Women's centres and/or health clinics, which will ensure that survivors "blend in" with normal visitors and are not identified as SEA survivors or complainants. This encourages reporting to a safe venue in a preexisting and trusted establishment in the community.
✖ Anonymous reporting channels may be preferable to some complainants, but these can lead to incomplete complaints that do not give the CBCM enough information to make a proper referral (e.g. if the name of the agency is unstated).	⇦	✔ Where anonymous channels are used, awareness-raising should include the information needed to make a complete case so that community members understand what minimal information a complaint needs to contain to be followed up on.
✖ There may be cultural pressure within the community to report complaints to traditional dispute resolution systems. While these systems can be integrated into the CBCM, it is possible that community structures themselves are the bodies engendering exploitation and/or harmful attitudes and practices.	⇦	✔ While recognizing that the cause of SEA is the individuals that choose to abuse beneficiaries, the CBCM should also engage in SEA awareness-raising with local structures in an attempt to lessen harmful community attitudes that can increase the risk of SEA.
✖ The CBCM may hear informally about SEA incidents or "problem locations" without receiving an official complaint that it can refer for action.	⇦	✔ The CBCM should develop a plan to address rumours of SEA in the community, as they may be indicative of a deeper SEA problem, or demonstrate lack of access to or confidence in the established reporting mechanism.
✖ Failure of CBCMs to provide timely feedback on complaints, even that the complaint was received, may jeopardize community trust in the CBCM and potentially lead to communities abandoning its use.	⇦	✔ The CBCM must ensure that its procedures for complaint intake are transparent, so that at a minimum complainants know their complaints have been received and can trust using the reporting channels. Consider how technology (i.e. text and phone reporting), can be used to create a two-way dialogue with survivors to provide feedback on the status of the complaints and get survivor input on the quality of services and case handling.

CHAPTER 4
INTAKE AND REVIEW
OF COMPLAINTS

> **✓ Best Practice**
>
> The CBCM must set out procedures for how it will process received complaints, so as to standardize review and ensure fairness and consistency amongst complaints referred to concerned agencies.

One of the preliminary tasks in setting up the CBCM is to establish protocols for how the mechanism will receive and assess complaints in order to identify SEA allegations and refer them to the relevant agency's investigation unit for follow up. Having one standardized process will ensure that all complaints are treated equally and referred appropriately, which supports the rights and interests of the complainant, the Subject of the Complaint, and the concerned agency.

> **! Be Aware**
>
> Discrepancy between agencies over what constitutes a "beneficiary" for the purposes of SEA can create a consistency problem on site. Standardized review across a site is one of the benefits of an inter-agency CBCM, because it ensures consistent review of complaints to assess the presence of SEA, providing a unified stance on what is prohibited behaviour to both the affected population and to staff.

The protocols for intake and review of complaints in a CBCM, including SEA allegations, should lay out simple steps for CBCM member agency representatives and/or the PSEA/CBCM Coordinator to follow. They should include:

- Key humanitarian principles guiding interaction with beneficiaries for in-person receipt of complaints.
- The messages that must be conveyed to complainants.
- A clear description of the Coordinator's role and responsibilities in assessing the complaint for referral, and
- An outline of the standard procedure for complaint assessment.

Receiving a complaint

Complaint handling is a limited process that must be clearly outlined so that the CBCM does not exceed its scope (e.g. dismissing complaints rather than referring; conducting fact-finding or evidence gathering). The only intake and review procedures that a CBCM performs are:

- Receiving the initial complaint;
- Determining the immediate protection and assistance needs of the victim/complainant;

- Establishing the nature of the complaint;
- Identifying to which agency to refer the allegation;
- Referring the allegation;
- Notifying the complainant that his/her complaint was received (if not taken in-person);
- Referring the survivor to access appropriate victim protection services.[24]

Complaint intake – Principles

All complaints must be received under the following Key Principles:

Confidentiality

Complainants and subjects of a complaint (SOC) both have a right to confidentiality. Anyone with access to sensitive complaint information must sign confidentiality arrangements developed by the CBCM for this purpose.[25] Records should be stored securely to avoid accidental or unauthorized disclosure of information. Information kept for tracking purposes must be anonymized to the fullest extent possible. Confidentiality is an especially important principle in SEA complaints, as submitting an SEA allegation can render a complainant vulnerable to retaliation.

> **Information**
>
> **Measures to protect confidentiality**: Specific measures must be taken in order to safeguard confidentiality at all times. Hard copies of Incident Report Form and Complaint Referral Form shall be stored in a locked cabinet, with access strictly limited. Electronic databases used to record and track case information must have restricted access and persons with the access must be required to sign confidentiality undertakings in accordance with their organization's internal policies. Individual complaints should be assigned a tracking number to anonymize monitoring and follow-up. The CBCM SOPs should detail procedures for how to handle both physical and electronic complaint information in case of emergency.

> **Tip**
>
> **Innovative idea**: In the medical field, anyone conducting sensitive research must take a mandatory online data protection course, designed to ensure patient confidentiality. This model can be applied for any CBCM representatives who work with sensitive SEA complaints – the preliminary course would enhance understanding of the importance of confidentiality measures and the effect of breaching confidentiality in SEA cases.

In some instances it will not be possible to guarantee confidentiality, e.g. when the complaint is referred to national authorities under mandatory reporting laws. Best practice is to inform the complainant of expected procedures on the complaint, so that s/he can make an informed decision to report. CBCM procedures will need to clearly outline how the participating agencies intend to ensure confidentiality while abiding by relevant mandatory reporting laws and policies.

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24 For more on referral to assistance services, see this Guide's Chapter on Ensuring Quick and Appropriate Assistance for Complainants and Victims.

25 See the example Confidentiality Clause language in Annex 4.

> **Tip**
>
> Never promise a complainant "complete confidentiality," as this may create impossible expectations. Instead, be candid with the complainant about the importance the CBCM and agencies place on confidentiality, as well as the potential mandatory reporting requirements, and allow him/her to make an educated decision.

Confidentiality of identities: The names of all parties to a complaint are confidential. The identity of the Subject of the Complaint must be protected, out of considerations of due process, potential retaliation, and presumption of innocence. It is imperative that the name of the survivor or complainant not be released to the Subject of the Complaint. In certain circumstances, a survivor's name may be revealed by the investigating agency – never the CBCM – to select persons under clear justification, for example to the administrative body conducting disciplinary review if there is insufficient corroborative evidence to pursue an agency investigation without his/her testimony.[26] In such cases CBCM member agencies, in consultation with agencies' investigative units, may take additional reasonable measures to shield the survivor/complainant from potential retaliation or stigmatization.

Safety

It is essential that the CBCM conduct a risk assessment for each survivor, and develop a security/protection plan if necessary based on individualized needs. The safety of the survivor should be a primary consideration at all times during reporting, investigation, and thereafter. Complaint mechanisms must consider potential dangers and risks to all parties (including the survivor, the complainant if different,[27] the Subject of the Complaint, and the organizations involved), and incorporate ways to prevent additional harm. This includes offering physical protection when necessary and with the informed consent of the survivor, and pre-emptively addressing potential retaliation against all complainants.

> **Information**
>
> A CBCM is not able to guarantee a survivor/complainant's safety itself - this is the responsibility of local security bodies. However, the CBCM should endeavour to build a strong working relationship with local security, and be candid with the complainant about potential security measures and the limits of the CBCM's capacity to protect.

Health and psychosocial

The survivor is never to blame for SEA. Frequently, both humanitarian actors and members of the affected community will categorize certain types of exploitation or abuse as 'harmful coping mechanisms' (for example, engaging in transactional sex), dismissing the harm inflicted upon the victim. This label should never be used to undermine the responsibility of the humanitarian staff person who committed the act, or diminish the survivor's need for assistance services.

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26 Different organizations might have different standards of proof that need to be met. For example, a UN Administrative Tribunal decision states that no disciplinary measures can be taken solely on the basis of anonymous testimony. See Judgment No. 2010-UNAT-087 (27 October 2010): *Liyanarachchige v. Secretary-General of the United Nations*.

27 Potential retaliation against non-victim complainants – e.g. whistleblowers - is one of the reasons why immediate assistance should be available not only to victims, and be based on personalized needs assessment. For more on need assessments for all complainants, see this Guide's Chapter on "Ensuring Quick and Appropriate Assistance for Complainants and Victims."

> **Example**
>
> CBCM Focal Points in the the Democratic Republic of the Congo Pilot site faced the problem that the local community did not consider sexual exploitation to be "real" abuse. Recognizing that denial of the harm done can compound the survivor's psychological trauma, the Focal Points increased trainings on the proscription of this form of SEA for staff, community and service providers.

The CBCM must keep the psychosocial well-being of the survivor in mind during any case follow up. For instance, when drawing up a security/protection plan, the PSEA/CBCM Coordinator and Focal Points must consider the potential for some SEA survivors to be ostracized due to local cultural beliefs. The actions and responses of all organizations shall be guided by respect for the choices, wishes, the rights, and the dignity of the survivor. The survivor should be given access to support groups and/or crisis counselling to help deal with feelings of fear, guilt, shame etc.

> For more on Health & Psychosocial needs, see this Guide's chapter on "Ensuring quick and appropriate assistance for complainants and victims".

Complaint intake – Protocols

Taking in-person complaints

There are standard protocols for interaction with beneficiary complainants during in-person complaints,[28] including:

- Treat the complainant with respect and make him/her as comfortable as possible.
- Address issues of confidentiality, explaining that there are limits to ensuring confidentiality to the extent that agency staff are obliged to report complaints, while reassuring the complainant that information will only be shared on a "need to know" basis.
- Avoid asking too many questions. Ask only the number of questions required to gain a clear understanding of the complaint so that it can be referred to the appropriate agency's investigation unit. Reporting should not be rushed and complainants should be allowed to fully articulate the situation in their own words before clarifications are sought.
- Ask only relevant questions. For example, the status of the virginity of the survivor is not relevant and should not be discussed.
- Ensure that all information is well-documented during the in-person interview, so that the allegation can be immediately referred to the investigating agency. A CBCM Focal Point should not conduct multiple interviews, as this can contribute to further traumatization and can jeopardize the investigation by potentially tainting evidence.
- Ask the complainant how s/he would prefer to receive further communications from the CBCM.
- For female survivors, always try to conduct interviews with female staff, including translators. For male survivors able to indicate preferences, it is best to ask if he prefers a man or a woman to conduct the interview.
- Make a written record of the complaint using a standard Complaint Intake Form developed by the CBCM for this purpose.

> **Tools**
>
> The Building Safer Organizations Handbook (2007) and IASC Model Complaints and Investigation Procedures and Guidance Related to SEA (2004) include guidance on taking in-person complaints.

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28 Complaints not received in person (i.e. through SMS or a suggestion box) will not include this personal interaction and therefore these concerns do not apply.

The incident report form

Information that is captured during intake needs to be as clear and detailed as possible, because it may be used in subsequent disciplinary or legal action. Complete records on intake also help ensure that the complainant will not have to be subjected to repeated questioning on the incident. The interview should record as much relevant information as is possible, while recalling that this is not part of an investigative process. Minimum intake questions should capture:

- The correct names of all persons/agencies involved, the identity numbers of witnesses where appropriate, and if possible photo records of the alleged offender;
- Times, locations, and dates given by the complainant;
- A description of any visible sign of abuse or other injuries including a body map, if helpful (Note: A Focal Point does not conduct an exam, this is strictly performed by a medical clinic);
- An accurate account of what was said by the complainant in his/her own words;
- Any relevant observations made by the person receiving the complaint;
- Whether anyone else knows or has been given the reported information.

Spotlight on the Common Reporting Platform

The Common Reporting Platform (CRP) is an online complaints repository developed for the IASC Pilot Project on PSEA CBCMs. The Platform standardizes intake by the use of a common Incident Report Form, and tracks case handling from the moment that a complaint is received, including the type of complaint (SEA or non-SEA), when and to whom the allegation is referred, and the victim assistance service provider(s). It also collects the anonymized data in both a dashboard and map feature to assist in monitoring trends.

Confidentiality is ensured through password protection – only authorized users have access to sensitive data, and only the site administrator may decide who may be granted access. The CRP is available to be developed for CBCMs in additional operational sites.

> For further introduction to the CRP, see A Glance at the Common Reporting Platform in this Guide's Annex 5.

Anonymous complaints

The fact that a complaint is made anonymously does not automatically mean that it bears less substance than one in which the complainant identifies him/herself and is prepared to give evidence. Anonymous complaints should be treated as seriously as "named" complaints and referred in the same manner to the relevant agency's investigation unit. However, referral and investigation may be more difficult where the identity of the survivor and/or the alleged offender are unknown. In the worst-case scenario an anonymous complaint can be so incomplete that the Coordinator is unable to identify enough information to refer the complaint for investigation.

> **! Be Aware**
>
> The CBCM will need to consider, on discussion with participating agencies, how it can facilitate anonymous referrals.

Special concerns for child complainants

When the complainant is a child, s/he must be given all the information needed to make an informed decision using child-friendly techniques that encourage the child to express

him/herself. A child's ability to provide consent on the use of the information and the credibility of the information will depend on his/her age, maturity, and ability to express him/herself freely. When drawing up operating procedures, the CBCM should develop guidelines on how to interact with children complainants by involving persons who are trained to handle the special needs of child survivors of sexual abuse and who are familiar with national laws and policies relating to the protection of children.

> **Tool**
>
> The BSO Handbook and IASC Model Procedures (referenced earlier in this chapter) also include guidance on the needs of child survivors during intake.

Parental involvement

A specific issue relating to child survivors is whether or not to inform parents of the open complaint. Best practice generally dictates that parents (or guardians/caregivers) should be informed as they are in the best position to provide support and protection to the child. In some circumstances however, it may be in the best interest of the child not to inform the parents, e.g. where a parent is suspected of facilitating the SEA; the child could be subjected to retaliation, including physical or emotional abuse, expulsion from home, or have his/her well-being compromised; the child does not want parental involvement and is competent to take such decision; or the child is unaccompanied. The CBCM must allow for these special considerations in the case of child survivors of SEA by, for example, writing Terms of Reference that spell out which CBCM representatives may be involved in child-survivor cases (see the sample TORs in Annex 4).

> **Tip**
>
> The above considerations and procedures may also apply to complainants/survivors with mental health issues or intellectual disabilities. As in all cases, the wishes of the complainant/survivor must be respected as far as reasonably possible.

Follow-up with the complainant

All complaints taken in person, and to every extent possible those received otherwise, must receive feedback and follow-up. First and foremost this means informing the complainant that his/her complaint is received and will be followed up on. This simple acknowledgement that s/he has been heard and the complaint is being addressed is a strong accountability tool that will build trust, as long as the complaint is fully processed and feedback continues to be provided to the complainant. However, the CBCM must also ensure that complainants are fully informed that the decision to investigate, the outcome of the investigation and disciplinary measures taken, and the level of feedback provided, is dependent upon the investigating agency and its internal procedures.

Other necessary communications following the complaint are:

- Informing the complainant on the potential social and security impact of his/her complaint. For instance, in cases involving the abuse of a minor, the parents may question whether to address the case through a traditional dispute resolution method of accepting money as compensation, as opposed to pursuing a legal case. This decision will have an impact on the family, as well as endanger the credibility of the CBCM and/or the investigating agency if family members claim to have been pressured to take a specific course of action.

- Informing the complainant what s/he can expect next for the complaint (assessment, potential referral process, and anticipated time frames) given the different procedures among participating agencies. This information should also include the potential outcomes that the complainant can expect, including:

- ◦ The allegation is confirmed, and disciplinary actions are put in effect.
  - ◦ Possible referral to national authorities for criminal prosecution.
  - ◦ The Subject of the Complaint is cleared of wrongdoing and the complaint is closed.
  - ◦ The complaint is insufficient to proceed to investigation, and the agency will need more information.

- Managing complainants' expectations, by conveying what the CBCM can and cannot do regarding the complaint. For example, the CBCM cannot conduct investigations, but it will make itself available to answer the complainant's questions where it can, and will report all feedback it receives from the investigating agency. The level of feedback, however, is dependent upon the investigating agency's internal policy.

Staff training

All people who will receive complaints through any medium must receive in-depth training and regular refresher trainings to ensure that complaints are handled appropriately. This includes training on the principles of confidentiality and safety of complainants/survivors, and on the case management procedures of each of the CBCM member agencies so as to manage expectations and accurately convey what to expect from referral of complaints. They must be trained on how to receive in-person complaints, including how to be sensitive to complainants, how to handle any distress the complainants may be experiencing, and where to refer complainants for appropriate services. Anyone who will conduct intake for the CBCM must know how to properly document the complaint so that the CBCM procedures do not interfere with a subsequent administrative review by an agency, and/or a criminal case. It is also recommended that they receive some training in evidence gathering, not because they will be investigating, but so as to not interfere with agency investigations (i.e. understand the impact of evidence on an investigation, the potential for evidence to become tainted and not usable in an administrative action, etc.).

> For more on principled investigation procedures, see ICVA's Building Safer Organizations Guidelines (2007).

Assess the complaint for referral

Once the CBCM has received the complaint, explained the next steps to the complainant, and referred the survivor to immediate health services, the in-taking CBCM Focal Point must ensure that the complaint is sent to the PSEA/CBCM Coordinator for assessment. It is not the responsibility of any CBCM member agency representative to determine whether or not the complaint is true. It is his/her responsibility to gather the relevant information from the complainant and enter it into the CBCM's Incident Report Form, and follow CBCM procedures to ensure that the Coordinator can refer the SEA allegation to the unit mandated with investigations in the concerned agency to determine if potential administrative follow-up or investigation is advisable.

> For more on referral to services, see this Guide's chapter on "Ensuring quick and appropriate assistance for complainants and victims".

Essential to Know

The CBCM must outline the protocols for complaint review in their CBCM SOPs for the sake of transparency.

The Coordinator must answer three questions in order to refer the complaint:

1. Does the complaint potentially allege SEA?
2. Is there enough information to refer the complaint?
3. Who is the concerned agency?

All complaints must be assessed under strict conditions of confidentiality. The Coordinator, as the person designated to assess complaints to determine their nature and refer them to the appropriate agency (or Cluster/Sector/accountability mechanism if non-SEA) for follow up, must sign confidentiality undertakings.

1. Does the complaint potentially allege SEA?

SEA complaints will be assessed to determine if they appear prima facie to have been made in good faith and allege conduct falling within the scope of the SEA definition. Such an assessment is necessary as most complaints received by a CBCM will be non-SEA in nature, but this assessment is not in any way a fact-finding procedure. This step is not to determine whether the SEA allegation is valid, but only to determine if the complaint constitutes an SEA allegation (as opposed to, e.g. a shelter or WASH complaint).

2. Is there enough information to refer the complaint?

If there is not enough information to make a full complaint (for example, the alleged offender is not identified in any way, either individually or by affiliated agency) the Coordinator is responsible for getting further information to fill out the complaint if possible. The Coordinator should work with the concerned agency, if known, to determine how to proceed with the incomplete complaint. Under no circumstances should the CBCM withhold complaint information from a known agency, nor decide on its own to dismiss the complaint. Where the concerned agency is known or knowable, the Coordinator must notify it of the received complaint.

The CBCM does not carry out investigations, including interviews beyond necessary complaint intake or any evidence gathering, unless the concerned agency explicitly asks for follow-up assistance.

3. Who is the concerned agency?

In order to refer the complaint the Coordinator must identify the agency concerned with investigation. Primarily this will be the agency which the alleged offender or SOC is working for. The answer may become more complicated when dealing with partner agencies and sub-contractors, however, or agencies that are not members of the CBCM. Regardless, the Coordinator must ensure that the complaint makes it to the unit within the proper agency that receives SEA complaints, based on inter-agency agreements in place in the CBCM to facilitate this referral.

> *See the text box on "Engaging Implementing Partners" in this Guide's chapter on "Engaging humanitarian agencies".*

Next steps

When the Coordinator receives an SEA allegation with enough information to refer to the identified agency, s/he must do so following outlined procedures. All SEA allegations will be directly forwarded by the Coordinator to the unit mandated with the investigative function within the agency where the Subject of the Complaint is employed to carry out further action, including

> *For referral procedures, see this Guide's chapter on "Referring SEA allegations for investigation and follow-up".*

assessing the actionability of the complaint, investigating, and providing feedback to the survivor/complainant in accordance with its internal policies.

A complaint that does not involve an SEA allegation, but rather a broader humanitarian assistance issue, will be forwarded to the relevant agency[29] or Cluster/Sector coordinating that response (e.g. shelter, MEAL, etc.), so that the complaint can be transferred to the relevant agency for follow up. The CBCM should record the receipt and referral/transfer of both SEA and non-SEA complaints for follow-up and monitoring.

> For more on complaint records, see this Guide's chapter on "Monitoring and evaluation with programme adjustment".

The maximum processing time for a complaint before referral to the concerned agency should be as soon as reasonably possible and clearly stated in the CBCM's SOPs. From the time the complaint is received, referral shall take no more than 48 hours. In the same vein, the CBCM must notify the complainant where possible (if not taken in-person) that his/her complaint has been received and how the CBCM dealt with it. Time frames for feedback from the CBCM to the complainant should also be outlined in the CBCM SOPs.

> For more on referral and feedback timeframes, see the *Global SOPs on inter-agency cooperation in CBCMs* in Annex 3.

Example

The Evaluation of the IASC Pilot found that in both Project sites, complainants reported feedback arriving to them anywhere from 2 weeks to 4 months from the time they accessed the mechanism. Recognizing the sensitive nature of SEA, 4 months is too long for a survivor to wait to learn their complaint has been heard. While the CBCM has no direct control over how swiftly the concerned agency investigates the complaint or whether it takes adequate disciplinary measures, the CBCM is directly responsible for acknowledging that a complaint has been heard, which itself is a valuable piece of information to a beneficiary.

To ensure that the allegation was received by the appropriate unit in the concerned agency, the Coordinator should include with the referral a request to confirm receipt within two business days that 1) the allegation was received, and 2) that no further action is required by the PSEA/CBCM Coordinator.[30] This request is a necessary step for the Coordinator, as acknowledgement by the concerned agency allows the CBCM closure of its own referral duties.

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29 If the concerned agency is clearly indicated, reports should be transferred directly to them rather than through the relevant Cluster in order to minimize the number of persons involved in case handling, as some non-SEA complaints may be equally sensitive or have protection implications.

30 The procedure of requesting acknowledgement and encouraging the concerned agency to respond are contained in the Global Standard Operating Procedures that have been agreed upon between agencies at the Headquarters level. The Global SOPs encourage that the concerned agency send an acknowledgement of receipt – even if only a standardized form letter – within two business days.

INTAKE AND REVIEW OF COMPLAINTS

Challenge		Recommendation
✗ The principles of confidentiality and those behind mandatory SEA reporting law/policies are both strongly held for the benefit of beneficiaries, and may conflict during the intake and referral process.	⇧	✓ To alleviate the clash, the CBCM should always inform the complainant of the effects of making the complaint, so that s/he can make an informed decision. The CBCM should, along with all relevant agencies and in consideration of local laws, develop procedures on how to handle such a situation so that complaint intake and review is performed in the same manner for all complaints.
✗ Anonymous and/or incomplete complaints make identifying the concerned agency difficult.	⇧	✓ Awareness-raising on SEA and the CBCM should include the information needed to make a complete case, so that the CBCM receives complaints with enough information to refer to the proper agency for follow up.
✗ There is a potential for complaint mechanisms to be exploited for revenge reporting / vendettas.	⇧	✓ Where the CBCM is concerned that false complaints are being made, it should report these concerns to the agency concerned. However, the CBCM must still refer all complaint information, because it is not the role of the CBCM to determine the legitimacy of the complaint.

CHAPTER 5
REFERRING SEA ALLEGATIONS FOR INVESTIGATION AND FOLLOW-UP

✓ **Best Practice**

In an inter-agency CBCM, a strong allegation referral system is necessary in order to ensure that humanitarian organizations receive all SEA allegations so they can take appropriate action, and to strengthen collective accountability.

The process of referring SEA allegations to the agency employing the alleged offender for potential investigation and follow through is one of the most important roles of the CBCM. Clear procedures for communication between the CBCM and the investigating agency during referral must be agreed upon and clearly outlined in the CBCM Standard Operating Procedures. In complaints referral, the CBCM is accountable both to the affected community and to the CBCM member agencies, because incomplete or mismanaged referrals will render the CBCM ineffective and leave the concerned agency unable to fully investigate SEA allegations against its own staff.

If a referral system is not in place:

- The affected population will lose faith in the system and cases will go unreported.
- Reported cases will go unaddressed and no disciplinary/prevention action will be taken, and
- Organizations cannot be accountable to affected populations.

Agencies' role

Before an agency can commit to joining an inter-agency complaints mechanism, it is absolutely vital that it have its own internal system for handling complaints. Otherwise when it receives complaints from the CBCM it will not have the infrastructure to proceed with investigation, let alone take appropriate disciplinary action. For an agency to investigate without standard procedures is a danger both to the rights of the alleged survivor and the due process rights of the alleged offender. Internal complaint mishandling will also reflect poorly on the credibility of the CBCM which referred the complaint and all the other participating agencies, jeopardizing community buy-in to the mechanism. Therefore, established internal capacity to receive complaints is necessary before joining an inter-agency CBCM.

Essential to Know

Internal agency channels for processing a complaint must be established, accessible, consistent, and most importantly understood by all levels of staff. While many agencies have Codes of Conduct describing prohibited behaviours, it remains unclear to many staff what their own internal processes is for reporting a complaint when that Code is violated, or what steps should be taken if information is received from an outside source regarding staff misconduct. Just as important, agencies must instruct their staff on how to proceed if they learn of complaint information against staff from another participating agency. Information on reporting channels should also be shared with implementing partners.

> For more on the content of staff trainings, see this Guide's chapter on "Humanitarian staff: Training and capacity-building.

Internal mechanisms for managing complaints will vary from agency to agency, depending on size, structure, and other organizational aspects, but generally must feature these core elements:

- Clearly identify the roles of staff involved in the complaint management process. For most organizations the body that will ultimately handle the case is the agency's investigative unit, but the path to get a complaint to that unit may vary among agencies.
- Make explicit the responsibilities for managers when a complaint has been reported, the duties of any persons involved in investigation of complaints, and provide guidance for managers and/or identified CBCM Focal Points for receiving complaints.
- Have clear communication protocols for the management of complaints, i.e. what information will be shared with the complainant and/or survivor and the Subject of the Complaint.

Before implementing the CBCM, the procedures for inter-agency cooperation to receive complaints, refer victims for assistance, and refer SEA allegations to relevant agencies must be clearly established so that responsibilities and protocols are clear and unquestioned. These SOPs must complement the internal policies and procedures of the participating agencies and any relevant local regulations, as well as identify victim referral pathways on site.

Essential to Know

Using the global SOP template: Harmonizing cooperation procedures has been one of the greatest challenges in implementing inter-agency CBCMs, because internal agency procedures vary and methods for cooperation are unclear. When drafting procedures for the CBCM on complaint handling, referral, and follow-up, the stakeholders should use the recently endorsed Global SOPs on inter-agency cooperation in CBCMs as a template. The Global SOPs save field teams from having to define new procedures by providing pre-agreed upon procedures for cooperation that align with agencies' internal policies and can be minimally tailored to adapt to the local context.

Coordinator's role

When a complaint is made to the CBCM, the PSEA/CBCM Coordinator is responsible for making the referral to the appropriate agency's investigation unit through a Complaint Referral Form (see the IASC Model Complaint Referral Form in Annex 4). S/he does not conduct any sort of assessment of the viability of the complaint – that decision is entirely the role of the concerned agency. Rather, s/he determines whether the complaint conceivably alleges SEA, identifies the concerned agency, and makes the referral. The Coordinator must not withhold any referrals from the agency concerned, or the safety of the complainant and the integrity of the CBCM may be jeopardized.

> For more on the complaint review and referral responsibilities of the Coordinator, see this Guide's chapter on "Setting up the CBCM infrastructure".

> **Information**
>
> The CBCM must forward all SEA allegations directly to the unit responsible for investigations within the agency where the alleged offender or SOC is employed (i.e. the "concerned agency"). The CBCM should identify this unit and provide contact information for each CBCM member agency, as well as for non-CBCM member agencies operating in the same humanitarian response site.

Handling SEA allegations under different fact patterns

- *Where the complainant is anonymous, but the Subject of the Complaint and the agency where s/he works is known:* The CBCM will forward the allegation to that agency for follow-up.
- *Where the Subject of the Complaint is unknown, but the complainant and the concerned agency are known:* The CBCM will forward the allegation to that agency for follow-up.
- *Where the complainant is known, but neither the identity of the Subject of the Complaint nor his/her employing agency is known:* CBCM stakeholders must decide whether the PSEA/CBCM Coordinator (or other delegate) may interview the survivor/complainant in order to solicit more details about the allegation, keeping the best interest of the survivor as a priority, and the need to minimize interviews in order to avoid re-traumatization and potential contamination of evidence. This is a good issue to discuss pre-implementation of the CBCM, so that agreed-upon procedures are in place before the issue arises.
- *Where the identity of the complainant, the identity of the Subject of the Complaint, and his/her employing agency are all unknown:* The CBCM stakeholders must decide on a safe and effective procedure to inquire with community members about SEA "rumours."

> For guidance on handling rumours, see this Guide's chapter on "Safe and accessible channels for reporting SEA".

Other referral scenarios

- **Transferring non-SEA complaints:** A CBCM must have a system in place for transferring non-SEA complaints to the relevant agency/structure. The CBCM should expect to receive complaints on a wide variety of humanitarian assistance issues (shelter, WASH, etc.), or on cases of sexual exploitation or abuse by a person other than humanitarian staff (e.g. family member, teacher, etc.), regardless of the intended scope of the CBCM. There must be set procedures for ensuring those complaints make it to the correct parties (e.g. the Cluster/Sector coordinating that response, or the relevant agency if clearly identified). CBCM stakeholders must engage and consult with relevant clusters/sectors/agencies, including relevant investigative units, to coordinate how non-SEA complaints will be transferred to the appropriate actors, who should also be consulted on the CBCM SOPs. The SOPs should be explicit on its procedures for handling non-SEA complaints, and Focal Point training on complaint handling should clearly differentiate SEA from non-SEA procedures.
- **Referring allegations outside the CBCM:** A CBCM also needs to have established procedures for referring complaints made against actors who are not employed by a participating agency (e.g. an implementing partner), or are staff outside the humanitarian sphere (police, army, peacekeeping missions, government staff, etc). A CBCM should attempt to agree upon referral procedures with all potential bodies in the implementation site before such cases arise, but should expect some resistance against coordination from structures that have not committed to the CBCM.
- **Handling anonymous complaints:** CBCM stakeholders must consider the legal difficulties for the concerned agency of engaging in an investigation or disciplinary process in cases where the survivor/complainant is not willing to be identified. The PSEA/CBCM Coordinator and participating agencies will need to come to agreement on how to handle this scenario, as it will require a balance of mandatory reporting laws (where applicable) and the wishes/confidentiality rights of the complainant/survivor.

> **✏ Example**
>
> The Democratic Republic of the Congo PSEA CBCM proactively reached out and approached police and army forces in the camp to make them aware of the CBCM and its function. After outreach by the project, the police requested training on PSEA from the CBCM.

> **🛠 Tools**
>
> - Complaint Referral Template: A standard form to refer allegations among agencies. It provides the background of the allegation, information on the agency of concern, and information available on the Subject of the Complaint. (See sample in Annex 4).
> - Complaint Handling Flowchart: A map to guide and explain the complaint intake and referral process. (See sample in Annex 4).
> - The IASC Model Complaints and Investigation Procedures and Guidance Related to SEA (2004) serves as a template for how organizations can gather the necessary information when there is an allegation of SEA against a staff member. It also includes recommended practices in complaints handling that – modified for inter-agency coordination – can help stakeholders in designing the CBCM.

CBCM's role after referral

After the complaint is referred, it is the sole responsibility of the concerned agency to carry out further action, including assessing the actionability of the complaint, investigating if warranted, and providing feedback to the survivor/complainant according to its internal policies. The CBCM plays a supportive role for the concerned agency, if requested, and acts as a liaison for continued communication with the complainant/survivor. The concerned agency will decide whether an investigation into the allegation is warranted, and conduct such an investigation according to its own procedures.

Follow-up assistance

The CBCM does not conduct investigations. However, it can offer assistance at the request of the investigating agency. Smaller NGOs and/or CBOs may lack the internal capacity to carry out SEA investigations, or investigations that meet international standards. In such cases, these CBCM member agencies may decide to develop a pool of trained SEA investigators, from which they can either 1) request to investigate in their place, or 2) request to assist in their investigation, building the agency's own capacity.[31] If such a pool is used, investigators must be thoroughly trained on commitments and procedures in PSEA, both internationally and the specific policies of the CBCM participating agencies.

Another option for smaller agencies or NGOs lacking the capacity to investigate internally is to access a standing roster of trained PSEA investigators, several of which are managed by agencies and groups (e.g. CHS Alliance). Agency heads in-country should make themselves aware of the available investigation resources. The CBCM can encourage agencies to use existing rosters and/or brainstorm additional external investigation options at stakeholder meetings.

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31   In certain circumstances, a government agency may also request to be part of the Investigators Pool. This occurred in the CBCM in North Kivu, Democratic Republic of the Congo.

66

CHAPTER 5 Referring SEA Allegations for Investigation and Follow-Up
SECTION B. Structuring and Establishing an Inter-Agency CBCM

Example

The Democratic Republic of the Congo Optional Investigator Pool: At the Pilot Project site in the DRC, the CBCM conducted a needs assessment survey, and uncovered the lack of internal agency investigative capacity. With agency agreement, the mechanism set up the Investigators Pool as an optional resource for agencies that lacked internal capacity to carry out SEA investigations. Agencies could choose whether to request assistance from the Pool on a case-by-case basis, and could work alongside the investigators to learn and build their own capacity.

Tools

Core Humanitarian Standard on Quality and Accountability (CHS) Alliance conducts training workshops for investigators, with a specific focus in PSEA investigations. The group also maintains a list of trained investigators that can be deployed at the request of agencies. See: www.chsalliance.org/what-we-do/capacity-strengthening. UNOPS and UNHCR also keep such lists.

Investigation best practices - Advocacy

While the CBCM has no authority over how an agency conducts its investigation, it has a strong accountability interest in advocating that CBCM member agencies follow at least the minimum international standards. Such standards are based on pre-existing agency commitments. For example, the CBCM should advocate that internal agency policies explicitly include a minimum response time from the moment a case is referred to the opening of an investigation where one is warranted. The prevailing standard is that investigations begin within 3 months,[32] but internal procedures can and should mandate that investigations begin sooner.

Information

In the face of a comprehensive assessment on UN peacekeeping, Secretary-General Ban Ki-Moon announced a massive restructuring of the system by the end of 2015, which will include the establishment of "immediate response teams" to gather evidence within 72 hours of a sexual misconduct allegation. Agencies' internal policies should mandate a similar response time.

Timeframes for concluding an investigation should similarly be respected: In 2015, the UN Secretary-General adopted a six-month timeframe for UN investigative entities to conclude investigations into SEA, with is to be shortened to three months where "circumstances suggest the need for greater urgency."[33] Non-UN agencies should be encouraged to follow the same investigation timeframes.[34] Best Practices and existing commitments in investigations also

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32 MOS-PSEA (2012) #8, Indicator 5.

33 United Nations General Assembly "Report of the Secretary-General on Special measures for protection from sexual exploitation and sexual abuse" A/70/729 (16 February 2016) paras. 50-51; reinforced in his oral report to the United Nations Security Council, 10 March 2016; and urged upon Member States in United Nations Secretary Council Resolution 2272, S/RES/2272 (11 March 2016).

34 Both UN and non-UN agencies have committed to "Investigate allegations of sexual exploitation and abuse in a timely and professional manner" (Statement of Commitment (2006) #6).

include respecting the due process rights of the Subject of the Complaint, using investigators that are experienced and qualified professionals trained in sensitive investigations[35] and the CBCM principles (confidentiality, safety, etc.), and taking appropriate disciplinary action in cases where SEA has been proven.[36]

> 💡 **Tip**
>
> Although not part of the investigation, the CBCM can advocate that agencies follow the ICVA Building Safer Organizations Guidelines (or similar) and train their staff to be familiar with international standards in investigations.

Feedback to the CBCM

From the moment the complaint is received by the concerned agency, it is highly recommended that the agency share case status updates with the CBCM. While the CBCM has no authority to demand the agency share internal information, it should advocate to be notified of basic developments such as:

- When the complaint was received by the investigative unit;[37]

- When/whether an investigation began or the complaint was determined an insufficient basis to proceed;

- When the investigation concluded;

- The outcome of the investigation, and

- When/whether outcome (or any information) was provided to the survivor, or if providing feedback is prohibited by the investigating agency's internal policies.

Many agencies have committed to sharing such information,[38] although the practice is limited. For the sake of transparency and accountability to affected populations, agencies' investigative units are strongly encouraged to share anonymized statistics on SEA cases reported and/or investigated, and disciplinary measures taken if any, with the CBCM at the site where the incident allegedly occurred. Communication between the concerned agency and CBCM is crucial for effective case handling.

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35   MOS-PSEA (2012) #8, Indicator 4.

36   MOS-PSEA (2012) #8, Indicator 6: "Substantiated complaints have resulted in either disciplinary action or contractual consequences and, if not, the entity is able to justify why not."

37   Some agencies' procedures require SEA reports to be submitted to the head of the field office, while some go directly to the investigative unit at Headquarters. For the former, both the date that the allegation is received by the head of the field office and when it is forwarded to Headquarters should be conveyed to the CBCM.

38   Statement of Commitment (2006) #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." The Global SOPs on inter-agency cooperation in CBCMs that have been agreed upon between agencies at the Headquarters level also encourage and provide support for providing basic feedback to the CBCM.

68

CHAPTER 5 Referring SEA Allegations for Investigation and Follow-Up
SECTION B. Structuring and Establishing an Inter-Agency CBCM

> ### Information
>
> Because SEA cases involve extremely confidential and sensitive information, the need for inter-agency information sharing and review will need to be balanced with internal agency data protection policies and the survivors' rights to confidentiality and anonymity. The CBCM should be prepared for information-sharing to differ greatly between participating agencies, and must convey this to complainants. The commitment to sharing such information should be clarified in the pre-implementation inter-agency discussions, based on agreed protocols in the Global SOPs, and made explicit in the CBCM SOPs.

Based on status updates shared by the investigating agency, the CBCM should monitor case progress to the extent possible to ensure that the complaint is followed-up on. It should maintain current records on each open complaint, facilitate the flow of information to the complainant/survivor, and remain available to assist the concerned agency throughout the next steps upon request.

> ### Be Aware
>
> Lack of transparency to affected populations, especially to complainant/survivors, during case investigations is an ongoing concern. Leaving complainants to feel as if their complaint has gone unaddressed is an accountability failure and will undermine confidence in the CBCM and harm beneficiary relations with all humanitarian agencies operating on site. The CBCM should continually advocate for investigating agencies to share case status information and provide feedback to interested parties. Meanwhile, to maintain beneficiaries' faith in the CBCM, representatives should attempt to manage complainant/survivor expectations by communicating that the level of feedback they will receive on the outcome of a case is dependent upon the internal policies of the investigating agency.

> ### Tool
>
> Using a complaints database (for example, the Common Reporting Platform developed under the IASC's CBCM Pilot Project) can help to maintain information on the allegations that have been referred and whether they are ongoing or closed – but not on disciplinary action taken.

Criminal acts of SEA

When an incident of SEA constitutes a criminal offense, it is the decision of the investigating agency to refer cases to the proper law enforcement authorities in conformity with the agency's internal procedures. The decision of the agency to refer a case to the national authorities should take into account the consent of the survivor/complainant, who may not wish to involve the local authorities. However, in some instances, the state and local governments in which the CBCM is situated may also have mandatory reporting laws related to SEA incidents. It is the responsibility of the CBCM Focal Points to be up-to-date on relevant national laws and to incorporate them into CBCM procedures and information packages for survivors/complainants, as appropriate.

> **! Be Aware**
>
> The relationship between national mandatory reporting laws and SEA complaints to a CBCM is an issue that still needs exploration.* CBCM stakeholders will need to be aware of the need to balance referral protocols with national laws, the policies of all concerned parties, and the wishes of the complainant/survivor. This process will be ad hoc until global guidance is provided.
>
> * In the 2015 Statement on PSEA, the IASC Principals committed to develop and share best practices on referrals to national authorities. The process is in the beginning stages at the time of writing this Guide.

The CBCM must also have clear procedures in place for how to assist the complainant, upon his/her request, in filing charges with local law enforcement if a crime is involved, and should consult with UNDSS on drafting these procedures. Given the gravity of SEA and the vulnerable nature of SEA survivors, the complaint mechanism should be prepared to offer legal and psychosocial assistance if the charges are brought. In the event that a survivor wishes to have legal counsel, CBCM representatives will refer the survivor to existing legal services (i.e. through GBV programmes).

> **👓 Essential to Know**
>
> While it is the concerned agency's decision whether to turn the Subject of the Complaint over to national authorities, survivors have a separate right to seek legal aid through victim assistance.
>
> For more on legal assistance for survivors, see this Guide's chapter on "Ensuring quick and appropriate assistance for complainants and victims".

Feedback to survivors – closing the feedback loop

In addition to sharing status reports with the CBCM, investigating agencies have a responsibility to notify the complainant in a safe and timely manner of the outcome of their investigation.[39] Feedback to complainants/survivors is a two-fold responsibility: it is part of the required outcome of agency investigations under international commitments, and it is part of the victim assistance package.

For more on the assistance owed to victims, see this Guide's chapter on "Ensuring quick and appropriate assistance for complainants and victims".

> **📖 Information**
>
> Timely and thorough response to complaints is also a meaningful part of building trust and buy-in for the CBCM within the community. If the concerned agency proceeds with a competent and thorough investigation but does not inform the complainant/survivor it ever began any investigation, that trust may still be lost. Likewise, if an internal SEA investigation takes one year to complete, and the complainant/survivor is only notified when the investigation is finished, faith in the utility of the CBCM has already been lost. The CBCM has a strong interest in advocating for timely status updates to share with survivors.

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39 MOS-PSEA (2012) #8, Indicator 5: "Investigations are commenced within 3 months and information about outcome is shared with the complainant". Statement of Commitment (2006) #9: "Regularly inform our personnel and communities on measures taken to prevent and respond to sexual exploitation and abuse. Such information should … include … the status and outcome of investigations in general terms, feedback on actions taken against perpetrators and follow-up measures taken".

Example

Kenya inter-agency mechanism: An evaluation of the programme reported a lack of trust and confidence in the system because cases are not seen to be resolved, either by the complainant or the community at large. "This perpetuates the feeling of vulnerability among the beneficiaries who cite fear of retaliation as rationale for limited reporting, and among national aid workers who feel that the Code of Conduct can be used to implicate them through malicious reporting."*

* International Rescue Committee, "Final Evaluation: Preventing Sexual Exploitation and Abuse (PSEA) Project (September 2007), Nairobi, Kenya.

Tip

Feedback Idea: Yearly PSEA Reports: One way to inspire trust in both the CBCM and operational agencies is for an agency's Headquarters to produce a report at the end of each calendar year about SEA complaints and how these were handled by the agency. The report shows that the agency is acknowledging its SEA issues, provides accountability to affected populations, and allows a monitoring and learning function. This report should not reveal any confidential information or hints that could reveal the identity of complainants, survivors, or perpetrators.

It is the role of the CBCM to facilitate the feedback exchange. The CBCM may serve as an investigating agency's point of contact for delivery of feedback to the complainant/survivor, which must be delivered in a safe and ethical manner acceptable to the recipient. Ideally, feedback should be given in writing to avoid confusion and/or differing interpretations of the feedback. CBCM SOPs should outline how the responsibility for communicating information will be shared between the investigating agency and the interested party(ies), in accordance with the investigating agency's internal procedures.

Tip

The CBCM may wish to create templates for providing feedback to both the survivor/complainant and the Subject of the Complaint, respectively (see sample templates in Annex 4). Notifying the Subject of the Complaint is solely the responsibility of the investigating agency, not the CBCM. However, the feedback template may be useful for national NGOs and CBOs which are developing their internal PSEA and investigation policies. The CBCM should also remain accessible to the complainant/survivor to answer questions as needed.

Both CBCM and agencies' procedures should be clear on the feedback that a complainant can expect and the timeframe for receiving such feedback. The CBCM is responsible for communicating this information to the complainant upon complaint intake.

📖 **Information**

In inter-agency CBCMs, the level of feedback provided on the investigation process and outcome will vastly vary according to the agency conducting the investigation, as per its internal policies and procedures on case handling and data protection. The CBCM should be candid with complainants about when level of feedback they can expect, while advocating with agencies to provide feedback as per international standards and commitments.

