InterAction
A UNITED VOICE FOR GLOBAL CHANGE

For more information,
please contact:

**The InterAction Sexual
Exploitation and Abuse
Sub-Working Group**

SEA@InterAction.org

InterAction Step by Step Guide to Addressing Sexual Exploitation and Abuse

Acknowledgements

In developing this guide, we have drawn inspiration from and been guided by the comprehensive materials published by the Inter-Agency Standing Committee, Building Safer Organisations/Humanitarian Accountability Partnership International, and the United Nations.

The original version of this guide was drafted by Rachel Taylor, consultant to the InterAction Sexual Exploitation and Abuse (SEA) Sub-Working Group. The final version was prepared by the SEA Sub-Working Group, led by co-chairs Daisy Francis, Catholic Relief Services, and Angela Wiens, International Medical Corps. The development of the guide was staffed at InterAction by Heather Powell.

Table of Contents

I. Introduction

This is a step-by-step guide to assist InterAction members in developing and implementing policies to prevent and respond to sexual exploitation and abuse (SEA) of beneficiaries and vulnerable members of the community in countries where members work.

The intention is to make the process easily understandable and applicable to one's own organization so that any staff person at any organization can pick up the guide and use it to get started—or to enhance and expand on what they already have in place. While the text of this guide is designed to review the steps as if they come in a chronological order, this may not be the way your organization will deal with these steps in reality. The graphic below illustrates the various entry points for starting the process of launching an SEA system for your organization. It is expected that the content of the guide will need to be adapted to more accurately fit the mission and mandate of each agency.
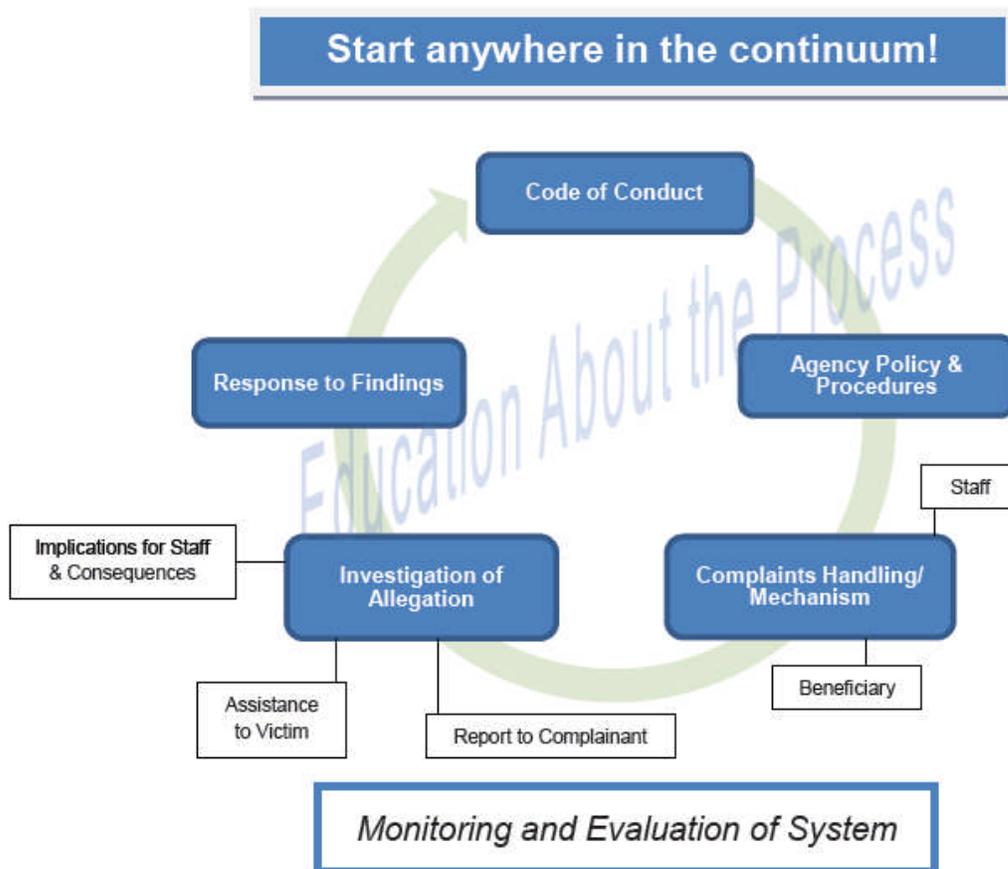
The existence of SEA in the humanitarian response community and the need to prevent and respond appropriately is recognized internationally as a major issue. The United Nations, along with Non-Governmental Organization (NGO) alliances and other international organizations, have issued directives from the highest levels endorsing standards of zero tolerance for SEA (particularly the *United Nations Secretary-General's Bulletin on Special Measures for the Protection from Sexual Exploitation and Sexual Abuse 2003/13)*[1].