REFERRING SEA ALLEGATIONS AND FOLLOW-UP

Challenge		Recommendation
✗ Staff of participating agencies may lack clarity on their own roles in referring allegations and their agencies' referral pathways.	⇧	**✓** Trainings for all participating agency staff must include instruction on reporting complaints and referral pathways for their agency, and any person with a PSEA role should have their responsibilities fully explained in their Terms of Reference. **✓** The CBCM should train agency Focal Points on their roles in complaint referral, on the CBCM's referral pathway, and on the basic complaint procedures of each participating agency so that all Focal Points have a global view of the referral process.
✗ The referral process becomes complicated when allegations are received against staff of agencies that have no PSEA policies or processes in place. If the agency is not a member of the CBCM, the CBCM Coordinator may not even have an identified person/unit in that agency to refer to.	⇧	**✓** To anticipate complaints against staff of organizations that are not CBCM members (e.g. police and army forces, or non-participating humanitarian agencies and sub-contractors) the CBCM should proactively reach out to these entities to ensure that they are aware of the CBCM and to establish linkages, ideally receiving agreement from these entities to receive referred allegations lodged against their staff.
✗ The time between when a complainant reports an SEA incident and when the allegation is referred by the CBCM can take too long. For example, if the CBCM retrieves complaints from a suggestion box twice a month, and it takes 2 weeks to review and refer a complaint, the complainant can be waiting for a full month before his/her complaint starts being acted upon.	⇧	**✓** The procedures for complaint referral and feedback must be agreed upon and written down in the CBCM SOPs before the implementation of the CBCM. These should reflect the procedures set forth in the Global SOP template and include the responsibilities of all CBCM member agencies and relevant stakeholders e.g. victim assistance providers, and establish clear timeframes for allegation referrals.
✗ Maintaining confidentiality for all individuals (survivor/complainant/Subject of the Complaint) can be difficult during the process of referring the complaint information across organizations.	⇧	**✓** Confidentiality must be made a high priority in the referrals process. All actors who have access to sensitive complaint data must sign confidentiality agreements, the number of people with access must be limited, and all identifying data must be eliminated from statistics reports to the full extent possible.
✗ The CBCM has no authority over or role in the investigation process, although it's effectiveness is directly impacted by the standards under which its stakeholders conduct their investigations.	⇧	**✓** Most agencies have made the commitment to commence investigating SEA allegations within 3 months, and beyond that they will investigate in a timely and professional manner. Where necessary, the CBCM should advocate that agencies respect these commitments.

REFERRING SEA ALLEGATIONS AND FOLLOW-UP

Challenge		Recommendation
✖ When agencies do acknowledge receipt of complaints, it can take too long from the time of the referral. Factoring in the referral timeframe, the complainant can lose faith that their complaint will be addressed.	⇧	✔ Consistent feedback from the CBCM can help restore good faith if the investigation process takes a long time. The CBCM should set up a procedure to acknowledge receipt of a complaint immediately, and to notify the complainant using his/her preferred channel when the complaint is referred. (Note: This is not an issue for in-person complaints, but this need to provide feedback does illustrate a downside of using suggestion boxes as reporting channels.)
✖ CBCM past experience shows that agencies regularly do not provide feedback and case status updates to survivors or to the CBCM, including acknowledgment that the allegation was initially received.	⇧	✔ CBCMs should advocate with their participating agencies to share case status updates as agreed upon in the Global SOPs, and provide basic levels of feedback upon the outcome of the case with the survivor/complainant. They should strongly encourage agencies to commit to formally acknowledging receipt of referred allegations and to provide information on the action taken.
✖ The obligation of staff / agencies to refer criminal acts of SEA to national authorities is unclear and unstandardized.	⇧	✔ While prosecution for criminal acts of SEA is a strong method of holding perpetrators accountable, referral to national authorities is the role of the investigating agency, not the CBCM. The CBCM should assist agencies, on request, in advocating strengthening of international commitments to refer cases for prosecution.* ✔ CBCM member agencies should get clarity on their institutional policies regarding mandatory reporting laws.
✖ Survivors may choose to drop a complaint for amicable settlement, e.g. accepting compensation to "resolve" the issue or to change their statements, compromising the CBCM and the referral process, as well as jeopardizing the removal of SEA offenders. A monitoring issue also arises if the survivor never brings the complaint to the CBCM in the first place, in favour of "traditional dispute resolution."	⇧	✔ In the instance that the complainant has changed his/her allegation in exchange for compensation, referral procedures shall still be followed to the extent possible. The complaint must be referred to the concerned agency, and once received the agency has an obligation to determine whether investigation is warranted even if an administrative decision may not be possible (e.g. there may not be enough evidence of wrongdoing without survivor testimony).

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* The IASC Statement on PSEA (2015) commits to strengthening investigation and protection responses to SEA allegations, including by developing and sharing best practices on referring SEA cases that may arise to criminal misconduct to competent authorities. The IASC Task Team on AAP/PSEA has included this activity in its 2016-2017 Workplan.

CHAPTER 6
ENSURING A SUSTAINABLE MECHANISM

> ✓ **Best Practice**
>
> The consideration of how to keep the CBCM sustainable should underlie all major decisions in establishing and maintaining the mechanism. Without this consideration a CBCM will lose its positive momentum in the face of personnel and funding changes, and jeopardize the trust and safety of the affected population.

Why sustainability is a concern for CBCMs

- A sustainability plan is necessary to withstand inevitable changes such as staff turnover, agencies leaving an operational site and funding constraints.
- Humanitarian agencies are not intended to remain operational in one site long term, so there must be an exit strategy to handover the CBCM when they leave. Local organizations and the community need to have ownership to sustain the CBCM after larger organizations phase out.
- A PSEA-CBCM, if well-run, inspires high levels of trust within the community it serves. Closure of a well-established complaint management system may harm humanitarian relations with the community.

Sustainability barriers

Barriers to keeping a CBCM running have been referenced throughout this Guide: a CBCM that is not fully integrated into the community, has inaccessible reporting channels, or provides inconsistent/no feedback to complainants will fail in the long term due to lack of use by potential complainants.

In addition, one of the largest barriers to sustaining PSEA momentum in a site is the regular turnover of agency staff, especially CBCM Focal Points. Due to high staff turnover rates in the field, CBCMs face the ongoing issue that member agency staff become trained in PSEA and experienced in CBCM procedures, then leave the site. When trained Focal Points leave, they take their PSEA experience with them and the agency they represent starts over with a new PSEA-CBCM representative. This lack of continuity is detrimental to both the CBCM's progress and the agency's institutional knowledge of the PSEA issues on site.

> 📖 **Information**
>
> Highly active agency CBCM Focal Points can be the driving force behind PSEA activities in a response site. Turnover of proactive staff members may result in on site activities left abandoned if no one steps in to take over. In the worst case scenario, entire programmes can be left stagnant (complaint boxes unopened, complaints sitting on a desk, etc.) upon the loss of one or two key individuals.

Another large obstacle to sustainability is the prevalent lack of communication between agencies. Inter-agency cooperation can be extremely difficult to achieve, even after agencies have agreed to work together. At the interpersonal level, many CBCM issues can be solved or lessened by agency staff working together informally (e.g. other agency Focal Points noticing and responding when one member is not participating). At the institutional level, many field offices are informed by their Headquarters of commitments to engage in inter-agency activities on PSEA, but are not provided guidance on how they can practically do so given diverging institutional policies and the need to keep internal agency information private. Without consensus on methods of cooperation in joint complaint handling, CBCMs face challenges on securing agency commitments to conduct funding and/or PSEA activities, as well as misunderstanding from local partners.

Sustainability solutions

Sustainability is a thread that runs throughout all the other practices in this Guide, because following good practices can generally help make a CBCM effective, reinforcing its sustainability. Many of the sustainability barriers can be broken down using effective community consultations and responding to community needs, so that beneficiaries trust and use the CBCM freely. There are additional practices, however, that a CBCM can encourage to ensure that the mechanism continues to provide effective services in a site.

Independent PSEA/CBCM coordinator

Having one person on site to act as an independent PSEA/CBCM Coordinator is one of the strongest steps a CBCM can take to ensure sustainability. This actor will coordinate all PSEA work on site, conduct regular meetings with member agencies, act as a liaison between agencies and the host government(s), review and refer/transfer complaints, and generally keep PSEA momentum moving forward. Given that PSEA responsibilities, including developing complaint mechanisms, have recently been reinforced for the Humanitarian Coordinator role,[40] the HC should be fully engaged on the appointment of the PSEA/CBCM Coordinator. The Coordinator acts as a champion behind the programme, to foster closer working relations and information sharing. S/he will be responsible for liaising with the HC and engaging key actors in plans to establish the CBCM – such as the Humanitarian Country Team and the IASC Task Team on AAP/PSEA – in order to advocate for high-level commitment and to ensure that global-level forums maintain a current understanding of country-based activities.[41] The Coordinator can be placed at the national level within a country, or seated in the operational site, at the discretion of the Steering Committee.

> For more on the complaint review role of the Coordinator, see this Guide's chapter on "Setting up the CBCM infrastructure".

> **Tip**
>
> Because the PSEA/CBCM Coordinator acts as a point of connection between all PSEA actors, s/he must establish a strong working relationship with staff of the participating agencies, and should inform global forums addressing PSEA (e.g. the IASC Task Team on AAP/PSEA) of CBCM efforts and challenges at the country level.

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40   IASC Statement on PSEA (2015).

41   One of the benefits of apprising the IASC AAP/PSEA Task Team of country efforts to establish an inter-agency CBCM is that operational agencies' headquarters will be informed of the CBCM and can advocate with their Heads of Office at country level to actively participate in the mechanism. For more on the IASC Task Team, see the Spotlight on the IASC AAP/PSEA Task Team in this Guide's Chapter on "Engaging Humanitarian Agencies."

Given the importance and time-sensitive nature of the Coordinator's roles – especially review and referral of complaints – the Coordinator must be a permanent dedicated position, and not a function in addition to other job duties. As the Coordinator is the only person assessing complaints for referral, safeguards must be in place for when s/he is on R&R or leaves the position, so that complaints are not left waiting for review, which could result in security issues for victim/complainants and would damage the community trust in the CBCM. These protocols must be agreed upon my CBCM member agencies and described in CBCM SOPs and the Coordinator's TORs. The TORs should also include that the position be held by a sufficiently senior staff member who is well-trained in PSEA, data protection, victim assistance, and confidentiality measures.

One function of the PSEA/CBCM Coordinator can be to act as the site's knowledge base on SEA issues. To combat the knowledge-loss caused by high staff turnover among CBCM member agencies, agency Focal Points leaving their posts can debrief with the Coordinator in order to capture that institutional knowledge. The Coordinator can then brief the Focal Point's replacement upon arrival to the field, so that knowledge and experience are passed on successively. This debriefing will be in addition to the Focal Point's responsibility to continually update his/her agency on PSEA-CBCM progress, which should be included in the Focal Point TORs.

> **Tip**
>
> The PSEA/CBCM Coordinator position is not required for agencies to follow the practice of briefing/debriefing their staff on PSEA experience. Using the Coordinator is an advisable addition so that one person has a holistic view of the issues on site, but agencies are advised to lessen the knowledge lost through staff turnover, regardless.

"Trusted Person" reporting system - example from the Thailand CBCM

While the agency CBCM Focal Point system has been the standard structure, and agencies are committed to set up these roles,[42] the Focal Point system is not necessarily the only sustainable model for receiving complaints. In the face of overburdened staff and high turnover rates, the Thailand CBCM[43] attempted a system that encouraged beneficiaries to report to any trusted staff member on site, who were in turn trained to report to the CBCM's Steering Committee. While this system required additional safeguards to ensure confidentiality, the CBCM found that broadening the category of staff to which beneficiaries could report was a solution to staff turnover in a protracted situation.

Mainstreaming PSEA

Mainstreaming PSEA is the strategy or practice of bringing SEA prevention and response into the "mainstream" of an organization's culture, operations, policies and procedures. The CBCM should advocate that CBCM stakeholders incorporate PSEA into the management and programmatic systems of their entire organization. SEA is a cross-cutting issue and therefore prevention should be integrated into all aspects of humanitarian response. Some examples include:

- PSEA policies and activities are included in regular field audits.
- Agencies' headquarters identify resources they can provide to PSEA efforts at

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42   Secretary-General's Bulletin on SEA (2003), MOS-PSEA (2012) #3.

43   Committee for the Coordination of Services to Displaced Persons in Thailand (CCSDPT), Preventing Sexual Abuse and Exploitation in the Thai/Burma Border Refugee Camps.

the field level, and country directors and managers receive support from senior management for maintaining an environment in which SEA is actively discouraged.

- Programme development staff and programme managers design and implement programmes in ways that reduce SEA risk, and ensure that project proposals demonstrate how PSEA will be taken into consideration and implemented in each technical sector.
- Senior managers develop key messages to share with their teams during each phase of the implementation of new PSEA policies.
- PSEA is included in job descriptions and job evaluation criteria, particularly for senior managers.

🛠 Tools

Mainstreaming tools by Inter*Action*. These tools are intended for agency self-assessment of how well it has mainstreamed PSEA. The CBCM can aid agencies by sharing these tools and/or using them to develop a locally targeted version.

- **SEA 201: Mainstreaming**: A 35-minute module offering guidance on fundamental elements necessary to mainstream the prevention and response to SEA in agencies. www.interaction.org/courses/sea201/index.html
- **Self-Audit – Audit Your Organization Against the IASC Minimum Operating Standards for PSEA**: Gives agencies measurable objectives, indicators, etc., to assess how well their organization has followed the MOS-PSEA.

Mainstreaming is an effective means for promoting project sustainability, so long as it is implemented consistently by partner agencies and communicated to project beneficiaries. One common risk with mainstreaming PSEA is that activities and responsibilities are not rooted or monitored in any one place - i.e. if one person or team is not specifically designated to focus on SEA, it most likely will not be monitored. This is why the CBCM agency Focal Points are key positions, and why these positions must be sufficiently senior, to ensure that policies are up to date, that mechanisms are functioning, and that all staff know their PSEA responsibilities. The recent incorporation of PSEA responsibilities in the Humanitarian Coordinator position will also help maintain oversight of the issue.

Resourcing CBCMs

Agencies need to supply CBCMs, both monetarily and with human resources. Lack of resources has been a major gap and a sustainability failure in past mechanisms. A sustainable resource plan is critical in CBCMs, because external funding for PSEA-related initiatives is inherently difficult to secure, given that SEA is a staff misconduct issue. Therefore, funding and/or in-kind contributions from humanitarian agencies will need to be discussed and solicited in order to keep the CBCM functioning. It must be an ongoing priority of the CBCM to continue advocating with participating agencies to meet the resource requirements for maintaining a CBCM.

👓 Essential to Know

At a minimum, a CBCM needs:

- Sufficient financial resources and/or in-kind contributions to hire, maintain reporting channels, run awareness and training events, and provide victim assistance if the existing service providers do not offer the necessary services.
- Sufficient human resources to process and refer complaints in a timely manner, and to devote time and energy to the CBCM, including reporting back to member agencies and participating in trainings.

Funding for capacity-building: A CBCM must have sufficient resources to train agency CBCM Focal Points, in order to transfer institutional knowledge and guard against the effects of staff turnover. A CBCM cannot be allowed to fail upon the loss of one or two active focal points – a method of transferring PSEA knowledge must be both embedded *and funded* within the mechanism.

While a CBCM is designed to incorporate existing complaints and assistance structures where possible, there are PSEA activities that need continuous financing, i.e. coordination, managing the CBCM system itself, and prevention activities – particularly training. It is the responsibility of participating agencies to fund the CBCM.[44] Designing and implementing a CBCM requires investment in staff training, awareness-raising, and other complex and time-consuming activities (such as consulting with the community, and receiving and referring complaints). However, investing in the quality of the CBCM is in itself an important way of reducing further operational costs. Allocating resources for establishing an inter-agency CBCM is an investment in accountability and quality.

> **Example**
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> The Evaluation of the IASC Pilot Project determined that Human Resources costs make up a large portion of essential funding (71% and 67% for Melkadida and the Democratic Republic of the Congo respectively). In a dispersed and open setting, travel costs may also be significant; e.g. in the Democratic Republic of the Congo, Focal Points had to travel up to 7 hours between sites.

A properly established CBCM can in many humanitarian contexts constitute a separate fundable project. From a cost-benefit perspective, a CBCM can be cost-effective as it constitutes an organized system for interaction with the affected population. Integrating with pre-existing complaint mechanisms and local structures makes a CBCM especially efficient, and its benefits will show in the ability of organizations to better handle their resources and fulfill their mandate.

Donor involvement

One means to encourage sustainable PSEA activity is for donors to link PSEA compliance with funding across projects. Some donors are currently in the practice of requiring proof of PSEA compliance (i.e. making and fulfilling PSEA commitments) to receive continued funding. Participation in an inter-agency CBCM is one way for agencies to demonstrate their commitment. In effect, the practice of PSEA-contingent donor funding can encourage that CBCM objectives and results are achieved by exercising a certain pressure from donors.

> **Information**
>
> Example of PSEA-linked donor funding: United States legislation requires that any organization receiving USAID/OFDA funds must adopt a Code of Conduct providing for the protection from sexual exploitation and abuse in humanitarian relief operations. The Code must be consistent with the IASC's Six Principles of PSEA, and be accompanied by a paragraph describing how the organization implements the Code in operations. Any sub-awardees must also have or adopt such a Code, on the responsibility of the primary Awardee.*
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> * United States Agency for International Development and Office of U.S. Foreign Disaster Assistance, "Guidelines for Proposals" (2012).

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44 A complaints mechanism is a mandatory step to ensure accountability as outlined in the Secretary-General's Bulletin on SEA (2003). As such funding for such efforts is ingrained in this requirement.

ENSURING A SUSTAINABLE MECHANISM

Challenge		Recommendation
✗ Lack of CBCM integration into the local community can lead to lack of buy-in and effectiveness.	⇨	✓ Continuous capacity-building of communities, local organizations, and partners strengthens the sustainability of PSEA efforts. Strong networks between CBCM member agencies and community structures enable the involvement of communities in, e.g. designing entry points and during complaint handling.
✗ Lack of communication between agencies can lead to fragmented responses and disparate views over the goals of the mechanism.	⇨	✓ Encourage inter-agency communication, through both formal and informal methods. Hire a PSEA/CBCM Coordinator for a holistic view of the mechanism.
✗ Staff turnover often results in loss of institutional knowledge on PSEA and the CBCM.	⇨	✓ Advocate that agencies make regular debriefings by agency Focal Points back to their organizations explicit in their TORs, and encourage the debriefings in practice.
✗ Lack of sufficient resourcing to the CBCM, including human resources, time, and money.	⇨	✓ Continually advocate with agencies on the benefits of human and financial resourcing of the CBCM, such as implementing agency PSEA commitments and adhering to donor requirements on accountability and PSEA.
✗ Agencies may deprioritize PSEA in emergency settings and/or when competing priorities "outweigh" protection strategies.	⇨	✓ Mainstream PSEA into programme activities, and incorporate and enforce PSEA clauses with implementing partners and sub-contractors.

SPECIAL NOTE ON COMMON CODES OF CONDUCT

Almost all agencies delivering humanitarian assistance or working in development currently have institutional Codes of Conduct which staff must follow as part of their contractual obligations. Many of the PSEA-relevant provisions in the Codes are based directly on the UN Secretary-General's Bulletin on SEA (2003). Despite the commonalities of agencies' Codes of Conduct, the discrepancies that persist – especially regarding what actions do and do not constitute prohibited behaviour – can hinder a collective effort to implement a PSEA-CBCM.

While it is unrealistic to expect large and small agencies to adopt the same Code of Conduct, it is possible to develop a Common Code of Conduct for agencies delivering assistance or operating within a specific location. This Common Code would reinforce, rather than supplant, an agency's internal Code of Conduct which remains predominant.

Essential to Know

The fact that the Common Code is tied to a specific operational setting is important to note. Common Codes of Conduct will vary across locations because they are targeted to the needs and issues within a specific operational site, and will be based on the agreements of the specific agencies present there.

A Common Code of Conduct can achieve multiple objectives related to CBCMs:

- It offers a shared framework for staff to operate in and a shared set of values that staff can identify with. This helps hold a wider number of staff accountable in a specific location while projecting a common set of standards to the affected population being served.
- It is an effective response to the reality that beneficiaries do not always distinguish between the agencies that staff are working for.
- A Common Code means that any awareness-raising activities, both amongst staff and the affected population, on what standards agency personnel must abide by can be done in a more time- and cost-effective manner. The consistency across agencies can reinforce understanding as well as a sense of ownership.
  - For example, a community meeting is convened to inform beneficiaries on what types of behaviour are explicitly prohibited by workers of the 12 different agencies present in that community. Each individual agency would then not need to carry out the same discussion with the same group of people in the future.
- Having one Common Code facilitates better case monitoring and tracking of trends.
- Common Codes of Conduct help establish the behaviours which will or will not be investigated by agencies, by standardizing what acts constitute SEA. While disciplinary measures may vary from one organization to the next, having such agreed standards increases the consistency with which agencies address this issue and therefore the perception amongst staff and the affected population of agencies' objectivity or independence in their service delivery.

> **Example**
>
> **Success story**: The CBCM in Thailand developed an Inter-agency Code of Conduct, which in Year 2 of the programme agencies were obliged to sign to become a participating member.*
>
> * Committee for the Coordination of Services to Displaced Persons in Thailand (CCSDPT), Preventing Sexual Abuse and Exploitation in the Thai/Burma Border Refugee Camps.

If a CBCM considers developing and adopting a Common Code of Conduct, it must understand that coming to agreement on prohibited behaviours may be time-consuming and potentially conflict with agencies internal Codes. Thus a determination on the overall added-value of this exercise must be made at the onset. An alternative approach is to establish a minimum acceptable level of standards for participating agencies – e.g. an agency's Code must incorporate the Six Principles of PSEA. Without such a baseline, it will be difficult for agencies to develop effective and consistent messaging on PSEA and acceptable staff behaviour.

> **Tools**
>
> - Use a sample Common Code of Conduct as a template - See for example the Common Codes from Fiji or the Humanitarian Response to Typhoon Haiyan in this Guide's Annex 4.
> - To identify minimum PSEA standards, the IASC Guidelines to Implement the MOS-PSEA (2013) give helpful guidance on specific steps agencies must take to fulfill their PSEA commitments.

Example scenario*

Assume hypothetically that three separate agencies (A, B, and C) each deploy one staff member to respond to a humanitarian disaster. Assume as well that the three staff members are assigned to the same unit and that each has a sexual relationship with a beneficiary. Under current policies, any assessment of the appropriateness of their behaviour would have to examine their contracts and separate Codes of Conduct to determine who may and who may not engage in such a relationship.

Suppose that Agency A staff members are "strongly discouraged" from having sexual relationships with beneficiaries. Their Agency B colleagues, however, are prohibited from "sexual or romantic relationships with members of communities with whom they are directly working" but, should one develop, Agency B staff members are expected to discuss the matter with their supervisor. The supervisor is in turn obligated to determine whether an "alternative suitable work arrangement" can be found. Different yet, the Agency C Code of Conduct acknowledges the "inherent conflict of interest and potential abuse of power" in sexual relationships with members of communities that Agency C works with. However, if Agency C staff members find themselves in a sexual relationship that they consider "non-exploitative and consensual," they are instructed to disclose the fact to their supervisor "for appropriate guidance." All of these staff members are working side-by-side on site, regularly interacting with the same beneficiaries.

The case study shows how the lack of common standards complicates PSEA for all humanitarian staff on site, and for the CBCM that has an interest in presenting a unified PSEA message to the community. The inconsistency in what is and what is not acceptable behaviour means delivering subtly different messages to donors, staff, and beneficiaries about standards of behaviour in one site. It means monitoring different standards of conduct within the same operational site. For staff it means identifying the appropriate standards for their own personal conduct and tolerating inconsistent treatment of their colleagues for the same type of conduct. Finally, for communities, it means having to understand which standards apply to which staff members and appreciating why the PSEA standards seem to be inconsistently enforced. In short, uncertainty about appropriate standards weakens the straightforward condemnation of SEA.

* Modified from case study in *A Report based on a review of CARE's Efforts on Prevention and Response to Sexual Exploitation and Abuse* (July 2008).

DEVELOPING A COMMON CODE OF CONDUCT

Challenge		Recommendation
✗ Codes of Conduct are integral internal agency documents. Agencies will be resistant to endorsing a new Code of Conduct if they see it as supplanting their internal one.	⇧	✓ Advocate that agencies agree to develop a Common Code, highlighting the above listed advantages and the fact that the Common Code does not replace internal Codes. ✓ When agencies indicate willingness to coordinate, the CBCM should spearhead the development, circulation, and training on the Common Code of Conduct.
✗ The Secretary-General's Bulletin on SEA (2003) and additional condemnations of SEA are intentionally not explicit in what behaviours qualify as SEA. Coming to agreement between agencies on where to draw the boundaries for appropriate standards of behaviour may be difficult, especially where agencies have different policies on what acts constitute SEA.	⇧	✓ Even where agency policies differ, minimum standards of conduct can be found in international PSEA commitments. The CBCM should offer to lead the research and drafting process.
✗ Codes of Conduct are exacting in their choice of language and require much effort to develop. Member agencies may not wish to devote efforts to developing a Common Code, especially when they have their own already and do not see commensurate value added.	⇧	✓ Where agreement on a Common Code cannot be reached, the CBCM should work with agencies to identify the minimum standards of conduct to include in awareness-raising efforts, in order to ensure a united and consistent approach amongst all participating agencies.

SECTION C

PSEA Awareness-Raising

CHAPTER I HUMANITARIAN STAFF: TRAINING AND CAPACITY-BUILDING

> ✔ **Best Practice**
>
> All staff working with beneficiaries must receive regular and thorough trainings on PSEA issues and their own agency's PSEA policies and procedures. Building the capacity of CBCM member agency staff on PSEA is a strong step toward behaviour change and a demonstrated prevention strategy.

Awareness-Raising on PSEA is one of the main functions of a PSEA-CBCM. Training humanitarian staff on PSEA roles and responsibilities, impact on survivors, CBCM processes, and the reporting procedures of participating agencies all contribute to the overarching goal of protecting beneficiaries from sexual exploitation and abuse. Awareness-raising activities for the whole community – aid workers, the affected population, and host communities – should be conducted in parallel in order to develop a comprehensive response to SEA.

The need for behavioural change:
"We have power. By driving our big white cars and distributing assistance we are perceived as people who have power. There is always a power imbalance between NGO workers and beneficiaries. It is easy to misunderstand and take advantage of beneficiaries' vulnerability."

InterAction's "PSEA Training Guide"

The root cause of SEA, however, is that some staff members choose to abuse beneficiaries, so the primary target of awareness-raising as a prevention method must be humanitarian staff. A CBCM needs to engage in prevention activities that aim at not just informing staff about prohibited conduct and PSEA, but activities that also invoke behavioural change. The purpose behind any staff training should be to eliminate the culture of acceptance that abuses will occur, and specifically deter would-be abusers from violating the persons they are employed to protect.

> 📖 **Information**
>
> Expected behavioural change at the humanitarian workers' level includes: understanding that they are accountable to communities and must be responsive to community feedback; engaging in a respectful and equal relationship with community members; and ultimately contributing to a reduction of SEA incidents.

> 📌 **Example**
>
> The Evaluation of the IASC Pilot found at both sites that beneficiaries reported enjoying an increased respect from staff after the implementation of the CBCM. In focus group discussions, both beneficiaries and staff reported on positive changes in staff behaviour, with staff explicitly linking the PSEA training they received with the noticeable change in behaviour.

Training for all staff

Capacity-building

Trainings that focus on staff capacity-building means building their investment in PSEA and the CBCM. Humanitarian staff are simultaneously potential transgressors of SEA and, because of their interaction and rapport with affected communities, potential support and reporting channels for complainants. While much of agency-administered staff training focuses on rules and obligations to prevent abuses, it is equally important to conduct trainings that target humanitarian staff who will support and drive the CBCM.

At a minimum, all humanitarian staff should be trained in:

- What SEA is and the international commitments in place to fight it;
- Individual actors' roles and responsibilities on PSEA;
- Case reporting and referral procedures, within their own agencies and for the CBCM;
- Appropriate conduct of humanitarian staff;
- Survivors' needs and assistance provision.

Behaviour change

Repetitions of seminars that merely introduce the Secretary-General's Bulletin on SEA (2003) and an agency's PSEA commitments are insufficient and off-putting for staff. Rather, trainings must engage staff by highlighting their role in the PSEA network and how PSEA can practically affect them. Agencies hold the responsibility to train their own employees on PSEA,[45] but the CBCM should make itself available to brainstorm creative PSEA awareness-raising activities with its member agencies that will effectively engage staff and are designed toward behaviour-change.

> **Tools**
>
> **To Serve with Pride (video)**: Geared toward UN staff and related personnel, this 20-minute film discusses the impact of SEA on individuals and communities, and introduces the obligations under the Secretary-General's Bulletin on SEA (2003). Found at www. pseataskforce.org/ (in multiple languages).

> **Tools**
>
> PSEA training modules can be adapted to each CBCM. Comprehensive examples are:
> - The InterAction PSEA Basics Training Guide
> - The UNICEF Training of Trainers on Gender-Based Violence: Focusing on Sexual Abuse and Exploitation.

> **Tools**
>
> Monitoring tools should be used to measure the effectiveness of training:
> - The Common Reporting Platform developed out of the IASC PSEA CBCM Pilot Project, containing a platform that logs awareness-raising events and impact. This tool can be replicated for additional sites.
> - KAP tests, to compare initial knowledge to that gained over time.

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45 MOS-PSEA (2012) #7 "Effective and comprehensive mechanisms are established to ensure awareness-raising on SEA amongst personnel."

Effectively communicating PSEA policies and reporting channels to <u>all staff</u>

Currently, many agencies maintain a solid practice of holding PSEA staff trainings that include how to recognize SEA and on humanitarian workers' responsibilities towards affected populations. The instruction that is frequently missing from agency trainings is: What staff should do when they hear about an SEA incident.

There is a noticeable disconnect between headquarters' PSEA commitments and field-based understanding of the same. While many agencies already have a Code of Conduct describing prohibited behaviour, it remains unclear to many staff what their internal processes are for reporting a complaint or what steps they should take if information is received from an outside source that indicates the Code has been breached. Just as important, agencies are not instructing their staff on how to proceed if they learn of an alleged SEA incident committed by staff from another agency. For PSEA policies to be effective, they need to be translated into staff understanding and acceptance, and communicated to the field with sufficient authority and clear guidance.[46]

> **Tool**
>
> UNHCR's staff pamphlet on Reporting Sexual Exploitation and Abuse (in Annex 4) is an excellent example of a simple yet comprehensive informational tool that can be made easily available to all staff.

> **Essential to Know**
>
> All staff – especially persons in field positions – must be given clear instruction on who in their organization they should report SEA to, including up-to-date contact information.* *A reporting mechanism is ineffective if staff do not know how to access it.*
>
> * MOS #8, Indicator 2 "Staff members are informed on a regular basis of how to file a complaint/report and the procedures for handling these."

Confusion of terms

Although many agencies have established training programmes that include the minimum training standards of "What is SEA?" there is still confusion over the SEA definition among personnel. Staff confuse sexual exploitation and abuse with sexual harassment and with sexual/gender-based violence. They perceive SEA to be on a continuum with sexual harassment, sexual exploitation and, ultimately, sexual abuse. This mis-categorization undermines the key messages regarding what they are allowed and not allowed to do, and causes confusion on the appropriate procedures for reporting cases and assisting victims. Trainings should address this misconception, where it exists.

> **Information**
>
> One reason for the confusion over the definition of SEA is that it is one of the areas where agency policies can differ, and staff in one site may receive conflicting information. Part of the inter-agency coordination in staff trainings should be to note where agency policies contain key differences – that way part of the CBCM trainings can include an overview of how agency policies affecting staff behaviour differ.

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46   IASC Statement on PSEA (2015) #1: Full implementation of the Minimum Operating Standards requires "effective and continuous staff training by all humanitarian agencies".

Tool

PSEA Training Guides – such as the forthcoming UNHCR Facilitators' Training Manual on PSEA and the Guides noted above in this Chapter – contain case studies of potential SEA scenarios to help staff and affected populations identify inappropriate behaviour. The CBCM can take these examples and modify them to illustrate how each member agency's Code of Conduct would treat the scenario.

Regular trainings for humanitarian staff also need to include the content of their agency's Code of Conduct, and the practical implications on them for breaching that code.[47] Trainings should reinforce the obligation to report SEA, and thoroughly explain the policy for protection from retaliation that is in place.[48] Staff are often concerned about confidentiality and how their complaint will be handled, given that they are being told to report on their peers. These issues should be specifically addressed during trainings.

Essential to Know

Implications of breaching the Code of Conduct: Any disciplinary action against staff for committing SEA will be based on the fact that SEA is a violation of their agency's Code of Conduct. Agencies must therefore have a strong Code of Conduct that explicitly includes SEA, and actively enforce that Code upon breach. Taking these steps turns the Code into a powerful deterrent and prevention strategy, and the CBCM should advocate that agencies must be consistent in their application of their own Code.*

* IASC Statement on PSEA (2015) #3: "Strengthen investigation and protection responses to SEA allegations".

Example

Behavioural change in the Kenya PSEA mechanism: A 2007 final project evaluation* found concern over job security to be the main cause behind the decline in the number of SEA cases reported, as humanitarian aid workers were required to sign the binding Code of Conduct upon employment. Teachers now "fear being sacked" so they "no longer joke with students about issues related to sex". Previously not considered a strange practice, teachers no longer consider marrying young schoolgirls. These results show the deterrent value of a strong Code of Conduct: potential offenders will be deterred from committing SEA where they have reason to believe they may be fired for doing so.

* International Rescue Committee, "Final Evaluation: Preventing Sexual Exploitation and Abuse (PSEA) Project" (September 2007), Nairobi, Kenya.

Case outcomes as a behaviour change tool

Dismissive attitudes of staff as to the seriousness of sexual exploitation and abuse are a real risk factor in allowing SEA to perpetuate. Depending on the pervading culture within

Tip

Perceived impunity encourages further violations. Reporting on disciplinary actions taken directly discourages potential offenders.

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47 MOS-PSEA (2012) #7, Indicator 1. "Staff receives annual refresher training on the standards of conduct, learn about […] the implications of breaching these standards."
48 MOS-PSEA (2012) #7, Indicator 3.

an agency or locality, sexual exploitation for beneficiary "gain" may be seen as not "real" abuse, permitting a passive culture of acceptance. It is easy to see why this attitude has been allowed to spread, given the rarity of visible disciplinary action taken against SEA offenders. One prevention strategy, more likely than Code of Conduct trainings to elicit behavioural change, is for agencies to make public the outcomes of their disciplinary procedures for SEA.[49] Transparency in case outcomes can indicate to staff, as well as to the whole humanitarian community, that the agency takes PSEA and their Code of Conduct seriously, which gives the Code a deterrent value. Staff trainings should cite these case statistics when available, to show that the agency will discipline when necessary, reinforcing the instruction that SEA is unacceptable.

> **! Be Aware**
>
> **Perceived impunity for criminal acts**: International Conventions provide representatives of UN agencies with immunity from criminal prosecution in certain situations so that the UN can independently carry out its functions.* Many acts of SEA are criminal acts under national laws as well as violations of an agency's Code of Conduct. However, consultations during the IASC Pilot Project Evaluation indicate that local representatives of UN staff mistakenly believe that the Privileges and Immunities under these Conventions mean they are shielded "from any criminal prosecution in the event of SEA or other offence." This sense of impunity indicates a serious accountability failure. One sector of humanitarian staff believing they are immune from the consequences of committing SEA can create a culture of acceptance that can infect all aid workers on site. Staff trainings must clarify the substance of Privileges and Immunities: These Conventions only provide staff immunity for "official acts performed in the exercise of [their] function" i.e. broadly: for acts done as part of their jobs. Acts of sexual exploitation and abuse of beneficiaries would not apply here and thus UN staff are not immune from criminal prosecution for SEA.**
>
> * See the Convention on the Privileges and Immunities of the United Nations (13 February 1946) and the Vienna Convention on Diplomatic Relations (1961).
>
> ** See also the United Nations Office of Internal Oversight Services' "Investigations Manual" ST/AI/371, §2.4: "[M]ost criminal conduct is not committed as part of an official function" and where it is immunity can be waived if it "would otherwise impede the course of justice."

Pre-employment/departure training

All staff should receive ongoing PSEA training throughout their tenure, but the first training should be conducted when they sign the Code of Conduct before beginning employment. The immediacy of the training will reinforce the importance of PSEA and ensure that they know how to handle an SEA incident from the start of their employment. Combining trainings with signing the Code is also far superior for retention to just signing a Code that includes PSEA, as staff often fail to read and/or retain the exact provisions. The challenge of conducting this preliminary training for field staff is ensuring that the training is comprehensive and includes the specific PSEA issues in the region of their deployment. The CBCM should strategize with participating agencies to ensure that staff arriving in the field understand their PSEA obligations before beginning employment.

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49 All reports on disciplinary proceedings should be anonymous - the fact that disciplinary action took place is key here, not individual names.

Innovative staff training ideas

Use the UNDSS model of security briefing before any staff is deployed to the field, to train on PSEA before they begin work. Staff could take an SEA quiz prior to deployment as part of their orientation, and the issuance of a security certificate and Daily Subsistence Allowance (DSA) payments would be tied to the completion of the PSEA training. This would ensure that everyone entering the field has baseline knowledge, and would inherently drive home the importance of the issue. Training could include the most common and detrimental gaps in staff knowledge, such as how to differentiate SEA from other forms of GBV. The training could also identify each agency's CBCM Focal Points in the manner that the UNDSS identifies Wardens, ensuring that staff know exactly where to report SEA before entering the field.

From the Prevention of Sexual Exploitation and Abuse in Kenya Refugee Camps project: When staff of the Lutheran World Federation, Department for World Service in the Kakuma Refugee Camp received some of their pay slips in 2006, the individual salary sheets included information urging employees to report all cases of suspected sexual exploitation and abuse in the workplace. The employees were clearly advised how and where to file SEA complaints, and how to maintain confidentiality with such cases.

From the IASC Pilot Project PSEA-CBCM Best Practices Workshop: Create self-assessment tools for staff to review their own behaviour in their day-to-day interactions with communities. For example, a smartphone app with checklists that staff will fill out and submit quarterly.

From the IASC's Pilot site in the Democratic Republic of the Congo: Coordinate PSEA awareness-raising events for key holidays celebrating gender, children, and women's rights, e.g. 25 November: International Day of No Violence Against Women and 10 December: Human Rights Day.

To make it easier for staff to retrieve their agencies' guiding documents that apply to them, CBCMs should encourage agencies' to ensure that internal databases (storing policies and managing documents) are complete and easy to search.

Additional training for managers

Managers especially need to be trained on what SEA is and on their headquarters' PSEA commitments. Senior managers in the field play a crucial role in PSEA by implementing organizational policies which should prevent abuse. They need to be fully informed of their organization's stance on PSEA, and on their obligation to integrate PSEA into programme design and evaluations.

Information

The "Six Core Principles Relating to SEA," adopted by the UN Secretary-General's Bulletin on SEA (2003) and the Statement of Commitment (2006), and incorporated into organizations' Codes of Conduct, require all humanitarian agencies to create and maintain an environment that prevents SEA and to promote the implementation of their respective institutional Codes. *Managers at all levels have a particular responsibility to support and develop structures that maintain an SEA-free environment.*

Additionally, managers are often the persons receiving informal concerns of SEA from staff on site. As such they must be prepared to recognize SEA and know exactly how to forward these concerns to their appropriate agency unit for follow up. They must be trained in their

obligation to report all concerns of SEA, and to support their employees in maintaining an environment that prevents SEA.[50]

> **! Be Aware**
>
> Managers and heads of field offices face the difficult task of implementing directives from headquarters while remaining sensitive to the culture of the communities in which they work. Without clear directives on managerial responsibilities to report SEA, cultural sensitization can lead staff to accept SEA as "part of the local culture".* CBCMs should assist in training managers on the zero-tolerance for SEA policy that they are obliged to uphold.
>
> * See, e.g. the example in *A Report based on a review of CARE's Efforts on Prevention and Response to Sexual Exploitation and Abuse* (July 2008) pp. 23-24.

> **Tool**
>
> ICVA's Building Safer Organizations Guidelines include standards of reporting for managers.

Training for agency CBCM focal points

In addition to all the PSEA trainings that they will receive from their own agencies, CBCM Focal Points must receive trainings to assist them in successfully fulfilling their CBCM duties. The CBCM should ensure that Focal Points are familiar with the policies and procedures of the other agencies in the CBCM, and that they thoroughly understand the general principles guiding all CBCMs.

> For the principles guiding CBCMs, see this Guide's chapter on "Setting up the CBCM infrastructure".

> **Information**
>
> CBCM Focal Points will have to carefully manage complainant expectations, given how diverse agencies' investigation procedures are. The Focal Points should therefore be familiar with the procedures for all participating member agencies, in order to ensure that accurate information is provided to complainants.

Capacity-building of CBCM focal points

Well-structured trainings will build the capacity of member agency representatives to participate in running the CBCM, by instilling the technical skills required for implementation and monitoring. Properly done, Focal Point capacity-building means raising the CBCM Focal Points' capacity to also mobilize and train the community members on the CBCM, which can increase ownership of and efficient use by the affected population.

As noted above, all humanitarian workers on site should know about the CBCM, as they may potentially receive complaints while working with beneficiaries during daily humanitarian programming activities. Building on this, an agency's Focal Points are intended to be the primary persons receiving in-person complaints and they should be thoroughly familiar with the entire CBCM complaint handling process, as well as their own agency's and the other agencies' procedures.

> **Tip**
>
> SEA allegations will occasionally be mixed with other misconduct issues e.g. an incident including both Sexual Exploitation and Corruption. To properly perform their intake function, CBCM Focal Points should be trained on other forms of misconduct in addition to SEA, in order to enhance their ability recognize SEA when it is mixed with other issues.

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50   Secretary-General's Bulletin on SEA (2003).

> 📖 **Information**
>
> Where a CBCM uses an "informal" structure of Focal Points (community focal points, "trusted person" reporting system, etc.) these people should also receive more thorough procedural training.

As the liaison between the CBCM and their agency, Focal Points are responsible for representing their agencies within the CBCM, and for bringing the knowledge and tools that they learn from working with the mechanism back to their respective agencies. Focal Points must thoroughly understand their own Codes of Conduct and complaint procedures, and will need the same understanding of the reporting and investigation procedures of the other participating agencies, so they know exactly how complaints will be referred. They will also need to be familiar with local laws and regulations that will affect the CBCM, such as Mandatory Reporting laws.

> 📖 **Information**
>
> For example, complaints about staff persons working in child-centred institutions (e.g. orphanages, schools, or day-care centres), will often be covered by the host country's laws. CBCM Focal Points must know and understand the legal requirements for disclosure.

As the PSEA representatives of their agencies to the affected community, Focal Points must also be trained in the guiding principles of CBCMs. The standards of confidentiality, safety, and health/psychosocial needs of survivors should be thoroughly disclosed to anyone interacting with complainants.

> 💡 **Tip**
>
> One agency or the PSEA/CBCM Coordinator should lead these meetings, to ensure cooperation and momentum.

CBCMs should coordinate frequent and regular meetings of the agency Focal Points. Regular meetings facilitate information sharing on three issues: 1) measures put in place by all CBCM member agencies to prevent and address SEA; 2) documented incidents (maintaining confidentiality); and 3) follow up on how incidents have been dealt with. These regular meetings keep the Focal Points, and by extension, the member agencies informed on the status of PSEA activity in the site. They also serve as a meeting place for Focal Points to network and encourage open communications between agencies on PSEA-related issues.

> 💡 **Tip**
>
> The CBCM can look into creating an Emergency Roster for PSEA-trained and competent staff. Designing such a roster in-country, or even globally, could both aid agencies in identifying well-trained staff for deployment, while also providing career motivation for humanitarian staff to become PSEA-educated.

Any persons working in the CBCM must also be closely familiar with how the mechanism interacts with the rest of the humanitarian programming operating on site. This special in-depth training should include detailed procedures for complaint referral, the complaint handling processes for participating agencies, as well as the procedures for transferring non-SEA complaints to the relevant agency/Cluster/accountability mechanism. Focal Point training on complaint handling should clearly differentiate SEA from non-SEA procedures.

Essential to Know

Key Cluster leads on site should also be informed of the CBCM and invited to the in-depth training activities. The CBCM should engage and coordinate with the Clusters, particularly Education, Protection, CCCM and Shelter, as well as the GBV sub-cluster, as these actors regularly interact with beneficiaries and need to know how the CBCM works. This includes ensuring that such Cluster coordinators are aware of the CBCM, understand the referral procedures for victim assistance and SEA allegations, as well as receive training on how to recognize and address potential SEA cases. Because SEA is a form of GBV, it is especially important that the GBV sub-cluster Coordinator knows and promotes the key PSEA principles and responsibilities, and collaborates with the CBCM on victim assistance provision and allegation referrals.

Training for implementing partners

One predominant way in which SEA violations occur and remain unaccountable is commission by partners or contracted workers who may not have their own PSEA commitments. Smaller aid organizations may not have PSEA in their Codes of Conduct, leaving no means of discipline in the face of SEA incidents. All agencies working with partners therefore have an interest and a responsibility to include PSEA clauses in their partnership contracts.[51] Similarly, contract workers with agencies – including interns and volunteers – must have a PSEA clause in their contracts as well (see sample Clauses in Annex 4). Staff awareness-raising activities carried out for humanitarian agency staff should be extended to partners and contract workers, in order to increase their knowledge and capacity to prevent and address SEA.

Investigative training

Any individuals or bodies tasked with investigating SEA must be trained in both international standards of evidence gathering and specifically in SEA issues. Many CBCMs will not need to conduct their own investigators trainings, as the majority of humanitarian agencies conduct investigations from the headquarters level only. However, where the CBCM plays a role in investigating SEA incidents (e.g. using the optional Investigators Pool structure) then any investigators must be trained in the following areas:

- Interviewing survivors of abuse
- The principles of confidentiality and safety
- The basic structure of the CBCM referral process
- Investigation time frames
- Burdens of proof for all relevant agencies

In addition, any CBCM member agency representatives that will be handling SEA complaints should be trained on proper procedures for evidence gathering. Even if they will not be investigating themselves, they must be familiar with international evidence standards so as to not jeopardize subsequent agency investigations.

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51   MOS-PSEA (2012) #2, Indicator 2: "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." IASC Statement on PSEA (2015) #3: Strengthening responses to SEA allegations requires concerted efforts to enforce PSEA contractual clauses with implementing partners.

STAFF TRAINING AND CAPACITY-BUILDING

Challenge		Recommendation
✗ Many agencies have newly recruited staff sign their Code of Conduct with Human Resources, but are not monitoring whether the staff actually read, let alone understood, the Code.	⇧	✔ The CBCM should advocate that all staff receive PSEA trainings upon recruitment, and mandatory regular trainings thereafter. A Code of Conduct should be presented and explained to all new staff and signed along with the employment contract. ✔ To monitor increased understanding, conduct an initial assessment of knowledge at the time of staff recruitment and conduct monthly tests thereafter to measure understanding gained over time.
✗ Different CBCM member agencies will have different capacities to conduct staff trainings. Where resources are available and management is willing, an agency's training module will only cover their own PSEA policies and procedures, not those of other participating agencies or the CBCM itself.	⇧	✔ A CBCM should be adaptable to varying agency capacities and ready to advocate / train on CBCM issues. It should take the lead on developing a comprehensive training package on inter-agency cooperation on PSEA and circulating it among stakeholders.
✗ It is difficult to measure the impact of awareness-raising activities on behavioural change.	⇧	✔ Develop monitoring and evaluation tools and frameworks to monitor awareness-raising activities and impact. Data analysis on SEA incidents and trends can indicate if SEA incidents are reducing in the areas where awareness-raising activities are conducted. Discussing with beneficiaries how they perceive staff attitudes toward them can be another indicator of behaviour change.
✗ There may be lack of agreement amongst partners on the benefits of raising awareness. Some staff may resist participation in trainings, and/ or be prevented from attending by competing priorities/instruction from managers.	⇧	✔ The CBCM should organize workshops for Head of Agencies in the operational site to reinforce the importance of staff PSEA trainings. Such an initiative will reinforce the commitment of agencies and senior management support of CBCM Focal Points. The outcome of the workshop should be a signed commitment towards operationalizing an inter-agency action plan, complementing each agency's individual PSEA action plan.
✗ Field office staff remain unaware of their Headquarters' PSEA commitments.	⇧	✔ Advocate a "Top-down awareness-raising strategy". Agencies should endorse awareness-raising strategies at the headquarters/senior management level, and communicate these all the way to the field for implementation. This promotes the proper Headquarters guidance to uphold agency PSEA commitments.
✗ Staff turnover: The staff trained on PSEA and the CBCM will leave and/ or change employers, taking with them the knowledge and leaving a void behind.	⇧	✔ Use debriefings with the PSEA/CBCM Coordinator as a method to reduce loss of institutional knowledge upon staff turnover, where available.

CHAPTER 2
AFFECTED COMMUNITIES

> ✓ **Best Practice**
>
> Effective awareness-raising for all community members is a key strategy to empower individuals to reduce the risk of SEA in their own community, and to minimize the harmful effects when SEA does occur.

Raising the awareness of the affected community on PSEA is a fundamental part of CBCM activities. All communities in sites where humanitarian organizations are providing aid should be informed about what SEA is and the CBCM's role in combating it. Where a PSEA-CBCM exists, member agencies have the responsibility to educate beneficiaries and host communities on their PSEA rights, how to report abuses, and available sources of support. In the absence of such awareness-raising programmes, community members will not be empowered to assert their right to unconditional humanitarian assistance.

"With PSEA, not one refugee is left unchanged."

Quote from Best Practices Workshop, Kigali 2015

Information campaigns should clearly instruct beneficiaries on the parameters of SEA and the CBCM. For example, potential complainants need to know that the definition of "humanitarian worker" for the purposes of SEA includes all workers engaged by humanitarian agencies to conduct the activities of that agency, including local volunteers and contractors. A misunderstanding of the definition of humanitarian worker can lead to lack of reporting when a beneficiary is forced to question whether their complaint falls under the definition of SEA.

> 📖 **Information**
>
> An effective community awareness-raising programme:
>
> - Demystifies SEA, and
> - Explains the complaint mechanism and how to access it

Key message

"All assistance provided by humanitarian organizations is based on need and is free. Humanitarian organizations and their staff work on principles of humanity, impartiality and respect. You have the right to assistance and the right to report any inappropriate behaviour, exploitation, or abuse by a humanitarian worker. A complaints system has been set up at [insert name of cluster/organisation/location]. Contact [insert contact details] for further support and advice about this. All complaints are kept confidential."

At a minimum, beneficiaries have a right to know:

- The definition of sexual exploitation and abuse as per the Secretary-General's Bulletin on SEA and that of participating organizations;
- The standards of conduct for humanitarian workers;
- That they have a right to humanitarian assistance without being subjected to SEA;

- Where to report SEA incidents;
- What services are available, and how to access them;
- What to expect after making a complaint, including potential referrals, timeframes, and the roles, responsibilities, and any limitations of actors involved, and;
- What steps the CBCM and concerned agency will take to ensure safety and confidentiality.

"What is SEA?"

Defining Sexual Exploitation and Abuse, and clearing up misconceptions about what it means, can be a good starting point for community awareness-raising. Focal Points should introduce the accepted SEA definition* and invite participants to share what they believe SEA means. They can then give examples of inappropriate staff behaviour, discussing why each example is a violation of each agency's Code of Conduct (or the Common Code where appropriate),** such as:

- Examples of Sexual Exploitation
  - A head teacher at a school, employed by an NGO, who refuses to allow a displaced child to enter his school unless her mother sleeps with him.
  - A UN driver who regularly provides rides in the official UN vehicle to village schoolboys travelling to school in a neighboring town, in exchange for him taking photographs of them posing naked.
  - The female boss of an NGO office, refusing to give employment to a young man applying to be a kitchen server unless he sleeps with her.

- Examples of Sexual Abuse
  - A refugee, who is employed as an incentive worker by an international organization, lures a female refugee collecting food to a deserted warehouse and rapes her, announcing that he will tell her husband they are having an affair if she reports the case.
  - A local NGO worker touches a 6-year-old girl inappropriately while playing with her as part of a psychosocial intervention.
  - Solicitation of a prostitute.***

  * The accepted SEA definition is found in the Secretary-General's Bulletin on SEA (2003) and the Key Terminology at the beginning of this Guide.
  ** Given agencies' differing interpretations of what acts constitute SEA, this exercise must be designed with the input of all CBCM member agencies.
  *** Examples taken from InterAction's "PSEA Basics Training Guide."

Information

Awareness-raising to encourage reporting: Some people do not report SEA out of fear of retaliation, including losing much-needed material assistance. Make sure everyone is aware of what they are entitled to receive and that their rights will not be affected by their complaints. Public messaging should announce that services are free and no beneficiaries are expected to give anything in return.

Raising community awareness on PSEA should not only be informative, but also invoke a behavioural change process. The goal is to reduce overall risk of SEA in the population by combating social norms, mindsets, and gaps in knowledge that allow and occasionally encourage SEA. While the primary role

of prevention work is to change the behaviour of potential perpetrators, and this should be the focus of educational efforts, a true understanding of beneficiary rights and staff responsibilities can reduce the social harm of SEA by empowering communities and assisting them to design their own prevention strategies.

Information

Expected behavioural change at the community level includes: willingness to report SEA cases and hold organizations accountable, and eliminate the stigmatization of survivors.

Tools

Measure the success of Awareness Events

- The Common Reporting Platform developed out of the IASC PSEA CBCM Pilot Project, contains a platform to monitor and track awareness-raising events and their impact on PSEA understanding. This tool can be replicated for additional sites.
- KAP tests, to compare initial knowledge to that gained over time.

Example

Behaviour change and knowledge raised in the IASC Pilot: The Evaluators of the IASC Pilot Project received reports from community members of an increased perception of safety and community confidence in the CBCM in both pilot sites since the implementation of the project.

- In both sites, roughly 80%* of beneficiaries stated that they felt safer from SEA than one year earlier.
- In the Democratic Republic of the Congo, adolescent girls in particular felt empowered to say "NO" to SEA and reported that humanitarian staff were treating them with more respect.
- Both sites experienced a notable rise in understanding SEA. In the Democratic Republic of the Congo there was a reported increase from a 10% level of understanding of SEA among beneficiaries before the Pilot, to 70% being able to recognize SEA and know where to report incidents. The knowledge base among refugees in Ethiopia increased from 30% to 81%.

*   Just under 80% in North Kivu, Democratic Republic of the Congo, and just over 80% in Melkadida, Ethiopia.

"Over 20 years ago in Somalia our perceptions about women and girls were different and we did not have a functioning government to act on women's rights. We thought that women's views were not important. As a result, women were not considered as important partners to men in terms of making household or community decisions. Here in the camp, International Medical Corps and partners including UNHCR have made us to understand the importance of women's rights and their role in any society. We have recognized this to be true because we are beginning to see positive changes in the lives of our women and girls in the camp. Women are learning new information about themselves every day, and our girls too are able to go to school. We will continue to champion this cause because it a worthy cause."

A male refugee leader from the Refugee Central Committee (RCC) explained to IOM and UNHCR, October 2014.

Awareness-raising should be targeted to increase understanding of the causes and consequences of SEA, as well as to address trends occurring in each particular context. For example, in a humanitarian response operation where assistance is scaling down, poverty becomes a high vulnerability factor and the exchange of sexual favours may be viewed by some community members as a practical means to access additional resources. In this context,

messaging efforts should address harmful coping strategies in an effort to reduce vulnerabilities, and should be developed with a rights-based approach, aligned with interventions addressing empowerment, gender, and humanitarian assistance as a right and not a favour. Different messaging and outreach would be required in areas where the predominant trend involves the sexual abuse of young children.

Tip

Rights-based approach messaging: "Humanitarian staff are accountable to beneficiaries under their PSEA Codes of Conduct," and "Humanitarian assistance is free, not conditional on sexual favours."

Example

In Eastern the Democratic Republic of the Congo there is a community bias against reporting, especially for SEA misconduct. Locals do not always see the relevance of reporting SEA if it's "just a relationship" – i.e. when the beneficiary benefits through increased food or NFI distributions from the exploitation. Additionally, community structures maintain a strong negative attitude toward SEA survivors, which directly impacts the long-term safety and well-being of the survivor. These are difficult and culturally entrenched attitudes to work with. The CBCM in the Democratic Republic of the Congo has responded by implementing a "rights-based approach" to address the "acquired benefit" counterargument to reporting, and entrenched stigmatization.

Essential to Know

Regardless of context or local SEA trends, community awareness-raising should recognize that the primary cause of SEA is the fact that members of the humanitarian community chose to commit these acts.

To carry out awareness-raising responsibilities, a CBCM should design a long-term programme of events and coordinate the participation and resource-sharing of CBCM member agencies. Public information messages, awareness-raising campaigns, and behaviour-change strategies must be coherent, consistent, and connected to services and organizations to avoid confusion in the community. The CBCM should also encourage each member agency to articulate its awareness-raising expectations and to clearly share these goals, along with training tools and materials, with the CBCM.[52]

Essential to Know

On-site SEA messaging is an important area for inter-agency coordination: All actors involved in prevention must coordinate with each other and plan activities in a collaborative manner, or messaging will be incoherent.

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52   MOS-PSEA (2012) #4 "Effective and comprehensive communication from HQ to the field on expectations regarding raising beneficiary awareness on PSEA" Indicator 1: "The HQ has communicated in detail the expectations regarding beneficiary awareness raising efforts on PSEA (including information on the organization's standards of conduct and reporting mechanism)" and Indicator 2: "The HQ has distributed examples of awareness raising tools and materials to be used for beneficiary awareness raising activities."

Types of awareness-raising activities

Awareness-raising activities can take a wide variety of forms, and should take into account community input on the most effective forums and media to use for communicating PSEA messages. A combination of methodologies is recommended to ensure maximum coverage and absorption of the community. Methods can include both large-scale events and smaller, gender and age-segregated discussion forums that encourage interactive conversations. They can include training-of-trainers for community leaders, as leaders are trusted community members and can be more effective at conveying messages than aid staff. Generally, engaging PSEA-trained community members to run awareness-raising events increases community ownership of the issue. Whatever type of events are held, it is important that the are culturally sensitive, reflect local language barriers and gender roles, and are regularly repeated to build and maintain trust.

Tip

Community awareness-raising is not a one-time information campaign. Information about SEA and how to seek help must be provided on an ongoing basis, in order to account for, e.g. the fluid nature of displaced populations or shifting of camp populations.

Tip

Organize mass sensitization campaigns on PSEA for the whole community, as well as small Focus Groups, based on the objective of the communications and stated community preferences.

Spotlight on "Tea Talks"

"Tea Talks" are traditional community gatherings led by a trained community focal point, where two-way communications are encouraged on PSEA and other sensitive issues, such as GBV. Community members have the opportunity to discuss and ask questions in an environment where they feel comfortable. More intimate than mass events, conversations between 15–20 people can be held over tea, which strengthens social bonds and encourages frank and open conversations.

The CBCM should conduct special outreach to women's groups, schools, and any other groups in the population that community consultations have identified as especially vulnerable. Messaging should remain adaptable based on the stated needs of the community and SEA trends identified through complaints monitoring.

Designing PSEA messaging

Developing an awareness-raising campaign in multilingual or predominantly illiterate settings can be difficult, because messaging may not be understood by all community members. To reach the maximum number of persons, messaging should use graphics and limit text as much as possible. Slogans and written messages should be simple and translated into all relevant languages within the community. The CBCM should diversify messaging over print media, radio, community talks, Information Education Communication (IEC) materials, etc. to maximize its accessibility. Creative messaging solutions, such as staging PSEA theatre shows enacted by community members, can both impart awareness and improve community ownership over the messages. Theater is a useful visual tool that allows communities to express complex concepts in an accessible and understandable manner. Community consultations can be very effective to learn what messaging media work best for them.

Tool

Simple messages that were effective in the IASC Pilot Project were "Zero tolerance to SEA" and "Humanitarian Assistance is Free" (in appropriate languages).

Tip

A reporting mechanism is ineffective if beneficiaries do not know how to access it. Information on how to access the CBCM should be clear and simple, offered in the local language(s) and/or as a visual presentation.*

* Image from the Thailand CBCM: Preventing Sexual Abuse and Exploitation in the Thai/Burma Border Refugee Camps.

Capacity-building

In affected communities where illiteracy is common, displaced persons often identify their friends as a primary source of PSEA information.[53] Conducting trainings for interested beneficiaries, in order to build their capacity to raise awareness on PSEA and the CBCM amongst their peers, may be useful approach. Beneficiaries interviewed in Melkadida Refugee Camp, Ethiopia and through Transparency International's corruption complaint and feedback mechanism in Kenya have expressed an interest to receive such training.

Tools

- Community mobilization toolkits, such as SASA! (http://raisingvoices.org/) can help in designing awareness-raising strategies.
- Behaviour Change Communication toolkits can help design strategies to reduce the culture of SEA acceptance. See UNICEF's Behaviour Change Communication in Emergencies (targeted primarily toward health risks in natural disasters).

Manage expectations

Beneficiaries may use the CBCM to submit complaints on a wide array of issues, as it may be the only opportunity to express their views. A CBCM runs the risk of raising expectations that it will address all wrongs and then generating disappointment. CBCM member agencies should work closely with communities, addressing them in small groups to explain how the CBCM works, why some complaints can be addressed while others cannot, and why some services cannot be provided.

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53   Based on Knowledge, Attitudes and Practices (KAP) surveys conducted during the IASC pilot project in Democratic Republic of the Congo and Ethiopia.

Information

While the CBCM cannot address all concerns, it should note trends in complaints and work with other humanitarian actors on site to advocate for additional services based on stated beneficiary needs. This is another reason why recording non-SEA complaints is necessary.

For more on the importance of recording all complaints received by the CBCM, see this Guide's chapter on "Monitoring and evaluation, with programme adjustment".

Educating the wider community

It is important that everyone who interacts with beneficiaries or who may be affected by SEA understand the principles that underpin a complaint mechanism, in addition to understanding how it works practically. It is not just member agency staff and beneficiaries who should know how a CBCM works. The principles and practicalities of a CBCM should be shared with national authorities, host populations, and agencies not participating in the mechanism (e.g. CBOs opting out), as they all regularly interact with beneficiaries. Training persons that may interact with the CBCM on prohibited conduct, how to access the CBCM, and reporting and referral procedures, is critical. Training external actors also increases understanding among humanitarian stakeholders of why CBCMs are necessary, contributing to broader ownership and sustainability of the mechanism.

Example

In the region of the Democratic Republic of the Congo under the IASC Pilot Project, beneficiaries lived alongside members of the host community, rather than in a separate camp. The Democratic Republic of the Congo CBCM in the IASC Pilot Project increased its efforts to educate members of the host community, after it began receiving SEA complaints from them.

Awareness-raising success stories

Music to transfer key messages: In the IASC's Pilot CBCM in the Democratic Republic of the Congo, radio and music have been a very successful means to transfer messages using local radio stations that are popular in IDP camps, making messages accessible for the population. The messages are also frequently repeated, which increases impact.

Child-led Disaster Risk Reduction (DRR) Campaign – The Philippines: Children video-recorded areas in their communities that they considered at-risk for SEA incidents and interviewed community members and duty-bearers responsible for keeping children safe. This proved to be a powerful tool that identified the gaps in protection/safety and lack of awareness among parents and duty-bearers on their responsibilities.

Youth-led Sexual and Reproductive Health Rights campaign – Bolivia: Young people interviewed users of a Health Centre where adolescent-friendly Sexual and Reproductive Health Rights services were offered on their entitlements and access and quality of services. They also established suggestion boxes and a satisfaction survey, and interviewed service providers and local policy makers on their responsibilities. The youth used the video to contrast commitments and gaps in service delivery.

AWARENESS-RAISING FOR AFFECTED COMMUNITIES

Challenge		Recommendation
✗ It is difficult to measure the impact of awareness-raising activities on behavioural change.	⇨	✓ Develop monitoring and evaluation tools and frameworks to monitor awareness-raising activities and impact. These can include informal beneficiary self-assessments, and more formal KAP surveys.
✗ Messages coming from different agencies may create confusion if they are not standardized.	⇨	✓ The CBCM should take on the task of coordinating messaging based on tools shared from participating agencies, to ensure standardized, clear messages are used.
✗ There may be confusion or differing opinion between agencies on what activities awareness-raising entails.	⇨	✓ When faced with debate over the purpose of awareness-raising, the CBCM should emphasize to participating agencies that raising awareness is a process with an overarching goal (i.e. capacity-building) and not merely a set of activities.
✗ Awareness-raising can be de-prioritized as a prevention activity when agencies are overburdened with immediate life-threatening issues.	⇨	✓ Awareness-raising activities should be included in CBCM Focal Point TORs, and the CBCM should advocate to agencies on the importance of Prevention activities and awareness-raising in particular, as necessary.
✗ Unlike GBV or corruption, it can be difficult to capture the nuances of SEA in a simple graphic, in order to reduce the text in messaging.	⇨	✓ To design a messaging campaign that uses a simple image to represent SEA, talk to community members who have been trained in SEA about what images would convey the proper message to their community. Test the messages with different groups within the community to ensure the message is understandable and appropriate.

SECTION D

Protection and Assistance

CHAPTER 1
ENSURING QUICK AND APPROPRIATE ASSISTANCE TO COMPLAINANTS AND VICTIMS

Best Practice

Provision of immediate assistance to SEA victims is critical and must be provided independently of allegation referral or agency investigation. The CBCM needs to coordinate both urgent and ongoing assistance services for SEA victim-complainants with existing assistance mechanisms.

Essential to Know

A note on responsibilities: Setting up a referral mechanism for assistance provision does not replace or negate the responsibility of SEA perpetrators, who should be held accountable for their actions both administratively and legally. The assistance provided by a service provider does not in any way diminish or replace individual responsibility. Likewise, the provision of assistance does not serve as an acknowledgment of the validity of a claim, a form of compensation, nor an indication of acceptance of responsibility by the alleged perpetrator.

Medical assistance, counselling, and additional appropriate services must be made available to anyone who was potentially harmed by any alleged sexual exploitation or abuse. UN Resolution A/Res/62/214 obliges basic assistance and support to SEA complainants (see Explanatory note below) as part of a comprehensive approach to victims' assistance;[54] this commitment has spread throughout the broader humanitarian community.[55] Basic assistance refers to services and treatment which cannot await the substantiation of a claim. Because the right to assistance belongs to the complainant, and is not tied to proof or corroboration of the SEA allegation, assistance must be provided independently of any complaint review by the CBCM or case investigation by the concerned agency.

Essential to Know

A core provision of inter-agency PSEA CBCMs is that provision of assistance services is entirely independent from any additional procedure or action taken on the allegation, including referral to the appropriate investigating agency. Assistant services should be provided without reliance on the outcome of a complaint review or case investigation.

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54   United Nations Comprehensive Strategy on Assistance and Support to Victims of Sexual Exploitation and Abuse by United Nations Staff and Related Personnel (7 March 2008) A/RES/62/214.

55   IASC Statement on PSEA (2015) #3: "[E]fforts should be made to ensure that the IASC response to SEA includes adequate protection and redress, including adequate assistance for survivors."

Explanatory note

The SEA Victim Assistance Guide (2009) defines a "Complainant" as one who alleges SEA was has been committed against him/herself, and a "Victim" as one whose claim of SEA has been proven. To align the position of the Victim Assistance Guide with the mandate that assistance is not to be based on substantiating the complaint, this Guide clarifies that *all victim-complainants are entitled to an immediate needs assessment*.

In addition to being an international commitment by humanitarian agencies, quick and appropriate assistance is also a CBCM best practice because submitting a complaint may expose people to the risk of retaliation if member agencies are not diligent. This risk can affect willingness to report SEA incidents, therefore the CBCM must visibly protect complainants to maintain trust in the system.

Information

Complainants who are not alleged victims, including whistleblowers, may require a physical security assessment and other safeguards to protect their interests. Therefore while all victim-complainants are owed basic assistance, all complainants should receive a needs assessment.

Immediate assistance

Once the CBCM receives a complaint, an immediate assessment of the complainant's health, security, and psychosocial needs must be conducted. As determined by the Steering Committee and outlined in the CBCM SOPs, this assessment and referral to appropriate services can be carried out by the PSEA/CBCM Coordinator, a delegated CBCM member agency representative trained in victim assistance provision, or by a relevant victim assistance structure available on site. Victim-complainants should receive basic assistance and support in accordance with their individual needs directly arising from the alleged sexual exploitation and abuse. This assistance and support can comprise medical care, legal services, support to deal with the psychological and social effects of the experience, and immediate material care such as food, clothing, emergency and safe shelter, as necessary. Urgent assistance needs must be addressed immediately, and subsequent assessments should identify and address any protracted needs.

Longer-term assistance

While immediate and basic assistance is not dependent upon substantiating the complaint, when the complaint is proven the victim is due expanded support to address the broad range of consequences of sexual exploitation or abuse. This may include more complex and longer-term assistance after a complaint has been validated by agency investigation. For example, in the case of a girl who has to drop out of school upon becoming pregnant as a result of SEA, the CBCM in coordination with assistance services could help her to access alternative educational or vocational programmes on income-generating skills so that she can support herself and her child.

The CBCM must:

Immediately…

- Provide urgent medical assistance
- Address urgent safety/protection concerns
- Refer children to child protection specialists

… and subsequently

- Identify who may be at risk, and how
- Prioritize risks – which are most urgent?
- Minimize risk – how to respond?

Example

In the Democratic Republic of the Congo CBCM, a complainant's assistance needs are assessed immediately after the complaint is received. Medical referral must occur in the first 72 hours, and the official referral systems come into place at this first stage (i.e. Child Protection, GBV, etc.). After a complaint is assessed and if determined to contain an SEA allegation, complainant needs are re-assessed to ensure that no further immediate assistance is required and that the assistance provided is adequate. Thereafter, the CBCM continues monitoring the victim assistance needs and service provision.

Service mapping

When designing the CBCM, stakeholders must identify existing service providers and create a referral pathway that coordinates with the support provision systems on site. Altogether, the CBCM should:

- Conduct an assessment of available services and gaps for health, legal, psychosocial, and material support.
- Develop a referral plan and list of referral agencies to provide immediate aid and longer-term support (see the sample Victim Assistance Referral Pathway in Annex 4).
- Identify support facilitators to assist the victim-complainant to access services.
- Identify standards for confidentiality, data collection, and coordination among service providers, and
- Maintain full documentation of referrals made (name, location, type of care provider, etc.) for oversight. The PSEA/CBCM Coordinator should be provided with a copy of each referral.

CBCM assistance provision relies on existing services in each implementation site. All PSEA assistance and support should complement rather than duplicate existing support to victims of abuse and violence and – to the greatest extent possible – should be integrated into existing programmes. If there are existing assistance protocols and practices being used on site that meet minimum operational standards, the CBCM must integrate its referral process with those programmes. Where existing service systems do not meet with international standards, CBCM member agencies must agree upon a standard protocol for clinical management as quickly as possible in the development of the CBCM.

Tool

- The SEA Victim Assistance Guide (2009) gives instruction on setting up a Victim Assistance Mechanism, and can be modified to the CBCM context.
- See sample Victim Assistance Referral Pathways (in Annex 4) when drafting the CBCM's pathway.

Tip

The Focal Point system within the CBCM should include representatives from the Victim Assistance network, to ensure communication between the structures.

Assistance services

In making the assessment for referral to assistance services, the CBCM must take the following considerations into account:

Health/medical response

At a minimum, health care must include: Examination and treatment of injuries, prevention of disease and/or unwanted pregnancy, collection of minimum forensic evidence, medical documentation, and follow-up care. Health professionals must consider that SEA victims may have non-visible persistent injuries, especially if violence was used. Finally, medical treatment must be done within 72 hours for contraception or treatment of HIV to be effective.

Mental health and psychosocial support

Counsel and support are needed to assist with recovery from the psychological consequences of sexual abuse, which may include feelings of blame, guilt, shame, and fear. Psychosocial support also includes case management and advocacy to assist victims in accessing needed services, as well as support and assistance with social reintegration. Mental health service providers on site should be trained in principled and ethical delivery of support to GBV survivors, including Psychological First Aid.

> For more on Psychosocial First Aid and principled assistance provision, see the IASC GBV Guidelines (2015).

The CBCM must keep the psychosocial well-being of the victim-complainant in mind when drawing up a security/protection plan, taking into consideration that some SEA victims may be ostracized due to cultural beliefs that stigmatize survivors of sexual abuse, and SEA in particular.

> **Example**
>
> The evaluation of the IASC PSEA-CBCM Pilot Project found that in both sites, assistance provision did not adequately address the community's "underlying strong distaste for SEA survivors", and needed to incorporate better longer-term assistance provision. Many victims found that local justice systems "work mainly against the best interests of the victim" in terms of addressing stigma and ostracization by their community, such as by advocating for women to leave the camp or marry the alleged perpetrator. The CBCM should address such issues, both individually through counselling and material support, and also preventatively through community awareness-raising.

Material care

It is recommended that direct financial assistance not be provided as a form of general assistance, as PSEA is not a compensation-based programme. However, victim-complainants should be helped to find shelter, clothing, and/or food when the suffered sexual exploitation or abuse impedes them from using their own resources.

Security and safety response

The CBCM will need to address the victim-complainant's security and safety needs both immediately upon receipt of the complaint and following as necessary. Response must address any ongoing risks which contributed to the initial SEA incident, as well as the added risk created by reporting the complaint. One long-term means of decreasing risk is to design the entry points to the CBCM to ensure that they are safe and secure. Additionally, a Security Protection Team will need to create an immediate security plan based on the risk assessment for each complainant. Therefore, the CBCM must identify all protection/security-related

actors during the design of the CBCM, determine which actors are appropriate to engage in victim protection, and coordinate their expected roles and responsibilities relating to the CBCM.

> For more on setting up entry points, see this Guide's chapter on "Safe and accessible channels for reporting SEA".

> **Example**
>
> In an effort to ensure the safety of SEA victims in the geographically remote areas covered by the Democratic Republic of the Congo Pilot Project, the CBCM initiated a "Survivor Accompanier" position. This individual, nominated by the Steering Committee from among the Focal Point network, offered physical support to victim-complainants in a region where they face stigma and rejection from the community.

The CBCM should offer support to the investigating agency to ensure that the Subject of the Complaint does not have further contact with the victim, such as by suspending employment from the concerned agency or by police action if appropriate. Protection services need to be involved to offer their services and support.

> **Tip**
>
> For guidance on identifying safety risks during complaint intake, see the ICVA BSO Guidelines (2007).

The CBCM should advocate the following security standards:

- Security personnel must be trained for their work and understand the limitations of their roles;
- Security actors must receive training on prevention of and response to SEA, including the guiding principles of CBCMs, human rights standards, and standards of conduct;
- Security actors must understand that many SEA complainants/victims may not wish for security intervention, while at the same time consider security issues in the entire community.

Legal/justice response

Regardless of the outcome of the SEA allegation or whether the case is referred to national authorities for prosecution, the complainant/victim has an independent right to seek legal counsel regarding his/her complaint. Legal service providers, working along with the CBCM, may help complainants navigate the investigating agency's administrative process in pursuit of their cases. It may also assist the complainant to understand how to pursue a civil or criminal claim against the alleged perpetrator under national laws.

The CBCM should identify and engage with the legal actors present on site when developing the CBCM, and coordinate their expected roles and responsibilities relating to the CBCM. These actors can include protection officers, legal aid/assistance providers such as paralegals or attorneys, prosecutors, judges, and officers of the court, as well as traditional justice actors such as elders or community leaders.

The CBCM should advocate that all legal actors clearly and honestly inform the complainant/victim of the procedures, limitations, pros, and cons of all existing legal options. This includes:

- Information about existing security measures that can prevent further harm by the alleged perpetrator.
- Information about procedures, timelines, and any inadequacies or problems in national or traditional justice solutions (i.e. justice mechanisms that do not meet international legal standards).
- Available support if formal legal proceedings or remedies through alternative justice systems are initiated.

Traditional or alternative dispute-resolution mechanisms exist in many humanitarian contexts and may be preferable to the complainant/victim. While these mechanisms are a reflection of the sociocultural norms in the community and may not meet international standards on victim protection, the individual's preference must be respected. The CBCM should actively engage members of traditional justice systems in the development of the CBCM legal assistance procedures, and in training workshops about PSEA and human rights to build capacity.

Training for service providers

Clinics, individuals, and others providing the services described above need a firm understanding of the overall purpose of the CBCM, its policies and procedures, and how to receive cases from and refer cases to the CBCM. Service providers should be instructed on their role and on the responsibilities of the concerned agency, so that they do not initiate a separate inquiry that may interfere with the agency's investigation. They should also receive basic training on PSEA and understand how to respond to the particular needs of victims of sexual exploitation and abuse.

> **Example**
>
> Assistance providers that will be working with the CBCM to receive assistance referrals must be trained on the issues particular to SEA that will affect assistance provision. For example, the Evaluation of the IASC Pilot Project in the Democratic Republic of the Congo found that, due to cultural and religious dynamics, SEA survivors are discriminated against by their community and treated differently from GBV survivors. Such findings should inform the psychosocial and security responses offered to SEA victims.

Feedback to the complainant/victim

Feedback to the complainant from the investigating agency on his/her case is a powerful and direct form of victim assistance. Knowing that the complaint is being addressed and properly investigated, and especially receiving communication on the outcome of the case, can allow the victim to begin healing and find closure. In contrast, without any notification from the investigating agency, the victim will be left feeling unheard and unprotected regardless of whether the agency is actively pursuing the complaint. Agencies have a responsibility to communicate basic case status and actions taken against perpetrators to SEA victims[56] and should consider that communication to be part of victim assistance. CBCMs should advocate amongst participating agencies to take up this viewpoint.

> **Tool**
>
> The Common Reporting Platform developed by the IASC Pilot Project includes a means to track and monitor details of a complainant's referral to services.

> **Tip**
>
> As part of maintaining a holistic overview of complaint status on site, and to assist in feedback to victims/complainants, part of a CBCM's monitoring and evaluation of the mechanism should include monitoring referral to services and feedback to the complainant/victim.

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56 IASC Statement on PSEA (2015). Statement of Commitment (2006) #9: "Regularly inform our personnel and communities on measures taken to prevent and respond to sexual exploitation and abuse."

ENSURING ASSISTANCE

Challenge		Recommendation
✗ Agencies have diverse interpretations of what constitutes a beneficiary, particularly in an IDP situation (i.e. outside a closed, controlled camp setting). This can provoke resistance over what individuals fall under the SEA definition, which has led to denial of victim's assistance.	⇨	✓ Varied definitions over the beneficiary definition should not impact PSEA response. Humanitarian principles should underlie all humanitarian assistance regardless of political status or identity of the victim. Therefore, agency debates on who constitutes a "beneficiary" should not override the prohibition against SEA, affect identification of SEA survivors and referral of incidents to concerned agencies by the CBCM, and most importantly should not impede access to assistance.
✗ Appropriate assistance is not always available to address the long-term impact of pregnancy or HIV. For example, the citizenship status of a child born from an SEA survivor in most states is legally undetermined.	⇨	✓ While longer-term assistance provision is currently unstandardized, the IASC Statement on PSEA (2015) reinforced the commitment to provide "adequate assistance to survivors," which provides CBCMs support to advocate for improved assistance practices. ✓ Longer-term assistance providers and the assistance available on site should be clearly outlined in the CBCM SOPs.
✗ Victim-complainants may lack access to necessary security services in security situations where escorts are not available.	⇨	✓ The responsibility for physically assisting persons in need of security services should be agreed upon by all actors (CBCM stakeholders, security personnel, and service providers) and the persons identified in the CBCM SOPs with rotating schedules so that an escort is always available when needed.
✗ Occasionally, victims will choose to drop a complaint for amicable settlement, e.g. accepting compensation to change or withdraw their statements, which compromises not only the agency's ability to investigate, but also potentially prevents victims from accessing necessary assistance services.	⇨	✓ The CBCM cannot provide assistance where it is not wanted. However, in instances where a complainant has changed or withdrawn his/her allegation in exchange for compensation, the CBCM should still offer all basic medical, psychosocial, and safety services, as warranted by the needs assessment. ✓ Information campaigns should emphasize the communal importance of bringing complaints, e.g. promoting the message that reporting may prevent a fellow community member from being subjected to SEA.

ENSURING ASSISTANCE

Challenge		Recommendation
✗ The provision of legal aid is dependent on the legal framework of the host country. Provisions of legal support may fail to meet international standards due to, for example, a corrupt or inefficient legal system.	⇨	✓ The CBCM should work with participating agencies to build capacity in the local legal system, always advocating for victims' rights. ✓ Where local laws do not meet international standards constitute SEA are not illegal under national legislation, awareness-raising for the affected community should emphasize the difference between laws and agency Codes of Conduct – i.e. while an act of SEA may not be against the law, it is still "wrong" according to the Code of Conduct that the alleged offender signed onto.
✗ Due to power relations between perpetrators and SEA survivors, SEA can have an additional harmful impact on both survivors' families and witnesses to the incident.	⇨	✓ Assistance provision should also consider the impact of SEA on the families of SEA victims and witnesses when conducting needs assessments.
✗ International standards are currently unclear on how and when to report cases to national authorities when the SEA complaint amounts to a criminal offense.	⇨	✓ It is the decision of the investigating agency whether to refer an SEA allegation to national authorities for possible criminal prosecution, ideally taking into consideration the wishes of the victim. The decision to send a case for criminal prosecution does not affect the right of the complainant to receive basic assistance services, including security measures and legal aid. The two are independent of each other.
✗ Some response sites do not have strong GBV assistance services that the PSEA/CBCM assistance referral system can link with.	⇨	✓ While prosecution for criminal acts of SEA is a strong method of holding perpetrators Because the CBCM does not provide direct victim assistance, it must advocate with professional and competent service providers in each site to engage with the CBCM and to develop referral procedures to assist SEA survivors. It should also promote the availability of PSEA-related emergency supplies within existing GBV service structures, such as Post Exposure Prophylaxis Kits (emergency response to HIV exposure). Where these services are lacking the CBCM should work with GBV actors to ensure that these services are put in place.
✗ Victims may be unaware of their right to assistance, or how to receive it.	⇨	✓ Part of community awareness-raising should be to inform beneficiaries about available assistance services, how to access them, where they are located, and that they are free. The CBCM should make a visual chart that demonstrates the referral process for victim assistance, which can be used during trainings for staff and beneficiaries to understand the relevant actors and available services on site.

CHAPTER 2
PREVENTION ACTIVITIES AND POLICIES

> ✓ **Best Practice**
>
> The CBCM should engage in activities designed to prevent SEA incidents from occurring and advocate for agency policies – and active implementation of these policies – that promote an SEA-free environment.

Whereas the provision of assistance is a function of the CBCM designed to aid SEA complainants/survivors once they have already been victimized, taking into account the individualized situation, prevention measures are aimed toward the whole community. The goal of prevention is to stop SEA before it occurs by encouraging behaviour change. Therefore, prevention activities and policies should target everyone: potential offenders, complainants and/or survivors alike, as well as government authorities and host communities so that the whole geographical region experiences one unified prohibition of SEA.

> For more on providing individualized assistance, see this Guide's chapter on "Ensuring quick and appropriate assistance for complainants and victims".

> 📖 **Information**
>
> Many PSEA commitments admirably create protocols for how to respond to sexual exploitation and abuse where it occurs. The CBCM's goal here is to preemptively keep SEA incidents from happening through targeted prevention activities.

Prevention is traditionally viewed as the first step in a 3-part PSEA approach, with response (i.e. investigation and case management) and the Complaint Mechanism itself being separate parts. However, SEA prevention is a main strategic aspect of a CBCM, and should be a prioritized part of the design and maintenance of the mechanism.

Hard questions

Much of the work that a CBCM and participating agencies can do to reduce SEA incidents involves building capacities and reducing risk factors by targeting potential victims. Reducing vulnerability of potential victims is important, but stakeholders should not lose sight of the big question: *Why do humanitarian workers abuse beneficiaries?* It is often easier to educate and empower the affected population than to, e.g. change the gender power imbalance or a culture of impunity in a region, but these societal issues need to be taken into account to address contributing risk factors and create targeted responses. SEA Prevention must be a holistic response and should not only target the behaviour of potential victims – the primary focus should be to deter potential abusers from violating their duty to protect the persons under their care.

Many of the following prevention activities and procedures are the responsibility of agencies. The CBCM must coordinate with agencies on designing and promoting prevention measures, and should assist agencies in developing stronger internal policies where their standards fall short of international norms. Much of a CBCM's prevention efforts will involve advocating that agencies fulfill their prevention duties, aiding them to do so, and coordinating efforts so that messages are consistent.

Developing and circulating internal policies

Strong institutional PSEA policies and Codes of Conduct are key prevention tools because they are the regulations that an agency will ultimately use to hold an offender accountable. Agencies have a duty to establish such policies, as well as to write a Workplan to implement these policies.[57] The Workplan should be endorsed and supported by the agency's senior management and linked to accountability activities and objectives in order to succeed in its implementation. Full operationalization of PSEA policies (e.g. by conducting thorough SEA investigations and effectively sanctioning proven SEA perpetrators) sends a strong preventative message both inside and outside an organization. Additionally, agency whistleblower policies should explicitly welcome good faith reports of SEA, and agencies should make clear to their staff that no action will be taken against any worker who makes such an allegation in good faith.[58] Removing staff fear of reporting due to retaliation will encourage reporting and result in a deterrent effect on potential offenders.

Going beyond the establishment of policies, agencies need to ensure that all humanitarian staff – at every level of employment/partnership with the agency – are made fully aware of these internal policies.[59] Agencies should ensure that all new recruits, volunteers, and contractors understand their own and others' roles and responsibilities to protect beneficiaries from SEA, the policies and codes of behaviour applicable to them, and the consequences of conduct violations.[60] The CBCM should be available to assist agencies with circulating their policies to ensure maximum understanding among both staff and the affected community.

Raise staff awareness and ensure proper supervision

Raising staff awareness and building capacity are behaviour change tools in support of SEA prevention. Considerations include ensuring that staff receive PSEA sensitization and/or training, and ensuring a gender balance among field staff, particularly for activities where SEA may occur.[61] Trainings should reinforce the obligation to report SEA/misconduct, and remind staff that there is a policy for protection from retaliation in place. Having a standard

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57 MOS-PSEA (2012) #1 "Effective Policy Development and Implementation" Indicator 1: "A policy stating standards of conduct, including acts of SEA, exists and a work plan to implement the policy is in place."

58 Statement of Commitment (2006) #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."

59 MOS-PSEA (2012) #1 Indicator 2: "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)."

60 MOS-PSEA (2012) #6 "Effective recruitment and performance management" Indicator 1: "The organisation makes sure that all candidates are required to sign the code of conduct before being offered a contract." Also MOS-PSEA (2012) #7, Indicator 2 "Training on misconduct (specifically mentioning SEA) forms part of the induction process." Statement of Commitment (2006) #2: "Incorporate our standards on sexual exploitation and abuse in induction materials and training courses for our personnel."

61 MOS-PSEA (2012) #7 "Effective and comprehensive mechanisms are established to ensure awareness-raising on SEA amongst personnel."

> For more on content of staff trainings see this Guide's chapter on "Humanitarian staff: Training and capacity-building".

Code of Conduct among CBCM participants can make inter-agency trainings simpler and more efficient to coordinate.

Participation in Code of Conduct trainings (or similar) that include PSEA should be part of employee supervision and performance appraisals, and senior management appraisals should include respecting the commitment to create and maintain an environment which prevents SEA and promotes implementation of the Six Core Principles.[62] The CBCM should be available to assist in planning and performing PSEA trainings, and in developing a Common Code of Conduct where desired.

> See this Guide's "Special note on Common Codes of Conduct".

Awareness-raising for the affected community

Beneficiaries must understand their PSEA rights and the relevant standards and procedures on PSEA that will affect them, including how to access the CBCM. Each organization should develop articulated PSEA awareness-raising expectations and clearly share these goals, along with training tools and materials, to its field offices.[63] Special outreach should be made to women's and children's groups, schools, religious leaders, and other community leaders. Public messaging shall announce that services are free and no beneficiaries are expected to give anything in return, and illustrate the entry points to the CBCM and simple information about reporting and referrals in the local language(s) and/or as a visual presentation. The CBCM should be available to help design and publicize coherent and consistent public messages with the participation of agencies and community members.

> For more on beneficiary awareness see this Guide's Chapter on "Awareness-Raising for Affected Communities".

CBCM's role – Community engagement

A Prevention strategy that the CBCM can control on its own is to maintain a strong engagement with the community. The mechanism should continue to speak with and listen to affected communities about PSEA issues as they are perceived by the beneficiaries themselves, and target Prevention activities accordingly. Maintaining this close connection will simplify the proactive monitoring of SEA incidents and trends, and ensure appropriate response.

Recruitment and vetting

An effective means of Prevention is to ensure that SEA offenders are not re-hired or recruited back into humanitarian work, either in the same or another agency. To avoid re-hiring within the same agency, Human Resource departments should maintain complete records of disciplinary procedures. Ideally, though more difficult in practice, this system should

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62 MOS-PSEA (2012) #6, #Indicator 3: "Supervision and performance appraisals include adherence to participation in Code of Conduct trainings (or similar) that includes PSEA" and Indicator 4: "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."

63 MOS-PSEA (2012) #4 "Effective and comprehensive communication from HQ to the field on expectations regarding raising beneficiary awareness on PSEA" Indicator 1: "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)" and Indicator 2: "The HQ has distributed examples of awareness raising tools and materials to be used for beneficiary awareness raising activities"; Statement of Commitment (2006) #9: "Regularly inform our personnel and communities on measures taken to prevent and respond to sexual exploitation and abuse."

record procedures against all workers including short-term staff, contract workers, interns, and volunteers. Avoiding recruitment of SEA offenders from one agency to another requires sharing of internal agency information that may contradict internal confidentiality or data protection policies, as well as national privacy laws.

The re-recruitment of offenders is a major protection problem, especially when offenders are hired into the same site causing a serious breakdown in beneficiary trust. Re-recruitment within the same camp or site sends a message to the community that humanitarian workers can sexually abuse and exploit persons with impunity. It also becomes a potentially dangerous situation for the person who reported the incident, as it is likely that in the course of any investigation the perpetrator will have a reasonable idea who submitted the allegation.

> **Information**
>
> Visible re-recruitment of persons accused of SEA is one of the greatest barriers to reporting and community participation in a CBCM. This demonstrates one reason why prevention efforts – such as advocating for institutional reform in Human Resources' recruitment practices – are so deeply entwined with the sustainability and effectiveness of the inter-agency CBCM.

There is currently no inter-agency agreement on sharing internal disciplinary records to prevent re-recruitment, but agencies participating in a CBCM should come to some agreement amongst themselves. The CBCM should advocate that agencies follow the practice of obtaining references from previous employers for candidates for employment to ensure that applicants have not been subject to disciplinary action for breaching a former employer's Code of Conduct (including SEA). It should also strongly recommend that Human Resources thoroughly checks for declarations of criminal records, along with qualifications and prior employment records before hiring.[64]

> **Tools**
>
> *Challenges and Options to Improving Recruitment Processes in the Context of Protection from Sexual Exploitation and Abuse (PSEA) by our own Staff 2013*, IASC Task Force on PSEA.

> **Be Aware**
>
> Agreement between agencies on the minimum standards for avoiding re-recruitment of SEA offenders is an area that still needs discussion. Where participating agencies are willing to take action to prevent re-recruitment of offenders, the CBCM should work with Human Resource departments so that practices are as uniform as possible to create a strong message against SEA.

PSEA clauses in contracts

A major protection gap in PSEA is that not all agencies have made commitments to fight SEA, especially not smaller local partners who may have the most direct interaction with beneficiaries. This gap can be filled by binding all contractual partners to the same PSEA commitments by adding a PSEA clause to their contracts (see sample PSEA Contract Clauses in

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64   MOS-PSEA (2012) #6, Indicator 2: "Each organisation commits to improving its system of reference checking and vetting for former misconduct." The IASC Guidelines to Implement the MOS-PSEA (2013) state that an organization's recruitment policy should include reference checks, including criminal ones, to meet this principle. See also Statement of Commitment (2006) #3: "Prevent perpetrators of sexual exploitation and abuse from being (re-)hired or (re-)deployed."