---

[1] *United Nations Secretary-General's Bulletin on Special Measures for Protection from Sexual Exploitation and Sexual Abuse (2003/13). October 2003. (ochaonline.un.org/OchaLinkClick.aspx?link=ocha&DocId=1001083*

All humanitarian and development agencies should have in place policies and systems on prevention of and response to SEA, not only because it is the right thing to do but also because it is a requirement for anyone who is an implementing partner of the United Nations. Additionally, as more and more donors are raising SEA as a priority concern for them, it is in the interest of members to have systems in place that demonstrate their tangible commitment to addressing SEA.

All InterAction member organizations by virtue of their membership have signed on to InterAction's Private Voluntary Organization (PVO) Standards, which are intended to ensure and strengthen public confidence in the integrity, quality, and effectiveness of member organizations and their programs. There is a section of these standards addressing protection of beneficiaries from SEA (section 7.9 "Protection from Sexual Exploitation and Abuse in Humanitarian Crises," which can be found in the annex section of this guide); thus, all InterAction member organizations have agreed to this basic protection for their program beneficiaries.

But essentially, and most importantly, the reason to have SEA policies in place is because beneficiaries have a right not to be abused or exploited in return for aid, and any circumstances that allow exploitation and abuse to occur undermine the assistance and positive change that the aid community is trying to bring.

II. Definitions

For the purpose of this guide, the following definitions are used:

Beneficiary: A person who receives assistance as part of humanitarian relief or development programs.

Child: Any individual under the age of 18 years, irrespective of local country definitions of when a child reaches adulthood.

Code of conduct: An organization's standard of personal behavior that staff must adhere to as a condition of employment.

Complainant: The person reporting (or "making a complaint" about) SEA. This could be the victim or another person who becomes aware of the wrongdoing.

Complaint: The report of an incident of SEA.

Complaints mechanisms: Processes for individuals to report SEA allegations. Complaints mechanisms should be safe, confidential, transparent, and accessible.

Complaints procedure: a framework that describes the course of action for receiving and processing allegations of SEA. This includes systems for processing complaints within an organization, as well as procedures for beneficiaries to bring complaints forward.

Focal point: A person specifically designated and trained to receive SEA complaints and to provide support on SEA matters.

Gender: The social differences between males and females that are learned, and though deeply rooted in every culture, are changeable over time, and have wide variations both within and between cultures. "Gender" determines the roles, responsibilities, opportunities, privileges, expectations, and limitations for males and females in any culture.

Gender-based violence (GBV): An umbrella term for any harmful act that is perpetrated against a person's will and that is based on socially-ascribed (gender) differences between males and females.

Investigation procedure: A framework that describes the course of action to be taken when conducting SEA investigations.

Partner: An organization executing a project or undertaking work in the name of another organization.

Sexual abuse: Actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

Sexual exploitation: 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 another.

Staff member: Any person who either works for or represents your organization, regardless of whether or not s/he is compensated monetarily.

Subject of complaint: The person alleged to have perpetrated SEA.

Victim: The person who is sexually exploited or sexually abused. The term Victim is not meant to imply a lack of strength, resilience, or capacity to survive.

Witness: A person who gives testimony or evidence in an SEA investigation. A witness may be the victim, the complainant, a beneficiary, a staff member of a partner agency, the subject of the complaint, or another staff member.

Clarification of Other Terms

The terms **field** and **headquarters** are used to differentiate the location where programs/services are delivered to beneficiaries (**"field"**) and where the organization's ultimate management authority lies (**"headquarters"**).

*What is the difference between SEA and **sexual harassment**?*
>SEA occurs **against a beneficiary or vulnerable member of the community.**
>**Sexual harassment** occurs when power differentials <u>between staff members</u> are abused.

*What is the difference between SEA and **gender-based violence (GBV)**?*
>**GBV** is violence that is perpetrated against someone because of his/her gender. Thus, SEA can be seen as a type of GBV, as victims of SEA are often abused because of their vulnerable status as women, girls, or boys.

The **Inter-Agency Standing Committee (IASC)** is referenced throughout this guide because they have authored key SEA guidance documents. The IASC was established in 1992 in response to UN General Assembly Resolution 46/182, which called for strengthened coordination of humanitarian assistance. It was set up as the primary mechanism for facilitating inter-agency decision making in response to complex emergencies and natural disasters. For more information, visit: www.humanitarianinfo.org/iasc.

The Executive Committees on Humanitarian Affairs and Peace and Security (ECHA/ECPS) UN and NGO Task Force on Protection from Sexual Exploitation and Abuse was established in February 2005 with the aim of preventing SEA. It has produced some important outputs, including the High-level Conference on Eliminating Sexual Exploitation and Abuse by UN and NGO Personnel, a strategy on assistance to victims, an awareness-raising video, and a web-based repository of tools, found at the site: www.un.org/pseataskforce.