Annex 4).[65] This clause should be specific to SEA and go beyond a generic statement related to the Code of Conduct. It should state that the norms found in the Secretary-General's Bulletin on SEA (or the equivalent non-UN Commitments[66]) apply to all parties to the contract and outline legal consequences if the contracting partner does not fulfill its obligations, including:

- Take preventive measures against sexual exploitation and abuse
- Investigate allegations thereof, and
- Take corrective measure when sexual exploitation and abuse has occurred

The CBCM should make an assessment of all existing aid providers on site, catalog their PSEA commitments (or lack thereof) and encourage larger partners to sign and enforce PSEA Clauses with agencies who are lacking commitments. The mechanism should advocate to agencies that failure to fulfill the PSEA contract clause should result in termination of a cooperative arrangement.

Human Resources' role

Because many agency prevention strategies involve Human Resources (contract signing, recruitment policies), it is a good practice to embed PSEA responsibilities in their staff initiation function. One option is to place a Senior PSEA Focal Point within the Human Resources office at the national level. This person can ensure that systems are in place for performance appraisals that incorporate PSEA, that PSEA and whistleblower clauses are read and understood when beginning employment, and that there is oversight of screening for SEA allegations in the hiring process. Where installing such a position is not feasible, Human Resource officers performing such tasks should at least be trained in PSEA principles.

Example

The Evaluation of the IASC Pilot Project found that agency staff in both sites are unclear on their agency's policy on whistleblowing and that their PSEA policy - if present - is a binding obligation on the staff member directly. Confusion on the nature of these documents can hinder reporting and lead staff to believe they are immune from discipline. Embedding the responsibility to explain these policies within Human Resources will ensure that this policy information is communicated to all new staff.

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65   MOS-PSEA (2012) #2 "Cooperative Arrangements" Indicator 1: "SG's Bulletin (ST/SGB/2003/13) or respective codes of conduct are included in general contract conditions" and Indicator 2: "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."

66   The Secretary-General's Bulletin on SEA (2003) and Statement of Commitment (2006), which outline these norms for both UN and non-UN agencies, are included in Annex 2.

PREVENTION

Challenge		Recommendation
✗ Prevention activities are often deprioritized by actors in the field as they are not immediately responding to emergency situations (i.e. not "lifesaving").	⇧	✓ The CBCM should regularly advocate that agencies fulfill their existing PSEA commitments – which include Prevention – and be available to assist agencies when requested.
✗ Many prevention activities are the responsibilities of agencies, and the CBCM has no authority over agency actions.	⇧	✓ The CBCM should spearhead prevention activities that involve inter-agency coordination, such as designing community messaging and writing a Common Code of Conduct.
✗ The lack of uniformity between agency policies can make it difficult to present a single, clear policy against SEA to the community.	⇧	✓ The CBCM should take the lead in creating collaborative awareness-raising tools that reflect all participating agency SEA policies. Where one uniform policy may not be possible, the CBCM should compile and educate on the differences between the policies, while still advocating that policies meet international minimum standards.
✗ There is currently no standardization of practices to prevent re-recruitment of SEA offenders, and efforts to promote standard procedures are hindered by agency confidentiality and data-protection policies.	⇧	✓ While recruitment processes are currently not aligned among agencies, the IASC Principals have issued recommendations in 2013 in order to mitigate the liability risk that comes with the recruitment of a person that has a record of SEA (cited above). In addition, the IASC Statement on PSEA (2015) which reinforced the commitment to strengthen responses to SEA allegations, includes "concerted efforts to operationalize the recommendations for preventing the re-recruitment of individuals disciplined for SEA". The Statement and Recommendations are useful tools to advocate for improved Human Resource practices among member agencies.

SPECIAL NOTE ON LIVELIHOODS

Definition

A livelihood is a means of making a living. It encompasses people's capabilities, assets, income and activities required to secure the necessities of life. A livelihood is sustainable when it enables people to cope with and recover from shocks and stresses (such as natural disasters and economic or social upheavals) and enhance their well-being and that of future generations without undermining the natural environment or resource base. Livelihood programming is the teaching of Income Generating Activities such as farming, carpentry, and animal husbandry, thereby empowering participants and guarding them against being lured to exploitation for material gain.

* IFRC website, www.ifrc.org/en/what-we-do/disaster-management/from-crisis-to-recovery/what-is-a-livelihood/

Livelihood activities tie directly into GBV prevention – and therefore PSEA – empowering the affected population and reducing vulnerability factors by imparting marketable skills upon an otherwise vulnerable population. Especially in sites where poverty is a high risk factor for SEA, livelihood programmes offer concrete means to both reduce vulnerability by teaching marketable skills and generating income, and empower survivors in recovery. Socioeconomic support through livelihoods is both an SEA prevention method and a form of assistance for survivors.

Essential to Know

Referral to livelihood programmes is addressed separately in this Guide because it is a protection strategy that falls under both Prevention and Assistance. It is not the only protection strategy available for CBCMs, but it is a solution that has achieved some success in select projects. Referral to a livelihood project should be assessed along with referral to other interventions that reduce vulnerability to GBV, e.g. sexual and reproductive health rights interventions, protection interventions, etc.

Prevention

Livelihood provision can serve to decrease vulnerability to sexual exploitation, as part of a comprehensive response that takes into account other risk factors (e.g. detrimental gender stereotypes, insecurity). The programme generates economic empowerment and increased independence which can reduce risk-factors for any member of the community. It is also a sustainable model, because recipients of a livelihood programme own their new skills and bring them back to the community and/or new locations. Additionally, the experience of working together to learn a skill creates an open atmosphere where beneficiaries become comfortable talking amongst each other under a new social context. When an issue or complaint arises, livelihood programmes can encourage reporting because participants will be more comfortable opening up in this bonded social group.

> **! Be Aware**
>
> Empowering vulnerable communities can play a role in preventing SEA incidents, but this in no way diminishes agency responsibilities to fight the root cause of SEA. Livelihoods may reduce certain vulnerability factors which may contribute to a beneficiary being subjected to SEA, but it does not in any way absolve offender behaviour, and should never be used to misrepresent or distort the true drivers of SEA, which are the humanitarian workers who *choose* to abuse beneficiaries. Prevention priorities should be placed on targeting behavioural change in potential offenders and not on changing victim behaviour. Livelihood programmes must be one part of a comprehensive prevention strategy (e.g. with staff awareness-raising, child protection, and/or sexual and reproductive health and rights programmes) designed to address as many risk-factors of SEA as possible.

Assistance

Livelihood support may also be an appropriate form of direct assistance for some survivors, particularly adults who are subjected to sexual exploitation. Where used, referral to such assistance must be part of a comprehensive service package and correspond with the distinct needs of the survivor. It is imperative that livelihood assistance be offered in a manner that protects the survivor's identity and safeguards against stigmatization, and is constantly monitored to ensure that survivors are not subjected to further exploitation and risk as a result of their selection for a livelihood programme.

> **👓 Essential to Know**
>
> Under the same concerns involved in setting up an SEA-specific CBCM, the CBCM is not advised to develop its own livelihood programme just for SEA survivors as part of an assistance package. Such a programme too readily identifies and potentially endangers participants. Rather, where appropriate the CBCM should incorporate the practice of referring survivors to existing livelihood programmes on site to ensure the benefits of the programme while minimizing stigmatization. Linking the CBCM's assistance referral pathway to pre-existing livelihood programmes and avoids duplication of efforts.
>
> *For more on SEA-specific programming concerns, see this Guide's chapter on "Scope of the CBCM".*
>
> *For more on linking to existing assistance mechanisms, see this Guide's chapter on "Ensuring quick and appropriate assistance for complainants and victims".*

Social impact

Persons involved in livelihood projects that involve a cooperative aspect spend time together in activities that not only generate income, but also provide them with psychosocial support and a safe and trusted space to talk about their problems, to receive information, and to share stories of abuse and exploitation if desired. Like the smaller awareness-raising focus groups, these gatherings may provide a trusted entry point through which to report SEA incidents.

For more on Focus Groups, see this Guide's chapter on "Awareness-Raising for affected communities".

> **Example**
>
> In Dollo Ado, Ethiopia, one agency independently began a low-cost livelihood programme using scrap material from existing housing projects to teach women to build stools, which the women then sold. The women reported that they enjoyed learning the new skill and appreciated the small income that it generated, while especially relishing the novel opportunity to get together with other like-minded women in the camp to pursue the communal activity. The supportive atmosphere and the income-generating skill increased their confidence and perceived independence, a solid step in reducing vulnerability to SEA.

Referrals to livelihood programmes are not appropriate in all response settings. For example, in sites where bartering sex for aid is not directly due to poverty but rather is caused by societal pressures on young women, skills-training is not a targeted response. Similarly, where children or physically handicapped persons are the primary targets of abuse, skills-training programmes may not be accessible to the most at-risk groups. When looking into incorporating livelihood referrals into a CBCM, stakeholders should consult with the community and local organizations to determine the practicality of such a referral programme in that site.

> For more on local consultations, see this Guide's chapters on "Engaging affected populations" and "Engaging national NGOs, CBOs, and community structures".

> **Example**
>
> In the Democratic Republic of the Congo PSEA-CBCM, complaint records demonstrate that the majority of SEA allegations (67%) involve children, and the mechanism chose not to link with a livelihood programme. In contrast, the Melkadida CBCM chose to work with such a programme on site, after conducting a survey which indicated that the local population identified gender imbalance and poverty as particularly conducive to SEA.

Where included in a CBCM, the process for referring individuals to a livelihood programme must be clearly and explicitly outlined between the CBCM and implementing partners in the CBCM SOPs. The CBCM should coordinate with the Cluster/Sector organizing livelihood programmes on site to agree on how the programme will receive referrals from the CBCM.

REFERRAL TO LIVELIHOODS

Challenge		Recommendation
✘ Due to the inherent economic benefit of livelihood programmes, past programmes have faced the problem of beneficiaries submitting fraudulent SEA claims in order to be included in the livelihoods programme.	⇨	✔ In a livelihood programme that is not SEA-specific (as recommended in this Special Note) the CBCM will not have to worry about receiving fraudulent SEA claims just to have access to the income generating benefits. Under a broader programme, all persons in need can apply, and SEA complainants can be referred to the programme as appropriate.
✘ CBCM stakeholders may de-prioritize livelihood programmes due to activities overload, particularly as a Prevention strategy, because it is not immediately lifesaving.	⇨	✔ The PSEA/CBCM Coordinator will be responsible for coordinating referral to an existing programme, so stakeholders which would de-prioritize livelihood referrals will have to expend little to no effort.
✘ Providing livelihood programmes only for SEA survivors will expose participants to stigmatization, which may become a deterrent for the survivors to join livelihood and other empowering activities.	⇨	✔ CBCMs should link livelihood programmes to broader assistance programmes, not be SEA-specific. This is both to avoid stigmatization of the survivor, and because livelihoods can benefit beneficiaries by reducing a wide range of vulnerability factors. All beneficiaries can be considered as potential victims of SEA, so "SEA survivor" should be only one criterion in beneficiary selection for the programme.
✘ In some sites people who receive material assistance are at-risk of attack by community members.	⇨	✔ Conduct a risk-assessment before linking to a livelihood programme. Linking to a livelihood programme – if one exists in such a setting – may not be advisable.
✘ The response site may lack livelihood programmes that meet standards of oversight – e.g. objective selection criteria, matching activities to local market needs, etc.	⇨	✔ Linking to a livelihood programme is not mandatory to provide principled SEA prevention and assistance, and should only be used where the CBCM trusts that it will be beneficial to the community.

Monitoring and Evaluation of the CBCM

CHAPTER 1 MONITORING AND EVALUATION WITH PROGRAMME ADJUSTMENT

✓ Best Practice

A CBCM must have a system in place to assess its functioning including awareness-raising events, complaint handling procedures, and overall SEA trends and patterns. Based on monitoring and evaluation of the mechanism's effectiveness, the CBCM must engage in regular programme adjustment to ensure that the system remains relevant and targeted to local needs.

Systematic monitoring and evaluation is key to assessing whether a complaint mechanism is working and properly adapted to the local context, to extract lessons learned, and to make necessary improvements to the CBCM and humanitarian programming as a whole. Monitoring and evaluation data should come both from consultations with communities as well as statistical analysis of complaints and events within the CBCM. It is important to engage the affected population in both information gathering and programme adjustment, as their satisfaction and use of the CBCM is the primary evidence of its successfulness. Similarly, it is important to engage with participating agencies on how well the CBCM in integrating with their internal procedures, so that the CBCM can continue to receive support and be sustainable.

Essential to Know

When conducting programme adjustment, CBCM member agencies must be particularly conscious of how the mechanism may inadvertently put beneficiaries at risk. The CBCM should be mindful of any programme operations that may be stigmatizing complainants/survivors.

Securing feedback during monitoring

Beneficiary feedback on the quality of the CBCM should come from group discussions that encourage two-way communication and full engagement. The CBCM should also provide means of anonymous feedback for the comfort of those who prefer not to be identified. Surveys perform such a function, as well as allowing beneficiaries additional opportunities for reporting situations or incidents.

> **Tools**
>
> - Knowledge, Attitude and Practices ("KAP") surveys given before, during, and after an initiative can reveal a baseline from which to measure impact after the mechanism has been set up.
> - Beneficiary satisfaction surveys can also yield precious information for refining, improving, or sustaining a complaint mechanism.

Making adjustments

The assessment process does not stop at conducting thorough monitoring and evaluation, however. An effective CBCM depends upon taking the information gained from assessing the mechanism and using that information to make the necessary improvements in light of new data and feedback.

> **Example**
>
> In the Democratic Republic of the Congo CBCM Pilot Site, 46% of identified SEA victims were children as of the end of 2015. The CBCM conducted a KAP survey which revealed that women and girls did not have a good understanding of the CBCM and were not effectively reached by awareness-raising on SEA and reporting mechanisms. Thereafter, the CBCM made extra efforts to strengthen women's committees in the camps and to increase training for women and girls.

> **Tools**
>
> Use checklists for implementation, training, etc., activities to ensure that all tasks to set up and sustain a CBCM are accomplished in an objective and timely manner. Completed checklists also keep clear records of what actions have been done and by whom for later evaluation. See, e.g. The "HAP Sexual Exploitation and Abuse Prevention & Response Tally Sheet".

Accountability

Proper programme adjustment accomplishes more than keeping the CBCM effective. It is also a strong means of accountability to the affected population. If CBCM stakeholders solicit feedback on the CBCM, and then make adjustments based on that feedback, it is a strong indicator to the community that their input is respected and meaningful. Failure to consider and apply such feedback – or effectively communicate to community member why their feedback was not followed up on – can lead to a breakdown of trust and resulting reluctance to participate in the CBCM.

Areas to monitor

Monitoring and Evaluation, and the resulting Programme Adjustment, are needed in three areas of the CBCM:

1. Awareness-raising events
A CBCM should assess the impact of awareness-raising events, so that effective methods can be replicated and ineffective methods improved upon.

Maintaining records on Awareness-Raising activities held on site can aid the efficiency and sustainability of the CBCM. At a minimum, having current records on what trainings have been conducted will minimize duplication of efforts and avoid staff fatigue and beneficiary overload of information. It will also encourage buy-in to the CBCM over the long term. For

a site with strong data maintenance, awareness-raising records can be compared against complaint records to analyse the impact of PSEA trainings and events in the long term. The results can inform programme adjustment and enhance the effectiveness of the CBCM overall.

> **Tip**
>
> **Programme Adjustment**: If one location is receiving regular awareness events and SEA incidents continue in that region, and/or beneficiary surveys do not show raised knowledge, increasing the frequency of events may not be the answer. The CBCM should look further into the SEA risk-factors present on site, and assess whether it needs to adjust its messaging and or/target audience. This is a good opportunity for encouraging the involvement of the local community in CBCM programming.

Remember: Increased awareness-raising activities may lead to an increase in SEA reporting not because the number of SEA incidents is rising but because beneficiaries have improved access to/ knowledge of the complaint mechanism. Proper trend analysis will take into account reporting spikes that reflect successful awareness-raising results (i.e. increased use of the CBCM).

> **Example**
>
> From the date the complaint mechanism in the Democratic Republic of the Congo Pilot Project was operational and awareness-raising activities began, the CBCM received 41 SEA complaints in the span of 8 months. This shocking number does not indicate a sudden increase in SEA incidents in the Democratic Republic of the Congo – some of these complaints alleged incidents dating back two years. Rather, it positively illustrates that a working complaint mechanism can receive disproportionate numbers of complaints once beneficiaries are aware of their rights and know how to access the CBCM.

Lack of a comprehensive understanding of PSEA awareness on site can result in inefficient implementation of programming, leading to lack of trust from the affected population, waste of money and resources, and ultimately an unsustainable mechanism. A best practice in information gathering is the use of beneficiary satisfaction and KAP surveys before, during, and after an initiative. Such surveying allows for direct beneficiary feedback on the perceived effectiveness of the mechanism, e.g. which practices work for them and which do not.

> **Information**
>
> **Survey contents**:
> - Questions included in beneficiary satisfaction/perception surveys can range from how relevant a person feels the complaint mechanism is to their own personal situation, to whether they feel the CBCM and/or investigating agency provides sufficient feedback on complaints, to satisfaction with how SEA cases were handled.
> - KAP survey questions can measure understanding of the CBCM reporting channels, perceptions of the most likely perpetrators of SEA, and attitudes towards SEA survivors. Knowledge and Awareness Tests should be conducted early in the implementation of a CBCM, to establish the baseline knowledge for comparison over time.

> **Tip**
>
> While it is important to collect data on beneficiary knowledge and perceptions in the design of the CBCM, such views can change over time as beneficiaries interact with the CBCM and populations shift. It is important that information gathering is conducted regularly to capture changing attitudes and community development.

While the CBCM may devote considerable investment of time and resources in tracking the impact of PSEA awareness-raising among the affected community, the tracking of increased staff awareness is largely the role of agencies conducting internal training sessions. Unless and until agencies agree on harmonized PSEA training on-site, staff of different agencies operating in the same site will have varying levels of PSEA awareness. Currently, many agencies do not have a structured monitoring system to track the development of staff attitudes and behaviour towards SEA. The CBCM should work with agencies on site to monitor and track the results of staff training sessions, in order to maintain a comprehensive view of knowledge on site, avoid duplication of efforts, and fill in any observed knowledge gaps.

> **Information**
>
> Many agencies admirably conduct PSEA trainings for their staff. What is now needed is monitoring of whether these trainings are having the desired effect: behaviour change leading to an eventual eradication of SEA incidents. Trainings must be tailored to local contexts and adequately explain agency PSEA policies and the consequences of violating them to be effective – monitoring and evaluation can help determine if the trainings are working by monitoring awareness improvement.

Based on information gleaned from strong record-keeping, data tracking, and communication with stakeholders, the CBCM can adjust its programming to ensure that its awareness-raising events continue to be relevant, fill knowledge gaps, and are conducted using socially appropriate methods.

2. Complaints handling

A CBCM should regularly review whether the mechanism is maintaining the timeframes and procedures outlined in its SOPs.

The CBCM is a self-monitoring system, and as such has a responsibility to regularly ensure that it is performing its own functions efficiently. While the mechanism does lose direct control over a complaint once the allegation is referred to the concerned agency for follow up, there are several procedures the CBCM can and should be monitoring. The most important aspects of complaint handling are ensuring that timeframes are respected, that the complaints are communicated to the proper entity, and that complainants/survivors receive meaningful feedback.

Timeframes

The CBCM should regularly assess whether procedures are being followed within the timeframes outlined in the CBCM SOPs, including allegation referrals, beneficiary referrals for assistance, reporting responsibilities, etc. Timely referral of allegations is clearly an important accountability step to both beneficiaries and to the concerned agency, but all timeframes are meaningful. Regular delays in CBCM functions, though seemingly minor or harmless, can reflect larger issues and should not be ignored.

> **Information**
>
> Delays in complaint handling can be an indicator of larger problems in a mechanism, such as inadequate human resourcing or even outright corruption. Investigating the cause of delays should be part of regular CBCM monitoring and evaluation.

Referrals

The CBCM should monitor that complaints are effectively reaching the unit of the concerned agency tasked with investigating SEA,[67] and that cases are closed within an appropriate timeframe. Once the complaints are referred to the agency, the CBCM is reliant on the concerned agency to receive complaint status data, and it should document all such SEA case data it does receive so that the mechanism has an overall view of the complaint progress on site. Such an overview is necessary both to maintain the mechanism's own accountability to the affected population, and more broadly to improve the PSEA culture on site through informed advocacy to improve case handling practices.

> **Tool**
>
> A mid-term evaluation is a standard practice of evaluating the effectiveness and/or success of a programme after it has been active for a determined amount of time. The CBCM can measure its own referral process in this way.

As the mechanism that is supporting inter-agency cooperation on PSEA, the CBCM should coordinate feedback to survivor/complainants, and maintain an overview of the total number of ongoing cases in its site. Cataloguing up-to-date case status information is difficult given the lack of feedback from agencies' investigation units. However, to the extent possible and in coordination with internal investigative policies and procedures, the CBCM should encourage agencies to provide the following information:

Desired agency feedback

1. When the complaint was received by the agency's investigative unit;
2. When/whether investigation commenced or the complaint was determined an insufficient basis to proceed;
3. When the investigation concluded;
4. The outcome of the investigation; and
5. When/whether the outcome (or any information) was provided to the survivor.*

> * The *Global SOPs on inter-agency cooperation in CBCMs*, which have been agreed upon between agencies at the Headquarters level, encourage participating agencies to provide the CBCM with this basic case status information.

The CBCM should maintain records on all complaints it receives, including non-SEA complaints. For the affected population to have faith in the CBCM, all complaints reported to it must be assessed, recorded, and transferred to the relevant agency or Cluster for follow-up, not just those alleging SEA. The PSEA-CBCM therefore has a vested interest in tracking how non-SEA complaints are handled in order to monitor the system as a whole for compliance with accountability standards.

> **Essential to Know**
>
> Because a CBCM will inevitably receive complaints on non-SEA issues, the level of follow-up and feedback given to beneficiaries on all complaints will reflect on the quality of the CBCM in the eyes of the community. If the CBCM has the capacity, and especially if the Steering Committee has chosen to establish a broad accountability mechanism rather than an SEA-specific one, the CBC should monitor agency follow-up on non-SEA complaints.

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67 The *Global SOPs on inter-agency cooperation in CBCMs* instruct the PSEA/CBCM Coordinator to accompany all SEA allegation referrals with a request to confirm receipt, and encourage the agency to send a confirmation that the allegation was received and that no further action is required by the CBCM Coordinator within two business days.

Feedback

The CBCM should also monitor that beneficiaries are receiving adequate feedback after they encounter the mechanism. Whether to complainants, survivors, or individuals seeking information on PSEA, feedback to beneficiaries should be a CBCM priority as a matter or trust-building and accountability. The monitoring and evaluation of a CBCM should track whether the mechanism is providing regular and sufficient follow-up communication with the beneficiaries it interacts with.

> **Tip**
>
> Maintaining strong records of complaint referrals made and case status updates received will allow the CBCM to provide efficient and thorough feedback to concerned beneficiaries.

Following the assessment of the CBCM's adherence to complaint handling procedures, the mechanism should take note of where it is under-performing and adjust accordingly.

3. SEA trends and patterns

Monitoring SEA incidents allows CBCM stakeholders to observe the trends and patterns of exploitation and abuse within a site, and make targeted adjustments based on the needs of the affected community.

Data collection and analysis on SEA incidents needs to be done intelligently and be used effectively. Many organizations and programmes have streamlined practices to gather monitoring and evaluation data. The key is to properly assess that data and apply lessons learned to make the necessary alterations to address programme weaknesses. Monitoring and evaluation can – for example – reveal specific risk and vulnerability factors, which can be addressed through targeted improvements to the mechanism and/or identified assistance programmes on site. Understanding the patterns of SEA incidents in a region can indicate to CBCM stakeholders why SEA is present in their particular area, so that risk reduction activities can be implemented.

> **Essential to Know**
>
> **If a method is ineffective, stop using it**: The CBCM must ensure that Monitoring and Evaluation information is communicated to the person(s) who can make the necessary programme adjustments. Whether this is the PSEA/CBCM Coordinator, Cluster leads on site, or the Chiefs of Mission of participating CBCM Stakeholders, the CBCM has a responsibility to share monitoring and evaluation data with interested parties so that effective programme adjustment is possible. A mechanism that fails to adjust based on new information, especially over the long term, no longer effectively targets the SEA issues on site.

A preliminary step in assessing SEA trends is to ensure effective data collection. Monitored data should include the frequency of reporting, types of complaints received, assistance provided to complainants/survivors, and any other complaint information that can assist the CBCM to build a comprehensive view of SEA issues on site. All data on complaints received should be desegregated by sex, age group, type of complaint, and other relevant factors to understand the impact on specific groups and in particular locations.

Data must be gathered in a standardized format. Given the multi-agency coordination of a CBCM and intake occurring across various sites, efforts must be in place to standardize data reports to enable regional and national data comparisons. Without consistent and comprehensive data, it is simply not possible to understand the scope of the problem, establish a baseline from which to design interventions and measure their impact, or identify alarming trends. A CBCM with actively engaged member agencies and strong data tracking practices

can provide a remedy to this issue, by creating a mechanism with a common reporting format and sharing data to understand the full extent of SEA in an area.

> **! Be Aware**
>
> Lack of comprehensive and consistent data on SEA incidents is a recurrent problem. Individual agencies may document beneficiary complaints against their staff, but rarely is such information shared or collated with the data of other agencies. What data has been collected is not standardized. CBCM member agency Focal Points who receive in-person complaints should be appropriately trained on how to fill out standardized Incident Report forms so that data collected within a CBCM is consistent.

> **📖 Information**
>
> All data shared both within and outside the CBCM should be anonymized to the fullest extent possible for the safety of complainants/survivors, and the persons with access to sensitive complaint information must sign confidentiality agreements.

Common Reporting Platform (CRP)

The CRP is a monitoring and evaluation tool that was developed as part of the 2013–2015 IASC PSEA-CBCM Pilot Project. It is a database that is used to record and track all complaints received, survivor referrals to assistance service providers, SEA allegation referrals to investigation units, and feedback to survivors. It allows a CBCM to standardize its data collection, organize cases and update them as new information arises. The CRP also monitors awareness-raising activities for both staff and members of the affected population, and records information collected on their impact on knowledge and behavioural change. CBCM staff can use the CRP to identify locations that have strong results in awareness-raising, compare them to ones that do not, and make targeted improvements. For example, a site that has many events but poor awareness levels may need to alter their messaging to be more culturally appropriate.

> **📖 Information**
>
> All complaint information recorded in a physical location needs confidentiality precautions. Similarly, information stored online requires unique confidentiality protections and an assessment of privileges and immunities issues. A CBCM desiring to create a complaint database, request a targeted CRP database, or discuss other safe and secure data storage options can contact the IASC Task Team on Accountability and PSEA's helpdesk at helpdesk-aap-psea@unhcr.org.
>
> For more on confidentiality, see this Guide's chapter on "Intake and review of complaints".

Two-way communication between the PSEA/CBCM Coordinator and Focal Points

The Coordinator will be the person on site with the most comprehensive view of SEA issues and trends. Most often, the agency CBCM Focal Points – especially those conducting awareness-raising activities – will be the persons with regular in-person contact with beneficiaries. It is vital that PSEA knowledge is shared between these actors. Focal Points should share their hands-on impressions and community feedback with the Coordinator and the Coordinator must share anonymized information on SEA patterns and trends on site so that member agency representatives can engage in targeted responses and informed messaging.

What to do with data trends

Identifying SEA trends and patterns is essential for targeted programme improvement. By using standardized data collection and creating a comprehensive view of SEA issues, the CBCM can determine which actors to bring in to ensure targeted responses (e.g. factoring SEA-risk into vulnerability lists). For example, while it is important to consult and train Cluster coordinators from the outset of designing the CBCM, the relevant Cluster's participation should be enhanced if monitoring and evaluation shows disproportionate or increased SEA activity at, e.g. food distribution sites. The CBCM is in charge of informing representatives from the various responsible actors on site when SEA in occurring under their area of responsibility. Any complaint information shared must not include any confidential and/or sensitive case details.

> For more on training Cluster coordinators, see this Guide's chapters on "Engaging humanitarian agencies" and "Humanitarian staff: Training and capacity-building".

Information

Analysis of SEA trends should determine not just the effectiveness of CBCM activities, but should broadly assess whether assistance operations are contributing to the risk of SEA. For example, individuals in need of assistance may be left vulnerable to exploitation if they are not eligible for aid due to poorly applied targeting criteria. The CBCM must work with key Cluster coordinators to discover where programme activities are potentially putting beneficiaries at risk and adjust programmes accordingly.

In addition to flagged issues to make specific improvements, anonymized data on SEA incidents and trends should also be generally shared with the Humanitarian Coordinator, relevant Clusters, member agencies' investigation units, and IASC bodies focused on PSEA, so that they are informed of the level and scope of SEA in a particular humanitarian response setting and can act upon it. All details that could potentially be used to identify complainants, survivors, and/or subjects of complaints must be deleted prior to sharing general trends.

Essential to Know

The CBCM should hold regular meetings with stakeholders to create a platform in which SEA trends can be identified and discussed. Involved, interactive discussions across participating actors can discover patterns and identify gaps and solutions better than any software or chart.

Multiple complaints about staff persons from a single agency may indicate that SEA has become an institutional problem for that agency. The solution is not for the CBCM to discontinue working with that agency, which could significantly compromise the CBCM's ability to operate. The CBCM is an advocate for following Best Practices in preventing and addressing sexual exploitation and abuse, and works to build the capacity of its members and strengthen humanitarian accountability. When faced with what appears to be institutionalized SEA behaviours, the CBCM should focus its efforts on PSEA advocacy, prevention activities, and trainings targeting behaviour change.

CBCM stakeholders should recall that SEA is at its base a humanitarian accountability issue, in which an individual staff member chooses to violate beneficiary rights, as well as his/ her agency's policies and Code of Conduct. It is the agency employing the offender that is best placed to stop abuse by enforcing its own Code and deter further abuse by enacting disciplinary measures against proven offenders. Part of programme adjustment should be identifying problem areas within the whole CBCM infrastructure and advocating to agencies that they make their own adjustments internally.

MONITORING, EVALUATION AND PROGRAMME ADJUSTMENT

Challenge		Recommendation
✗ Agencies are under no obligation to share information on case investigation or disciplinary measures taken – if any – with the CBCM. The CBCM may not receive case details, for example, when a complaint is made directly to the concerned agency, creating gaps in assessing overall trends and the true security and protection situation on site.	⇧	✔ The CBCM must compile and assess trends as best it can, even if missing data. It should develop clear data collection and information sharing protocols among partners, so that the data that is received is reliable and consistent. In addition, a CBCM should continually develop its inter-agency working relationships based on mutual trust, respect, and accountability to facilitate useful information sharing. ✔ CBCM stakeholders should advocate within their agencies to share statistics on SEA cases reported and/or investigated, and disciplinary measures taken if any, with the CBCM.
✗ Many methods for beneficiaries to provide feedback to the CBCM face the challenge that large populations of beneficiaries are illiterate. For example, to anonymously raise a programming concern via a suggestion box, a person would have to rely on an intermediary to write the complaint out, raising potential confidentiality and stigmatization issues. This effect can inhibit beneficiary willingness to provide feedback and in turn limit community-influenced programme adjustment.	⇧	✔ When gathering information with beneficiaries, a CBCM must take into account literacy levels and language barriers. Similar to complaint reporting channels, the mechanism must always offer a means of receiving programming feedback that is accessible to the whole community.
✗ Absence of a Common Code of Conduct and standardized complaint intake, as well as not maintaining the same investigators, poses a problem for standardized monitoring.	⇧	✔ The CBCM should advocate that the participating agencies develop and adopt a Common Code of Conduct to supplement their own internal Codes and ease complaint monitoring. ✔ Absent a Common Code, agencies will still need to establish common procedures for participating in the CBCM, which should be based on the *Global SOPs for inter-agency cooperation in CBCMs*, in Annex 3, and include minimum standards for feedback on case status.

MONITORING, EVALUATION AND PROGRAMME ADJUSTMENT

Challenge		Recommendation
✗ Maintaining records requires financial and staff resources, both of which may be limited. CBCM staff face tight schedules and competing priorities, meaning data monitoring may be deprioritized.	⇧	✓ A CBCM needs to devote sufficient financial and human resources to effectively monitor and evaluate trends, and advocate with participating agencies for funding if necessary. Roles and responsibilities for analysing trends should be clearly delegated, in order to address crowded schedules and competing work priorities.
✗ A monitoring system is only as strong as the structures that record the data. Lack of an effective complaints gathering and awareness-raising structures will lead to weak and/or inaccurate data analysis.	⇧	✓ A CBCM must have functional reporting channels and awareness-raising structures before it can effectively assess trends and patterns. The CBCM should establish monitoring structures at the inter-agency, organizational, and community levels with clear protocols for gathering and sharing data to ensure that relevant information is not missed at any level. ✓ Monitoring tools should be easy to use and procedures should be clear and conveyed to all users. Monitoring indicators should be explicit and conveyed during trainings so that all users understand what is being monitored and why monitoring is important.
✗ Poor internet, phone service, and other issues with communication connectivity can slow down monitoring processes and weaken information sharing.	⇧	✓ The CBCM should allocate sufficient financial and human resources to communications and explore creative options for beneficiary feedback in situations with connectivity challenges.
✗ Staff turnover can lead to untrained staff impeding the quality and sustainability of monitoring, and a loss of institutional knowledge that will impede intelligent programme adjustments.	⇧	✓ Regular and consistent Focal Point training on both the importance of and how the CBCM conducts monitoring and evaluation can ease the challenge of regular staff turnover. The CBCM should also ensure proper handover notes are produced when CBCM Focal Points exit the site.

Annexes

TABLE OF CONTENTS

Summary Chart: Best Practices and Results

Design

Stakeholder Engagement

Action	Result	Refer to Chapter
▪ Approach humanitarian agencies to encourage buy-in to the CBCM ▪ Discuss with local heads of office on what to expect as a participating CBCM member agency	Humanitarian agencies are informed and engaged in the CBCM	A.1

▪ Consult with CBOs and national NGOs to identify:
  ○ Appropriate local persons/groups to meet with
  ○ Groups that should be engaged in mapping exercises, and
  ○ Relevant local structures to engage in designing and running the CBCM
	Local organizations are engaged in the CBCM; CBCM meets the needs of the community	A.2

▪ Ensure that relevant government officials understand the purpose and scope of the CBCM and the role of stakeholders ▪ Clarify that CBCMs do <u>not</u> investigate, unless explicitly request by the agency employing the alleged offender ▪ Provide the host government with evidence-based information about why the CBCM is needed	Government is informed on and engaged in the CBCM	A.3
▪ Create a position in the CBCM for a government liaison, who acts as a designated PSEA Focal Point within the local government ▪ Encourage the local government to make its own PSEA commitments ▪ Understand government reporting requirements, their procedures for meetings and communications, and their intended level of involvement with the CBCM	CBCM's interactions with host government are simplified and efficient	

▪ Conduct coordinated and meaningful engagement with the affected community to create a culturally sensitive, effective, and sustainable CBCM
▪ Ensure the CBCM takes into account local beliefs, attitudes, and preferences
▪ Organize focus group discussions for women, girls, boys, and men, and for targeted groups of vulnerable and marginalized individuals
▪ Get community input on the design of the complaint mechanism, such as:
  ○ Intake channels and locations
  ○ Language concerns
	Affected community is engaged in the CBCM; CBCM meets the needs of the community	A.4

o Local/cultural perceptions and prohibitions on speaking about sexual abuse, including to the opposite sex or to external actors o Specific vulnerability factors in the community o Traditional dispute resolution mechanisms ▪ Inform the community about how their input is incorporated into the complaint mechanism's design		
▪ Map the existing assistance infrastructure – including medical, psychosocial, legal, security, and material services – as well as gaps, to ensure that adequate victim assistance is available for survivors, and builds upon existing GBV services and referral pathways ▪ Compile a list of referral agencies to provide immediate aid and longer-term support, and develop a referral plan ▪ Ensure that standards/procedures for confidentiality, data collection and coordination are clearly defined with participating service providers	Service provision is efficient, principled, and coordinated with existing structures	B.1 & D.1
▪ Involve child protection actors to understand child-specific protocols and local legislation (e.g. mandatory reporting) when drafting CBCM procedures for assisting child complainants	CBCM is child-friendly	B.3
▪ Reach out to groups who are not participating CBCM members, or are outside the humanitarian sphere (e.g. peacekeeping missions) in order to: o Ensure that they are aware of the CBCM o Establish linkages and advocate for agreement from such entities to receive referred allegations lodged against their staff	Coordination is achieved with key non-CBCM entities	B.5 & D.1
▪ Identify and engage legal actors present on site (from both formal and informal structures) and coordinate their expected roles and responsibilities in the CBCM ▪ Gain insight on traditional dispute resolution mechanisms	CBCM coordinates legal support to survivors and respects local practices	A.2 & D.1
▪ Engage and coordinate with Clusters so that they are familiar with the CBCM and its procedures. Actors that regularly interact with beneficiaries should be prepared to: o Receive and address non-SEA complaints transferred by the CBCM, and o Recognize an SEA complaint and refer to the CBCM	Clusters are educated on and engaged in the CBCM; Non-SEA complaints are addressed	B. 1 & C.1
▪ Update the (global) IASC Task Team on AAP/PSEA on CBCM membership and activities, so that Task Team members can advocate within their respective agencies' HQ to encourage participation in the CBCM	IASC TT maintains current understanding of CBCM developments and challenges, and CBCM receives support	A.1

Systems and Procedures		
Action	**Result**	**Refer to Chapter**
▪ Map the existing complaint mechanisms from UN, local and international NGOs, GBV reporting channels, and pre-existing indigenous complaint systems (formal and informal)	CBCM aligns with existing complaint / feedback mechanisms	B.1
▪ Determine the primary focus of the CBCM – e.g. SEA allegations, general staff misconduct complaints, or on broader humanitarian assistance/programming issues – by examining the pros and cons of each and taking into account logistical concerns and the safety and desires of the community	CBCM scope is determined	B.2
▪ Recruit a full-time PSEA/CBCM Coordinator to conduct regular meetings with member agencies, liaise with the host government(s), coordinate all collective PSEA activities, review and refer/transfer all complaints for follow-up, and generally keep PSEA momentum moving forward	CBCM receives dedicated oversight; Complaints are processed objectively and efficiently	B.1 & B.6
▪ Establish Terms of Reference for key CBCM forums/actors in order to clarify roles and responsibilities. These include: o PSEA/CBCM Coordinator o Steering Committee (member agencies' senior management) o CBCM Focal Points (member agencies' technical experts)	CBCM is efficient and transparent	B.1
▪ Ensure that CBCM member agencies have an institutional policy on PSEA, and a system to disseminate that policy to all staff at the field level (including short-term staff and volunteers) ▪ Ensure that member agencies provide all their staff with clear direction on the reporting obligations and procedures for their agency	Humanitarian staff understand their internal PSEA policies and procedures	A.1
▪ Understand the *Global Standard Operating Procedures on inter-agency cooperation in CBCMs* (Annex 3), the template for developing site-specific CBCM SOPs ▪ Develop site-specific SOPs by tailoring the *Global SOPs* template to the local context, e.g. identify victim assistance service providers and established reporting channels (based on community consultations), as well as a confirmed schedule for Steering Committee and Focal Point meetings ▪ Maintain a list of the contact information for each agency's investigation unit (or the unit that receives SEA complaints), and attach to the SOPs	SOPs are developed for the CBCM; SEA allegation referrals are clarified	A.1 & B.1 & B.4

Activities	Outcome	Ref
▪ Discuss whether CBCM members wish to develop a Common Code of Conduct for all member agencies. This Common Code would reinforce, rather than supplant, an agency's internal Code of Conduct ▪ The Common Code should include: ○ A unified stance on what is prohibited behaviour ○ The implications for breaching the Code of Conduct ▪ In absence of a Common Code, identify a minimum standard of conduct amongst all CBCM member agencies to include in awareness-raising and training activities, based on their individual Codes	A Common Code of Conduct, or minimum standards of conduct, are in place; Standards for staff behaviour are explained to the community	B.6 & C.1
▪ Develop a standardized Incident Report Form, derived from best practice and/or existing templates, and adapted to the context ▪ Determine how to record and track all complaints to ensure systematic data collection, to facilitate the identification of SEA patterns/trends, and to ensure that adequate confidentiality safeguards are in place – i.e. utilize the Common Reporting Platform or develop a new system	Complaint intake is standardized and all necessary information is recorded; Confidentiality and data protection safeguards are in place	B.3 & B.4
▪ Engage relevant Clusters so that non-SEA complaints can be referred and addressed ▪ Develop the procedure for transferring non-SEA complaints to the appropriate Cluster/Sector/agency for follow up, regardless of the intended scope of the CBCM ▪ Record all non-SEA complaints and – if the CBCM has the capacity – monitor non-SEA complaint handling as part of trends analysis	Non-SEA complaints are addressed	B.2 & E.1
▪ Consult with UNDSS on drafting procedures to assist complainants who wish/request to file charges with local law enforcement if a crime is involved ▪ Be prepared to offer legal, security, and psychosocial assistance if criminal charges are brought	CBCM has established linkages with local law enforcement	B.5

Implementation

Systems and Procedures

Action	Result	Refer to Chapter
▪ Ensure that agencies nominate staff with sufficient authority to participate in various CBCM functions, including as Steering Committee members and CBCM Focal Points ▪ Advocate for PSEA responsibilities to be imbedded in these persons' institutional TORs	CBCM representatives are engaged and can devote sufficient time and efforts to the mechanism	B.1
▪ Consult with the community to identify key barriers to submitting complaints (e.g. literacy/language, physical, economic, cultural, safety, or marginalization), and incorporate solutions to these barriers into the reporting channels and the CBCM activities/procedures ▪ Consider interests of anonymity, security, and options for persons lacking mobile phone or internet service ▪ Establish multiple reporting channels in order to provide a wide range of options for beneficiaries to submit complaints, including: 　○ In-person reporting to: CBCM Focal Points, "safe space" (e.g. Women's Centre), medical facility, community leaders, etc. 　○ In writing, such as through a suggestion box 　○ Through technology, such as SMS, phone hotlines, or e-mail	CBCM is accessible to all persons and meets the needs of the community	A.4 & B.3
▪ Require CBCM Focal Points to read and understand their institutional policies on data protection and confidentiality ▪ Determine whether the PSEA/CBCM Coordinator, who will have access to sensitive complaint information, should sign a separate confidentiality agreement developed by the CBCM ▪ Conduct in-depth confidentiality and data protection training and regular refresher trainings to ensure that complaints are handled appropriately	Confidentiality safeguards are embedded in the CBCM	A.2 & B.4
▪ The PSEA/CBCM Coordinator follows the established CBCM procedures to address all complaints, including: 　▪ Receive the initial complaint 　▪ Establish the nature of the complaint 　▪ Determine immediate protection and assistance needs of the victim/complainant, and refer the victim/complainant to the appropriate services 　▪ Identify the agency where the allegation should be referred for follow-up and investigation, and make the referral (within 48 hours of receiving the allegation). Complaints that should be referred include: 　　▪ SEA allegations against CBCM member-agency staff 　　▪ SEA allegations against actors who are not employed by a CBCM member agency, or are staff outside the humanitarian sphere (police, army, peacekeeping missions, etc.) 　　▪ Non-SEA complaints (transfer to relevant cluster/sector)	CBCM Standard Operating Procedures are properly followed	B.4

Actions	Outcomes	Ref.
▪ Request confirmation from the investigating agency that the allegation was received (a confirmation notice should be sent to the CBCM Coordinator within two working days) ▪ Record the complaint in the CBCM's database ▪ Notify the complainant that his/her complaint was received (if not taken in-person) and what steps were taken		
▪ Understand relevant national laws with mandatory reporting requirements related to SEA incidents and incorporate them into the CBCM procedures and information packages for survivors/complainants, as appropriate	CBCM processes respect national mandatory reporting statutes	B.5
▪ Advocate with CBCM member agencies to conduct investigations in conformity with international standards (such as the UN's Uniform Guidelines on Investigation) related to timeframe, due process rights of the SOC, and utilizing investigators who are experienced and qualified professionals trained in sensitive investigations ▪ Advocate that agencies take appropriate disciplinary action in cases where SEA has been proven	Agencies' SEA response is strengthened (investigation and protection)	
▪ Ensure that complaints, both SEA and non-SEA, are referred and responded to in a timely manner ▪ Provide basic feedback to the complainant: Acknowledge that the complaint was received, when it was referred to the concerned agency (within 48 hours), and explain the follow-up that a complainant can expect, including timeframes ▪ Advocate with CBCM member agencies to share the outcome of investigations and general SEA statistics, in line with international commitments	CBCM is efficient; Agency accountability and community trust are maintained	A.4 & B.4 & E.1
▪ Track case progress, to the extent possible, to ensure that the complaint is followed-up on ▪ Maintain current records on each open complaint, facilitate the flow of information to the complainant/survivor, and remain available to assist the concerned agency through next steps upon request	CBCM tracks complaint handling; CBCM is available to assist complaint follow-up, when requested	B.5 & E.1
▪ At the request of the investigating agency, the CBCM may offer assistance and act as a liaison for continued communication with the complainant/survivor ▪ If the agency where the allegation is referred lacks the capacity to investigate, the CBCM Coordinator may provide investigation resources. For example, CBCM member agencies may decide to establish a pool of external investigators (trained in international standards for sensitive investigations, including SEA) as a resource for agencies that lack the capacity to investigate	Agency internal investigative capacity is strengthened	B.5

Action	Result	Refer to Chapter
▪ The PSEA/CBCM Coordinator leads frequent and regular meetings of the CBCM Focal Points and facilitates information sharing between stakeholders ▪ Hold regular Steering Committee meetings to ensure continued agency engagement, report on progress, identify gaps in the CBCM programming, and find solutions including programme adjustment	Information is shared among CBCM member agencies; PSEA momentum in sustained	B.1 & C.1
▪ Develop a method, considering the policies of CBCM member agencies, to address "informal" SEA complaints and rumours	CBCM proactively responds to potential SEA incidents	B.3