III.   Getting Started

Who

Developing an SEA program will be most effective when carried out by a team, rather than one individual. A diverse team will ensure that your policies reflect the needs and perspective of a variety of stakeholders. Select staff from different departments, which might include human resources, legal, audit, policy, program, and others. Be sure to include at least one staff member with field experience; someone who has implemented programs, managed national staff, and interacted with beneficiaries. If you have a staff member experienced in protection or GBV programming, consider including him/her on the team. It is also strongly recommended that one of the above be a member of senior management. This increases the profile of your SEA activities and improves access to your organization's decision makers. Finally, you will need to engage beneficiaries, particularly in the development of complaints mechanisms (see ***Complaints Procedures*** section below). Consider whom you might include - even on an ad hoc basis - to advise on beneficiary participation.

When

Now is the time to begin - or continue - developing your SEA systems. While the structure of this guide suggests a linear progression of activities and outputs, you can start anywhere at any time. Circumstances may dictate that you investigate an SEA allegation before you have a complaints mechanism in place. Or that you implement a complaints mechanism before revising your code of conduct. If so, use this guide and the reference materials to start wherever necessary; after doing so, you will have experience to inform the further development of your SEA policies and procedures.

Where

It is assumed that most policy development occurs at an organization's headquarters office. However, as you will read throughout this guide, it is vital that your field staff and beneficiaries contribute to the process. Select several field sites to pilot test your SEA procedures and provide feedback to your team.

How - Cost?

Your senior management should consider how it will ensure that your team has sufficient time, human resources, and support. With the health and safety of beneficiaries, your funding and reputation at stake, the cost of ***not*** properly preventing and responding to SEA allegations is much greater than the staff time and resources required to do so.

What?

If you are new to SEA there are several key documents you should become familiar with and keep on hand as a reference:

- *United Nations Secretary-General's Bulletin on Special Measures for the Protection from Sexual Exploitation and Sexual Abuse 2003/13*
  This communication from Secretary-General Kofi Annan in 2003 has become the key reference document for SEA definition and codes of behavior for UN staff and all individuals and organizations that partner with the UN. The SG's Bulletin, as it is known, establishes the core obligations of humanitarian workers in preventing and responding to SEA. It also notes clearly the obligations of all "implementing partners" in creating a context free of SEA and the duties of humanitarian actors as a whole.

- *IASC Draft Model Complaints and Investigation Procedures and Guidance Related to Sexual Abuse and Sexual Exploitation,* March 2004
  This document serves as a template for how organizations can gather the necessary information when there is an allegation of SEA against a staff member.

- *Building Safer Organisations (BSO) Guidelines: Receiving and Investigating Allegations of Abuse and Exploitation by Humanitarian Workers.* BSO project, December 2006
  These guidelines were developed by Building Safer Organisations (BSO), a program that is now part of the Humanitarian Accountability Partnership International. This is a key reference guide that has clear steps and descriptions of the development of complaints mechanisms and investigation procedures.

- *BSO Handbook: Training Materials on Receiving and Investigating Allegations of Abuse and Exploitation by Humanitarian Workers.* BSO project, December 2006
  This handbook contains materials for BSO's training program, including slides, hand-outs, and facilitator's notes.

- *ECHA/ECPS Draft Guidelines on Setting up a Community Based Complaints Mechanism Regarding Sexual Exploitation and Abuse by UN and non-UN Personnel.* (in development)
  The UN/NGO Task Force is currently developing guidelines for setting up community-based complaints mechanisms. This is an easy-to-use guide that provides clear steps and descriptions about establishing a complaints mechanism at field level.

IV. Developing Policies and Procedures to Prevent and Respond to SEA

A. Code of Conduct

A code of conduct describes the minimum standards of behavior that your organization expects its staff to follow. It provides the grounds for discipline or termination of employment should staff fail to meet your standards. Whether you revise your existing code of conduct or draft one specific to SEA, you should have a code that explicitly prohibits SEA and reflects the following principles:

- Sexual exploitation and abuse by humanitarian workers constitute acts of gross misconduct and are therefore grounds for termination of employment;
- 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 defense;
- Exchange of money, employment, goods, or services for sex, including sexual favors or other forms of humiliating, degrading, or exploitative behavior, is prohibited. This includes exchange of assistance that is due to beneficiaries;
- 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;
- Where a humanitarian worker develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same agency or not, s/he must report such concerns via established agency reporting mechanisms;
- Humanitarian workers are obliged to create and maintain an environment that 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 that maintain this environment.

The IASC Task Force on Protection from Sexual Exploitation and Abuse developed these six core principles for inclusion in UN and NGO codes of conduct.

Once ratified by senior management, incorporate your new code of conduct and the consequences for violating it into your human resources policies and procedures. Your code of conduct should be accessible in each country's predominant language; some countries may require translation into several different languages. Publicize and disseminate these documents throughout all offices. Plan an orientation to introduce all staff to the revised code as well as to SEA more generally (see **Staff Orientation & Ongoing Education** below for more details).

Ensure that every staff member signs the code of conduct - consider having a witness sign as well - and enter the document into his/her personnel file. For many organizations, expatriate staff codes are entered into a headquarters file while field offices retain national staff files. Create a monitoring system to ensure that all staff have signed and that the signed and witnessed codes are entered into the appropriate personnel file. To monitor this activity on an ongoing basis, consider including in regular field audits a check of personnel files for signed codes of conduct.