Awareness-Raising

Action	Result	Refer to Chapter
▪ Inform communities of the scope and purpose of the CBCM, including the role of local partners ▪ Design appropriate awareness-raising strategies based on consultations with community leaders and potentially marginalized groups (e.g. women and children) ▪ Ensure that CBCM member agencies' awareness-raising activities for beneficiaries offer consistent messages	Awareness-raising messages are coherent and relevant for the whole community; CBCM is accessible and local partners are supported	A.2 & C.1 & C.2
▪ Engage the support of local media to participate in community sensitization on PSEA, including on reporting channels ▪ Communications should use a wide range of media (posters, radio, print, etc. depending on the context and based upon community consultations) and be available in appropriate local languages and/or through visual representations	Awareness-raising messages are widespread and accessible	A.2 & C.2

▪ Raise the awareness of the affected community on PSEA issues including:
  o Definition of SEA
  o Standards of conduct for humanitarian workers
  o The right to humanitarian assistance without being subjected to SEA
  o Where to report SEA incidents/allegations
  o What services are available for survivors, and how to access them
  o What to expect after making a complaint, including potential referrals, timeframes, and the roles, responsibilities, and limitations of actors involved (manage expectations)
  o What steps the CBCM and concerned agency will take to ensure safety and confidentiality
▪ Ensure that awareness-raising activities reach women's groups, schools, and any other population segments that community consultations have identified as especially vulnerable
	All beneficiaries understand PSEA and the CBCM, including how to report and what to expect from making a complaint	A.2 & C.1 & C.2

Activity	Outcome	Code
▪ CBCM member agencies hold regular trainings for their staff (including volunteers, interns, consultants, etc.) covering subjects such as: ○ What constitutes SEA ○ International commitments to combat SEA ○ Relevant agency policies, including Codes of Conduct and the appropriate conduct of humanitarian staff, whistleblowing policies, and mandatory reporting rules ○ Individual actors' roles and responsibilities on PSEA, including participation in the CBCM ○ Incident reporting and referral procedures – for individual agencies and for the CBCM ○ Survivors' needs and assistance provision ▪ CBCM member agencies ensure that programme managers are fully informed of: ○ Their organization's policy and commitments on PSEA ○ Their own reporting obligations ○ The importance of integrating PSEA into programme design and evaluation, including potential programme adjustment based on SEA incidents and trends ▪ Extend prevention and awareness raising activities to implementing partners and (sub)contractors, in order to increase their knowledge and capacity to prevent and respond to SEA	SEA prevention; All humanitarian staff understand the CBCM and their PSEA responsibilities; CBCM member agency leadership understands their additional PSEA responsibilities	A.1 & B.3 & B.5 & C.1 & D.2
▪ Hold additional in-depth training(s) for CBCM Focal Points on their CBCM roles and responsibilities, and SEA complaint handling procedures.	CBCM Focal Points capacity is built	C.1
▪ Train service providers on PSEA, the particular needs of SEA victims, the overall purpose of the CBCM and its policies and procedures, how to receive case referrals from the CBCM, and how to notify the CBCM of SEA cases that are directly reported to the service provider	CBCM makes linkages with service providers; Service providers are engaged and coordinated with the CBCM	D.1
▪ Train Cluster leads on the CBCM and its referral system so they: ○ Are aware of the CBCM and understand the importance of active participation ○ Are able to recognize potential SEA cases ○ Understand the referral procedures for victim assistance and SEA allegations ○ Are able to receive non-SEA complaints from the CBCM, and follow-up accordingly ○ Know and promote the key PSEA principles and responsibilities in cluster activities	All aid providers understand the CBCM functions; Cluster leads are engaged and coordinated with the CBCM	C.1
▪ Advocate for training to Security actors on their role in preventing and responding to SEA, including the guiding principles of CBCMs, human rights standards, and standards of conduct	CBCM makes linkages with security actors; Security actors understand the CBCM and their roles	D.1
▪ Continue outreach efforts to CBOs/national NGOs, keep them updated on the policies, procedures, and implementation strategies of the CBCM, and encourage them to actively participate	CBCM builds capacity and encourages participation of local organizations	A.2

Prevention		
Action	**Result**	*Refer to Chapter*
▪ Advocate with CBCM member agencies to: o Ensure that all agency staff – including interns, volunteers, and short-term contractors – know and understand their institutional PSEA policy/Code of Conduct o Ensure that all partnership contracts have PSEA clauses, ideally referencing appropriate standards of behaviour and consequences for breaching the clause (including termination of the contract) o Enforce PSEA clauses with their implementing partners and (sub)contractors	All humanitarian staff and (sub)contractors can be held accountable for SEA	A.1 & C.1 & D.2
▪ Catalogue the PSEA policies/commitments (or lack thereof) of all humanitarian agencies on site	CBCM maintains a comprehensive understanding of PSEA capacity	
▪ Assist agencies with developing and/or strengthening internal policies on PSEA to meet international standards ▪ Coordinate with agencies on designing and promoting prevention measures ▪ Advocate with CBCM member agencies to take steps to prevent re-recruitment of offenders, and to liaise with their Human Resources department (HQ) on this issue	SEA prevention measures are strengthened and coherent	D.2
▪ Advocate with investigating agencies to provide timely case status updates and to share such updates, including the outcome, with survivors and the CBCM	Transparency discourages potential offenders; Feedback maintains the community's trust in the CBCM	B.5 & C.1 & E.1

Victim Assistance and Protection

Action	Result	Refer to Chapter
▪ Coordinate both urgent and ongoing assistance services for SEA victims/complainants with existing assistance mechanisms. Assistance must be provided independently of allegation referral (e.g. assistance provision is not triggered by the initiation or outcome of an investigation) ▪ Immediate assistance is based on an individualized needs assessment, and can include medical care, legal services, psychosocial support, and material care (such as food, clothing, emergency and safe shelter) ▪ For complaints involving children, engage child protection advocates / service providers ▪ When an allegation is proven, expanded support – in addition to that which is given based on the immediate needs assessment – may be needed in order to address the broad range of longer-term consequences of SEA (e.g. educational assistance, psychosocial support, catered assistance for offspring)	CBCM coordinates both urgent and longer term assistance, according to survivors' needs	D.1
▪ Coordinate with the investigating agency to ensure that the Subject of the Complaint does not have further contact with the victim	Survivor (and testimony) is protected	

Sustainability

Action	Result	Refer to Chapter
▪ Install a dedicated and independent PSEA/CBCM Coordinator to keep PSEA momentum on site and coordinate inter-agency meetings and activities	CBCM is effective and sustainable	
▪ Advocate and assist CBCM member agencies mainstream PSEA within their organizations	PSEA is included in all levels of humanitarian programming	
▪ To address staff turnover, ensure that CBCM Focal Points debrief with the CBCM Coordinator before leaving their posts, in order to capture institutional knowledge ▪ Advocate that such captured knowledge be conveyed to the agency's new Focal Point	On-site PSEA knowledge is built and retained	B.6

▪ Develop a sustainability plan to ensure member agencies will provide sufficient resources (human, financial, and in-kind contributions) to:
  o Maintain reporting channels
  o Run awareness-raising events and training activities
  o Provide victim assistance if the existing service providers do not offer the necessary services
  o Ensure active and meaningful participation in the CBCM, including trainings
	CBCM is effective and sustainable	

Monitoring and Evaluation

Systems and Procedures

Action	Result	*Refer to Chapter*
▪ Ensure standardized and effective data collection ▪ Monitored data should include the frequency of reporting, types of complaints received, and assistance provided to victims/complainants (service provider, type of assistance, date/time referred, additional services required, etc.) ▪ Desegregate data by sex, age group, type of complaint, and other relevant factors to understand the impact on specific groups and locations	CBCM maintains detailed records of SEA complaints on site	B.3 & D.1 & E.1
▪ Determine roles and responsibilities for analysing anonymized SEA data in order to identify patterns and trends	Monitoring and evaluation of data is a core function of the CBCM	B.1 & E.1
▪ Regularly assess whether procedures are being followed within the timeframes outlined in the CBCM SOPs, including complaint referrals and beneficiary referrals for assistance	CBCM maintains accountability and efficiency	
▪ Monitor that complaints are effectively reaching the unit of the concerned agency tasked with receiving (or investigating) SEA allegations, and advocate with member agencies to carry out the investigation within an appropriate timeframe ▪ Advocate with investigating agencies to provide case status updates to survivors/complainants, and facilitate such feedback if requested ▪ Advocate with agencies to share anonymized statistics with the CBCM on SEA cases reported and/or investigated, and disciplinary measures taken, if any	CBCM and member agencies maintain accountability; CBCM maintains a comprehensive understanding of SEA issues on site	E.1
▪ Maintain records on all complaints received, including non-SEA complaints ▪ When possible, track if/how non-SEA complaints are handled and resolved ▪ Maintain full documentation of referrals made for victim assistance ▪ Track the level of feedback provided to complainants/survivors, either by the CBCM or the investigating agency (if possible)	CBCM maintains accountability and beneficiary trust	B.4 & D.1 & E.1

SEA Trends and Patterns

Action	Result	Refer to Chapter
▪ Encourage CBCM member agencies to share anonymized case data, including the outcome of investigations and general SEA statistics, using standards/procedures outlined in the Global SOPs for inter-agency coordination in CBCMs – even where incidents are reported directly to the concerned agency and the CBCM is not involved in intake or review of the complaint	CBCM maintains a complete view of the prevalence of SEA on site	B.3 & B.5 & E.1
▪ Assess reported SEA incidents through standardized data collection to: ○ Identify SEA trends and patterns ○ Identify programme gaps and develop targeted interventions ○ Enable regional, national, and global data comparisons	CBCM uses monitoring data to improve programmes	E.1
▪ Share general SEA trends with the Humanitarian Coordinator, relevant Clusters, agencies' investigation units, and IASC bodies focused on PSEA, so that they are apprised of the level and scope of SEA in a particular humanitarian response setting	CBCM data informs global-level PSEA decision-making	

Adjusting the CBCM

Action	Result	Refer to Chapter
▪ Ensure CBCM member agencies meet regularly to discuss anonymized data and appropriate programme adjustments ▪ Monitoring indicators should be explicit and conveyed during trainings so that all CBCM Focal Points understand what is being monitored and why monitoring is important ▪ Apply targeted interventions to address SEA trends and patterns occurring in the CBCM implementation site	Data is sufficiently analysed and informs programme adjustment	E.1
▪ Use perception / satisfaction surveys to measure whether the CBCM is meeting the needs of survivors and the affected community, and to identify aspects of the CBCM that must be adjusted	CBCM is effective; Community participates in identifying solutions	A.4 & E.1
▪ Use a KAP survey in the initial design stage of a CBCM and regularly throughout implementation in order to capture changing attitudes and community development, measure understanding of reporting channels, perceptions of emerging SEA trends, and community attitudes towards SEA survivors ▪ Assess and monitor the results of awareness-raising events for beneficiaries and prevention/training activities for humanitarian staff, in order to maintain a comprehensive understanding of the level of knowledge on site, to avoid duplication of efforts, and to address knowledge gaps ▪ Compare records from awareness-raising activities for beneficiaries and trainings for humanitarian staff against complaint records to analyse the true impact of education	CBCM continues to meet the changing needs of the community; Awareness-raising and prevention activities are relevant and effective	C.1 & C.2 & E.1

International Commitments on PSEA

TABLE OF CONTENTS

ANNEX 2

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 instruction[1] 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.

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

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ANNEX 2

ST/SGB/2003/13

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

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Statement of Commitment on Eliminating Sexual Exploitation and Abuse by UN and Non-UN Personnel

We, UN and non-UN entities[1], re-affirm our determination to prevent future acts of sexual exploitation and abuse by our personnel[2].

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 principles[3] 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 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.

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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".

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

2. Department of Economic and Social Affairs (DESA)
   Mr José Antonio Ocampo, Under-Secretary-General

3. Department of Political Affairs (DPA)
   Mr Ibrahim Agboola Gambari, Under-Secretary-General

4. Department of Public Information (DPI)
   Mr Shashi Tharoor, Under-Secretary-General for Communications and Public Information

5. Department of Peacekeeping Operations (DPKO)
   Mr Jean-Marie Guéhenno, Under-Secretary-General for Peacekeeping Operations

6. Department of Management
   Mr Warren Sach OIC

7. Department of Safety and Security (DSS)
   Mr David Veness, Under-Secretary-General

8. Food and Agriculture Organization (FAO)
   Mr Jacques Diouf, Director-General

9. International Organization for Migration (IOM)
   Mr William Lacy Swing, Director-General

10. International Trade Centre (ITC)
    Patricia Francis

11. Office for the Coordination of Humanitarian Affairs (OCHA)
    Mr Jan Egeland, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator

12. Office of the United Nations High Commissioner for Human Rights (OHCHR)
    Ms Louise Arbour, High Commissioner for Human Rights

13. Office of Legal Affairs (OLA)
    Mr Nicolas Michel, Under-Secretary-General/ The Legal Counsel

14. Office of the Special Adviser on Africa (OSAA)
    Mr Joseph Legwaila Legwaila, Under-Secretary-General

15. 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

16. United Nations Development Programme (UNDP)
    Mr Kemal Dervis, Administrator

17. United Nations Disengagement Observer Force (UNDOF),
    Major-General Wolfgang Jilke, Force Commander

18. United Nations Human Settlements Programme (UN-HABITAT)
    Ms Anna Tibaijuka, Executive Director

19. Office of the United Nations High Commissioner for Refugees (UNHCR)
    Mr Antonio Manuel De Oliveira Guterres, High Commissionner for Refugees

20. United Nations Children's Fund (UNICEF)
    Ms Ann Veneman, Executive Director

21. United Nations Interim Force in Lebanon (UNIFIL)
    Major-General Clausio Graziano, Force Commander

22. United Nations Interim Administration Mission in Kosovo (UNMIK)
    Mr Joachim Rucker, Special Representative of the Secretary-General

23. United Nations Integrated Mission in Timor-Leste (UNMIT)
    Mr Atul Khare, Special Representative of the Secretary-General

24. United Nations Office on Drugs and Crime (UNODC)
    Mr Antonio Maria Costa, Director General

25. United Nations Mission in Côte d'Ivoire (UNOCI)
    Mr Abou Moussa, OIC

26. United Nations Mission in Ethiopia and Eritrea (UNMEE)
    Mr Azouz Ennifar, Acting Special Representative of the Secretary-General

27. United Nations Mission in Sudan (UNMIS)
    Mr Taye-Brook Zerihoun, Acting Special Representative of the Secretary-General

28. United Nations Mission for the referendum in Western Sahara (MINURSO)
    Julian Harston, Special Representative of the Secretary-General

29. United Nations Military Observer Group in India and Pakistan (UNMOGIP)
    Major-General Dragutin Repinc, Chief Military Observer

30. United Nations Observer Mission in Georgia (UNOMIG)
    Mr Jean Arnault, Special Representative of the Secretary-General

31. United Nations Organization Mission in the Democratic Republic of Congo (MONUC)
    Mr William Lacy Swing, Special Representative of the Secretary- General

32. United Nations Office at Geneva (UNOG)
    Mr Sergei Ordzhonikidze, Director-General

33. United Nations Office for Project Services (UNOPS)
    Mr Jan Mattsson, Executive Director

34. United Nations Peacekeeping Force in Cyprus (UNFICYP)
    Mr Michael Moller, Special Representative of the Secretary-General and Chief of Mission

35. United Nations Populations Fund (UNFPA)
    Ms Thoraya Obaid, Executive Director

36. United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)
    Ms Karen Koning Abu Zayd, Commissioner-General

37. United Nations Stabilization Mission in Haiti (MINUSTAH)
    Mr Edmond Mulet, Special Representative of the Secretary-General

ANNEX 2

38. United Nations Staff Union
    Mr Stephen Kisambira, President

39. United Nations Truce Supervision Organizations (UNTSO)
    Major-General Ian Gordon, Chief of Staff

40. United Nations Volunteers (UNV)
    Mr Ad de Raad, Executive Coordinator

41. World Health Organization (WHO)
    Dr Anders Nordström, Acting Director-General

42. 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 Sjursen, Head of Mission

ANNEX 2

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 abuse[4]

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. Sexual relationships between humanitarian workers and beneficiaries are strongly discouraged since they are based on inherently unequal power dynamics. 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."

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4   See Report of the Inter-Agency Standing Committee Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises of 13 June 2002, Plan of Action, Section I.A.

IASC 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.

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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.

ANNEX 2

	PSEA Minimum Operating Standards	Key Indicators
1	**Effective Policy Development and Implementation**	• 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).
2	**Cooperative Arrangements**	• 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.
3	**A dedicated department/focal point is committed to PSEA**	• 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.
4	**Effective and comprehensive communication from HQ to the field on expectations regarding raising beneficiary awareness on PSEA**	• 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.
5	**Effective community based complaints mechanisms (CBCM), including victim assistance.**	• 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.

6	**Effective recruitment and performance management**	• 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**	• 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**	• 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.

IASC Inter-Agency
Standing Committee

Protection from Sexual Exploitation and Abuse

Statement by the Inter-Agency Standing Committee

Endorsed by the IASC Principals on 11 December 2015

This statement affirms the commitment of the IASC Principals to actively prevent and respond to sexual exploitation and abuse by humanitarian workers, and the role of the PSEA Senior Focal Points, Humanitarian Coordinators, and the Humanitarian Country Teams to implement this commitment in all humanitarian response operations.

We, the IASC Principals, re-affirm our determination to eradicate acts of sexual exploitation and abuse by our personnel and actively respond to incidents that are perpetuated against our beneficiaries. We recognize our leadership responsibility to strengthen the humanitarian community's fight against SEA in order to achieve a true system of collective accountability, and we commit to provide the necessary resources to eradicate this wrongdoing.

In so doing, we:

Recall the Secretary General's Bulletin on Special measures for protection from sexual exploitation and sexual abuse,[1] including its condemnation of SEA and six core principles of protection;

Recall agencies' previous SEA commitments, including the Statement of Commitment on Eliminating Sexual Exploitation and Abuse by UN and Non-UN Personnel, and the Minimum Operating Standards on Protection from Sexual Exploitation and Abuse by our own Personnel ("MOS");

Reaffirm that creating and maintaining a living and working environment that prevents sexual exploitation and abuse is both an individual and organizational responsibility;[2]

Recognize that inter-agency cooperation is crucial to effectively prevent and respond to sexual exploitation and abuse;

Recall the importance of due process in case referrals and investigations and the respect for the rights of all individuals concerned;

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1 SGB ST/SGB/2003/13 (9 October 2003).
2 Statement of Commitment on Eliminating Sexual Exploitation and Abuse by UN and Non-UN Personnel (Revised December 2011) [hereinafter "Statement of Commitment"].

Take note of the best practices and lessons learned from the numerous studies and initiatives carried out by the IASC and other international forums which identify PSEA issues that can only be addressed at the global level;[3]

Find that PSEA commitments are not universally implemented in practice, and we must prioritize taking further action on these commitments to invoke real change;

Commit to the following Action Points in order to fulfil our previous and ongoing commitments to fight SEA by our own personnel, and to ensure that all responses are developed in a manner that balances respect for due process with a survivor-centered approach in which the survivor's wishes, safety, and well-being remain a priority in all matters and procedures:

1. **Fully implement the Minimum Operating Standards**, including by developing operational tools and clear guidance for the field on agency commitments and activities to protect against sexual exploitation and abuse, both at the institutional and collective[4] levels. This requires ensuring that global standard operating procedures on cooperation in interagency complaints mechanisms, and specifically on SEA case referrals and follow-up, are developed and endorsed by May 2016. It also requires effective and continuous staff training by all humanitarian agencies, to ensure that their field offices understand their agencies' PSEA commitments and Code of Conduct obligations, and which fosters capacity building and behavioral change to address the root causes of SEA.

2. **Reinforce the responsibilities on PSEA for the Humanitarian Coordinator role**, in order to ensure that PSEA has a clear place within the humanitarian architecture and IASC system-wide responsibility for developing PSEA strategies and action plans is institutionalized.[5] Coherent with existing PSEA responsibilities as Resident Coordinator, this would include developing complaints mechanisms, ensuring that survivors have access to appropriate immediate and longer-term assistance, coordinating inter-agency allegation referrals, reporting regularly to the Emergency Relief Coordinator on PSEA in relation to humanitarian operations, and including PSEA as a standing agenda item at the HC annual meeting.

ANNEX 2

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3 See Report of the Secretary-General, Special Measures for Protection from Sexual Exploitation and Sexual Abuse A/69/779 (13 February 2015); Comprehensive review of the whole question of peacekeeping operations in all their aspects, 17 June 2015, A/70/95– S/2015/446, paras (Ch. 6); A Global Study on the Implementation of United Nations Security Council Resolution 1325, 2015; IASC, Global Review of Protection from Sexual Exploitation and Abuse by UN, NGO, IOM and IFRC Personnel, July 2010; Independent Whole of System Review of Protection in the Context of Humanitarian Action, Commissioned by the Norwegian Refugee Council on behalf of the Inter Agency Standing Committee and the Global Protection Cluster (May 2015), p. 57; and IASC, Protection from Sexual Exploitation and Abuse: Compendium of Practices on Community-Based Complaints Mechanisms (2012).
4 Collective commitments to prevent SEA include MOS #2 to engage in Cooperative Arrangements, and Statement of Commitment #10 "Engage the support of communities and governments to prevent and respond to sexual exploitation and abuse by our personnel."
5 Under the UN Resident Coordinator Generic Job Description, February 2014, the RC is responsible for ensuring "that a network of focal points for the implementation of the provision contained in the SG's 'Bulletin on special measures for protection from sexual exploitation and sexual abuse" is operational and supporting the development and implementation of a country-level action plan to address the issue. See UNSG Report 2015, A/69/779: Create a position under the office of the RC to support his/her work as focal point for PSEA and the cost of the position is to be shared by all UN entities operating in the field mission. Also see; IASC, Global Review of Protection from Sexual Exploitation and Abuse by UN, NGO, IOM and IFRC Personnel, July 2010.

IASC Inter-Agency
Standing Committee

3. **Strengthen investigation and protection responses to SEA allegations**, by individual organizations and collectively.[6] This includes taking swift and appropriate administrative sanctions, and developing and sharing best practices on enforcing Code of Conduct breaches and on referring SEA cases that may arise to criminal misconduct to competent authorities.[7] This also requires concerted efforts to operationalize the recommendations for preventing the re-recruitment of individuals disciplined for SEA,[8] and to enforce PSEA contractual clauses with implementing partners. Furthermore, efforts should be made to ensure that the IASC response to SEA includes adequate protection and redress, including adequate assistance for survivors.[9]

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6 Based on Statement of Commitment #6 "Investigate allegations of sexual exploitation and abuse in a timely and professional manner." Collective commitments toward investigation and protection include Statement of Commitment #3 "Prevent perpetrators of sexual exploitation and abuse from being (re-) hired or (re-) deployed" and #9 "Regularly inform our personnel and communities on measures taken to prevent and respond to sexual exploitation and abuse. Such information … 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…"

7 Based on Statement of Commitment #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 Based on Statement of Commitment #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."

9 Applicable standards on victim assistance include, but are not limited to, standards contained in the Human Rights treaties (e.g. protection of physical integrity, freedom from torture, right to an effective remedy etc.); in the Convention on the Rights of the Child and its optional protocol; authoritative guidance provided by treaty bodies (ex. concerning access to justice for women victims of SGBV in CEDAW GR 33; as well as policy and programmatic guidance developed by the UN i.e. UNSG Guidance Note on Reparations for Victims of Conflict-related Sexual Violence.)

Global Standard Operating Procedures on Inter-Agency Cooperation in CBCMs

IASC Inter-Agency Standing Committee

Protection against Sexual Exploitation and Abuse (PSEA)

Inter-agency cooperation in community-based complaint mechanisms

MAY 2016

Global Standard Operating Procedures

An IASC commitment to develop operational tools and clear guidance for the field on agency commitments and activities to protect against sexual exploitation and abuse, both at the institutional and collective levels.

(IASC Statement on PSEA, endorsed by the IASC Principals on 11 December 2015)

TABLE OF CONTENTS

DEVELOPED IN COLLABORATION WITH:

The following agencies/organizations participated in the drafting of these Global SOPs: CARE International, FAO, IMC, IOM, IRC, OCHA, OHCHR, Save the Children International, Save the Children UK, UNDP, UNFPA, UNHCR, UNICEF, WFP, WHO, and World Vision International.

Date of Review/Revisions

1st Draft	23 October 2015
2nd Draft	20 November 2015
3rd Draft	24 February 2016
4th Draft	04 April 2016
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ACRONYMS

CBCM	Community-Based Complaint Mechanism
CBO	Community-Based Organization
GBV	Gender-Based Violence
IASC	Inter-Agency Standing Committee
IGO	Intergovernmental Organization
IP	Implementing Partner
MOS-PSEA	Minimum Operating Standards on PSEA
NGO	Non-Governmental Organization
PSEA	Protection from Sexual Exploitation and Abuse
SEA	Sexual Exploitation and Abuse
SOC	Subject of the Complaint
SOP	Standard Operating Procedure
TORs	Terms of Reference
UN	United Nations

ANNEX 3

KEY DEFINITIONS

Sexual Exploitation and Abuse (SEA): Particular forms of gender-based violence[1] that have been reported in humanitarian contexts, specifically alleged against humanitarian workers.

> 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."[2]

> Sexual Abuse: "The actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions."[3]

Sexual Harassment versus SEA: SEA occurs against a beneficiary or member of the community. Sexual harassment occurs between personnel/staff, and involves any unwelcome sexual advance or unwanted verbal or physical conduct of a sexual nature. Sexual harassment is not covered by these SOPs[4] although agencies' internal procedures for reporting sexual harassment allegations may be the same as for reporting SEA complaints. The distinction between the two is important so that agency policies and staff trainings can include specific instruction on the procedures to report each.

Gender-Based Violence versus SEA: GBV 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.[5] SEA can be seen as a form of GBV, 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

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[1] See: Inter-Agency Standing Committee, *Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action – Reducing Risk, Promoting Resilience and Aiding Recovery* (2015) [hereinafter IASC GBV Guidelines (2015)]
p. 12–13 (including SEA in the examples of violence to which specific at-risk groups might be exposed); GBV Guidelines Annex 6, p. 336 ("Sexual exploitation and abuse are forms of gender-based violence that have been reported in humanitarian contexts, specifically relating to humanitarian workers"); Gender-based Violence Area of Responsibility Working Group, Handbook for Coordinating Gender-based Violence Interventions in Humanitarian Settings (July 2010) p. 10 (stating that while types of recognized GBV can vary, SEA is among some of the more common forms, and citing that the IASC definition of GBV – which encompasses SEA – "draws from the official definition of violence against women" in Article One of the UN Declaration on the Elimination of Violence Against Women (DEVAW, 1993)).

[2] United Nations Secretary-General's Bulletin, "Special measures for protection from sexual exploitation and sexual abuse" ST/SGB/2003/13 (9 October 2003) [hereinafter Secretary General's Bulletin on SEA (2003)]. The prohibition of sexual exploitation and abuse, under the UN Secretary-General's Bulletin, includes the following specific standards: 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. See §3.2(b)-(d). See also §3.3 which clarifies that the standards 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."

[3] Secretary General's Bulletin on SEA (2003).

[4] Sexual Harassment is covered by UN Secretariat Administrative Instruction Procedures for dealing with sexual harassment ST/AI/379 (29 October 1992); Secretary-General's Bulletin, Prohibition of discrimination, harassment, including sexual harassment, and abuse of authority ST/SGB/2008/5 (11 February 2008).

[5] IASC GBV Guidelines (2015).

SEA. Local communities are involved in developing and approving the CBCM so that the structure is both culturally and gender-sensitive.[6] The mechanism should have multiple entry points, allowing both beneficiaries and staff the opportunity to report at the organizational level – internally through the network's or field agency focal points – or at the community level.[7] The primary concern of the mechanism is to aid known and potential SEA survivors, and also fulfill a prevention function through awareness-raising efforts. 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.[8]

Beneficiaries of Humanitarian Assistance: A person who receives assistance as part of either emergency relief or development aid through assistance programmes. Persons under this title include members of affected populations including refugees, internally displaced persons and other vulnerable individuals, as well as host community members. Sexual exploitation or abuse of a beneficiary is SEA, however the individual need not be in a vulnerable position; a differential power or trust relationship is sufficient to establish SEA.

Complainant: A person who brings an allegation of SEA to the CBCM in accordance with established procedures. This person may be an SEA survivor 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.

Whistleblower: For the purposes of these SOPs a whistleblower is a type of complainant, not the survivor, who is a humanitarian aid worker making a report of SEA. Organizational whistleblowing policies encourage staff to report concerns or suspicions of misconduct by colleagues by offering protection from retaliation[9] for reporting, and clarify the rules and procedures for reporting and addressing such cases. Therefore the definition, scope, and protection measures may differ between organizations. CBCM principles (e.g. confidentiality) apply to whistleblowers as they would to any complainant, and internal agency policies shall protect whistleblowers on SEA from retaliation, so long as the report is made in good faith and in compliance with internal agency policies.[10]

Survivor: A person who has SEA perpetrated against him/her or an attempt to perpetrate SEA against him/her.[11] For the purposes of these SOPs, persons who report SEA committed against themselves are treated as survivors for the purposes of security and needs assessments.

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[6] For more on designing a culturally and gender-sensitive CBCM, see §4.1 Setting up the Inter-Agency CBCM.

[7] Humanitarian workers have a duty to report any concern, doubt, or allegation of SEA in accordance with the internal policies and procedures of their agency/organization. See more in the Inter-Agency Standing Committee *Inter-Agency PSEA-CBCM Best Practices Guide* [hereinafter IASC CBCM Best Practice Guide].

[8] For more on integrating the CBCM with existing structures, see §4.1.2 Designing the CBCM.

[9] "Statement of Commitment on Eliminating Sexual Exploitation and Abuse by UN and Non-UN Personnel" (2006, updated 2011) [hereinafter Statement of Commitment (2006)] #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."). Note: ST/SGB/2005/21 requires also that the report be made "as soon as possible and not later than six years after the individual becomes aware of the misconduct. The individual must […] submit information or evidence to support a reasonable belief that misconduct has occurred".

[10] UN SGB Protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations ST/SGB/2005/21 (19 December 2005) §2.1.

[11] The person who is, or has been, sexually exploited or abused. This term implies strength, resilience, and the capacity to survive. "The terms 'victim' and 'survivor' can be used interchangeably. 'Victim' is a term often used in the legal and medical sectors, while the term 'survivor' is generally preferred in the psychological and social support sectors because it implies resiliency." See Inter-Agency Standing Committee's Task Force on Protection from Sexual Exploitation and Abuse, "Guidelines to implement the Minimum Operating Standards for Protection from Sexual Exploitation and Abuse by UN and

Victim: Also intended to reflect a person who has SEA perpetrated against him/her, used interchangeably with "survivor".[12] These SOPs use the term "survivor" for consistency. However, as much literature on assistance provision that was sourced for these SOPs uses the "victim" terminology, the SOPs 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.

Subject of the Complaint: Once a complaint has been filed, the alleged perpetrator of SEA is referred to under these terms.

Humanitarian Aid Worker: For the purposes of these SOPs, this term encompasses all persons involved in providing protection and/or assistance to affected populations and who have a contractual relationship with the participating organization/partners, including incentive workers[13] from target communities. It refers to all staff of humanitarian agencies and organizations, including UN agencies, IGOs, NGOs, implementing partners, and relevant CBOs including paid staff, volunteers, contractors, incentive workers, and anyone performing a task on behalf of any humanitarian agency or organization, regardless of the type or duration of their contract.[14]

Staff: For the purposes of these SOPs, "staff" of an organization is any person who works for or represents that organization, whether or not s/he is compensated monetarily and regardless of the type or duration of their contract.[15] (see also "Implementing Partners")

Implementing Partners: Entities or organizations that operate at country level, in accordance with established UN, IO or NGO procedures, to provide services and deliver humanitarian assistance. Staff of, and all those employed by, an implementing partner are "humanitarian aid workers" for the purposes of these SOPs.

Code of Conduct: A set of standards of behavior that staff of an organization are obliged to adhere to.

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non-UN Personnel" (March 2013) [hereinafter IASC Guidelines to Implement the MOS-PSEA (2013)], and IASC GBV Guidelines (2015), Part I - Introduction p. 1.

[12] *Id*.

[13] Incentive workers are individuals who receive non-monetary compensation for work or representation for an organization, and are frequently members of the beneficiary community. See the Sexual Exploitation and Abuse Glossary at www.interaction.org/document/sea-glossary.

[14] International Council of Voluntary Agencies, "Building Safer Organizations Guidelines: Receiving and Investigating Allegations of Abuse and Exploitation by Humanitarian Workers" (2007).

[15] IASC Guidelines to Implement the MOS-PSEA (2013).

1. INTRODUCTION

1.1. Background on SEA and Inter-Agency Cooperation

Sexual exploitation and abuse (SEA) by aid workers directly contradicts the principles upon which humanitarian action is based and represents a protection failure on the part of the aid community. SEA inflicts harm on those whom the humanitarian community is obligated to protect, as well as jeopardizes the credibility of all assistance agencies. Humanitarian workers are expected to uphold the highest standards of personal and professional conduct at all times to protect beneficiaries of assistance. Sexual exploitation and abuse of affected populations constitutes gross misconduct and will result in disciplinary action, including immediate termination of employment and referral for criminal prosecution, where appropriate.[16]

In recognition of the global concern over SEA, the Inter-Agency Standing Committee (IASC)[17] has prioritized efforts to prevent and respond to these abuses at both the agency level and through collective efforts in the field. In 2002 the IASC adopted six core principles[18] intended to set forth standards to prevent SEA:

Six Core Principles Relating to Sexual Exploitation and Abuse
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 defense.
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. Sexual relationships between humanitarian workers and beneficiaries are strongly discouraged since they are based on inherently unequal power dynamics. 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.

These principles were incorporated into the UN Secretary General's Bulletin on SEA in 2003. The bulletin outlines a zero-tolerance policy toward SEA, obliges UN staff to report incidents of abuse, and is binding on all UN staff, including all agencies and individuals who have cooperative agreements with the UN. Subsequent voluntary agency commitments, such as the 2006 Statement of Commitment on Eliminating Sexual Exploitation and Abuse by UN and Non-UN Personnel, as well as internal agency policies, have substantially broadened the international commitment to fight SEA and have established standards of conduct that are applicable to all "personnel"[19] and at all times,

ANNEX 3

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[16] Secretary General's Bulletin on SEA (2003). Statement of Commitment (2006).

[17] The Inter-Agency Standing Committee (IASC) was established in 1992 in response to General Assembly Resolution 46/182 which called for strengthened coordination of humanitarian assistance. The resolution set up the IASC as the primary mechanism for facilitating interagency decision-making in response to complex emergencies and natural disasters. The IASC is formed by the representatives of a broad range of UN and non-UN humanitarian partners. For further information on the IASC, please access the IASC website at www.humanitarianinfo.org/iasc.

[18] The Six Core Principles were outlined by the IASC Task Force on Protection from Sexual Abuse and Exploitation in 2002, and adopted by the IASC member agencies for inclusion into their institutional Codes of Conduct.

[19] The Statement of Commitment (2006) expanded the scope of the Secretary General's Bulletin on SEA (2003) from UN staff to "our personnel" i.e. UN Volunteers, personnel or employees of non-UN entities or individuals who have entered into a cooperative arrangement with the UN (including interns, international and local consultants, and individual and

including when off duty and on leave. However, the initial core standards set forth by the IASC in 2002 are reflected in all subsequent commitments on prohibited staff conduct, both by UN agencies and the broader humanitarian community.

PSEA is directly linked to agency Accountability to Affected Populations, including commitments to engage in consultations and share 2-way feedback. In December 2011 the IASC Principals set forth the Transformative Agenda and a series of Protocols, including the Accountability to Affected Populations Operational Framework, in effort to improve collective humanitarian response.[20] The Accountability Framework acknowledges that preventing SEA is considered integral to all operations, and one of the key objectives is to "systematically communicate with affected populations using relevant feedback and communication mechanisms" throughout all phases of the programme cycle. The Principals also endorsed five Commitments to Accountability to Affected Populations (CAAP) and agreed to incorporate them into the policies and operational guidelines of their organizations and promote them with operational partners, within Humanitarian Country Teams, and amongst cluster members. Commitment Three - relating to Feedback and Complaints - actively commits agencies to "seek the views of affected populations to improve policy and practice in programming, ensuring that feedback and complaints mechanisms are streamlined, appropriate and robust enough to deal with (communicate, receive, process, respond to and learn from) complaints about breaches in policy and stakeholder dissatisfaction."

Despite this collective articulation of commitment, abuses by aid workers continue.[21] The 2015 independent Whole of System Review of Protection in Humanitarian Action noted that despite progress, "systematized engagement with affected populations and peer-to-peer accountability is still lacking."[22] Researchers noted concerns that PSEA requires a specialized approach, including confidential complaints and investigations procedures at both the system and individual agency level. In 2012 the IASC Task Force on PSEA identified inter-agency cooperation in the creation and maintenance of community-based complaints mechanisms (CBCMs) as a key component in the prevention and response to SEA.[23] For complaints to come forward, local communities need to be informed that humanitarian assistance is free and never conditioned on sexual favors. Beneficiaries of humanitarian assistance and humanitarian staff both need to be informed how to access the appropriate complaints mechanism if SEA occurs, especially in a humanitarian response situation where multiple agencies are present. Furthermore, an effective CBCM requires inter-agency coordination to ensure consistent messaging and that access to the mechanism is as broad and straightforward as possible for potential complainants.

Two of the principles set out in the Statement of Commitment (2006) endorsed by seventy-eight organizations[24] directly relate to the creation and maintenance of complaints mechanisms:

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corporate contractors), experts on mission including UN police officers, members of national formed police units, corrections officers and military observers, and military members of national contingents serving in UN peacekeeping missions); personnel as defined by international organizations and their membership bodies; and personnel of non-governmental organizations.

20   "Specific issues raised by affected individuals regarding violations and/or physical abuse that may have human rights and legal, psychological or other implications should have the same entry point as programme-type complaints, but procedures for handling these should be adapted accordingly." See https://interagencystandingcommittee.org/accountability-affected-people/documents-public/operational-framework-aap.

21   Studies by the UNHCR, STC and HAP over the past decade have revealed the recurrence of SEA by humanitarian personnel. The UN Secretary General also reported that 79 new allegations of SEA were received from the departments and offices of the Secretariat and agencies, funds, and programmes of the UN in 2014. See Report of the Secretary-General, Special Measures for Protection from Sexual Exploitation and Sexual Abuse A/69/779 (13 February 2015).

22   *Independent Whole of System Review of Protection in the Context of Humanitarian Action*, Commissioned by the Norwegian Refugee Council on behalf of the Inter Agency Standing Committee and the Global Protection Cluster (May 2015), p. 57.

23   Inter-Agency Standing Committee, "Protection from Sexual Exploitation and Abuse: Compendium of Practices on Community-Based Complaints Mechanisms" (2012). [hereinafter IASC Compendium of Practices (2012)].

24   As of 2011, the Statement of Commitment (2006) was endorsed by the following non-UN entities: ACT, AMERA UK, AFRICARE, ARC, AVARD, Austrian Red Cross, Care International, Caritas International, CRS, CCF, CRWRC-US, Concern Worldwide, ECPAT International, HAI, IMC, IOM, IRC, Irish Red Cross, Italian Red Cross, LWR, Mercy

> "**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.**" (Principle #4)
>
> **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. (Principle #9)

Further collaborative progress was made in 2012 with the development of the Minimum Operating Standards for PSEA (MOS-PSEA). The MOS-PSEA were created jointly by humanitarian agencies led by the IASC Champion IOM Director General William Swing, and were endorsed by both the PSEA Senior Focal Points and the IASC Task Force on PSEA.[25] Like the Secretary General's Bulletin on SEA and the Statement of Commitment, the MOS-PSEA are commitments made by agencies to combat SEA.[26] They also provide guidelines and specific indicators on how organizations can set up internal structures to do so. One of the four key pillars of the MOS-PSEA is the commitment to "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" (MOS-PSEA Pillar #2)

Agency participation in the creation and maintenance of inter-agency PSEA Community-Based Complaint Mechanisms directly correlates to the objectives of this pillar, and is specifically endorsed in the MOS-PSEA.[27] **In particular, the MOS-PSEA encourage agencies' headquarters to urge their field offices to participate in CBCMs that are jointly developed and implemented by the aid community, and to provide guidance to the field in how to design such CBCMs.**[28] The Principals recommitted to full implementation of the MOS-PSEA in December 2015, with endorsement of the IASC Statement on PSEA.[29] The IASC Statement also served to clarify PSEA's placement within the humanitarian architecture and institutionalize IASC system-wide responsibility for developing PSEA strategies and action plans by reinforcing PSEA responsibilities for the Humanitarian Coordinator role.[30]

ANNEX 3

Corps, Red Cross of Monaco, MDM, RI, Operation USA, Relief International, Pact Inc., Plan International, PAI, SC UK, Save the Children Alliance, Tearfund, TIPH, Trinidad and Tobago Red Cross Society, Winrock International, Women's Commission for Refugee Women and Children, World Vision International.

25 The IASC Task Force on PSEA has since merged with the Task Force on Accountability to Affected Populations to become the IASC Task Team on Accountability to Affected Populations and PSEA.

26 The Senior Focal Points provide regular updates on their agencies' progress on implementing the MOS-PSEA commitments at the bi-annual SFP meetings.

27 Inter-Agency Standing Committee, "Minimum Operating Standards: Protection from Sexual Exploitation and Abuse by own Personnel (MOS-PSEA)" (2012) [hereinafter MOS-PSEA (2012)] #5 ("Effective community-based complaints mechanisms (CBCM), including victim assistance."). See also Statement of Commitment (2006) #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.").

28 MOS-PSEA (2012) #5, Indicator 1.

29 The IASC Statement also reaffirms agencies' collective responsibility to systematize PSEA response in all humanitarian operations and strengthen investigation and protection responses to SEA allegations. See the Inter-Agency Standing Committee, "Statement on Protection from Sexual Exploitation and Abuse," (11 December 2015) [hereinafter IASC Statement on PSEA (2015)].

30 IASC Statement on PSEA (2015) Action Point 2 ("[R]einforce the responsibilities on PSEA for the Humanitarian Coordinator role, in order to ensure that PSEA has a clear place in the humanitarian architecture and IASC system-wide responsibility for developing PSEA strategies and action plans is institutionalized. Coherent with existing PSEA

In December 2013, the IASC Principals[31] reiterated that PSEA is a core facet of accountability to affected populations and agreed to "request PSEA Senior Focal Points to work towards the implementation of the Minimum Operating Standards on PSEA within their respective agencies and establish internal and IASC-level monitoring mechanisms to ensure accountability".[32] The Principals also endorsed the AAP-PSEA Task Team's Priority Paper, which focused on supporting a 2-year project to "pilot Inter-Agency CBCMs […] which are specifically tailored to respond to SEA and that build coherence with broader AAP-focused complaints and feedback mechanisms and strategies, with a longer-term aim of eventual institutionalization of inter-agency CBCMs in all humanitarian response settings."[33]

These Standard Operating Procedures are informed in part by the outcomes of this IASC pilot project, which established inter-agency CBCMs in Ethiopia and the Democratic Republic of Congo in an effort to develop a more systematic approach to preventing and responding to SEA in humanitarian response operations. The lessons learned from this project on safe receipt of complaints, ensuring victim assistance and appropriate follow-up, and facilitating inter-agency complaint referral, supply one basis for these SOPs. Drawing on additional sources, including internal agency policies and procedures, these SOPs are constructed to be applicable to inter-agency CBCMs set up in any humanitarian setting.

1.2. Objective and Scope of Standard Operating Procedures (SOPs)

1.2.1. Objective

These Standard Operating Procedures (SOPs) have been developed to facilitate joint actions by humanitarian agencies/organizations in response operations to protect beneficiaries from SEA and enhance the collective capacity of the agencies and affected populations to prevent and respond to SEA committed by aid workers. The effort is the result of a directive from the IASC Principals in May 2015, which called upon IASC agencies to participate in a task team to develop SOPs on inter-agency community-based complaints mechanisms to handle SEA complaints and reports in any humanitarian setting.[34] The SOPs will serve as global-level guidance for inter-agency cooperation in the field when structuring and maintaining a CBCM. Experience has shown[35] that inter-agency coordination is vital for effectively operationalizing the humanitarian community's commitment to PSEA. Agreement on procedures at the global level ensures that CBCMs will be established in a manner that fulfills these commitments, respects agencies' internal PSEA procedures and obligations,

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responsibilities as Resident Coordinator, this would include developing complaints mechanisms, ensuring that survivors have access to appropriate immediate and longer-term assistance, coordinating inter-agency allegation referrals, reporting regularly to the Emergency Relief Coordinator on PSEA in relation to humanitarian operations, and including PSEA as a standing agenda item at the HC annual meeting").

[31] IASC Principals are the heads of all IASC member agencies or their representatives.

[32] Summary record of the IASC Principals meeting, 17 December, 2013 (Action Point 21).

[33] IASC PRIORITY: Accountability to Affected Populations, including Protection from Sexual Abuse and Exploitation (5 December 2013).