B. Staff Recruitment

The IASC's *Guidelines for Gender-based Violence Interventions in Humanitarian Settings* includes recommendations applicable to staff recruitment at both headquarters and field levels: [2]

---

[2] *IASC Guidelines for Gender-Based Violence Interventions in Humanitarian Settings.*
http://www.humanitarianinfo.org/iasc/pageloader.aspx?page=content-subsidi-tf_gender-gbv

1. Designate appropriately trained, knowledgeable, and accountable personnel to be responsible for recruitment and hiring of employees and consultants. These personnel should be trained in human resources, knowledgeable about the risks of staff misconduct with regard to GBV, including SEA, and held accountable for implementing internationally recognized standards in hiring practices. They should be familiar with the SG's Bulletin.

2. When recruiting local and international staff, including short-term consultants, interns, and volunteers, careful hiring practices should include reference checks for all categories of employee. Do not hire any person with a history of perpetrating any type of GBV, including SEA or domestic violence.

3. Ensure that hiring practices prohibit and prevent sexual exploitation from occurring during hiring. All personnel involved in recruitment and hiring should be held accountable for their behavior and practices. Checks must be put in place to ensure transparency in hiring practices and that staff do not abuse their position of power in the hiring process.

4. Ensure that hiring practices prohibit and prevent sexual exploitation from occurring during hiring.

5. All personnel involved in recruitment and hiring should be held accountable for their behavior and practices.

6. Checks must be put in place to ensure transparency in hiring practices and that staff do not abuse their position of power in the hiring process.

Recruiting More Women Employees at All Levels

Sexual exploitation and abuse are grounded in gender inequality; therefore, activities should be conducted in a gender-sensitive manner and the views and perspectives of women and girls be adequately considered. Human resources should endeavor to increase the numbers of local and international women staff. This includes women in management and leadership positions.

Identify, understand, and address obstacles to employing women. Recognize that women, especially if they are local, may have some limits on their access to and availability for work. There may be low literacy rates among adult females in the population, or cultural beliefs that limit opportunities for women to work. Implement strategies and employment schemes to accommodate women and remove obstacles.

(Source: IASC Guidelines for Gender-based Violence Interventions in Humanitarian Settings.)

C. Complaints Procedures

Key Resources: The IASC Task Force's *Draft Model Complaints and Investigation Procedures and Guidance Related to Sexual Exploitation and Abuse* and the ECHA/ECPS Task Force's Draft *Guidelines on Setting up a Community Based Complaints Mechanism Regarding Sexual Exploitation and Abuse by UN and non-UN Personnel* directly inform this section. Both may be used as a template for your own procedures and policies. BSO's *Guidelines: Receiving and Investigating Allegations of Abuse and Exploitation by Humanitarian Workers* also provides clear and helpful guidance.

For the purposes of this guide, a distinction is drawn between the means for beneficiaries/communities to complain and the means for staff to receive and refer the complaint. Together with a complaint referral form and policies on sharing information about the allegation, these mechanisms will comprise your organization's complaints procedures.

1. Complaints Mechanisms for Staff

A complaints mechanism provides the means by which an SEA complaint is received, documented, and referred to your management staff in headquarters. The following is the procedure outlined in the IASC *Draft Model Complaints and Investigation Procedures and Guidance Related to Sexual Exploitation and Abuse.*[3]

a) The first point of contact when a staff person receives an SEA complaint (or needs to report an SEA incident him/herself) should be whoever is designated within your organization to accept SEA complaints (e.g., managers, focal points).

b) If the staff member who receives the complaint genuinely believes that your organization's established reporting route is compromised, or that s/he would be victimized or s/he has no confidence in your local management structure, then the complaint should be raised directly with someone else (e.g., another manager or focal point) at your regional or headquarters level.

c) In exceptional circumstances, the complaint could also be reported to a UN agency or another NGO if the staff member genuinely believes that raising the matter within your organization would not be effective, or could result in further victimization, or if s/he has already disclosed the matter to your organization but no effective action has been taken.

d) It is suggested that the complaint be recorded or written using a standard complaint referral form,[4] and that it be signed and dated. You must ensure that the individual who makes a complaint is informed of your policy on confidentiality (if you don't have such a policy, you should develop one). You may wish to obtain written consent from the complainant regarding the information that will be made available to others within the complaint management system.

e) Once a complaint is made, the person who receives the information should immediately report it to the designated contact person(s) at headquarters. Once the complaint is received,

---

[3] *IASC Draft Model Complaints and Investigation Procedures and Guidance Related to Sexual Exploitation and Abuse.*
http://www.un.org/en/pseataskforce/docs/sea_model_complaints_and_investigation_procedures_and_guidan.pdf
[4] *IASC Draft Model Complaints and Investigation Procedures and Guidance Related to Sexual Exploitation and Abuse,* p. 27.
http://www.un.org/en/pseataskforce/docs/sea_model_complaints_and_investigation_procedures_and_guidan.pdf

your designated senior management, in consultation with relevant staff, should consider the appropriate steps to take, including the initiation of preliminary inquiry or an investigation as per your Investigation Procedures (see ***Investigation Procedures*** section below). Confidentiality should be maintained at all times during this process, with information shared only with other staff on a need-to-know basis.

f)   Any investigation that is undertaken must be completed, regardless of whether the alleged perpetrator is still your staff member. In the event that a complaint does not warrant a full investigation, the country director/head of mission may nonetheless be asked to take a number of steps to address concerns in other ways (for example, addressing matters of poor practice via training, a change in working arrangements, or a change in procedures).

g)   If the complaint involves staff of other UN agencies, NGO partners, military personnel, or non-staff personnel, such agencies must be informed of the complaint via established mechanisms. Where the complaint involves personnel of more than one agency, consideration should be given to conducting a joint investigation in the interests of information and resource sharing, as well as limiting the number of interviews necessary. This would be coordinated through a joint strategy meeting, convened immediately to discuss the complaint and agree on a course of action.

h)   If the complaint involves allegations against persons who could be UN staff or partners, even when the precise affiliation of the person(s) is unknown, the matter should be referred to an inter-agency network, and consideration should be given to conducting an inter-agency investigation to ensure that "rumors" are addressed expeditiously.

i)   You should inform the subject of the complaint against him or her. He or she should be given an opportunity to answer the allegations in writing and to produce evidence to the contrary.

Staff members may be faced with barriers to complaining. They may fear that they are wrong about a complaint, suspicion, or rumor. The Building Safer Organisations (BSO) Guidelines explain the importance of **mandatory reporting**:

Mandatory reporting makes individual staff members less responsible for the "trouble" they may be perceived as causing, since it removes discretion to report. Effective mandatory reporting mechanisms will tell staff unambiguously:

- When to report
- To whom to report
- How to report
- What will happen if they do not report (including possible disciplinary measures)

Mandatory reporting mechanisms work best in conjunction with policies that enable organizations to discipline staff members for retaliating against a colleague who reports concerns of SEA or otherwise cooperates with an investigation. Effective policies clearly identify the type of prohibited conduct and the consequences of engaging in conduct that breaches the policy. They also make clear that deliberately reporting false or misleading allegations is itself misconduct and grounds for dismissal.[5]

Flow charts can help illustrate your reporting processes for staff within field offices, from the field to headquarters, and within senior management at headquarters. If you have trouble charting the reporting chain, you should simplify and streamline your process.

---

[5] *BSO Guidelines: Receiving and Investigating Allegations of Abuse and Exploitation by Humanitarian Workers,* p. 9-10.
http://www.hapinternational.org/pool/files/bso-guidelines.pdf

2. Complaints Mechanisms for Beneficiaries and the Community

Complaints mechanisms provide the means by which beneficiaries can share SEA concerns. These mechanisms should be safe, confidential, transparent, and accessible. There is no "one size fits all" approach to SEA. From country to country – and between communities within the same country – there will be different barriers to reporting. The only way to know how beneficiaries would be most comfortable reporting SEA is to **ask them**. Engage beneficiaries from all walks of life to ensure that your complaints mechanisms and messaging address differences in:

* language	* age
* sex	* sexual orientation
* caste	* physical ability
* faith	* level of literacy
* culture	* job role

It is essential that "women and children who have an impairment or disability…have a means of being heard and that lack of mobility or verbal communication does not exclude them."[6] Also ensure that male children are considered when developing complaints mechanisms, as they can also be victims of SEA.

The ECHA/ECPS UN and NGO Task Force's draft *Guidelines on Setting up a Community Based Complaints Mechanism Regarding Sexual Exploitation and Abuse by UN and non-UN Personnel* provides detailed guidance on establishing community-based complaints mechanisms. The following are the initial steps to take when establishing a community-based complaints mechanism.[7]

Consult with the community
Find out how the community complains/raises concerns. What are the existing methods that they already use? Do they find them effective, in terms of getting issues addressed? How do they see those methods used together with the system that your organization has in place or is about to set up? Use the most appropriate facilitation technique when approaching different members of the community. There are many guidelines available on community consultation, such as *The UNHCR Tool for Participatory Assessment.*[8]

Design the mechanism

Using the information gathered from the community, and in consultation with other organizations, you can start the design of the mechanism. You will need to identify the barriers to bringing complaints forward and to find ways to overcome them. Such barriers can be:

- Physical: people are not allowed in an agency office or they have no access due to disability,
- Cultural: complaining might not be acceptable in certain cultures,
- Personal: people may fear retribution or stigmatization as a result of complaining,
- Marginalization: some groups might be excluded from, or not allowed to participate in, the process.