[34] IASC Principals Meeting, Final Summary Record and Action Points, 21-22 May 2015, Action Point 18: "Request IOM to lead a task team of agency experts to develop global Standard Operating Procedures on inter-agency Community-Based Complaint Mechanism to handle SEA complaints and reports in any humanitarian setting and requests IASC agencies to appoint senior staff members with the necessary expertise and authority to participate in the task team. *Action by: IOM by December 2015.*" Also see IASC Principals Meeting, Final Summary Record and Action Points, 11 Dec.2015, "2) Fully implement the Minimum Operating Standards, including by developing operational tools and clear guidance for the field on agency commitments and activities to protect against sexual exploitation and abuse, both at the institutional and collective levels. This requires ensuring that global standard operating procedures on cooperation in inter-agency complaints mechanisms, and specifically on SEA case referrals and follow-up, are developed and endorsed by May 2016. *Action by: IASC Principals by 31 May 2016 under IOM's leadership.*"

[35] IASC Compendium of Practices (2012).

and ensures the rights of individuals (both beneficiaries and staff), balancing due process with a survivor-centered approach.[36]

One of the greatest advantages of an inter-agency CBCM is that it facilitates access for affected populations to file complaints, because it alleviates the need for survivors to determine what agency their perpetrator works for and then identify the appropriate complaints mechanisms through which to submit allegations. A joint mechanism also provides the option of submitting a complaint to a body which does not itself employ the alleged perpetrator of the misconduct, which may alleviate fears of retribution. If a complaint is made to an inter-agency CBCM, the integrated referral system minimizes the chances of complaints getting lost before action can be taken and minimizes the potential hardship on complainants (e.g. travel costs, language barriers, potential stigmatization, confusion on reporting procedures and mechanisms).

The objective of these SOPs is to provide system-wide clarity on a general model of procedures, so that agencies can cooperate in establishing and maintaining country-level CBCMs for addressing SEA allegations in a safe, confidential and efficient manner. The process of developing these SOPs has therefore been collaborative and has incorporated feedback from UN agencies, international organizations, government and non-governmental organizations, community-based organizations, and representatives of affected populations. These SOPs are a living document that shall be tailored to the local context of each CBCM, as well as updated at the global level in line with PSEA developments.[37]

1.2.2. Scope

These SOPs are procedures that reflect a model of cooperative action and individual organisations' roles and responsibilities for collaborating in an inter-agency CBCM in the context of a humanitarian setting.

Specifically, these SOPs are intended to cover and provide clarity on:
- The roles and responsibilities of CBCM stakeholders;
- The key principles behind complaints case management in a CBCM;
- A standardized method of receiving and assessing[38] SEA complaints in a CBCM; and
- Procedures for responding to SEA allegations, including referrals for 1) victim assistance provision and 2) investigation.

ANNEX 3

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[36] The key elements of a survivor-centered approach are safety, confidentiality, respect, and non-discrimination. IASC GBV Guidelines (2015) Part 2 - Background p.46.

[37] For example, at the time these SOPs are being drafted, the UN is engaging in long-term reform that will intersect with these procedures. Agencies, through the IASC Task Team, should endeavour to update the document based on the latest acknowledged best practices.

[38] "Assessing complaints" refers to determining the general nature of a complaint i.e. SEA or non-SEA, in order to determine the appropriate agency/unit to refer the complaint for follow-up. Assessing complaints does not include any actions or investigation to substantiate a claim, however, it does include assessing the victim's immediate health, security, and psychosocial needs. See §4.2.2 Processing Complaints.

> ***Special Notes on Scope***
>
> 1) *Humanitarian Setting*: While the UN Secretary-General's Bulletin on SEA (2003) and the Statement of Commitment (2006) do not clearly restrict staff misconduct on SEA to humanitarian settings, these procedures are developed on behalf of the IASC, which is the key forum for humanitarian partners on coordination, policy, and decision-making. The scope of the SOPs is, therefore, designed for use in the humanitarian context. However, noting that many of the procedures may be applicable in transition and development contexts, and taking into account the broad scope of PSEA obligations in international legal instruments, the term "aid worker" is used throughout the text to reflect that these procedures may be applied more broadly.
>
> 2) *CBCM*: The SOPs provide cooperation modalities specifically for inter-agency community-based complaints mechanisms. However, the methods for receiving and assessing complaints, referring victims for assistance, and referring allegations to appropriate investigative units for follow-up can be used by agencies and personnel operating in an environment without a CBCM.

1.2.3. Additional Relevant Policies and Procedures

Internal Policies: These SOPs are in no way intended to change or override internal policies. Rather, they are procedures that arise from and supplement internal policies when agencies are engaging in inter-agency cooperation in CBCMs and complaints handling. While these global SOPs will serve to guide inter-agency coordination and standardize CBCM procedures, they must be complemented by agency commitment to fully implement their own internal PSEA policies, including investigations and staff training.[39] PSEA should permeate each level of the humanitarian infrastructure for successful prevention and response.

CBCM SOPs: These SOPs are not intended to be a stand-alone resource. A coordinated plan of action must be established by an inter-agency team in each humanitarian response situation, such as the HCT or a PSEA network/task force, to ensure implementation of the minimum prevention and response interventions by all relevant actors. These SOPs aim to clarify how agencies can cooperate in a joint complaint mechanism that is compliant/in line with their institutional policies and procedures. How a CBCM is structured at the field level, however, will vary as certain aspects of a complaint mechanism must be tailored to the local context in order to be safe and effective. Therefore, field teams will need to develop country-specific Terms of Reference, and potentially, slightly modified SOPs[40] to reflect the tailored approach. This document will highlight the specific issues that field-based agencies will need to address in each site. Clarifying cooperation modalities at the global level will facilitate the work of field missions by allowing them to focus on developing the appropriate structure, rather than having to determine whether and how their institutional policies will permit them to engage in inter-agency activities.

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[39] Agency commitments to create and fully implement internal policies include: MOS-PSEA (2012) #1, Indicator 1 ("Effective Policy Development and Implementation: A policy stating standards of conduct, including acts of SEA, exists and a work plan to implement the policy is in place"); Statement of Commitment (2006) #9 ("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"); IASC Statement on PSEA (2015) Action Point 1 ("Fully implement the Minimum Operating Standards, including [...] effective and continuous staff training by all humanitarian agencies, to ensure that their field offices understand their agencies' PSEA commitments and Code of Conduct obligations").

[40] Country-specific SOPs should be agreed upon by the authorized representatives of all the participating agencies.

2. ROLES & RESPONSIBILITIES OF CBCM STAKEHOLDERS

CBCM stakeholders are agencies which have committed to participate in joint complaints mechanisms. They should include organizations which provide humanitarian assistance in the implementation site (UN agencies, international and national NGOs, international organizations), as well as community-based organizations and relevant host government agencies.

The "Six Core Principles Relating to SEA," adopted by the Secretary General's Bulletin on SEA (2003) [41] and the Statement of Commitment (2006), and incorporated into organizations' institutional codes of conduct, require all humanitarian agencies to create and maintain an environment that prevents SEA and to promote the implementation of their respective institutional Codes of Conduct. Managers at all levels have a particular responsibility to support and develop structures that maintain this environment.[42] In addition, in December 2015 the IASC Principles reaffirmed the requirement of "effective and continuous staff training by all humanitarian agencies, to ensure that their field offices understand their agencies' PSEA commitments and Code of Conduct obligations, and which fosters capacity building and behavioral change to address the root causes of SEA.[43]

The IASC Statement on PSEA (2015) also reaffirmed the role of the Humanitarian Coordinators and Humanitarian Country Teams to implement PSEA commitments in all humanitarian response operations. It also reinforced the responsibilities of the Humanitarian Coordinators, coherent with existing responsibilities as Resident Coordinator,[44] on PSEA including the establishment of complaint mechanisms, ensuring that survivors have access to appropriate immediate and longer-term assistance, and coordinating inter-agency allegation referrals. As such, it is critical that efforts to establish a joint CBCM should be carried out in close coordination with the acting HC.

While every inter-agency CBCM will vary in organizational structure, based on consultations with the community and available resources, there are some key roles and responsibilities for efficient CBCM functioning. This requires participating agencies to designate representatives from high-level management (i.e. head of office or sub-office) to participate in a CBCM Steering Committee and focal points to actively engage in other CBCM activities.

The SOPs and TORs drafted for any CBCM site should provide specific guidance to all CBCM member agency representatives and community members participating in CBCM activities, such as raising awareness. Regular inter-agency meeting times should be detailed in the TORs both among CBCM managing bodies and between bodies to report on progress, identify gaps in the CBCM programming, and find solutions. These locally-targeted instructions should be based on consultations with communities, be gender-sensitive, and take into account the safety and security issues particular to the relevant locality.

Steering Committee: This body is comprised of the high-level management (i.e. head of office or sub-office) of participating agencies at the country or sub-office level to guide and support the design, implementation and monitoring of the CBCM activities. Steering Committee members facilitate the identification or nomination of Focal Points from their respective agencies, actively participate in coordination meetings, take PSEA-related decisions on behalf of their agencies, implement accountability and quality standards, and work collectively to develop prevention strategies and mobilize resources to support the CBCM.

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[41] Based upon the IASC Six Core Principles Relating to Sexual Exploitation and Abuse, laid out in §1 Introduction.
[42] See Secretary General's Bulletin on SEA (2003) and Statement of Commitment (2006).
[43] IASC Statement on PSEA (2015).
[44] The RC is responsible for ensuring that a network of focal points for implementing Secretary General's Bulletin on SEA (2003) is operational, and for supporting the development and implementation of a country-level action plan to address PSEA. The UN Resident Coordinator, in consultation with UN agencies, including heads of mission/special representatives of the SG if peacekeeping operations or special political missions, will need to designate a lead person(s)/entity(ies) to establish and coordinate the SEA/VAM. UN Resident Coordinator Generic Job Description (29 January 2009).

ANNEX 3

Steering Committee members have the responsibility:

a) To ensure that all staff within his/her agency read, understand, acknowledge, and adhere to his/her agency's internal SEA complaints handling procedures, including the institutional Code of Conduct, internal reporting mechanism, victim assistance and support policy and procedures, and complaint management for staff. Staff involved in prevention of and response to SEA should in particular understand and sign a Code of Conduct (or similar)[45] that adheres to international standards on PSEA.[46]

b) To raise SEA awareness among staff through induction trainings for new personnel and refresher trainings for current staff on PSEA, the Code of Conduct, the importance of complying with SEA policies, and procedures to report incidents.

c) To support CBCM focal points and ensure they have direct access to the head of office (sub-office and country office) and agency headquarters to execute their functions:
    a. Ensure that both human resources and programmatic sides are engaged in PSEA;
    b. Ensure that the designated focal points are actively engaged in the inter-agency PSEA CBCM, and allotted the staff time to regularly participate in the CBCM meetings;
    c. Incorporate PSEA responsibilities into their performance evaluation reports.

d) To promote agency adherence to SEA prevention procedures as noted in §4.1.1 below and outlined in the IASC PSEA CBCM Best Practices Guide, including but not limited to:
    a. Due diligence to prevent re-recruitment of offenders;
    b. Ensuring that victim assistance services are provided;
    c. Forestalling retaliation for whistleblowing on SEA allegations; and
    d. Requiring adherence to PSEA clauses in cooperative agreements.

e) To raise the PSEA awareness and capacity of implementing partners (IPs) from the moment they are selected, including but not limited to:
    a. Ensure that IPs have a clear understanding of what SEA means and what their duties and responsibilities are in preventing and reporting cases[47];
    b. Encourage IPs to engage with the CBCM and create/strengthen their own PSEA policies;[48] and
    c. Include IPs in PSEA trainings, as much as possible, to ensure adherence and commitment to PSEA.

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[45] Staff and volunteers should sign their respective agencies' Code of Conduct, or a Common Code of Conduct if developed by the CBCM. See the Sample Common Code of Conduct in Annex.

[46] See the Inter-Agency Standing Committee Task Force on PSEA, "Model Complaints and Investigations Procedures and Guidance Related to Sexual Exploitation and Abuse" (2004).

[47] PSEA duties and responsibilities for IPs can be made explicit and binding by including a PSEA Clause in partnership agreements. Sample PSEA Contract Clauses are provided in the IASC CBCM Best Practice Guide. See also the IASC Statement on PSEA (2015), which calls for stronger enforcement of such clauses.

[48] Whether or not implementing partners become members of the CBCM, all complaints received by the CBCM must be processed and referred. For more on referring complaints to non-participating entities, see §4.2.2(b) Processing SEA allegations for referral.

CBCM Focal Points: These are agents appointed from within CBCM member agencies whose role it is to collect and record complaints. They are responsible for receiving complainants in person to take statements using a standard Incident Report Form. They provide support in community consultations, awareness campaigns, training, and monitoring of complaints. Member agency focal points to the CBCM, which are technical-level, must be trained, committed, regularly participate in meetings, and respect the confidentiality of SEA allegations. Given their role as liaison between the CBCM and their agency, TORs for CBCM Focal Points must provide that agency Focal Points be senior enough within their organization to have decision-making authority at inter-agency meetings. Ideally, at least one male and one female Focal Point shall be selected per member agency. The CBCM SOPs and Focal Point TORs should have detailed protocols, procedures, and policies that delineate how these focal points will report between the CBCM and their agency.

In addition, the MOS-PSEA (2012) require agencies to have a dedicated institutional focal point on SEA prevention and response at the Headquarters level. This standard has a series of indicators for agencies, including:
- Dedicating a PSEA focal point to have the overall responsibility for the development and implementation of PSEA policy and activities, as well as regularly reporting to senior management on PSEA progress;[49]
- Formalizing PSEA responsibilities of staff dealing with PSEA into their job descriptions, performance appraisals, or similar;[50]
- Ensuring appropriate training for staff and appropriate time committed to PSEA so that they are able to perform their roles and responsibilities properly.[51]

It is important that all CBCM stakeholders know and understand the principles that underpin a complaints mechanism, in addition to understanding how it works practically.

PSEA/CBCM Coordinator: Every CBCM needs one person fully dedicated to initiating, overseeing, and coordinating CBCM/PSEA activities on site. Given that PSEA responsibilities, including developing complaint mechanisms, have recently been reinforced for the Humanitarian Coordinator role,[52] the HC should be fully engaged on the appointment of a PSEA/CBCM Coordinator. The specific responsibilities of the PSEA/CBCM Coordinator should include engaging the Humanitarian Country Team in the plans to start such a mechanism, in order to advocate for high-level commitment and broad engagement at the country level. The Coordinator should also notify the IASC Task Team on AAP/PSEA to ensure that global level forums maintain a current understanding of country-based activities and that operational agencies' headquarters are informed and can make sure that their Heads of Office at country level understand the need to actively participate.[53] The Coordinator will have a holistic view of PSEA issues in a location, liaise between agencies and with host government(s), conduct regular inter-agency meetings, and generally keep PSEA momentum moving forward. Having one such person with this responsibility is absolutely vital to the continued efficiency and sustainability of a CBCM. The CBCM stakeholders will decide the TORs and qualifications for the Coordinator, but the position should be held by a sufficiently senior staff member who is well-trained in PSEA, data protection, victim assistance, and confidentiality measures.

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[49] MOS-PSEA (2012) #3, Indicators 1 and 2.

[50] MOS-PSEA (2012) #3, Indicator 3.

[51] MOS-PSEA (2012) #3, Indicator 4. This includes taking adequate steps to ensure that both the community focal points and agency focal points are well trained especially on the confidential nature of received information and survivor-centered, gender-balanced approaches as well as trained to understand the nature of internal agency administrative investigations so as to properly execute their complaint intake function. A common training package across the CBCM (as discussed in the IASC CBCM Best Practice Guide) can assist with harmonizing agency training approaches.

[52] IASC Statement on PSEA (2015).

[53] The IASC Task Team on AAP/PSEA is comprised of representatives from humanitarian agencies at the headquarters level. See https://interagencystandingcommittee.org/accountability-affected-populations-including-protection-sexual-exploitation-and-abuse.

ANNEX 3

The Coordinator role should be a neutral position acting on behalf of the CBCM regardless of his/her employing agency. In this capacity, one of the functions of the Coordinator is to review the complaints received through the CBCM for referral to the concerned agency and victim assistance.[54] Having complaints reviewed by an independent individual reinforces the all-important perception of neutrality and objectivity of the complaints mechanism. It also enables complaints to be evaluated by a single set of standards as opposed to agencies applying individual criteria to the receipt of a complaint. Finally, limiting review to one person reduces the risk of leaking sensitive information and encourages timely complaint processing. Given this review and referral function, the Coordinator must be a permanent position, and not a function in addition to other job duties. As the Coordinator is the sole person assessing complaints for referral,[55] safeguards must be in place for when s/he is on R&R or leaves the position, so that complaints are not left waiting for review. These protocols must be agreed upon by CBCM member agencies and described in CBCM SOPs and the Coordinator's TORs.

3. GUIDING PRINCIPLES

All actors which participate in the joint CBCM agree to cooperate and assist each other to the fullest extent in preventing and responding to SEA - while still respecting prudent risk-management procedures - as well as to adhere to the following key principles underpinning these SOPs:

- Promote cooperation and assistance between organizations in preventing and responding to SEA. This includes sharing situation analysis and assessment information as necessary to avoid duplication and maximize a shared understanding of the situation;
- Ensure equal and active participation by beneficiaries in assessing, planning, implementing, monitoring, and evaluating programmes through the systematic use of participatory methods. Recognizing that sexual exploitation and abuse is often grounded in gender inequality, participating agencies will ensure that humanitarian activities are conducted in a gender-sensitive manner and that the views and perspectives of women, men, girls and boys are adequately considered;
- Ensure that all responses are developed in a manner that balances respect for due process with a survivor-centered approach in which the survivor's wishes, safety, and well-being remain a priority in all matters and procedures;[56]
- Integrate and mainstream PSEA into all programmes and all sectors, as possible;
- Ensure accountability at all levels; and
- Ensure that that assistance for victims is provided in a non-discriminating manner.

In addition, the following Principles apply to all effective Inter-Agency Complaint Mechanisms:

Safety & Well-Being: The safety of the survivor shall be ensured at all times including during reporting, investigation by the concerned agency, and victim assistance provision. Complaint mechanisms must consider potential dangers and risks to all parties (including the survivor, the complainant if different, the subject of the complaint, and the organizations involved), and incorporate ways to prevent additional harm. This includes coordinating physical protection when necessary and at the informed consent of the survivor, and pre-emptively addressing potential retaliation against all

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[54] This can include conducting the victim services needs assessment if so structured by stakeholders. See §4.2.2(a) Referrals for immediate assistance.

[55] In the interest of confidentiality, only one person should be privy to the sensitive details of an SEA complaint under the review function. When other entities (e.g. the host government) insist on being involved, this will entail participation in the collection of the complaints (e.g. opening suggestion boxes) – it does not include sharing complaint details.

[56] IASC Statement on PSEA (2015).

complainants.[57] A security/protection plan should be drawn up as needed based on the risk assessment for each survivor.[58]

The survivor is never to blame for SEA. CBCM participants must 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 organizations will be guided by respect for the choices, wishes, the rights, and the dignity of the survivor.

Furthermore, agencies should make efforts to ensure that the subject of the complaint does not have further contact with the survivor, such as by suspending employment from the concerned organization or by police action if appropriate, taking into account the recommendations of the CBCM. Protection services need to be involved to offer their services and support.

Confidentiality: Respect the confidentiality of complainants, survivors, and other relevant parties at all times. All SEA-related information must be kept confidential, identities must be protected, and the personal information on survivors should be collected and shared only with the informed consent of the person concerned.[59] Where physical records are kept, documents must be stored safely to prevent accidental disclosures. All complainants must be made aware of confidentiality procedures, including the persons that will be involved in the case processing, and should give their explicit informed consent to proceed with recording the complaint. Obtaining consent of a whistleblower may not be required if his/her agency has a mandatory reporting policy for knowledge or suspicions of staff misconduct. Where the survivor gives such consent, only pertinent and relevant information shall be shared with others for the purpose of helping the survivor, such as referring for services, or for investigation.

Every participating agency/organization shall adhere to its Data Protection Principles in the event that it collects, receives, uses, transfers, or stores any personal data of a complaint.

All UN staff, as well as many NGO and IO staff, are bound by strict confidentiality which in some cases shall continue beyond the end of their employment.[60] This obligation applies to all stakeholders within a CBCM in the execution of their CBCM roles. Any CBCM stakeholders with access to sensitive complaint information, including those who have access to the CBCM records or database, are especially bound by the principle of confidentiality and CBCM SOPs should include the signing of confidentiality agreements where appropriate[61] before they can perform their duties. Failure to uphold confidentiality will have consequences and may result in action taken by the actor's agency or organization, including – according to the agency's procedures – immediate termination of contracts of employment or contracts of services, without prejudice to any remedy available in law or in equity.

Transparency: The functioning of the CBCM shall remain transparent to the community in which it sits. Transparency in humanitarian operations and the full participation of beneficiaries in their planning and implementation reduces the risk of humanitarian assistance and services being used for sexual abuse and exploitation. The key to a clear reporting system is that SEA complainants know to whom they should report and what sort of assistance they can expect to receive from the health, legal, psycho-social, security, and other sectors. All potential and actual survivors of SEA must be fully

<div style="text-align: right">ANNEX 3</div>

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[57] Potential retaliation against whistleblowers is one of the reasons why immediate assistance should be available not only to victims, and should be based on a personalized needs assessment. See §4.2.2(a) Referrals for immediate assistance.

[58] The IASC CBCM Best Practice Guide provides information and tools on assessing the risk faced by complainants and, if necessary, developing a security plan.

[59] Informed consent to share complaint information is always advisable, unless overridden by Mandatory Reporting Laws and/or policies. See the below Note in this section on Mandatory Reporting contrasted to Guiding Principles.

[60] UN staff are not permitted to disclose to the public any confidential information obtained by virtue of their service with the UN that has not been made public. This obligation continues after separation from service. Staff Rules and Staff Regulations of the United Nations, ST/SGB/2014/1 (1 January 2014) Art.1, Regulation 1.2(i).

[61] Some CBCM member agencies have institutional policies that already obligate staff to keep all information on SEA allegations that they receive confidential.

informed about how the complaint mechanism works, including the reporting process and throughout the duration of the case handling. Complainants and survivors have the right to receive feedback on the development and outcome of their case, and the CBCM will make every effort to maintain lines of communication.[62]

PSEA policies and reporting channels within agencies also need to be transparent. Lack of clear directives on SEA complaint handling from headquarters to the field is a recurring problem. Mandatory policies and guidance need to be communicated to those in the field who have the obligation to implement, and from there need to be communicated to every employee and contract worker.[63] Codes of conduct should be accessible in each country and in the predominant language to ensure comprehension; some countries may require translation into several different languages.

Accessibility: The mechanism must be accessible to all potential complainants and sufficient information must be given on how to access the CBCM, making the complaints process accessible to the largest possible number of people. This includes identifying and instituting various entry points that are both cultural and context-appropriate. To facilitate reporting and avoid stigmatization, anonymous reports must be treated with the same gravity as other cases.[64]

Survivor-Centered Approach: Humanitarian response agencies have committed to actively prevent and respond to SEA and to ensure that all responses are developed in a manner that balances respect for due process with a survivor-centered approach in which the survivor's wishes, safety, and well-being remain a priority in all matters and procedures.[65] Furthermore, all actions taken should be guided by respect for choices, wishes, rights and dignity of the survivor.[66]

Partnership: The best interests of an SEA survivor are served when protection agencies and service providers work together to provide holistic care. Humanitarian crises exacerbate the risk of affected populations being subjected to SEA,[67] which underscores the need for a coordinated plan of action between humanitarian response agencies. The participation of the survivor[68] in determining assistance/recovery interventions is essential to maintain his/her best interests and responsible case management.

Special Considerations regarding Children: All the above principles apply to children, including the right to participate in decisions that will affect them. If a decision is taken on behalf of a child, the best interests of the child shall be the overriding guide. Efforts to design country-specific referral pathways should be done in consultation with actors who are trained to handle the special needs of child survivors of sexual abuse, and who are familiar with local procedures relating to the protection of children.[69]

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[62] The level of feedback provided to complainants will vary according to the investigating agency's procedures, which can range from providing a general acknowledgement that an administrative inquiry has commenced, to more detailed information on the status of the investigation and the case outcome.

[63] See also MOS-PSEA (2012) #1 Indicator 2 ("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)" (*emphasis in original*)).

[64] While anonymous complaints must be treated with the same gravity, investigations may be hampered if evidence cannot be independently verified. In such cases, the anonymous complainant may be asked to identify him/herself, if possible.

[65] IASC Statement on PSEA (2015). When the IASC Principals reaffirmed their determination to eradicate SEA and recognized their leadership responsibility to strengthen the humanitarian community's response, they committed to three "Action Points in order to fulfil our previous and ongoing commitments to fight SEA by our own personnel, and to ensure that all responses are developed in a manner that balances respect for due process with a survivor-centered approach in which the survivor's wishes, safety, and well-being remain a priority in all matters and procedures."

[66] IASC Statement on PSEA (2015).

[67] See the Inter-Agency Standing Committee's Report of the Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises (2002).

[68] IASC GBV Guidelines (2015), Part 2 - Key Elements of the Survivor-Centered Approach for Promoting Ethical and Safety Standards, p. 47.

[69] Additional guidance on working with child complainants can be found in the IASC CBCM Best Practice Guide.

Mandatory Reporting: In recognition of the UN's zero-tolerance policy for SEA, the Secretary General's Bulletin on SEA and related agency/organizational policies oblige UN staff and implementing partners to promptly report all concerns or suspicions of SEA by fellow workers via established reporting mechanisms,[70] whether or not the alleged perpetrator is from the same agency.[71] Reports must be made in good faith and reporting personnel should be reassured that no action will be taken against any worker who makes such a good faith report, even should the allegation prove unfounded upon investigation. However, if a staff person knowingly and wilfully reports false or malicious information regarding another staff person, such false reports may lead to disciplinary action.

In addition, the state and local governments in which the CBCM is situated may also have regulations on mandatory reporting related to SEA. It is the responsibility of the CBCM focal points to be up-to-date on relevant national laws and to incorporate them into CBCM procedures and information packages for survivors/complainants, as appropriate.[72]

> ***Special note on Mandatory Reporting of SEA, and how it relates to confidentiality and survivor consent:*** While reporting SEA is mandatory for the majority of humanitarian workers, this obligation may in practice conflict with the principles of confidentiality and the right of the survivor to choose how s/he would like to address an SEA incident. Agencies will need to internally reconcile this potential conflict, balancing both the rights of the survivor and the safety of the broader community. In addition, country-specific CBCMs operation modalities should provide guidance based on the internal policies of participating agencies. One possibility is to inform the survivor of the mandate to report on SEA before proceeding with complaint intake.

4. COMPLAINT MECHANISM PROCEDURES

4.1 Setting up the Inter-Agency CBCM

4.1.1. Creating an Effective and Sustainable CBCM

Lessons learned from prior CBCMs, as well as existing international PSEA commitments, make certain practices fundamental in creating an effective PSEA CBCM. For example, the importance of a culturally-sensitive mechanism is reflected in the MOS-PSEA,[73] while the process of doing so through the active participation of affected communities and individuals, both during the design and implementation of the CBCM, is a proven good practice and part of the Statement of Commitment (2006).[74]

Similarly, SEA prevention activities must be conducted along with implementing the complaint referral procedures of the CBCM. Prevention activities are referenced in the Secretary General's Bulletin on SEA (2003),[75] the Statement of Commitment (2006),[76] and the MOS-PSEA (2012),[77] as

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[70] Agency staff should report SEA allegations through their internal reporting procedures.

[71] See Secretary General's Bulletin on SEA (2003) §3.2(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").

[72] Mandatory reporting to governments will need to be reconciled with the Privileges & Immunities of organizations.

[73] MOS-PSEA (2012) #5, Indicator 2 ("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").

[74] Statement of Commitment (2006) #10 ("Engage the support of communities and governments to prevent and respond to sexual exploitation and abuse by our personnel").

[75] Secretary General's Bulletin on SEA (2003) §3.2(f) on the duty of all UN staff to "create and maintain an environment that prevents sexual exploitation and sexual abuse" and §4.1 on the particular duties of Heads of Departments, Offices and Missions.

[76] Multiple provisions, including #1 ("Develop organization-specific strategies to prevent and respond to sexual exploitation and abuse"), #3 ("Prevent perpetrators of sexual exploitation and abuse from being (re-)hired or (re-)deployed"), and #10

well as time and again proving a necessary part of operationalizing the complaints mechanism. Prevention activities include – *inter alia* – capacity building through community awareness raising and staff trainings, and the development, circulation, and enforcement of agency PSEA policies and Codes of Conduct. Such prevention strategies are necessary so all persons on site know their PSEA rights and responsibilities and the CBCM is understandable and accessible to all. At a minimum, activities targeting beneficiaries and host communities should enhance their understanding of SEA, appropriate standards of conduct for aid workers, beneficiaries' rights in regard to SEA, and available reporting channels. Messaging should also include information on the possible agency actions as a result of receiving a complaint (e.g. investigation, potential disciplinary action, etc.) so that complainants can make an informed decision on reporting and that community expectations are managed.

In the same vein, a CBCM must be sustainable so that the trust it builds in the community is not destroyed by the mechanism dissolving. When done right, a CBCM becomes an integral part of the humanitarian system's accountability to beneficiaries, and the sudden loss of a CBCM can tarnish the community's relationship with the whole aid community. One means of ensuring sustainability is for agencies to sufficiently allocate both financial and human resources to the CBCM, as outlined in the Secretary General's Bulletin on SEA (2003) and by the IASC Principals in their 2015 Statement on PSEA.[78] Identifying the necessary resources for establishing and maintaining a CBCM is an issue that participating agencies will have to examine during CBCM design, both pre-implementation and during the programme. This will include a good faith effort by agencies to jointly seek funding or allocate agency resources to make the inter-agency CBCM sustainable.

The above fundamental practices should be developed with the coordination of all participants on site and tailored to the local needs and culture. Many more details and substantial guidance on these operational practices are included in the IASC CBCM Best Practice Guide.[79] The necessary inter-agency cooperative procedures, that will not vary from mechanism to mechanism, follow below.

4.1.2. Designing the CBCM

The goal of a CBCM is to allow affected communities and/or individuals to report concerns in a safe, effective, and culturally-appropriate manner. The CBCM's design shall take into consideration the principles of complaint mechanisms (safety, transparency, confidentiality, accessibility, partnership); practical concerns such as the local culture, language, and literacy levels in order to strengthen its effectiveness; as well as legal aspects such as the difficulty of engaging in an investigation or disciplinary process in cases where the survivor/complainant is not willing to be identified. Developers should ensure that a proper gender and vulnerability analysis is undertaken to identify avenues through which women, girls and boys, and men access and report information. In designing such a mechanism, all participating organizations in a humanitarian response operation[80] should work in conjunction, incorporating input from affected populations (see above) as well as that of national authorities[81] and host communities.[82]

("Engage the support of communities and governments to prevent and respond to sexual exploitation and abuse by our personnel").

[77] MOS-PSEA (2012) Pillar #4 "Prevention: Effective and comprehensive mechanisms to ensure awareness-raising on SEA amongst personnel; effective recruitment and performance management."

[78] "We recognize our leadership responsibility to strengthen the humanitarian community's fight against SEA in order to achieve a true system of collective accountability, and we commit to provide the necessary resources to eradicate this wrongdoing." (IASC Statement on PSEA (2015)).

[79] The IASC CBCM Best Practice Guide provides operational guidance on how to establish and maintain an inter-agency community-based complaint mechanism to handle reports of sexual abuse and exploitation by humanitarian aid workers. The Guide provides best practices and recommendations which are primarily derived from lessons learned during a 2-year pilot project carried out on behalf of the IASC to establish inter-agency CBCMs in Ethiopia and the Democratic Republic of Congo. It also builds on the substance of international commitments, as well as lessons learned from previous research and complaints mechanisms in various countries, with a goal of turning that high-level commitment into useful instruction. A copy of the Guide can be obtained at: www.iom.int and https://interagencystandingcommittee.org/.

[80] This also includes post-conflict or transition and recovery operations.

[81] Without prejudice to the Privileges and Immunities of the agency/organization.

Design of a CBCM to prevent and respond to SEA should be coordinated with existing efforts to address and mitigate gender-based violence (GBV). "PSEA is an important aspect of preventing [some forms of] GBV and PSEA efforts should therefore link to GBV expertise and programming — especially to ensure survivors' rights and other guiding principles are respected."[83] While the PSEA network should not be substituted by the Gender/GBV coordination mechanisms, the SEA referral pathway should provide a linkage between relevant assistance networks. It is important to ensure a common understanding of the core responsibilities of the PSEA in-country network and its relation to the GBV coordination mechanism, and a willingness to coordinate. For instance, it is important that the GBV sub-cluster Coordinator understands and promotes the key PSEA principles and standards of conduct. GBV sub-cluster and other relevant Cluster Coordinators must also be appraised of local reporting procedures and processes related to addressing SEA allegations in order to facilitate and streamline case referrals. Perhaps most importantly, GBV coordination mechanisms should work with the PSEA in-country networks to ensure that SEA survivors have access to services in place for GBV victims. While SEA survivors have distinct needs stemming from the fact that members of the humanitarian community committed the abuse and/or exploitation, many of the physical and psychosocial needs are similar to victims of other forms of GBV. PSEA networks have a responsibility to ensure that victim assistance mechanisms are in place for survivors, which should ideally build upon existing GBV services and referral pathways in order to harmonize service provision and avoid creating parallel SEA-specific service structures.[84] A preliminary mapping exercise should be carried out to determine the existing assistance infrastructure that could address the specific needs of SEA survivors, including medical and psychosocial services in place to service GBV victims.

The decision of whether a CBCM will handle only SEA complaints, or act as a broader accountability mechanism, is a decision to be made by the CBCM Steering Committee at the field level, so that the CBCM is adequately catered to the local context and complements other reporting/feedback mechanisms. Lessons learned from prior CBCMs show that a broader mechanism – sufficiently linked to existing structures – can limit stigmatization of complainants and encourage reporting.[85] However, using a broader mechanism has its own logistical drawbacks and these SOPs do not advocate one structure over another.[86] Whatever scope the stakeholders chose however, agencies will not have control over the types of complaints that beneficiaries actually submit, and therefore the CBCM must have the capacity to refer a broad spectrum of complaints.[87] Failure to anticipate and respond to non-SEA complaints, even where the CBCM is SEA-specific, can impact the credibility of the CBCM and the humanitarian community in general. CBCM stakeholders must engage with relevant clusters/sectors/agencies, including relevant investigative units, to coordinate how non-SEA complaints will be transferred to the appropriate actors, who should also be consulted on the CBCM SOPs. The SOPs should be explicit on its procedures for handling non-SEA complaints and Focal Point training on complaint handling should clearly differentiate SEA from non-SEA procedures.

ANNEX 3

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[82] MOS-PSEA (2012) #5, Indicator 2 ("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.").

[83] IASC GBV Guidelines (2015).

[84] See the Gender-based Violence Area of Responsibility Working Group, Handbook for Coordinating Gender-based Violence Interventions in Humanitarian Settings (July 2010).

[85] Practice has shown that beneficiaries are less inclined to make a complaint through a reporting channel focused solely on a sensitive issue such as SEA out of fear of social stigma, safety concerns, the general awkwardness of reporting about individual persons, and a host of other barriers. See the IASC Compendium of Practices (2012).

[86] There are advantages and disadvantages for each type of CBCM. For details on the pros and cons of the different possible scopes, see the IASC CBCM Best Practice Guide.

[87] Timely and thorough response to complaints takes on particular significance where a complaint mechanism handles multiple types of issues. CBCM stakeholders must be aware that beneficiaries may initially approach the mechanism with less-sensitive complaints before the trust is built to raise an SEA complaint. See also §4.3.4 Provide feedback to survivors and complainants, and the IASC CBCM Best Practice Guide.

The necessity of referring non-SEA complaints, regardless of the CBCM's scope, underscores the importance of coordinating with existing reporting structures on site. Coordination with existing complaint mechanisms also streamlines implementation costs and to avoids creating parallel and potentially confusing processes. CBCM designers in a particular location are advised to map the already-existing complaint mechanisms from individual agencies, local and international NGOs, etc., to ensure that the design of the CBCM will naturally align with those mechanisms, and thus facilitate the referral and investigation of cases. Feeding into existing systems also fosters ownership in the CBCM with local organizations and the host government, which in turn benefits sustainability.

4.2 Receiving and Assessing Complaints

4.2.1 Receive complaints through the CBCM

It is the responsibility of all participating organizations to ensure that a safe, confidential, transparent, and accessible complaints system is established so that all potential complainants know where and how to submit a complaint. Beneficiaries must understand their right to free humanitarian aid, their right to complain and to receive assistance, and how they can access the CBCM in the manner most comfortable to them. Humanitarian workers, in turn, must understand what SEA is, the role of the CBCM on site, and the SEA reporting procedures of their own agency/organization. A process must be in place to receive allegations, assess and refer for immediate assistance, separate SEA from non-SEA allegations, and refer all complaints for further action including investigation.

Reporting Channels for Affected Populations:

The primary concern when establishing SEA reporting channels for affected populations is that multiple entry points exist allowing different methods of reporting (i.e. written, verbal, in person, over SMS, etc.) which are accessible to all potential complainants. Multiple entry points minimize stigmatization of complainants and encourage reporting. Methods to access the CBCM should be chosen based on consultations with the community and mapping exercises to determine and integrate with the desired and pre-existing complaint methods on site. Direct reporting to agency CBCM Focal Points should always be a reporting option and these Focal Points must receive proper training.[88] Access for marginalized and especially vulnerable groups should be considered, especially for children. Substantial guidance on creating culturally-sensitive and efficient reporting channels is outlined in the CBCM Best Practices Guide. CBCM stakeholders will have to make numerous infrastructural decisions that will depend upon local factors, and when doing so should follow good practices and ensure that the CBCM SOPs respect the internal policies of participating agencies.

Where complaints are made in person, the CBCM shall have a standard Incident Report Form for this purpose.[89] During the intake process, the member-agency CBCM Focal Point receiving the complaint shall respect the wishes, choices, rights, and dignity of the complainant. It is not the responsibility of the CBCM Focal Point to ascertain whether or not a complaint is true or has sufficient information for investigation. It is his/her responsibility to gather the relevant information from the complainant, enter it into the CBCM's Incident Report Form, and refer the allegation to the appropriate department in the concerned agency via the process outlined in these SOPs.

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[88] It is imperative that agency CBCM Focal Points are properly trained on the safety and well-being of survivors/complainants and the confidentiality of complaints (see §3 Guiding Principles and §2 Roles and Responsibilities, on the appropriate training of staff in the Guiding Principles, as well as the IASC CBCM Best Practice Guide).

[89] See the Sample Incident Report Form in Annex.

Specific measures must be taken in order to safeguard confidentiality at all times. Hard copies of complaint and referral forms shall be stored in a locked cabinet, with access strictly limited. Electronic databases used to record and track case information must have restricted access and persons with the access required must sign confidentiality undertakings in accordance with their organization's internal policies.[90]

The names of all parties to a complaint are confidential. The identity of the Subject of the Complaint must be protected, out of considerations of due process, fear of retaliation, and presumption of innocence. It is important that the name of the survivor, or complainant if different from the survivor, not be released to the Subject of the Complaint without the survivor's consent, and must never be released by the CBCM. In certain circumstances, an investigating agency may, with clear justification, reveal a survivor's name to the administrative body conducting disciplinary review without his/her consent if there is insufficient corroborative evidence without his/her testimony.[91] In such instances, CBCM stakeholders, in consultation with investigative agencies, may take additional reasonable measures to shield the survivor/complainant from potential retaliation or stigmatization.

When the survivor's identity is unknown, for various reasons (e.g. the case is reported by a third party who does not know the identity of the survivor, or the complaint is made anonymously), allegation referrals will still be made to the appropriate department in the concerned organization to determine if administrative follow-up or investigation is advisable. Such relevant agency may determine if an investigation is initiated e.g. if sufficient evidentiary detail has been provided, as well as independent corroborating evidence on the allegation exists.

*Special Note***:** The outcome of the investigation will vary according to the evidence standards set forth in the investigating agency's internal procedures, which differ according to the standard of proof required by the jurisprudence of the tribunal which is competent for that organization. CBCM Focal Points will need to be trained on relevant standards in order to fully grasp the importance of confidentiality, and sensitive and expedient case handling/allegation referral so as not to inadvertently jeopardize an agency's internal investigation.

ANNEX 3

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[90] For example, the Common Reporting Platform, developed through the IASC's PSEA-CBCM Pilot Project, maintains restricted access and utilizes two layers of log-in security.

[91] Different organizations might have different standards of proof to that need to be met. For example, a UN Administrative Tribunal decision states that no disciplinary measures can be taken solely on the basis of anonymous testimony. See Judgment No. 2010-UNAT-087 (27 October 2010): *Liyanarachchige v. Secretary-General of the United Nations*.

In the case that the SEA constitutes a criminal offense, it is the decision of the investigating agency to refer cases to the proper law enforcement authorities in conformity with their internal procedures and in consideration for the interests of the survivor. In some instances, national legislation may require reporting for certain organizations. The country-specific CBCM SOPs must have clear procedures in place for how to assist the complainant in filing charges with local law enforcement if a crime is involved.[92] The decision of the organization to refer a case to the national authorities may require the consent of the survivor/complainant, who may not wish to involve the local authorities. Given the gravity of SEA and the vulnerable nature of SEA survivors, the complaint mechanisms should be prepared to refer complainants to legal and psychosocial assistance providers, when appropriate, should the charges be brought. In the event that a survivor wishes to have legal counsel, the CBCM through its member agency Focal Points will refer the survivor to existing legal services (i.e. through GBV programmes).[93]

Reporting channels for humanitarian workers:

Every humanitarian worker must be aware of the proper reporting procedure for when s/he learns of or witnesses an SEA incident in-person. A humanitarian worker may use any of the reporting channels available to the affected population, but the main point of contact should be the established reporting channels of his/her organization. Whether the allegation is against 1) a co-worker in the worker's same agency/organization, or 2) against staff of another agency, the reporting procedure is to remain in line with the internal procedures of his/her agency. In most cases this will involve reporting the allegation through the staff's internal complaints system, which will be forwarded by his/her agency's investigation unit at HQ to the appropriate agency if the Subject of the Complaint is employed by another agency.[94]

Because the complaint in such a case will be processed internally, it is fundamentally necessary that each CBCM participating agency have a confidential internal complaints system set up. It should be easily accessible for staff in remote or isolated locations. Ideally, the system will require oral or written allegations to be lodged directly with the most senior manager in the duty station, however this varies according to agencies' internal reporting procedures. Equally important, the process for reporting complaints must be conveyed to all staff. The lack of an understood or functional internal system for managing complaints in just one agency can jeopardize the credibility for multiple agencies, all the more so if that agency is participating in an inter-agency CBCM. To facilitate transparency, lessons learned, and the efficacy of the inter-agency CBCM, agencies receiving internal SEA complaints should notify their CBCM for data tracking.

If a humanitarian worker genuinely believes that the primary reporting route is compromised, or that s/he would be victimised or s/he has no confidence in the local management structure, then a report of SEA should be raised directly with a senior manager or PSEA Focal Point at the regional or headquarters level of the concerned agency/organization.[95] In exceptional circumstances, e.g. if access to the CBCM is compromised, the worker may bring the complaint to the Focal Point of another participating agency/organization for the purpose of making an anonymous complaint via the CBCM.

Protocols on confidentiality and informed consent, according to the legal framework of each participating organization and the CBCM SOPs, must be maintained for complaints made by humanitarian workers as they would for any other complaint.

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[92] In drafting the country-specific CBCM SOPs, the CBCM should consult with UNDSS or relevant security personnel on these procedures.

[93] While it is the concerned agency's decision whether to turn the subject of the complaint over to national authorities, survivors have a separate right to seek legal aid through victim assistance.

[94] See also §4.2.2(b) Processing SEA allegations for referral.

[95] Reporting channels for each agency/organization vary, and a humanitarian worker must follow the appropriate procedures in his/her agency's SEA policy.

4.2.2 Processing complaints

All complaints will be assessed by the PSEA/CBCM Coordinator under strict conditions of confidentiality to determine their nature and the level of sensitivity/priority. The Coordinator, as the person designated to assess complaints, must sign confidentiality undertakings. All complaints will be assessed in order to identify those which allege misconduct falling within the scope of sexual exploitation and abuse. Such an assessment is necessary as the bulk of complaints received by a CBCM are non-SEA in nature, but this assessment is not in any way a fact-finding procedure. The role of the Coordinator is not to substantiate a claim or determine whether there is sufficient basis for investigation, but only to determine if the complaint constitutes an SEA allegation[96] and to refer the victim/survivor to the appropriate services.

4.2.2(a) Referrals for immediate assistance

Preliminary Assessment: Once an SEA allegation is received, an immediate assessment of the victim's health, security, and psychosocial needs must be conducted. Depending on the CBCM's structure, this can be carried out by the PSEA/CBCM Coordinator, a delegated CBCM member agency representative trained in victim assistance provision, or by a relevant victim assistance structure available on site. A core provision of inter-agency PSEA CBCMs is that this assessment is entirely independent from administrative action taken on the complaint, including both referral for investigation and the outcome of any initiated case.[97] All SEA victim-complainants are entitled to a needs assessment. Complainants who are not alleged victims, including whistleblowers, may also require a physical security assessment and other safeguards to protect their interests. This process should be developed through consultation with relevant service providers and explicitly outlined in the CBCM SOPs.[98]

Referral for Services: Based on identified needs and the victim's consent, a referral for appropriate services including psychosocial, healthcare, and safety/security must be made by a delegated member of the CBCM i.e. by the Coordinator, CBCM member agency representative, or a GBV service provider designated by the CBCM to carry out the assessment as determined by the Steering Committee.[99] The referral mechanism used should be developed during the initial design of a CBCM, following a detailed mapping exercise where available services and referral pathways are identified in the implementation site. These services and referral procedures will inform how survivors access specific forms of assistance and which agencies provide them i.e. a GBV clinic, legal services programme for victims of sexual violence when appropriate, etc. Existing programmes (national, NGO, Govt, etc.) being used in the setting that meet minimum operational standards should be integrated into the CBCM referral pathway. If some key services are not available or fail to meet basic standards, participating agencies/organizations must agree upon a standard protocol for clinical management as quickly as possible in the development of the CBCM. The PSEA/CBCM Coordinator should be provided with full documentation on the referral (name, location, type of care provider, etc.) for oversight. All actors who may interview or otherwise have direct contact with victims will be familiar with the guiding principles[100] and be able to put them into practice. In making the assessment for referral to services, the following considerations shall also be taken:

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[96] As opposed to, e.g., a Shelter or WASH complaint.
[97] Statement of Commitment (2006) #8 ("Provide basic emergency assistance to complainants of sexual exploitation and abuse").
[98] In-depth guidance on victim assistance is provided in the IASC CBCM Best Practice Guide.
[99] This function should be determined by the Steering Committee when designing the CBCM, and clearly articulated in the CBCMs procedures.
[100] See §3 Guiding Principles above.

Health/medical response:
- At a minimum, health care must include: Examination and treatment of injuries, prevention of disease and/or unwanted pregnancy, collection of minimum forensic evidence, medical documentation, and follow up care;
- Victims may have non-visible persistent injuries, especially if violence was used; and
- Medical treatment must be done within 72 hours for contraception or treatment of HIV to be effective.

Psychosocial response:
- Counsel and support are needed to assist with psychological and spiritual recovery and healing from trauma, including feelings of blame, guilt, shame, and fear that are among the effects of sexual abuse; and
- Psychosocial support also includes case management and advocacy to assist survivors in accessing needed services, as well as support and assistance with social re-integration.

Security and safety response:
- Security and safety concerns may be addressed by camp security personnel, neighborhood watch teams, police, UN peacekeepers, and/or the military responsible for security. These actors need to be identified and engaged during the development of the CBCM. If their services are used by the CBCM for general prevention or for enacting a security/protection plan for a survivor, they must have clearly delineated responsibilities in the CBCM's SOPs;
- Security personnel must be trained on PSEA for their work and understand any limitations of their roles;
- Security actors must receive training on prevention of and response to SEA, including the guiding principles, human rights, and relevant Codes of Conduct;
- Security actors must understand that many SEA victims may not wish for security intervention, while at the same time take into account security issues in the community. SEA survivors have a right to control how information about their case is shared with other agencies or individuals, and development of CBCM SOPs must involve discussion about how these kinds of issues will be handled.

Legal/justice response, when appropriate:
- Legal/Justice actors can include protection officers, legal aid/assistance providers such as paralegals or attorneys, prosecutors, judges, and officers of the court, and traditional justice actors such as elders or community leaders. These actors need to be identified and engaged when developing CBCM SOPs, with roles and responsibilities clearly summarized if a victim requests legal counsel so that all relevant parties are clear about who does what;
- Legal actors will clearly and honestly inform the victim of the procedures, limitations, pros, and cons of all existing legal options. This includes:
  - Information about existing security measures that can prevent further harm by the alleged perpetrator
  - Information about procedures, timelines, and any inadequacies or problems in national or traditional justice solutions (i.e., justice mechanisms that do not meet international legal standards)
  - Available support if formal legal proceedings or remedies through alternative justice systems are initiated
- In many cases, referrals will be made to national criminal justice systems by the police only if the victim has given her/his informed consent, however, the CBCM must understand the local criminal codes with regard to victim consent; and

- Traditional or alternative dispute-resolution mechanisms exist in many emergency contexts and may be preferable to the victim. These mechanisms are a reflection of the socio-cultural norms in the community and, even if they may not fully protect the rights of women and girls, this preference must be respected. The CBCM should actively engage members of traditional justice systems in the development of the inter-agency CBCM SOPs and in training workshops about SEA and human rights.

4.2.2(b) Processing SEA allegations for referral

The PSEA/CBCM Coordinator will directly forward all SEA complaints through a Complaint Referral Form [101] to the department responsible for receiving SEA complaints[102] within the agency/organization where the subject of the complaint is employed to carry out further action, including assessing the actionability of the complaint, investigating, and providing feedback to survivors/complainants in accordance with their internal policies. The Complaint Referral Form, includes all details provided in the initial complaint including the identity of the complainant, survivor if different from the complainant, and subject of the complaint.

Special Note on complaint referrals:

In circumstances where the complainant is anonymous, but the subject of the complaint and the agency where s/he works is known, the allegation will still be forwarded to that agency for follow-up in accordance with its investigation policy and procedures.

In the event that the subject of the complaint is unknown, but the complainant and the SOC's agency is known, the allegation will be forwarded to that agency for follow-up.

If the complainant is known, but neither the identity of the SOC or his/her employing agency is known, then the CBCM members must decide whether the PSEA/CBCM Coordinator or other delgate may interview the survivor in order to solicit more details about the allegation, keeping the best interest of the survivor as a priority and the need to minimze interviews in order to avoid retramautization and potential contamintaion of evidence.

If neither the complainant, nor the identity of the SOC or his/her employing agency is known, then the CBCM members must decide on a safe and effective procedure to inquire with community members about SEA "rumors."

In some circumstances, a CBCM member agency may have an institutional complaints handling procedure that requires its staff to report all known SEA allegations directly to his/her investigative unit at headquarters. In such instances, if an agency staff person receives an in-person complaint about an SEA incident, the staff person shall report the allegation directly to the relevant unit in his/her agency that is mandated to receive SEA complaints[103] in order to stay in compliance with his/her agency's reporting procedures. This applies to SEA allegations concerning a staff person of that agency or of another agency. In case of the latter, a staff person may report an allegation involving a staff person of another agency directly, which will then refer the allegation to the appropriate department of the agency where the subject of the complaint is employed. This process will serve to streamline reporting, minimizing the number of persons privy to sensitive information, and avoid inadvertent leaks at the field level. This procedure can also be used in humanitarian settings that lack an interagency CBCM. Given that the above process bypasses complaint review by the CBCM, it is

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[101] See the Model IASC Complaint Referral Form included in the Annex.
[102] This department will vary among organizations, i.e. the investigative unit, or a "complaint review unit." The CBCM SOPs must clarify which department this is for each member agency, and provide the department's contact information.
[103] For some agencies, SEA reports will be sent directly to the investigation unit. Other agencies require staff to submit reports to other departments, such as Human Resources, Ethics, etc.

highly recommended that the investigating agency notify the CBCM Coordinator of the report for data tracking purposes.[104]

The maximum CBCM processing time for a complaint before referral to the concerned agency should be as soon as reasonably possible, and no longer than 48 hours from the time the Coordinator receives the complaint. As a matter of due diligence to ensure that the allegation was properly referred and received by the appropriate unit in the concerned agency, the Coordinator should also include a request to confirm receipt. The concerned agency should send a confirmation that the SEA allegation was received and that no further action is required by the CBCM Coordinator within two business days. This acknowledgement can be a standard notification stating merely that the complaint was received and the date. This should not be confused with the feedback to the CBCM on case status,[105] or with agency feedback to the complainant/survivor, which are also encouraged and shall be done in compliance with agency policies.

Both processing times shall be clearly stated in the CBCM's SOPs.

A complaint that does not involve an SEA allegation, but rather a broader humanitarian assistance provision issue, will be recorded and transferred directly to the relevant agency (if clearly indicated) or to the cluster/sector coordinating that response (e.g. Shelter, CCCM, etc.) so that the complaint can be forwarded to the relevant agency.[106] Transfers of non-SEA complaints must also be made in a timely manner. For beneficiaries to have faith in the CBCM, all complaints reported to it must be properly followed up on, not just those alleging SEA. Given that experience shows the majority of complaints received through a CBCM are not related to SEA, the CBCM has a vested interest to ensure that general programme or service-related complaints are also addressed. This preserves the credibility, and thus the usage, of the CBCM. If the scope of the CBCM is broadened to receive and address general humanitarian assistance complaints, it is beneficial to also track whether/how the non-SEA complaints are handled in order to contribute to a more comprehensive system of accountability.[107]

4.2.3 Recording and tracking case handling

Data Management: CBCM members are responsible for ensuring that there is regular compilation and reporting of non-identifying SEA incident data. Given the multi-agency coordination of the CBCMs and intake occurring across various sites, efforts must be in place to standardize data reports to enable regional and national data comparisons. Without consistent and comprehensive data it is simply not possible to paint a full picture of the problem, establish a baseline from which to measure impact of different types of interventions to address the issue, nor effectively spot alarming trends. Incident data should be shared with Humanitarian Coordinators, agencies' investigation units, and relevant IASC bodies focused on PSEA, so that they are apprised of current SEA trends.

Filling out the Incident Report form must be done consistently by all who use the form so that reports are standardized. Persons charged with collecting information from complainants should be appropriately trained on how to fill out the forms and how to act in accordance with the guiding principles. Regular training should be provided to ensure that all fields are filled in the same way by all who complete this documentation. Many field sites find it most effective to limit such documentation to only a few specific organizations to streamline training and maximize uniform reporting.

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[104] See §4.2.3 Recording and tracking case handling.
[105] See §4.3.3 Communicating investigation status and findings to the CBCM. Anonymized feedback on case status to the CBCM is a Best Practice that encourages transparency and accountability; the acknowledgement of receiving the complaint as noted here is necessary for the CBCM for closure of its own duties.
[106] If the concerned agency is clearly indicated, reports should be transferred directly to them rather than through the relevant cluster in order to minimize the number of persons involved in handling cases, as some non-SEA complaints may be equally sensitive or have protection implications.
[107] Regardless of scope, the CBCM should record the receipt and referral of both SEA and non-SEA complaints.

Data Tracking and Trends Analysis: Systematic monitoring and evaluation of the complaints procedures is key to assessing whether a complaints mechanism is working and properly adapted to the local context, to pull lessons learned, and to make improvements to the CBCM.[108] Monitoring and evaluation data should come both from consultations with communities (i.e. satisfaction surveys, KAP surveys, etc.) and statistical analysis of complaints within the CBCM. Having a common reporting platform in place allows review for trends in complaints, which in turn facilitates awareness of the overall security and protection situation at each site and allows adjustment of the programme accordingly.[109] Monitored data shall include statistical information that can be used to measure the effectiveness of the mechanism, e.g. frequency of reporting, assistance provided to victims, results of satisfaction surveys, and overall PSEA activities in the site. All data on complaints received should be desegregated by sex, age group, type of complaint, and other relevant factors for useful analysis and targeted response. Participating agencies must agree on criteria, methods, and procedures for reporting anonymized and timely information on SEA incidents.

Because Incident Report Forms contain extremely confidential and sensitive information, the need for inter-agency information sharing and review will need to be balanced with internal agency data protection policies and the survivors' rights to confidentiality and anonymity.

4.3 Referral for Investigation and Possible Administrative Action

4.3.1 Referral to the concerned agency for follow-up

As outlined in §4.2.2(b), it is the responsibility of the PSEA/CBCM Coordinator to ensure that SEA complaints received through its mechanism are forwarded to the proper department in the concerned agency/organization for appropriate action. It is not the role of the CBCM to dismiss allegations, request field inquiries, or prevent the transmission of the complaint to the relevant agency. For effective referral to the concerned agency for potential investigation and follow-up, CBCM stakeholders must be familiar with and adhere to their respective organization's SEA reporting procedures. CBCM SOPs must have explicit language outlining both the stakeholder(s) within the CBCM who will refer complaints (i.e. the PSEA/CBCM Coordinator), and the personnel in each member agency/organization who will receive SEA complaints.

Once the complaint has been referred to the relevant agency/organization, the CBCM maintains a passive role of monitoring and assistance on that complaint, if requested. Further proactive steps (i.e. investigation and potential disciplinary action) are the internal responsibility of the concerned agency/organization. The CBCM does not investigate complaints.

Based on status updates shared by the investigating agency, the CBCM will monitor to ensure that the complaint was received by the investigative unit, maintain current records on the status of each complaint, facilitate contact with and information flow to the complainant and/or survivor, and remain available to assist the concerned agency/organization throughout the next steps upon request. The level of information provided to the CBCM and the survivor on the status of any administrative action taken, including investigation and its outcome, will vary according to agencies' internal policies and procedures. However, apprising the CBCM is highly recommended for transparency and accountability to the complainant/survivor, and for monitoring and evaluation purposes.[110]

ANNEX 3

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[108] MOS-PSEA (2012) #5 Indicator 3 ("There is a mechanism for monitoring and review of the complaint mechanism.").
[109] The Common Reporting Platform, developed through the IASC's PSEA-CBCM Pilot Project, is available on request for CBCMs to utilize.
[110] See below §4.3.3 Communicating investigation status and findings to the CBCM.

4.3.2 Special note on agency investigation of complaints

SEA investigations involving humanitarian staff shall be conducted by the respective agency/organization in accordance with its institutional policies and procedures. While humanitarian organizations may develop common investigation guidelines for use during investigations (outlining e.g. investigation timelines, level of information shared with the CBCM, safeguards to ensure confidentiality), CBCMs (and these SOPs) do not require an overarching investigation policy. Rather, CBCM member agencies make a common commitment that they will put in place internal complaints and investigation procedures,[111] and that in practice they will use their respective investigation policies in the event that their staff is accused of SEA.[112]

Certain procedures are core to all internal investigations. For example, in the interest of due process, the investigating agency must inform the subject of the complaint about the allegations against him/her. S/he must be given an opportunity to answer the allegations in writing and to produce evidence to the contrary. Also, in accordance with the gross human rights violation that constitutes SEA, member agencies are committed to take appropriate disciplinary action in accordance with their own internal policies in cases where SEA has been proven.[113] One way to encourage accountability is for the Director of an organization (or other appropriate unit) to produce an annual organization-wide report, within the existing reporting mechanism of the organization, about SEA complaints and how these were handled by the organization. This report should not reveal any confidential information or hints that could reveal the identity of the complainant, survivor, or perpetrator.[114]

Internal agency policies should include a minimum response time from the moment a complaint is referred to an agency for follow-up, to the opening of an agency investigation where one is warranted. The MOS-PSEA require that investigations commence within 3 months,[115] but agencies should strive to initiate investigations sooner.[116]

Smaller and local agencies/organizations may lack the capacity to investigate internally, in which case the inter-agency CBCM shall remain available to assist in investigations upon request from the concerned agency. An optional structure that participating agencies can choose to employ is a standing pool of PSEA-trained investigators within the CBCM. Such a structure supports transparency in investigations and increases capacity on the ground, while maintaining internal agency procedures as it is solely utilized at the option of the concerned agency on a case-by-case basis. In addition, certain agencies/groups keep lists of trained SEA investigators who can be contracted to investigate SEA allegations.[117]

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[111] MOS-PSEA (2012) #8, Indicator 1.

[112] MOS-PSEA (2012) #8, Indicator 3 ("Standard investigation operating procedures or equivalent issued and used to guide investigation practice.").

[113] MOS-PSEA (2012) #8, Indicator 6 ("Substantiated complaints have resulted in either disciplinary action or contractual consequences and, if not, the entity is able to justify why not."), and Statement of Commitment (2006) #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")

[114] IASC Guidelines to Implement the MOS-PSEA (2013).

[115] MOS-PSEA (2012) #8, Internal complaints and investigation procedures in place, Indicator 5 ("Investigations are commenced within 3 months and information about outcome is shared with the complainant"), and Statement of Commitment (2006) #6 ("Investigate allegations of sexual exploitation and abuse in a timely and professional manner").

[116] In the face of a recent comprehensive assessment of UN peacekeeping, Secretary General Ban Ki-Moon announced a massive restructuring of the system by the end of 2015, which will include the establishment of "immediate response teams" to gather and preserve evidence of a sexual misconduct allegation. (Secretary-General's remarks to Security Council Consultations on the Situation in CAR (NY, 13 August 2015)).

[117] For example, UNHCR, UNOPS, and the CHS Alliance.

4.3.3 Communicating investigation status and findings to the CBCM

As a practical accountability tool, member agencies' investigative units are strongly encouraged to share statistics on SEA cases reported and/or investigated, and disciplinary measures taken if any, with the CBCM at the site where the incident allegedly occurred whether or not the complaint was initially received through the CBCM.[118] They should provide regular updates about the status of any investigation to the CBCM in writing and/or at regular meetings. The content and reporting schedule for such status reports shall be clearly outlined in the CBCM SOPs.

The level of detail provided on the status of administrative action taken on an allegation will vary according to member agency procedures, and may be limited to general updates on the status of the investigation (i.e. that it has commenced or is in the evidence-gathering stage) rather than a detailed case analysis, according to internal confidentiality policies. However, communication between the investigating agency and CBCM is crucial for effective case handling and full accountability to the survivor. A key component of the inter-agency PSEA CBCM is the systematic monitoring and evaluation of case handling, which requires continuity, transparency, and at least minimal oversight. To the extent possible and in coordination with internal investigative policies and procedures, agencies are encouraged to provide the following information to the CBCM:
1. When the complaint was received by investigative unit[119];
2. When/whether investigation commenced or the complaint was determined an insufficient basis to proceed;
3. When the investigation concluded;
4. The outcome of the investigation; and
5. When/whether outcome (or any information) was provided to the survivor, or if providing feedback is prohibited by the investigating agency's internal policies.

After the investigation has been completed, agencies' field representatives shall inform the CBCM on the status of the investigation and action taken in a timely fashion, which shall be done in accordance with the protocol of each organization for sharing such information.

4.3.4 Provide feedback to survivors and complainants

CBCM stakeholders should inform interested parties of the status of a filed complaint.[120] The complainant and the survivor (if separate) have an interest in receiving feedback on the case filed on their behalf.[121] The subject of the complaint also has an interest in the complaint filed against him/her, but this is not the responsibility of the CBCM or any agency PSEA Focal Point – informing the subject of the complaint is the responsibility of the investigating agency in line with internal policies.

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[118] Statement of Commitment (2006) #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.").

[119] Some agencies' procedures may require SEA reports to be submitted to the head of the field office, rather than directly to the investigative unit at HQ. For complaints referred to such agencies, both the date that the allegation is received and when it is forwarded to HQ should be conveyed to the CBCM.

[120] To the extent possible and in coordination with internal investigative procedures, agencies are encouraged to provide the following information to concerned individuals 1) complaint received; 2) case reported to agency headquarters; 3) investigation commenced or insufficient basis to proceed; and 4) investigation concluded.

[121] The IASC Guidelines to Implement the MOS-PSEA (2013) state that feedback is highly important to meet the requirement of MOS-PSEA (2012) #8 ("Internal complaints and investigation procedures in place"). They stress that while feedback must not reveal confidential information, the complainant has the right to know how the case was handled by the investigating organization. In addition, due process concerns necessitate that the subject of the complaint is made aware of charges both filed and dropped against him/her. However, not all agencies consider a complainant, who is not the survivor, to have an interest in receiving feedback. The level of feedback given to complainants is dependent upon the investigating agency's internal procedures.

ANNEX 3

Timely and thorough response to complaints is also integral to building trust and buy-in for the CBCM within the community.[122]

Following intake, the CBCM and the relevant agency shall work in conjunction to keep relevant parties informed. The investigative agency, or the CBCM upon agency request, shall be responsible for notifying the complainant (and if separate, the survivor) in a safe and timely manner of the status and outcome of an investigation, in accordance with the agency's internal protocols.[123] The PSEA CBCM may serve as a point of contact for delivery of feedback to the complainant or survivor, which shall be delivered in a safe and ethical manner acceptable to the recipient – ideally in writing to ensure standardization and to avoid confusion and/or differing interpretations of the feedback. The CBCM SOPs may include templates for providing feedback to both the survivor/complainant and the subject of the complaint, respectively.[124] The CBCM should also remain accessible to the complainant or survivor to answer questions as needed. Notifying the Subject of the Complaint, however, is solely the responsibility of the investigating agency, not the CBCM.

As with reports to the CBCM, the level of detail provided to interested individuals will vary according to the investigating agency's internal procedures. This may range from providing specific case outcomes and disciplinary measures taken, to more general information such as acknowledging that an administrative inquiry has commenced. CBCM SOPs should delineate how the responsibility for information dissemination will be shared between the investigating agency and the interested party(ies), in accordance with the investigating agency's internal procedures.

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[122] For more on following-up complaints and community trust, see the IASC CBCM Best Practice Guide.
[123] MOS-PSEA (2012) #8, Indicator 5.
[124] Sample feedback templates are included in the Annex. Notifying the subject of the complaint is solely the responsibility of the investigating agency, not the CBCM. However, the feedback template may be useful for national NGOs and CBOs which are developing their internal PSEA and investigation policies, and the CBCM may have the templates on hand to build capacity.

Contact List

Investigation/SEA Reporting Units

For the most up-to-date contact information, please visit the IASC website at https://interagencystandingcommittee.org/accountability-affected-populations-including-protection-sexual-exploitation-and-abuse and click on the "Contact List – SEA Reporting Units" box.

Agency	Name of Unit	Contact
CARE Intl	The Secretary General	Email: cisecretariat@careinternational.org Post: CARE International Secretariat, Chemin de Balexert 7-9, 1219 Chatelaine (Geneva), Switzerland
FAO	Ethics Office	Email: Ethics-Office@fao.org Phone 1: +39 06 57054151 Phone 2: +39 06 57053956
IMC	SEA Case Team	Email 1: seafocalpoint@InternationalMedicalCorps.org (SEA Focal Point) Email 2: seareport@InternationalMedicalCorps.org Phone: +1 (310) 826-7800 Fax: +1 (310) 453-3914
IOM	Ethics and Conduct Office	Email 1: Ethics&ConductOffice@iom.int
IRC	Reporting Hotline EthicsPoint (3rd party mechanism for reporting anonymously and confidentially)	Hotline: integrity@rescue.org Website: www.ethicspoint.com Phone: +1 (866) 654-6461 (toll-free in the United States) Phone: +1 (503) 352-8177 (collect call outside the United States)
OCHA	OIOS Hotline	Website: https://oios.un.org/page?slug=reporting-wrongdoing Email: investigationsoios@un.org
OHCHR	Thematic Engagement, Special Procedures and Right to Development Division	Email: phicks@ohchr.org Email: investigationsoios@un.org Phone: +41 22 917 1234 (general switchboard)
SCUK	Supporter Care Team (for general grievances) Accountability Programme (for complains related to programmes in the field - including PSEA)	Email: supporter.care@savethechildren.org.uk Email: AccountabilityProgrammes@savethechildren.org.uk Phone: +44 0800 8 148 148 Post: Save the Children, Supporter Care Team, 1 St John's Lane, London, EC1M 4AR

UNDP	Office of Audit and Investigations (OAI)	Email: hotline@undp.org Hotline: +1 770-776-5678 (worldwide) Hotline: +1 877-557-8685 (in the USA) Fax: + 1 770 409 5008 Post: Deputy Director (Investigations), Office of Audit and Investigations, 220 East 42nd Street, New York, NY 10017, United States of America ONLINE REFERRAL FORM
UNFPA	Office of Audit and Investigation Services (OAIS)	Online: Investigation hotline Email: investigationshotline@unfpa.org Phone: +1 (212) 297 5200 Post: UNFPA, Private and Confidential attention of the Director, Office of Audit and Investigation Services, 605 Third Avenue, 5th floor, New York, NY 10158, United States of America
UNHCR	Inspector General's Office	Email: inspector@unhcr.org Website: www.unhcr.org/php/cpmplaints.php Hotline: +41 22 739 8844 Fax: +41 22 739 7380 Post: 94 Rue de Montbrillant, 1202 Geneva-CH
UNICEF	Office of Internal Audit and Investigations (OIAI)	Email: integrity1@unicef.org Post: Director Office of Internal Audit and Investigation (OIAI) Investigation Section, United Nations Children's Fund, Three United Nations Plaza, New York, New York 10017, United States of America
WFP	Office of the Inspector General (OIG)	Email: hotline@wfp.org Hotline: +39 06 6513 3663 Fax: +39 06 6513 2063
WHO	Ethics Office	Email: ethicsoffice@who.int Hotline: www.who.int/about/ethics/en/
WVI	Integrity and Protection Hotline	Online Report: http://worldvision.ethicspoint.com

ANNEX 4

Samples and Templates

TABLE OF CONTENTS

This Annex provides sample documents from various country-based PSEA initiatives. The "Generic" samples are based upon tools produced during the PSEA Pilot Project and have been drafted in line with the Global SOPs on Inter-Agency cooperation in CBCMs. All tools will need to be tailored to fit the local context.

ANNEX 4

CODE OF CONDUCT FOR ALL WORKERS IN EMERGENCIES

This Code of Conduct has been developed for agencies and other actors that are involved in emergency response and reconstruction activities after an emergency. They have a duty of care to affected women, girls, boys and men of all ages and a responsibility to ensure that they are treated with dignity and respect. All workers should ensure that certain minimum standards of behaviour are observed, regardless if the person is on or off duty.

In order to prevent sexual exploitation and all forms of abuse including sexual, physical, emotional and neglect, the following core principles should be respected by anyone engaging in humanitarian assistance or taking part in reconstruction activities in Fiji:

- All workers have to ensure assistance is delivered in a way that is safe, respectful, with dignity, and equally accessible to women, girls, boys and men of different ages and abilities.

- Sexual exploitation and all forms of abuse by workers providing humanitarian assistance constitute acts of gross misconduct and are therefore grounds for termination of employment.

- Sexual activity with children (persons under the age of 18 years) 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.

- Exchange of money, employment, goods, services or false promises for sex including sexual favours or other forms of humiliating, degrading or exploitative behaviour is prohibited, including favouritism or procurement of such services for third parties. This includes exchange of assistance that is due to beneficiaries.

- Sexual relationships between humanitarian workers and affected women, girls, boys and men, are strongly discouraged since they are based on inherently unequal power dynamics. Such relationships undermine the credibility and integrity of humanitarian aid work.

- Where a worker develops concern or suspicions regarding sexual abuse and exploitation or other forms of abuse by a fellow worker, whether in the same agency or not, he or she must report such concerns via established reporting mechanisms.

- Workers providing humanitarian assistance are obliged to create and maintain an environment which prevents sexual exploitation and all forms of abuse and promotes the implementation of this Code of Conduct. Managers at all levels have particular responsibility to support and develop systems which maintain this environment.

ANNEX 4

United Nations 🌐 Nations Unies

Office of the Resident and Humanitarian Coordinator in the Philippines

Typhoon Haiyan Humanitarian Response Code of Conduct

All responding organisations and entities, including members of the UN system, international and national NGOs, military personnel, government authorities, civil society and private contractors have a duty of care to people affected by Typhoon Haiyan. This duty of care includes a responsibility to ensure that each individual, regardless of sex, age and ability, is treated with dignity and respect, receives assistance equally and safely, and that proper standards of behaviour and accountability are observed.

The women, men, girls and boys affected by this typhoon are the primary stakeholders of the humanitarian response and have a basic right to participate in the decisions that affect their lives, receive the information they need to make informed decisions and to complain if they feel the help they receive is not adequate or has unwelcomed consequences.

Sexual exploitation and abuse[1] (SEA) of those we seek to assist constitute the most serious breach of accountability towards the victims of the typhoon. It erodes the confidence and trust of affected communities and the host country in all those providing assistance. This damages our collective image and integrity.

All responders to this emergency are bound by the legal frameworks of their respective governing institutions. For example, the UN's Special Measures for Protection from Sexual Exploitation and Sexual Abuse[2] prohibits certain behaviours. These standards are widely accepted as non-negotiable by the humanitarian community, including the NGO community:

- Sexual activity with children (persons under the age of 18) regardless of the age of majority or consent locally. Mistaken belief in the age of a child is not a defence
- Sexual favours exchanged for any form of assistance, including food or non-food items
- Use of children or adults to procure sexual services for others
- Exchange of money, employment, goods or services for sex with prostitutes or any other member of the local population, visits to brothels or places which are declared off-limits

Further:
- Sexual relationships between staff and those receiving assistance are strongly discouraged
- Any suspicions of SEA by a fellow worker of the same or another agency must be reported via established reporting mechanisms
- Staff are obliged to create and maintain an environment that prevents SEA, and managers are particularly charged with developing systems that enable this.

Section 13 of the Government of the Philippines' Magna Carta of Women specifies that, in reference to women affected by disasters, "the State shall… ensure their full protection from sexual exploitation and other gender-based violence committed against them". Military personnel are also governed by such rules.

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[1] Sexual exploitation means any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another. Sexual abuse means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal of coercive conditions.
[2] United Nations Secretary-General's Bulletin ST/SGB/2003/13

Any violation of this Code of Conduct constitutes serious misconduct. SEA will be investigated and may lead to drastic disciplinary measures, including summary dismissal, suspension, immediate repatriation, and in the case of contractual partners, termination of the contract. Immunity, when it exists, will be waived by the Secretary-General should such immunity impede the course of justice.

Luiza Carvalho
Resident and Humanitarian Coordinator

4b1. Generic Terms of Reference
Steering Committee

Purpose

The Steering Committee's purpose is to guide and support the design, implementation, and monitoring of a Community-based Complaints Mechanism (CBCM) and its activities. The Steering Committee is the primary body for coordination, best practice exchange, and oversight on SEA prevention and response measures.

Membership

The Steering Committee is comprised of one representative from high-level management (i.e. head of office or sub-office) of each CBCM participating agency at the country or sub-office level. The Steering Committee consists of [X] national organizations, [X] government institutions, [X] international organizations, [X] international non-governmental organizations, and [X] UN agencies, as per the following chart:

Name of Organization / Structure	Type of Organization / Structure	Status in Steering Committee	Name	Tel.	E-mail
		Chair			
		Co-chair			
		Member			[…]

Meetings

The Steering Committee will meet internally on the [1st Monday of each month] to report on PSEA progress, identify gaps in the CBCM programming, and find solutions.

Areas of work

Governance	• Facilitate the nomination of CBCM Focal Points from their respective agencies and support their agencies' full participation in the CBCM • Actively participate in coordination meetings • Implement accountability and quality standards within their respective agencies • Determine the scope of the CBCM in consultation with communities, so that the CBCM is adequately tailored to the local context, meets the site/country-specific needs, and integrates with other reporting/feedback mechanisms • Tailor the global Standard Operating Procedures (SOPs) template on CBCMs to the local context, and utilize for the country-based CBCM • Review the regular update memos from the CBCM Focal Point meetings • Collectively develop solutions to address insufficient participation of CBCM Focal Points, when necessary

Finance	• Mobilize resources to support the sustainability of the CBCM
CBCM Management	• Contribute to the joint implementation of the mechanism and the achievement of its goals through collaboration of all bodies and good governance • Work collectively to develop SEA prevention strategies • Promote a complaint handling process that is respectful of survivors and alleged perpetrators, international norms, standards and local legislation
Advocacy and representation	• Promote the acceptance and support of the CBCM by authorities, communities, donors and humanitarian actors
Exchange and learning	• Offer an open space to exchange knowledge, experiences, and expertise conducive to reflection and learning on SEA issues

The Steering Committee is NOT responsible for investigation or adjudication of individual complaints and shall not deal directly with complainants. These functions rest exclusively with the individual organizations or agencies. However, the Steering Committee can act in an advisory capacity to an agency on specific allegations and investigations upon explicit agency request.

Roles and responsibilities

Chair of the Steering Committee:

• Coordinates the Steering Committee and oversees its activities.

• Organizes, facilitates, and documents the monthly meetings of the Steering Committee and special meetings.

• Facilitates the planning, implementation and monitoring of activities.

• Presents reports of intermediary activities to members of the Steering Committee.

• Promotes the exchange of experience and learning exercises.

• Represents the Steering Committee with donors, authorities, communities, and in protection discussion forums and networks, including the Protection Cluster.

Steering Committee members:

• Ensure that all staff within his/her agency read, understand, acknowledge, and adhere to his/her agency's internal PSEA policy and SEA complaint handling procedures, including the institutional Code of Conduct, internal reporting mechanism, victim assistance and support policy and procedures, and complaint management for staff.

• Raise SEA awareness among staff through induction trainings for new personnel and refresher trainings for current staff on PSEA, the Code of Conduct, the importance of complying with SEA policies, and procedures to report incidents.

• Support CBCM Focal Points and ensure they have direct access to the head of office (sub-office and country office) and agency headquarters to execute their functions:

ANNEX 4

- Ensure that both human resources and programmatic units/personnel are engaged in PSEA;
- Ensure that the designated agency focal points are actively engaged in the inter-agency CBCM, and allotted the staff time to regularly and meaningfully participate in CBCM meetings;
- Incorporate PSEA responsibilities into CBCM focal points' performance evaluation reports.

- Promote agency adherence to SEA prevention procedures, including but not limited to:
  - Due diligence to prevent re-recruitment of offenders;
  - Ensuring that victim assistance services are provided;
  - Forestalling retaliation for whistleblowing on SEA allegations;
  - Requiring adherence to PSEA clauses in cooperative agreements;
  - Fostering a work environment free from SEA, other forms of misconduct, and impunity.

- Raise PSEA awareness and capacity of implementing partners (IPs) from the moment they are selected, including but not limited to:
  - Ensure that IPs have a clear understanding of what SEA means and what their duties and responsibilities are in preventing and reporting cases, including their contractual obligations regarding PSEA;
  - Encourage IPs to engage with the CBCM and create/strengthen their own PSEA policies;
  - Include IPs in PSEA trainings, as much as possible, to ensure adherence and commitment to PSEA.

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

ANNEX 4

4b2. Democratic Republic of the Congo (PSEA Pilot Project) Terms of Reference – Steering Committee

1. Objective

- Contributes to the joint implementation of the project and the achievement of its goals through collaboration of all bodies and good governance / project management.

- Provides case management of abuse and exploitation respectful of victims and perpetrators, international norms and standards, legislation and basic principles of the joint case management procedures.

- Promotes the acceptance and support of the project by the authorities, communities, donors and humanitarian actors through a contribution to the accountability of the project a presence in the formal and informal strategic interagency meetings.

- Offers an open space and creative exchange of knowledge, experiences, expertise conducive to reflection and learning on issues of abuse and sexual exploitation by humanitarian workers.

2. Composition

The Steering Committee consists of 4 national organizations, 2 government institutions, 4 international organizations with membership, and 2 UN agencies having observer status. Each structure will be represented by a single focal point.

Name of Organization / Structure	Type of Organization / Structure	Status in Steering Committee	Contact Person

3. Reunion

The Steering Committee meets monthly in regular session and, at the request of the coordinator of Prevention against the sexual abuse and exploitation (P/SEA), may meet in extraordinary session.

4. Principles

Accountability – The members of the Steering Committee are committed to the principles vis-à-vis accountability of donors, beneficiaries and communities by ensuring transparent, efficient project, the principle of Do no Harm, the ongoing risk assessment and taking into account the views of the beneficiaries in the implementation, monitoring and evaluation of activities.

Collaboration – The partnership between organizations / structures and authorities is a core value of the Steering Committee to ensure the smooth running of the project, links with authorities, UN agencies and international organizations and encourage the sharing of experience and knowledge between organizations / structures for the best result.

ANNEX 4

Best Interests of the Victim – All members of the Steering Committee put the best interests of the victim and in particular the child before all considerations in making decisions that may affect the victim. The Steering Committee is the guarantor of this principle and ensures it is passed to the teams, volunteers and project partners on the ground.

Confidentiality – Confidentiality is a key principle that commits all the shares and members of the Steering Committee and is reflected in its actions and decisions. Confidentiality is the basis of our work within the framework of this project for the benefit of victims of sexual abuse and exploitation, the author, project staff and organizations they imply. All communications concerning reported cases must be protected.

Impartiality – The activities, including surveys, implemented in the project, respect the impartiality and neutrality and are accompanied and observed by all members of the Steering Committee.

Right to Continuous Access to Care – Members of the Steering Committee are committed through the planning, implementation and monitoring of project activities to ensure access to health care for victims of sexual abuse and exploitation, as appropriate, to make available resources in terms of access to health and care services.

Right to Justice – The members of the Steering Committee are committed to implement actions that respect the existing legal framework in the Democratic Republic of the Congo. The right to justice is always accompanied by an assessment of risk to the victim.

5. Roles and responsibilities

- President of the Steering Committee:
  - Coordinates the Steering Committee and overview of business.
  - Organizes, facilitates and documents the monthly meetings of the Steering Committee and special meetings.
  - Organizes, facilitates and documents the weekly meeting of the Complaints Management Unit, which he/she is a de facto member.
  - Facilitates the planning, implementation and monitoring of activities.
  - Presents reports of intermediary activities to members of the Steering Committee.
  - Promotes the exchange of experience, learning exercises.
  - Represents the Steering Committee with donors, authorities, communities and in the discussion forums and networks of protection including the Protection Cluster.

- Members:
  - Undertake to participate actively in meetings.
  - Take part in the decisions of the Steering Committee.
  - Cooperate together for the good of the project and the achievement of objectives.
  - Share information, skills, expertise and lessons.
  - Ensure the implementation of activities under their leadership and the support of others.
  - Put their expertise to availability, their staff according to the needs and project activities when they could.
  - Ensure their contribution to the achievement of the prerogatives of the complaints management unit if they are also members as specified in Section 7.

- Observers:
  - Actively participate in meetings.
  - Agree to make available to the Steering Committee, the resources available for the implementation of the project.
  - Support advocacy from UN agencies, authorities, etc.
  - Facilitate access to authorities, United Nations agencies based on their mandate.
  - Give advice and recommendations to the Steering Committee when needed.

6. Powers of the steering committee

Compared to project activities
- Plans, implementations, monitors and reporting of project activities.
- Ensures good governance and project management.
- Provides the necessary resources for the successful implementation of the project and good case management.
- Evaluate the risks associated with activities in case management.
- Ensures the implementation of joint procedures PSEA cases reported throughout the project and supervision of the Complaint Management Unit.

Compared to knowledge sharing
- Identifies capacity building opportunities of the personnel involved.
- Provides learning and review of the project throughout the project.
- Develops communication tools.
- Shares the skills, expertise, tools and documents.

In relation to other actors
- Provides representation and relationships with project beneficiaries, communities and humanitarian agencies.
- Advocates for donors, international organizations and authorities.
- Participates in the coordination committee meetings and protection networks.
- Ensures the implementation and strengthening of the Humanitarian Code of Conduct and the development of the Common Code of Conduct expected by the project.
- Keeps track of recommendations from each survey of its members, in particular concerning the management of the victim and disciplinary proceedings to be taken against perpetrators.

7. Complaints management unit

The Steering Committee delegates to the Complaints Management Unit's Case Management skills to ensure confidentiality.

- The members of the Steering Committee support the action of the Complaint Management Unit.
- The members of the Steering Committee are kept informed of case management at their request and as part of monthly meetings, within the limits imposed by the Confidentiality.

The prerogatives of the Complaint Management Unit are explained in the case management procedures are as follows:

- He/She is informed of complaints in the shortest period not exceeding 24 hours of an incident report.

- He/She develops the contingency plan, appoints and supervises the investigation investigators.

- He/She informs the members of the Steering Committee of the number of cases and information and managerial and programmatic recommendations when a case is closed. These recommendations and information must be used in the project or at member organizations of the Steering Committee.

- He/She documents, archives and closes each case through an incident report, a survey reference term, an investigative report, an educational report, a recommendation and a management plan for the victim long-term.

- The Chairman of the Complaints Management Unit communicates with the managerial direction of each organization concerned with the case and with the authorities the result of the investigation and recommendations in complaint resolution sheet for action levels (disciplinary or judicial). The period should not exceed 10 working days from the date of receipt of the complaint.

- He/She reports to the Steering Committee, which meets every month, the number of cases, the nature of the cases and case analysis.

VALIDATION OF TERMS OF REFERENCE OF THE STEERING COMMITTEE BY ITS MEMBERS				
Organization Name / Structure	Type of Organization / Structure	Status in the Steering Committee	Full Name Country Representative / Head Office	Signature

Save the Children

IOM•OIM

CNR

UNHCR
The UN Refugee Agency

WAR child

Children's Voice

Bénenfance Congo
BENEVOLAT POUR L'ENFANCE

DFJ

4b3. Generic Terms of Reference
CBCM Focal Points

Role

CBCM Focal Points are appointed from within participating CBCM agencies and represent their agency in the CBCM and PSEA activities. They report to the PSEA/CBCM Coordinator on PSEA activities and consultations with communities. Additionally, they report back to their agencies on CBCM progress and knowledge gained from working with the mechanism. Each agency participating in the CBCM shall nominate two Focal Points to work with the CBCM; ideally, one woman and one man.

Meetings

CBCM Focal Points shall meet on the [2nd Monday of each month] in order to share PSEA/CBCM updates and experiences, confer with the CBCM Coordinator, and address issues with trainings and awareness raising activities when necessary. Regular meetings should facilitate information-sharing on each agency's measures in place to prevent and address SEA, documented incidents (maintaining confidentiality), and incident follow-up.

Responsibilities

Awareness-raising activities	• Plan and organize trainings for humanitarian personnel within their organizations on PSEA, the agency's code of conduct, and the CBCM • Plan and organize awareness campaigns for local communities on PSEA and the CBCM, which emphasize beneficiary rights and how to use the mechanism
Complaints	• Act as an in-person channel for SEA complainants • Record all information in the appropriate Incident Report Form • During in-person complaints, convey anticipated next steps which include timeframes, the role of the CBCM, and the procedures of the potential investigating agency so that expectations are managed • Retrieve complaints from the anonymous suggestion boxes [as structured by the SOPs] • Work with the PSEA/CBCM Coordinator to ensure that victims are referred to appropriate assistance services • CBCM Focal Points trained and experienced in child protection will be engaged in child-survivor cases • Support the PSEA/CBCM Coordinator in complaint monitoring and providing complainant/survivor feedback when needed
Coordination	• Serve as the main channel for sharing PSEA information between agencies at relevant coordination meetings • Respond to requests for information on PSEA activities
CBCM management	• Conduct regular community consultations from the design phase and throughout the life of the CBCM, leading to effective programme adjustment • Contribute to the exchange of experiences and best practices during implementation, monitoring, and evaluation • Produce proper handover notes when exiting the site

ANNEX 4

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

> *A CBCM Focal Point should never investigate a complaint;*
>
> *The Focal Point should not engage in counselling complainants (unless they are formally trained to do so and the responsibility is in their TORs).*

Profile

- The CBCM Focal Point must be a staff person of a CBCM member agency. S/he must be able to easily access the management team and should be at a sufficient level to be able to initiate institutional change.

- The Focal Point must have the following skills and experience:
  - Proven integrity, objectivity, and professional competence
  - Demonstrated sensitivity to cultural diversity and gender issues
  - Ability to maintain confidentiality (i.e. trained in data protection)
  - Fluency in relevant languages
  - Demonstrated experience working directly with local communities

Training

In addition to regular PSEA staff trainings, CBCM Focal Points must receive trainings to assist them in successfully fulfilling their CBCM duties. These include:

- As the PSEA representatives of their agencies to the affected community, Focal Points must be trained in the guiding principles of CBCMs, including the standards of confidentiality, safety, and health/psychosocial needs of survivors.

- As the primary persons receiving in-person complaints, Focal Points should be thoroughly familiar with the entire CBCM complaint handling process.

- Focal Points should be trained on other forms of misconduct in addition to SEA, in order to enhance their ability recognize SEA when it is mixed with other issues.

- Focal Points should be familiar with the policies and procedures of all agencies in the CBCM, to ensure that accurate information is provided and so as to manage complainant expectations during intake.

- Focal Points should also be familiar with general investigation procedures for all participating CBCM 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 CBCM is situated has mandatory reporting laws related to SEA incidents, it is the responsibility of the CBCM Focal Points to be up-to-date on relevant national laws and to incorporate them into CBCM procedures and information packages for survivors/complainants, as appropriate.

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

ANNEX 4

4b4. Ethiopia (PSEA Pilot Project) – Terms of Reference for Protection from Sexual Exploitation and Abuse by (PSEA) by own Staff Focal Persons

Role Description

The PSEA Focal Persons designation is a role or "hat" and not necessarily a position. It can either be assigned to existing personnel or new personnel can be hired to carry it out. Whether the role is a full-time or part-time undertaking should depend on individual organization or agency own needs.

Each humanitarian organization or agency in Melkadida refugee camp shall ideally designate two PSEA Focal Persons, at least a male and female to carry out the PSEA responsibilities within the organization or agency. Each organization or agency shall have at least one PSEA Focal Person and a back-up or an alternate.

The PSEA Focal Persons are NOT responsible for investigating SEA complaints, or for dealing directly with complainants. This function rests exclusively with individual organizations and agencies.

Major Tasks

Within his/her organization or agency, the PSEA Focal Person shall actively promote protection from sexual exploitation and abuse (SEA). In this regard, the Focal Point shall, where not already in place:

Engagement with and support of local populations

- In coordination with the inter-agency PSEA Steering Committee, facilitate awareness-raising in Melkadida camp among beneficiaries of assistance on their rights, the standards of conduct expected of aid workers, and available channels for reporting incidents of SEA.

Prevention/Response

- Ensure that the identity of PSEA focal person is known throughout the organization and agency and that contact details are made widely available;
- Create ongoing awareness among new and old staff, volunteers and contractors of own organization and agency on PSEA prevention and response;
- Ensure that own staff sign PSEA Code of Conduct clearly prohibiting acts of sexual exploitation and sexual abuse and obligating them to report such acts according to agreed reporting procedures;
- Actively participate in the development of inter-agency community-based complaint mechanism on PSEA;
- Make appropriate recommendations to own organization or agency management on enhancing prevention strategies. This could include collecting and analysing information on actual/potential risk factors for vulnerability to sexual exploitation and abuse and elaborating measures to address them;
- Ensure that procedures to guard against hiring of persons who have a record of SEA offences are put in place and applied.

- Work with human resources personnel to include PSEA content in staff inductions, including all contractors, consultants, temporary staff and casual labourers;

- Serve as a member of PSEA Clearing house to receive SEA complaints through the established channels in Melkadida camp and take action including subsequent forwarding to appropriate organizations or agencies involved for their further actions;

- Take appropriate measures to ensure safety and confidentiality for all visitors to the Focal Person including victims/survivors of SEA;

- Refer victims/survivors of SEA appropriately to access health, safety and psychosocial support as necessary.