Conduct an awareness raising campaign

Once the mechanism is in place, people need to be informed about it. The awareness campaign must reach all members of the community. People need to know that they have a right to complain and how

---

[6] *IASC Draft Model Complaints and Investigation Procedures and Guidance Related to Sexual Abuse and Sexual Exploitation,* p. 20.
http://www.un.org/en/pseataskforce/docs/sea_model_complaints_and_investigation_procedures_and_guidan.pdf
[7] ECHA/ECPS Task Force's *Draft Guidelines on Setting up a Community Based Complaints Mechanism Regarding Sexual Exploitation and Abuse by UN and non-UN Personnel.(In development)*
[8] *UNHCR Tool for Participatory Assessment* http://www.unhcr.org/450e963f2.html

they can do so. They need to know what their rights are and what the mandate of each organization is. Be clear on what your organization can and cannot deal with - this will help manage community expectations. (*See* ***Beneficiary Orientation & Ongoing Education*** *for more information, below.*)

Receive the complaint

Your agency must have in place the mechanisms necessary to deal with a complaint as soon as one is made. Reporting SEA is a big decision, and the complainant is investing trust in your agency for follow-up. The reputation of your agency and the safety of the people involved in the complaint might be endangered if follow-up is not properly ensured.

It is important to establish multiple mechanisms - or channels - through which beneficiaries can complain, such as:

- Suggestion boxes (never labeled as "SEA complaints")
- Staff trained as focal points to receive complaints verbally or in writing
- Participatory community assessments
- Dedicated "hotlines" or telephone numbers (confidentiality must be assured)
- Visit informal community gatherings, engage with beneficiaries instead of asking people to come to you.

The community-based complaints mechanism guidelines offer additional ideas and suggestions for multiple complaint channels.

Characteristics of an Effective Complaints Mechanism

Safety - Safe complaints mechanisms consider the potential dangers and risks to all parties and incorporate preventive measures. This includes ensuring confidentiality, offering physical protection when possible, and addressing the possibility of retaliation against witnesses.

Confidentiality - Confidentiality is an ethical principle that restricts access to and dissemination of information. In SEA investigations, confidentiality requires that information is available only to a limited number of authorized people for the purpose of conducting the investigation. Confidentiality helps create an environment in which witnesses are more willing to recount their versions of events.

Transparency - A complaints mechanism is "transparent" when members of the affected community know it exists, have had input into its development, and possess sufficient information on how to access it and ensure it is adhered to. For example, beneficiaries should be able to speak to NGO staff regularly about the operation of the complaints mechanism. Information about the complaints mechanism should be freely available and all communities should know who in the organization is responsible for handling complaints and communicating outcomes.

Accessibility - A mechanism is accessible when it is available to be used by as many people as possible, from as many groups as possible, in all places where an organization is operational. Multiple mechanisms - or channels - ensure that all beneficiaries will have a means to complain.

(Adapted from" *BSO Guidelines: Receiving and Investigating Allegations of Abuse and Exploitation by Humanitarian Workers)*

3. Complaint referral form

See the IASC's Model Complaint Referral Form (in the annex to this guide)[9], which you may use as a template for your own. Each organization has its own terminology and systems, so adapt a form to suit your needs.

4. Responding to complaints

Once a complaint is received, at a minimum, the complainant should be informed that the complaint will be addressed according to your organization's policies. Depending on the outcome of the investigation process, a response to a complaint may range from dismissal of the complaint to disciplinary action against the accused, up to and including termination. (See *Investigation Procedures,* below, for more detail.)

5. Human resources implications

As you develop your complaints and investigations procedures, your human resources department should review and/or revise your policies on anonymous complaints, confidentiality, disclosure of information, and staff members who separate from your organization before the conclusion of an investigation. Also consider how you will handle the status of the accused staff member while an investigation is underway.

D. Investigation Procedures

> **Key Resources:** The IASC Task Force's *Draft Model Complaints and Investigation Procedures and Guidance Related to Sexual Exploitation and Abuse* directly informs this section and may be used as a template for your own investigation procedures and policies. BSO's *Guidelines: Receiving and Investigating Allegations of Abuse and Exploitation by Humanitarian Workers* also provides clear and helpful guidance on investigations procedures.

When you receive an SEA complaint you must be prepared to respond rapidly, and clear procedures will help you do so. Assume that a full investigation should take place unless a preliminary inquiry finds insufficient grounds to proceed. Be prepared to activate/deploy your trained investigators (see below) as soon as possible.

The purposes of an investigation are to:

- Determine if your staff member has breached your policies;
- Protect individuals from being abused or exploited;
- Highlight issues relating to poor practice/performance; and
- Identify aspects of program delivery or performance that increase risks of abuse or exploitation by staff.

Remember that your investigation is an administrative procedure and should not be seen as a substitute for a criminal investigation when this is warranted.[10]

---

[9] *IASC Draft Model Complaints and Investigation Procedures and Guidance Related to Sexual Exploitation and Abuse,* p. 27.
http://www.un.org/en/pseataskforce/docs/sea_model_complaints_and_investigation_procedures_and_guidan.pdf
[10] *IASC Draft Model Complaints and Investigation Procedures and Guidance Related to Sexual Exploitation and Abuse,* p. 30.
http://www.un.org/en/pseataskforce/docs/sea_model_complaints_and_investigation_procedures_and_guidan.pdf

The **core principles/aspects** of an investigation are:

- **Thoroughness**: investigations must be conducted in a diligent, complete, and focused manner.
- **Confidentiality**: complainants, witnesses, and the subject of complaint have a right to confidentiality other than in certain, exceptional circumstances.
- **Safety**: the safety and welfare needs of the victim and/or complainant are paramount.
- **Competent, responsible, independent investigators**: people conducting investigations and preparing reports should be responsible, independent, and have received training.
- **Impartiality**: investigations must be conducted in a fair and equitable way. Investigators must be free of any influence that could impair their judgment.
- **Objectivity**: evidence to support and refute the allegation must be gathered and reported in an unbiased and independent manner.
- **Timelines**: investigations must be conducted and reported in a timely way.
- **Accuracy and documentation**: investigation reports and their conclusions must be supported by adequate documentation.[11]

Training and support for investigators

A roster of trained investigators is essential. Consider staff who have investigative experience - typically human resources staff or internal auditors - and/or those with GBV or protection experience, among others. Depending on the nature of the investigation, establishing a multi-sectoral team may be advisable. Use of a professional with relevant experience and skills in counseling may also make sense. Any staff who serve as investigators *must* be able to maintain confidentiality.

Your organization must ensure that all investigators receive the supervision, emotional and psychological support necessary to interview victims of SEA. In addition, you should ensure that all investigators are well-trained. The BSO[12] project elaborated the IASC's guidance into a robust and rigorous training program.[13] BSO's training materials are available online, and the Humanitarian Accountability Partnership (HAP) International offers the BSO training for a fee.[14]

In addition to trained investigators, your organization should appoint at least one senior manager - or a team of managers - to provide oversight and monitoring of investigations. These staff should be trained to do so. A module for this purpose is included in BSO's *Handbook: Training Materials on Receiving and Investigating Allegations of Abuse and Exploitation by Humanitarian Workers.*

Findings and disciplinary action

Upon completion of an investigation there are several possible outcomes. Ensure that your Investigation Procedures account for these and other potential findings and actions:

- If there is **evidence to clear the subject of complaint**, s/he should be informed of this. Managers are also encouraged to inform staff involved in the investigation, or aware of the allegations, that the person has been cleared. Should the investigation indicate that the allegations have not been substantiated, the case will be closed.

---

[11] *IASC Draft Model Complaints and Investigation Procedures and Guidance Related to Sexual Exploitation and Abuse,* p. 31.
http://www.un.org/en/pseataskforce/docs/sea_model_complaints_and_investigation_procedures_and_guidan.pdf
[12] Building Safer Organisations Project. http://www.icva.ch/doc00001412.html
[13] BSO was originally housed with the International Council of Voluntary Agencies, moved to HAP in 2007, and has since merged with HAP's Complaints Handling Unit.
[14] HAP's BSO Investigation Learning Programme. http://www.hapinternational.org/projects/ilp.aspx

- Should the investigation find that the **allegations have been substantiated**, the matter should be pursued under your disciplinary procedures.
- If a finding of **malicious complaint** by another member of staff is reached, sanctions should be pursued against that member of staff. For this purpose you will need a malicious complaint policy in effect.
- Any particular concern about **possible reprisals** against anyone involved in the investigation should be noted. A designated senior staff member should establish concrete plans to monitor this.
- If, after proper investigation, there is evidence to support allegations of sexual exploitation or sexual abuse, these cases may, upon consultation with the appropriate internal legal advisors, be **referred to national authorities for criminal prosecution**.[15]

E. Care, Treatment, and Protection Contingencies

It is necessary to address the complainant's, victim's, and other beneficiaries' potential need for immediate and ongoing assistance. Indeed, upon receipt of a complaint and initiation of an investigation, these needs must be the highest priority. Remember that the accused person may need protection as well. Be prepared by having your field staff identify specialists and practitioners in advance, which may include:

- Medical care
- Psychological care/trauma counseling
- Security
- Economic assistance
- Food and clothing
- Shelter

If your organization does not have the capacity to provide all of the above services, contact other NGOs or UN agencies who may be providing some of these services as part of their programs. Also seek support from SEA networks your organization participates in for recommendations on appropriate specialists and practitioners. The UN's victim assistance strategy may provide further ideas for your own contingency planning.[16]

Remember that it is unrealistic to expect most beneficiaries to access services in capital cities. Be sure that care, treatment, and protection contingencies are planned for each field site and that they are safe, confidential, and accessible. Engaging beneficiaries and field staff in preparing these contingency plans is important.

Your staff who receive complaints or become aware of SEA allegations may require counseling or protection as well.