Management and Coordination

- Serve as PSEA focal person in own organization or agency;

- Serve as an active member of Inter-agency PSEA Clearing House;

- Attend Inter-agency PSEA Clearing House meetings;

- Participate in PSEA related activities;

- Coordinate own organization or agency's adherence to relevant monitoring/compliance mechanisms, including contribution to the annual report of the Secretary-General on Special Measures for Protection from Sexual Exploitation and Sexual Abuse;

- Track all PSEA-related activities for own organization and agency and ensure that all information on PSEA-related activities is shared with relevant persons within own organization and agency;

- Keep own organization and agency management up to date on PSEA measures taken and plans for future actions.

Competencies and Experience

The organization or agency Focal Person for Protection from Sexual Exploitation and Abuse (PSEA) shall be a staff member. The Focal Person needs easy access to senior management so as to be able to effect change and therefore should normally be appointed at a sufficiently senior level. Ideally both a woman and a man staff member would serve as the Focal Person and the alternate.

The Focal Person shall have the following competencies and experience: Proven integrity, objectivity and professional competence; demonstrated sensitivity to cultural diversity and gender issues; fluent in relevant languages; demonstrated experience of working directly with local communities; proven communication skills. Upon appointment, the Focal Person shall undergo specific training on protection from sexual exploitation and abuse, as soon as is feasible.

ANNEX 4

4c1. Sample Incident Report Form

File Number: _____

Personal Information

Important

Gathering information at the time of reporting is a crucial element of the process. The report should be objective and precise, focusing on the facts and relevant information that will help when it is time to act.

When a child discloses maltreatment or abuse, make sure to ask the questions needed to have a clear understanding of what the child is saying and to ensure the security and welfare of the child. DO NOT SEARCH FURTHER.

- Inform the person that all information given in the complaint will remain confidential.

- Be receptive of the complainant and listen to what he or she has to say.

- Write a clear record of what is said by the complainant in his own words. Take the time to cross-check with the complainant that you understand everything before writing.

- Allow the complainant to read what you have written. If the complainant is illiterate, read out the text to ensure that what you have written is what he or she meant. Ask the person if he or she is satisfied with what you have written. If they are not, correct the text with them.

Information from the complainant:

Full Family Name :	Full Given Name:
Date of complaint receipt :	Telephone :
Camp/Axis : ☐ Goma ☐ Masisi Centre ☐ Kitchanga Other _____	Address : Camp/Block : Community :
*Complaint Category : ☐ 5 ☐ 6 ☐ Other (specify): _____	

Complaint Category:

- Category 5: Complaints of violations of the Humanitarian Code of Conduct and sexual exploitation or abuse against an adult (man or woman) **(processing time from 4 weeks to 3 months)**

- Category 6: Complaints of violations of the Humanitarian Code of Conduct and sexual exploitation or abuse against a child (boy or girl under age 18) **(processing time from 4 weeks to 3 months)**

The *complaint* (Use the complainant's words verbatim and ask questions to get as much important information as possible. At a minimum, the complainant should indicate who, what, how, where and when the complaint is about.)

Date of the Incident (When): _____

_____

_____

Full name of the victim (Who): _____

_____

Age of the victim: _____

Where? _____

_____

_____

_____

How? _____

_____

_____

What? _____

_____

_____

Information about the accused: (please encrypt the name of the accused)

Name of accused: _____

Position held by the accused: _____

Organization for which the accused work(s): _____

Relationship to the victim: _____

Current residence of the accused (if known): _____

_____

_____

Gender: _____

Physical description of the accused: _____

_____

_____

_____

Complaint Category:

• Category 5: Complaints of violations of the Humanitarian Code of Conduct and sexual exploitation or abuse against an adult (man or woman) **(processing time from 4 weeks to 3 months)**

• Category 6: Complaints of violations of the Humanitarian Code of Conduct and sexual exploitation or abuse against a child (boy or girl under age 18) **(processing time from 4 weeks to 3 months)**

Specifically for complaints of sexual exploitation and abuse:

Has the victim been informed of the available medical care?	☐ Yes ☐ No
If yes, has the victim sought medical treatment after the incident?	☐ Yes ☐ No
If yes, who provided treatment?	_____

If no, refer the complainant to the nearest medical care, and follow up that he or she receives the available services.

Has the victim contacted the police?	☐ Yes ☐ No
If yes, what has been done?	_____

If no, did the victim require the assistance of the police, and if not, why? _____

Has the victim contacted legal services?	☐ Yes ☐ No

Full name of the PSEA Focal Point:

Organization/Agency: _____

Gender: ☐ Female   ☐ Male

Complaint Category:

- Category 5: Complaints of violations of the Humanitarian Code of Conduct and sexual exploitation or abuse against an adult (man or woman) **(processing time from 4 weeks to 3 months)**

- Category 6: Complaints of violations of the Humanitarian Code of Conduct and sexual exploitation or abuse against a child (boy or girl under age 18) **(processing time from 4 weeks to 3 months)**

4c2. IASC Model Complaints Referral Form (Sexual Exploitation and Abuse)

Name of Complainant: _____ Ethnic origin/Nationality: _____

Address/Contact details: _____

_____

Age: _____ Sex: _____ Identity no: _____

Name of Victim (if different from Complainant): _____

Ethnic origin/Nationality: _____

Address/Contact details: _____

_____

Age: _____ Sex: _____ Identity no: _____

Name(s) and address of Parents, if under 18: _____

_____

_____

Has the Victim given consent to the completion of this form? ☐ YES   ☐ NO

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

Physical & Emotional State of Victim (Describe any cuts, bruises, lacerations, behaviour, and mood): _____

_____

Witnesses' Names and Contact Information: _____

_____

_____

Brief Description of Incident(s) (Attach extra pages if necessary)

_____

_____

_____

Name of Accused person(s): _____ Job Title of Accused person(s): _____

Organisation Accused person(s) Works For: _____

Address of Accused person(s) (if known): _____

_____

Age: _____ Sex: _____

Physical Description of Accused person(s): _____

_____

_____

Have the police been contacted by the victim? ☐ YES ☐ NO   If yes, what happened? _____

_____

If no, does the victim want police assistance, and if not, why? _____

_____

Has the victim been informed about available medical treatment? ☐ YES   ☐ NO

If Yes, has the victim sought Medical Treatment for the incident?   ☐ YES   ☐ NO

If Yes, who provided treatment? What is the diagnosis and prognosis: _____

_____

What immediate security measures have been undertaken for victim? _____

_____

Who is responsible for ensuring safety plan (Name, Title, Organisation): _____

_____

Any other pertinent information provided in interview (including contact made with other

Organizations, if any): _____

_____

Details of referrals and advice on health, psychosocial, legal needs of victim made by person

completing report: _____

_____

Report completed by: _____

               Name   Position/Organisation   Date/Time/Location

Has the Complainant been informed about the Organisation's procedures for dealing with
complaints? ☐ YES   ☐ NO

Signature/thumb print of Complainant signaling consent for form to be shared with relevant mgt
structure* and SRSG/RC/HC _____

Complainant's consent for data to be shared with other entities (check any that apply):

_____

_____

Police ☐ _____   Camp leader (name) ☐ _____

Community Services agency ☐ _____

Health Centre (name) ☐ _____   Other (Specify) ☐ _____

Date Report forwarded relevant management structure*: _____

Received by relevant management structure*: _____

                                  Name   Position   Signature

ANNEX 4

What should a PSEA/CBCM Coordinator do when s/he has received a complaint?

Complainant

- CBCM Focal Point (in-person reporting)
- Safe space, Community members, Medical facility
- Suggestion / complaint box
- Hotline / SMS
- E-mail

The CBCM focal points and Coordinator DO NOT carry out an investigation or gather evidence. They only collect the information necessary to fill out the Incident Report Form

Incident Report Form

Does the complaint potentially allege SEA?
- Yes → Risk assessment and security plan
- No → Is the complaint about fraud / corruption?

Coordinate with child protection advocates / service providers if child involved

Risk assessment and security plan → **Referral to Victim Assistance Services** → **Inform the Complainant / legal guardian of next steps**

Explain the process and manage expectations e.g. referral of the allegation for follow-up and potential investigation, timeframes, and level of anticipated feedback on the status of the case

Is there enough info to refer the complaint?
- No → Reach out to the agency to determine how to proceed with the incomplete complaint
- Yes → Forward the allegation to the designated unit within the concerned agency

Is the complaint about fraud / corruption?
- Yes →
- No → Is the complaint about GBV or protection issues?

Is the complaint about GBV or protection issues?
- Yes → Report to Protection Cluster
- No → Is the complaint about programmatic issues / feedback?

Is the complaint about programmatic issues / feedback?
- Yes → Transfer the feedback/complaint to the relevant Cluster/Sector or agency (if identified)

Register the complaint in the Database

Update the Database with each new complaint development to avoid keeping confidential information on paper forms

48 hours

Closing the loop: acknowledging receipt of complaint, sending information about how the complaint was handled (if appropriate) and what modifications have been brought to programmes to reduce the risk that the issue raised happens again in the future

What should the PSEA/CBCM Coordinator do to support the agency after referring the complaint?

Colour code:
- CBCM Coordinator
- Agency

2 business days

Agency receives complaint

Agency confirmation that the allegation was received

Does the complaint warrant investigation?

No → Complaint closed; Complainant/legal guardian and CBCM notified (dependent upon agency's SEA investigation policy)

Update CBCM records

Yes → Does the agency request support for the investigation?

Yes → Activate the pool of trained SEA investigators

No → Agency confirmation that no further action is required from the CBCM

Complaint is investigated and disciplinary action taken (if warranted)

Does the incident constitute a criminal offense?

Yes → Are there mandatory reporting laws?

Yes → Report to law enforcement authorities

No → Does the Complainant want to report to law enforcement authorities?

Agency choice, in consultation with survivor

If the alleged perpetrator enjoys functional immunity, refer the case to authorities in charge of waiving the immunity for consideration

Assist the Complainant in filing charges. Provide (additional) legal and psychosocial assistance

Advocate for receiving case status updates; Monitor case status and feedback to Complainant

Case status updates may include (in line with the agreed-upon CBCM SOPs):
- When the investigative unit received the complaint;
- When/whether an investigation began, or if the complaint was determined an insufficient basis to proceed;
- When the investigation concluded;
- The outcome of the investigation; and
- When/whether the outcome (or any information) was provided to the survivor, or if providing feedback is prohibited by the investigating agency's internal policies.

ANNEX 4

ANNEX 4

SAMPLE Victim Assistance Referral Pathway (SEA complaints)

All actors who may have direct contact with potential victims should be trained to recognize SEA and understand the CBCM Guiding Principles

Medical Care

In case of sexual violence it is important to seek medical attention **within 72 hours** of the assault for contraception or treatment of HIV to be effective

At a minimum, health care must include: Examination and treatment of injuries, prevention of disease and/or unwanted pregnancy, collection of minimum forensic evidence (including biological products of the perpetrator when available), medical documentation, and follow-up care.

[enter the medical-care providers here, as ID'd in service mapping]

Mental Health and Psychosocial Support

Counselling and support to assist recovery from the psychological consequences of sexual abuse

Psychosocial support, including case management and advocacy to assist victims in accessing needed services

Support and assistance with social re-integration

[enter the mental health / psychosocial support providers here, as ID'd in service mapping]

In case of a child SEA victim **[ID the organization/Protection Cluster]** can assist in the determination of the best interest of the child, provide reintegration services and psychosocial support

Complainant Reports the Incident

Conduct a needs assessment for all victims/complainants

Provision of immediate assistance to SEA victims-complainants is critical and must be provided independently of an allegation referral or agency investigation

Once the investigation is completed, services will need to be re-evaluated based on the victim's longer-term needs

Safety and Security

Conduct an immediate security and safety needs assessment

Create a security plan that addresses both ongoing risks and the additional risk created by reporting the complaint

Conduct follow-up assessments as necessary

[enter the protection/security-related actors here, as ID's in service mapping – can include camp security, police, military, or other]

Security actors must be trained on SEA prevention and response, including human rights standards and appropriate standards of conduct, and understand the limitations of their roles

Direct financial assistance will *not* be provided as a form of general assistance. However, when necessary victims should be helped to find shelter, clothing, and/or food when an SEA incident(s) impedes them from using their own resources

Legal / Justice Response

The victim/complainant has the right to seek legal counselling regarding his/her complaint (regardless of case outcome)

Counselling includes assisting complainants to navigate the investigating agency's administrative process and/or the process of pursuing a civil or criminal claim under national laws – Clearly and honestly inform the victim of the procedures, limitations, pros, and cons of all existing legal options

[enter the legal actors here, as ID'd in service mapping – can include protection officers, legal aid/assistance providers, prosecutors, judges, and officers of the court, as well as traditional justice actors]

Reporting Sexual Exploitation and Abuse (SEA)

What UNHCR staff need to know and what they need to do ?

UNHCR
United Nations High Commissioner for Refugees
Haut Commissariat des Nations Unies pour les réfugiés

How to report misconduct?

Anyone having concerns or suspicions about possible misconduct by a UNHCR staff member (or anyone with a contractual link to UNHCR), regardless of their position, should report such concerns directly to UNHCR's Inspector General's Office (IGO).

Contact details

The IGO keeps the information it receives confidential

The IGO's contact details are as follows:

Email
inspector@unhcr.org

Website
www.unhcr.org/php/complaints.php

IGO Hotline
+41 22 739 8844

Fax
+41 22 739 7380

You can also report your concerns directly to an IGO staff member.

UNHCR
The UN Refugee Agency

SEA — What happens in the IGO

- Allegation received by the IGO
- Assessment of the allegation to determine one of the following course of actions
  - Referral to another UNHCR Work Unit, NGO, Representation
  - Closure if the allegations are manifestly unfounded
  - Investigation (analysis of documents, interviews, mission…)
    - Closure if allegations unfounded or unsubstantiated
    - Investigation Report
  - DHRM initiates disciplinary action where appropriate

ANNEX 4

What is SEA?

Sexual Exploitation and Abuse (SEA) of persons of concern represents a fundamental failure of protection. It brings harm to those we are mandated to protect. It jeopardizes the reputation of our organization. It also violates universally recognized international legal norms and standards and has always been unacceptable behavior and prohibited conduct for United Nations staff.

Sexual exploitation means any actual or attempted abuse of 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 persons of concern.

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

N.B.:
These six principles are not intended to be an exhaustive list.
Other types of sexually exploitive or sexually abusive behavior may be grounds for administrative action or disciplinary measure.

Reporting allegations of SEA to the IGO is your duty as UNHCR staff.

Six Core Principles

1. **Sexual exploitation and abuse of refugees or other persons of concern by UNHCR personnel constitute acts of serious misconduct** and are therefore grounds for disciplinary measures, including summary dismissal.

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 in 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 any exchange of assistance that is due to refugees or other persons of concern to UNHCR.

4. **Sexual relationships between UNHCR staff, and refugees or other persons of concern to UNHCR are strongly discouraged** since they may undermine the credibility and integrity of the work of UNHCR and since they are based on inherently unequal power dynamics.

5. **Where a staff member has concerns or suspicions regarding sexual abuse or exploitation by a fellow worker,** regardless of who employs this fellow worker, he or she is required to report such concerns to UNHCR via the established reporting mechanism described below.

6. **UNHCR staff shall create and maintain an environment that prevents sexual exploitation and abuse and promotes the implementation of their codes of conduct.** Managers at all levels have particular responsibilities to support and develop systems that maintain this environment.

What to do when you become aware of an allegation of SEA?

- **Report any allegation or suspicion immediately to the Inspector General's Office (IGO)** using the email address or hotline number provided in this flyer. When appropriate, you may seek advice from the SEA focal point in your location or the Ethics Office.
- You do not need proof before reporting but all reports must be made in good faith.
- **Do not investigate.**
- Always maintain strict confidentiality.
- Respect the dignity, wishes and rights of survivor.

How and what to report to the IGO

What happened?
Describe in detail what you know about the incident(s).

Who committed the alleged wrongdoing?
Do you know if anyone else was involved?
(Provide full names, titles and organization, if possible)

When and **Where** did the incident(s) occur?
Indicate dates and times, if available.

4g1. PSEA in Partnership Agreements and Staff PSEA obligations

Examples of PSEA language in contractual agreements

IASC Inter-Agency Standing Committee

In its 2014/2015 workplan, the IASC AAP PSEA TT agreed to collect good practices to support task team members' effort towards including PSEA language in their HR processes and partnership agreement, which is one action stipulated in the Guidelines to implement the Minimum Operating Standards on Protection from Sexual Exploitation and Abuse.

Language used in partners' contracts

"Implementing Partners (IP) shall ensure that all its employees and personnel comply with the provisions of ST/SGB/2003/13 entitled 'Special Measures for Protection from Sexual Exploitation and Sexual Abuse', which is available at www.un.org/Docs/journal/asp/ws.asp?m=ST/SGB/2003/13.

IP shall further ensure that none of its employees and personnel exposes any intended beneficiary, including children, to any form of discrimination, abuse or exploitation and that each of the IP's employees and personnel complies with the provisions of other UNICEF policies relating to protection of children as advised by UNICEF from time to time."

Service contract reads : 22.0 Sexual Exploitation:

22.1 The Contractor shall take all appropriate measures to prevent sexual exploitation or abuse of anyone by it or by any of its employees or any other persons who may be engaged by the Contractor to perform any services under the Contract. For these purposes, sexual activity with any person less than eighteen years of age, regardless of any laws relating to consent, shall constitute the sexual exploitation and abuse of such person. In addition, the Contractor shall refrain from and shall take all appropriate measures to prohibit its employees or persons engaged by it from, exchanging any money, goods, services, offers of employment or other things of value, for sexual favors or activities or from engaging in any sexual activities that are exploitive or degrading to any person. The Contractor acknowledges and agrees that the provisions hereof constitute an essential term of the contract and that any breach of this representation and warranty shall entitle UNCP to terminate the Contract immediately upon notice to the Contractor, without any liability for termination charges or any other liability of any kind.

ANNEX 4

UNHCR Principles of Partnership refers to UNHCR Code of Conduct "reiterating UNHCR staff encouragement to partners to adhere to UNHCR standards and to join UNHCR staff in upholding them".

Section 6 of the code of conduct focuses on : Cooperative arrangements with non-United Nations entities or individuals (from SG Bulletin)

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.

Field level agreements read:
PREVENTION OF SEXUAL EXPLOITATION AND ABUSE

9.1 The United Nations and WFP are committed to the protection of vulnerable populations in humanitarian crisis, including from sexual exploitation and abuse. By entering into an agreement with WFP, the Cooperating Partner undertakes to adhere to: (i) the standards set out in the Secretary-General's Bulletin Special measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13); (ii) any minimum operating standards adopted as a result of the Statement of Commitment on Eliminating Sexual Abuse and Abuse by UN and Non-UN Personnel of 4 December 2006; and (iii) any other Protection from Sexual Exploitation and Abuse (PSEA) policy or guideline as may be adopted by WFP, as notified to the Cooperating Partner by WFP from time to time.

9.2 The Cooperating Partner shall ensure that its personnel, agents, contractors and subcontractors conform to the highest standards of moral and ethical conduct. Any failure by the Cooperating Partner to take preventive measures against sexual exploitation or abuse, to investigate allegations thereof or to take corrective action, shall constitute grounds for termination of the Agreement.

8.1 The [Implementing Partner] further warrants that it shall:

a. Take all appropriate measures to prohibit and prevent actual, attempted and threatened sexual exploitation and abuse (SEA) by its employees or any other persons engaged and controlled by it to perform activities under this Agreement ("other personnel"). For the purpose of this Agreement, SEA shall include:

1. Exchanging any money, goods, services, preferential treatment, job opportunities or other advantages for sexual favours or activities, including humiliating or degrading treatment of a sexual nature; abusing a position of vulnerability, differential power or trust for sexual purposes, and physical intrusion of a sexual nature whether by force or under unequal or coercive conditions.

2. Engaging in sexual activity with a person under the age of 18 ("child"), except if the child is legally married to the concerned employee or other personnel and is over the age of majority or consent both in the child's country of citizenship and in the country of citizenship of the concerned employee or other personnel.

b. Strongly discourage its employees or other personnel having sexual relationships with IOM beneficiaries.

c. Report timely to IOM any allegations or suspicions of SEA, and investigate and take appropriate corrective measures, including imposing disciplinary measures on the person who has committed SEA.

d. Ensure that the SEA provisions are included in all subcontracts.

e. Adhere to above commitments at all times. Failure to comply with (a)-(d) shall constitute grounds for immediate termination of this Agreement.

Language used in staff and affiliated workforce employment contracts

Fixed Terms Appointments and Temporary Appointments read: "I hereby accept the appointment described in this letter, subject to the conditions therein specified and to those laid down in the Staff Regulations and Staff Rules and UNDP policies. (…) I also solemnly declare and promise to respect the obligations incumbent upon me as set out in the Staff Regulations and Rules and UNDP policies."

Staff rules read:
Article X Disciplinary measures: Regulation 10.1

a. The Secretary General may impose disciplinary measures on staff members who engage in misconduct

b. Sexual exploitation and sexual abuse constitute serious misconduct

ANNEX 4

<u>Individual contractors contract reads:</u>

"By signing the below, I, the Individual Contractor, acknowledge and agree that I have read and accept the terms of this Contract (…) and that I have read and understood and agree to abide by the standards of conduct set forth in the Secretary-General's bulletins ST/SGB/2003/13 of 9 October 2003 entitled 'Regulations Governing the Status, Basic Rights and Duties of Officials other than Secretariat Officials and Experts on Mission'."

UNHCR uses in its Code of Conduct which all staff, affiliate workforce, JPOs must sign: The Code applies to all UNHCR staff members who are all requested to sign it. Persons holding a UNHCR consultant contract, UNVs and interns will also receive the Code and be requested to confirm that they uphold its standards as far as applicable to their status. Governmental and non-governmental organizations and companies which, through their employees, work for UNHCR, will be requested to make the principles contained in the Code known to those persons in an appropriate manner.

All UNHCR staff are responsible for encouraging, advocating and promoting the dissemination of the Code of Conduct. They also have a role in implementing, monitoring and enforcing its standards.

(…) Managers at all levels have a particular responsibility for making sure that those who answer to them are familiar with the Code, and for helping to promote the honouring of its provisions. Managers, who are expected to set an example, are also responsible for communicating the Code's principles to those with whom we work, no matter how tenuous or short-term their relationship with UNHCR may be. Managers must further make sure that the people we serve – the beneficiaries – know about our Code of Conduct, and that they have the opportunity to report breaches of the Code without fear of reprisal.

OFADEC specifically mention its code of conduct in its staff contract. Article 7 focuses on PSEA.

7. Empêcher, opposer, signaler et combattre toute exploitation ou abus en direction des personnes bénéficiaires des programmes de OFADEC, des communautés d'accueil et des membres du personnel.

Article 7 : « Je m'engage à ne pas abuser du pouvoir ou de l'influence dont je dispose en vertu de ma position sur la vie et le bien-être des personnes bénéficiaires de nos programmes. Jamais je ne demanderai aucun service ou aucune faveur à des personnes bénéficiaires des programmes de OFADEC en contrepartie de la protection ou de l'assistance. Jamais je n'instaurerai des relations d'exploitation – sexuelle, émotionnelle, financière ou liée à un emploi – avec des personnes bénéficiaires des programmes de OFADEC.

Si je me trouvais engagé avec un bénéficiaire dans une relation de cette nature que je considère comme consensuelle et ne relevant pas de l'exploitation, j'en parlerais à mon supérieur et solliciterais ses conseils, en sachant que la question sera traitée avec la discrétion voulue. J'agirai de manière responsable lorsque je recruterai ou que j'engagerai des personnes bénéficiaires des programmes de OFADEC pour des services privés. J'ai l'obligation de rendre compte à mon supérieur par écrit de la nature et des conditions de cet emploi. »

IOM has just released its new PSEA mandatory instruction on Policy and Procedures for Preventing and Responding to Sexual Exploitation and Abuse:

"The instruction is applying to all people employed by or working for IOM worldwide, whether internationally or locally recruited, regardless of the type or duration of the contract, including interns, secondees, consultants, escorts and people holding hourly contracts. For the purpose of the Instruction, the term 'staff members' shall include all such persons.(...)"

The IOM Standards of Conduct (IN/15/ Rev.1), paragraph 5.42, states: IOM staff members shall provide humanitarian assistance and services in a manner that respects and fosters the rights of beneficiaries. For this reason and because there is often an inherent and important power differential in the interactions between staff members and beneficiaries, IOM strongly discourages staff members from having any sexual relationships with beneficiaries. In addition, IOM staff members shall protect against and prevent sexual exploitation and sexual abuse (SEA) of beneficiaries. Abusive and exploitative sexual activities with beneficiaries are absolutely prohibited. In order to protect the most vulnerable populations and to ensure the integrity of IOM's activities, the following specific standards shall be followed:

a. Exchange of money, employment, goods, assistance or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour, is prohibited.
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 regarding the age of a child is not a defence. This prohibition shall not apply if the IOM staff member is legally married to someone under the age of 18 but over the age of majority or consent in both the IOM staff member and spouse's country of citizenship.
c. Sexual relationships between staff members who deliver professional health services directly to beneficiaries and such beneficiaries are prohibited.
d. Using the services of prostitutes or sex workers is prohibited, regardless of the legal status of prostitution in the laws of the IOM staff members' home country or duty stations. This prohibition extends to the use of prostitution outside working hours, including while on Rest & Recuperation and home leave.

The above-mentioned acts are not intended to be an exhaustive list. The above-mentioned acts as well as other types of sexually exploitive or sexually abusive behaviour constitute serious misconduct and, as such, are grounds for disciplinary measures, including summary dismissal.

The PSEA mandatory instruction also includes specific language on recruitment and management of personal files:

"36. As part of the process of screening applicants for positions at IOM, the Human Resources Management Division, in consultation with other stakeholders, shall:

a. Require applicants to attest whether they have had any disciplinary measure imposed on them for misconduct (including for SEA);
b. Ask referees whether a candidate has been the subject of any disciplinary measure for misconduct (including for SEA);
c. Set up a mechanism to screen candidates for IOM positions for past misconduct (including for SEA).

38. The Human Resources Management Division shall ensure that all disciplinary measures or alternative measures imposed pursuant to, or as a result of, the present Instruction are promptly recorded in the relevant personnel or administrative file."

Additional support needed?

The IASC Task Team on Accountability to Affected Populations and Protection from Sexual Exploitation and Abuse offers a helpdesk service to share information and best practice, as well as case studies and additional guidance to suit specific needs. Don't hesitate to contact us: helpdesk-aap-psea@unhcr.org

4g2. Sample Confidentiality Language

Staff Rules and Staff Regulations of the United Nations: Secretary-General's bulletin ST/SGB/2014/1 (1 January 2014)

Article I: Duties, obligations and privileges

> Regulation 1.2: Basic rights and obligations of staff

>> General rights and obligations:

>> i. Staff members shall exercise the utmost discretion with regard to all matters of official business. They shall not communicate to any Government, entity, person or any other source any information known to them by reason of their official position that they know or ought to have known has not been made public, except as appropriate in the normal course of their duties or by authorization of the Secretary-General. These obligations do not cease upon separation from service.

International Medical Corps: Code of Conduct and Ethics (February 2016)

Confidential Information and Privacy:

> Sensitive information such as employee and beneficiary information and information about International Medical Corps' donors or contracts are examples of confidential information. You must maintain the confidentiality of information entrusted to you by International Medical Corps and its beneficiaries and other business partners. We also comply with the many data privacy laws around the world. We depend on you to help respect privacy by only accessing confidential employee data with proper approvals and on a need-to-know basis and not repeating or discussing information with anyone who is not approved to know such information. For further information, see the Confidential and Proprietary Matters Policy.

> Your obligation to treat information as confidential does not end when you leave International Medical Corps. Upon the termination of your employment or other engagement with International Medical Corps, you must return everything that belongs to International Medical Corps, including all documents and other materials containing International Medical Corps and beneficiary confidential information.

ANNEX 4

4h.   Audit Your Organization Against the IASC Minimum Operating Standards for PSEA

Determine to what level your organization has implemented each of the pillars below. Mark the appropriate column to the right with a ✓ indicating:

a. implemented

b. partially implemented

c. not implemented

d. do not know

Pillar 1: Management and coordination:

• Effective policy development and implementation

• Cooperative arrangements

• Dedicated department / focal point committed to PSEA

		a.	b.	c.	d.
1.	A policy stating standards of conduct, including acts of SEA, exists and a work plan to implement the policy is in place.				
2.	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).				
3.	SG's Bulletin (ST/SGB/2003/13) or respective codes of conduct are included in general contract conditions.				
4.	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.				
5.	A dedicated department/focal point have the overall responsibility for the development and implementation of PSEA policy and activities.				
6.	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.				
7.	Staff members dealing with PSEA have formalised responsibility for PSEA in their job description, performance appraisal or similar.				
8.	They have received systematized training on PSEA and the time committed to PSEA is commensurate with the scale of implementation required under the current situation of the organization.				

Pillar 2: Engagement with and support of local community population

• Effective and comprehensive communication from HQ to the field on expectations regarding raising beneficiary awareness on PSEA.

• Effective community based complaints mechanisms (CBCM), including victim assistance.

		a.	b.	c.	d.
1.	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).				
2.	The HQ has distributed examples of awareness-raising tools and materials to be used for beneficiary awareness raising activities.				
3.	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.				
4.	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.				
5.	There is a mechanism for monitoring and review of the complaint mechanism.				
6.	The organisation has written guidance on the provision of victim assistance.				

Pillar 3: Prevention

• Effective recruitment and performance management.

• Effective and comprehensive mechanisms are established to ensure awareness-raising on SEA amongst personnel.

		a.	b.	c.	d.
1.	The organisation makes sure that all candidates are required to sign the code of conduct before being offered a contract.				
2.	Each organisation commits to improving its system of reference checking and vetting for former misconduct.				
3.	Supervision and performance appraisals include adherence to participation in Code of Conduct trainings (or similar) that includes PSEA.				

ANNEX 4

4.	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.				
5.	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.				
6.	Training on misconduct (specifically mentioning SEA) forms part of the induction process.				
7.	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.				

Pillar 4: Response

- Internal complaints and investigation procedures in place

		a.	b.	c.	d.
1.	Written procedures on complaints/reports handling from staff members or beneficiaries are in place.				
2.	Staff members are informed on a regular basis of how to file a complaint/report and the procedures for handling these.				
3.	Standard investigation operating procedures or equivalent issued and used to guide investigation practice.				
4.	Investigations are undertaken by experienced and qualified professionals who are also trained on sensitive investigations such as allegations of SEA.				
5.	Investigations are commenced within 3 months and information about out come is shared with the complainant.				
6.	Substantiated complaints have resulted in either disciplinary action or contractual consequences and, if not, the entity is able to justify why not.				

ANNEX 4

4i. Generic Feedback Form
Communicating with the Victim/Complainant

Date complaint brought to CBCM: _____

Date of CBCM's first contact with victim/complainant: _____

Services:

Victim/complainant referred for assistance services? Yes / No

    If Yes, which:

Security _[date]_ ;
Medical _[date]_ ;
Legal   _[date]_ ;
Mental Health / Psychosocial _[date]_

Information communicated to victim/complainant before being referred for assistance
services: _____
_____
_____
_____
_____
_____

Information given by: [name; agency]   Date: _____

Victim/complainant's reported satisfaction with referral and services provided: _[date]_

____Highly Satisfied

____Satisfied

____Could improve

____Not satisfied____

Additional comments: _____
_____
_____
_____
_____
_____

Referral to Agency:

Date CBCM referred complaint to agency: _____

Date CBCM notified victim/complainant: _____

Information communicated to victim/complainant at the time of allegation referral to investigating agency: _____

_____
_____
_____
_____
_____

Information given by: [name; agency]   Date: _____

Agency acknowledged receipt of allegation: [date / agency name]

Victim/complainant notified of receipt: _____ By Agency; _____ By CBCM;
Date: _____

Agency communications with victim/complainant (if known): [may include: When/ whether an investigation has commenced, or that the complaint was determined an insufficient basis to proceed; When the investigation concluded; The outcome of the Investigation] _____

_____
_____
_____
_____
_____

Victim/complainant reported satisfaction with complaint handling: [date]

____Highly Satisfied

____Satisfied

____Could improve

____Not satisfied____

Additional comments: _____

_____
_____
_____
_____

Follow-up:

Any follow-up communications with the victim/complainant: [date]   _____

_____

_____

_____

_____

_____

Information given by: [name; agency]

Any follow-up communications with the victim/complainant: [date]   _____

_____

_____

_____

_____

_____

Information given by: [name; agency]

Any follow-up communications with the victim/complainant: [date]   _____

_____

_____

_____

_____

_____

Information given by: [name; agency]

4j1.   Generic Satisfaction / Perception Survey

One way to track communities' perception of and satisfaction with the CBCM over time is to use a satisfaction or perception survey. The sample below is derived from a perception survey which has been used in the humanitarian sector, called the Constituent Voice.*

The methodology is based on posing a limited number of questions to a large sample population, in order to identify trends in the response. These micro-surveys are not designed to provide an in-depth understanding of a target population's general level of satisfaction on an issue or service. The survey results can suggest where problems may exist, but may not reveal the specific cause and should therefore be used in combination with other qualitative and quantitative monitoring and evaluation tools to deliver a more effective programme.

The Constituent Voice suggests creating a mix of five questions selected from across four categories to get a broad understanding of the respondents' experiences of and attitudes toward the surveyed issue. For this purpose, the issue being assessed is the perceived relevance and effectiveness of a CBCM.

Category		Possible questions
Importance of the Mechanism	Questions establish the importance or relevance of the CBCM to the respondent	Ranking from 1-not at all to 5-extremely • How important is the Protection against Sexual Exploitation and Abuse (PSEA) to you? • How important is it for you to know how humanitarian staff are expected to behave? • How important is it for you to know where and how to lodge a complaint, including one on SEA?
Quality of Services	Questions on the timing, quality, and relevance of the services provided	• How relevant are the awareness-raising sessions on PSEA for you? • How accessible is the Complaints Mechanism to you and others in your area? • If you have been assisted by [insert name of clinic/health services on site] in the past, how helpful was their service?
Quality of the Relationship	Questions on trust, competence, and responsiveness of CBCM representatives	• Do you have confidence and trust in the CBCM Focal Points? • Do the CBCM Focal Points treat you with courtesy, dignity, and respect during awareness-raising activities? • Do you feel free to ask questions and say what you think? • Do you believe that the CBCM will satisfactorily respond to and act upon your feedback?
Outcomes	Questions that elicit beneficiaries' perceptions of what is happening in PSEA today and predictions on how the CBCM will affect the future	• Do you feel there are real and beneficial changes taking place in your life and your community because of the CBCM? • Do you think more work needs to be done on SEA prevention and assistance to victims? • Do you think you will do anything differently after attending the PSEA awareness-raising session?

* http://feedbackcommons.org/sites/default/files/constituent_voice_technical_note_2015_v1.1.pdf.
   Please refer to the methodology section in this Technical Note for more about the data collection and analysis phases of such perception surveys.

4j2.   Generic Knowledge, Attitude, and Practices ("KAP") Survey (Baseline knowledge assessment)

The main objectives of conducting this assessment are:

• To assess communities' knowledge about standards of conduct for humanitarian workers, particularly on sexual exploitation and abuse

• To assess communities' knowledge on how and where they can report Sexual Exploitation and Abuse incidents

• To set a baseline to compare the impact of the programme against subsequent KAP surveys after awareness-raising activities have commenced

Methodology:

The assessment can use cross-sectional quantitative study design with systematic sampling methodology. Evaluators will need to determine the survey area and calculate sample size through a standard sample size calculation formula, as well as determine the methodology for soliciting the information, i.e. through focus group discussions or individual interviews.

The variables intended to assess are:

• Percentage of community members who have basic knowledge of SEA

• Percentage of community members who know where to report SEA incidents

One example of a structured questionnaire used to gather information from community members through structured interviews with selected households is provided below. The questionnaire should be adapted to the context of the specific country/site/CBCM.

Questionnaire:

Consent: Before proceeding; randomly select <u>one</u> eligible respondent from the selected household ("HH")

"My name is _____from [name of your organization]. I am collecting information related to sexual exploitation and abuse. I would like to talk to you about this, if you are comfortable discussing the issue. The interview will take about 10 minutes. All the information that you provide will remain strictly confidential.

May I start?"

[If permission is given, continue]

Name of the interviewer:

I. Background			
01	Date of interview **[DD-MM-YYYY]**		
02	Time of interview began **[HH-MM]**		
03	Time of interview ended **[HH-MM]**		
04	HH Number		
05	Geographical area		
06	Sex of the respondent	Female…. 1 Male ……2	
07	Age of the respondent **[Years]** How old are you?		
08	How long have you lived in here?	Less than 6 months………… 1 > 6 months, but < 1 year……. 2 > 1 year, but below 2 years…….. 3 2 years and above………. 4	

II. SEA knowledge			
09	Are you aware that humanitarian staff have standards of conduct?	Yes..... 1 No..... 2 I don't know.....3	
10	Do you know what Sexual Exploitation and Abuse is?	Yes..... 1 No..... 2 I don't know.....3	
11	Can you tell me an example of SEA? **(Do not read answer choices out loud; circle if they mention any of the following)**	Relations with beneficiaries under 18 years old Monetary benefits for sex Relations between students and teachers at school Relations with humanitarian aid worker at assistance setting Relations for benefit of Shelter Etc...	
12	Is this an issue that you are concerned about in this camp/community?		
13	If "Yes", what types of sexual exploitation and abuse incidents are you most concerned about in this community?		
14	Where do you think these cases of sexual exploitation and abuse can happen?	At school .....1 At market.....2 At home.......3 At food distribution centre.....4 At water points.....5 Any other place.....6	
15	What is your basic source of information on sexual exploitation and abuse-related issues in this camp?	Health facilities......1 Women's centers.....2 Mass campaign sessions .....3 Electronic medias/radios.....4 Through awareness creation....5 Others (specify).....6	
16	Have you participated in any awareness-raising events about SEA since you came to the village/area/ camp?	Yes.....1 No.....2 I don't know.....3	

ANNEX 4

III. SEA reporting		
17	If you suspect/witnessed/were subjected to sexual exploitation and abuse, what would you do? **(If the answer is "I don't Know", skip Q.18)**	Nothing.....1 I will report the case.....2 I don't know what to do.....3 Other (specify).....4
18	Do you know where to report abuses? **(If the answer is No, skip Q.19)**	Yes.....1 No.....2
19	If Yes, where / to whom?	Names of different organizations....1 Names a CBCM channel (specify)...2 Other(specify).....3
20	Do you feel you have adequate knowledge of where and how to report sexual exploitation and abuse in this community?	Yes.....1 No.....2 I don't know.....3

IV. SEA service delivery		
17	In your opinion do survivors of sexual exploitations and abuse get services/support from any support service-giving organization?	Yes.....1 No.....2 I don't know.....3
18	What services are available for survivors of sexual exploitation and abuse? **(Do not read answer choices out loud; circle if they mention any of the following)**	Medical.....1 Legal.....2 Safety/security.....3 Psychosocial..... 4 Material.....5

Thank You!

ANNEX 5

The Common
Reporting Platform

A Glance at the Common Reporting Platform

The Common Reporting Platform (CRP) is a monitoring and evaluation tool created through the IASC Pilot Project on inter-agency PSEA CBCMs, and is available to be replicated in additional operational sites. It is a database used to record and track all complaints received, survivor referrals to assistance service providers, SEA allegation referrals to investigation units, and feedback to survivors.

It allows a CBCM to standardize its data collection, organize cases[1] and update them as new information arises. The CRP also monitors awareness-raising activities for both staff and members of the affected population, and records information collected on their impact on knowledge and behavioural change.

The Common Reporting Platform (CRP) is a monitoring and evaluation tool developed for the IASC Pilot Project on PSEA CBCMs.

Confidentiality is ensured through password protection – only authorized users have access to sensitive data, and only the site administrator may decide who may be granted access.
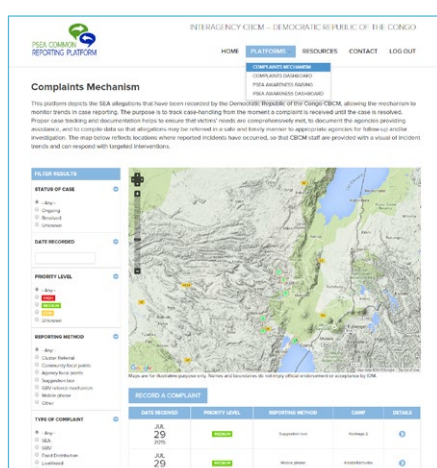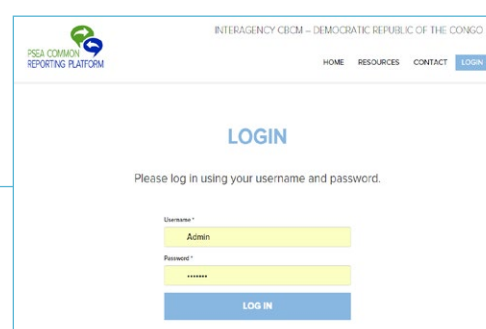
The map reflects locations where reported incidents have occurred so that CBCM staff are provided with a visual incident trends and can respond with targeted interventions.

The table lists the reported complaints, including dates, priority level, reporting methods and location. Clicking on each complaint will provide all the complaint details.

---

1   The images shown here are from a demonstration platform – none of the cases pictured represent real complaints.

Recording a complaint: standardized intake form.

The Record a Complaint Form contains the following fields:

General information: *date recorded, priority level, reporting method, type of complaint, location/name of complainant, and contact details*

Survivor details: *Name of survivor, ID#, consent, age, sex, contacts of parents if under 18, nationality, and vulnerability factors*

Incident details: *Date of incident, time, brief description, and witness name and contact*

Subject of the complaint (the accused): *Name, agency, work sector, job title, address, age, physical description, and sex*

Security/safety: *requested security measures, security measures taken, agency responsible for ensuring safety plan, survivor informed of available services, and assistance provided (medical, legal, psychosocial/mental health, livelihoods)*

Referral details: *date/time survivor referred for services and service provider(s), date/time allegation referred to agency, and case status*

Feedback/satisfaction: *Date/time feedback given to survivor, case feedback provided, who provided feedback, survivor satisfaction with the complaint mechanism, the assistance service, and the case feedback + additional comments*

Not all fields need to be filled – the record can still be made with only limited information.

The complaint details screen presents an overview of all the details recorded as well as the feedback and satisfaction information.

Best Practice Checklist

Best Practice Checklist

	Find in the Annexes	Find on the Internet (click to get the hyperlink)
Key reference documents	• UN Secretary-General's Special Bulletin on Special measures for protection from sexual exploitation and sexual abuse (2003) • Statement of Commitment on Eliminating Sexual Exploitation and Abuse by UN and Non-UN Personnel (2006) • IASC Minimum Operating Standards for PSEA (2012) • IASC Statement on Protection from Sexual Exploitation and Abuse (2015) • IASC Global Standard Operating Procedures (SOPs) on Inter-Agency Cooperation in CBCMs (2016)	• Guidelines to Implement the Minimum Operating Standards for PSEA • Challenges and Options to Improving Recruitment Processes in the Context of Protection from Sexual Exploitation and Abuse (PSEA) by our own staff (2013) • IASC Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action (2015) • IASC's 2012 Compendium of Practices on Community-Based Complaints Mechanisms • Report of the 2014 HAP Conference "Do Complaint Mechanisms Work?" • SEA Victim Assistance Guide (2009): Establishing Country-Based Mechanisms for Assisting Victims of Sexual Exploitation and Abuse • Model Complaints and Investigation Procedures and Guidance Related to Sexual Exploitation and Abuse (Draft) (including the IASC Model Complaint Referral Form)
Sample tools and checklists to set up a CBCM	• Sample Terms of Reference for CBCM Focal Points and Steering Committee • Sample Complaint Handling Flowcharts and Victim Assistance Referral Pathways • Sample PSEA language in Contract Clauses • Step by Step overview of the CBCM Best Practice Guide	• PSEA Task Force online Toolkit • InterAction's Step by Step Guide to Addressing Sexual Exploitation and Abuse PSEA Checklists for Agencies (examples): • UNICEF's Minimum Response Checklist: Prevention of Sexual Exploitation and Abuse by Personnel • HAP International's Sexual Exploitation and Abuse Prevention and Response Tally Sheet • IRC's Preventing Sexual Abuse and Exploitation Mainstreaming Checklist • InterAction – Audit Your Organization Against the IASC Minimum Operating Procedures for PSEA

Guidance on how to engage with communities throughout the project	• Sample Beneficiary Satisfaction and Perception survey • Sample Knowledge, Attitude and Practice (KAP) survey • Sample Complainant/ Survivor Feedback Templates • Sample Common Codes of Conduct	• The Core Humanitarian Standard on Quality and Accountability (CHS) • Community Consultation guides, e.g. The UNHCR Tool for Participatory Assessment in Operations • Community Mobilization Toolkits e.g. SASA! • Behavior Change Communication Toolkits e.g. UNICEF's Behaviour Change Communication in Emergencies
Common Reporting Platform (complaint handling database)	• A Glance in the Common Reporting Platform	• For more information on the database, or to see a demo, contact PSEA-CBCM@iom.int
Training material on PSEA	Examples online: • InterAction's PSEA Basics Training Guide • UNICEF's Training of Trainers on Gender-Based Violence: Focusing on Sexual Exploitation and Abuse • ICVA's Building Safer Organisations Handbook: Training Materials on Receiving and Investigating Allegations of Abuse and Exploitation by Humanitarian Workers • SEA 201: Mainstreaming SEA Prevention and Response (e-learning tool) • To Serve with Pride (video)	
Additional questions	Write to the AAP/PSEA Task Team Help Desk: helpdesk-aap-psea@unhcr.org or go to the Task Team's website by clicking here or at https:// interagencystandingcommittee.org/accountability-affected-populations-including-protection-sexual-exploitation-and-abuse	