F. Focal Points

Focal points play a very important role in preventing and responding to SEA. In each of your countries they can help raise awareness of SEA and your prevention and response program, identify new and improved prevention strategies, receive complaints, and participate in in-country focal point networks. The IASC drafted model terms of reference for field focal points, which you may adapt for your own purposes.[17]

---

[15] Adapted from *IASC Draft Model Complaints and Investigation Procedures and Guidance Related to Sexual Exploitation and Abuse.*
http://www.un.org/en/pseataskforce/docs/sea_model_complaints_and_investigation_procedures_and_guidan.pdf

[16] UN Victim Assistance Strategy (A/RES/62/214) 7 March 2008.
http://www.un.org/Docs/journal/asp/ws.asp?m=A/RES/62/214
[17] *Terms of Reference for in-country Focal Points on Sexual Exploitation and Abuse by UN/NGO/IGO Personnel.*
http://www.un.org/en/pseataskforce/docs/tor_for_in_country_focal_points_on_sea_en.doc

Choose your focal points carefully. Ask your country director or other senior managers to recommend staff for these roles. Selection criteria should include the following competencies and experience:

- Proven integrity, objectivity, and professional competence
- Demonstrated sensitivity to cultural diversity and gender issues;
- Ability to maintain confidentiality;
- Fluency in relevant languages;
- Demonstrated experience working directly with local communities; and
- Proven communication skills.

In addition, your focal points should have positions that allow for regular interaction with the beneficiary community. Someone who is always seated in an office may not be accessible to those who cannot travel, who feel unsafe in your office, or who are afraid to be seen making an SEA complaint.

Training for focal points is critical. Several resources exist that you may adapt to reflect the particulars of your organization's SEA complaints mechanisms (OCHA Focal Points Training Package[18]).

A pilot inter-agency training for SEA focal points was conducted in Nairobi, Kenya, in October 2008. The agenda and follow-on recommendations for improving that training may help you as you develop your own training program.[19]

Most UN agencies and some NGOs have already established focal points. To enhance SEA coordination and support in the field, most countries have a UN-led SEA focal point network for which the IASC has established terms of reference.[20]

While your own focal points may not participate in the network directly, they should develop and maintain relationships with the NGO representative and other members.

Finally, the value of SEA focal points is not limited to the field. Consider training headquarters SEA focal points as well, whom you might task with assisting in staff orientation, raising awareness of SEA, and providing support to headquarters staff who have questions or receive SEA complaints.

---

[18] *OCHA Focal Points Training Package.*
http://ochaonline.un.org/HumanitarianIssues/ProtectionfromSexualExploitationandAbuse/SEADocumentLibrary/FocalPointsTrainingPackage/tabid/4606/Default.aspx
[19] ECHA/ECPS UN and NGO Taskforce on Protection from Sexual Exploitation and Abuse by UN and NGO Staff and Related Personnel. *Workshop Report: Focal Points on Protection from Sexual Exploitation and Abuse by UN and NGO Staff.* Nairobi, Kenya. Oct 7, 14, and 29, 2008.
http://gender.care2share.wikispaces.net/file/view/Nairobi+PSEA+Workshop+Report+-+FINAL.doc
[20] *Terms of Reference for in-country Network on Sexual Exploitation and Abuse by UN/NGO/IGO Personnel.*
http://www.un.org/en/pseataskforce/docs/tor_for_in_country_network_psea_en.doc

In-Country Network on Sexual Exploitation and Abuse

Membership:
The in-country Network on Sexual Exploitation and Abuse will function under the auspices of the Resident Coordinator (RC), or Humanitarian Coordinator (HC) where appropriate, and report to him/her. Membership shall include at least one Representative from each UN agency present in the country concerned, including from any Department of Peacekeeping Operations or Department of Political Affairs-managed peace operation, as well as representatives of the Red Cross/Red Crescent Movement and relevant international and national NGOs. (To avoid the network becoming unwieldy, the RC/HC should consult with the NGO community to ensure fair but manageable NGO representation). In general, membership should comprise the designated SEA focal points.

Responsibilities:
The Network on Sexual Abuse and Sexual Exploitation will serve as the primary body for coordination and oversight on prevention and response to SEA of members of the beneficiary population by international or national staff of the UN or affiliated organizations. The Network is **NOT** responsible for investigation or adjudication of complaints, or for dealing directly with complainants. These functions rest exclusively with individual organizations or agencies. Individuals serving in the networks should not investigate claims.

G. Sharing Standards with Partners

Your responsibility to prevent SEA does not end with your full-time, paid staff. Remember that "staff member" refers to ***any person*** who either works for or represents your organization, regardless of whether or not s/he is compensated monetarily. Whenever your organization enters into a cooperative arrangement with another individual or entity - such as another international NGO, a business vendor, a community-based organization, etc. - you should inform them of your code of conduct and receive a written, signed, and dated statement in return, stating that they accept your standards.

H. Staff Orientation & Ongoing Education

A staff orientation will help ensure that your SEA policies are understood and taken seriously. Conduct the orientation upon the launch of your new or revised code of conduct and/or SEA policies. Have one of your senior executives open the orientation and address staff to underscore the importance of the subject matter. Orientation modules could include an explanation of SEA, your code of conduct, complaints and investigations procedures, disciplinary consequences for non-compliance, and other relevant policies. Be sure to highlight your staff's mandatory duty to report SEA complaints and concerns and allow sufficient time during orientation and any follow-up training for questions from staff. Your ultimate goal is their full understanding of, support for, and compliance with your policies.

These are several helpful resources that you may use or adapt for your own orientation:

- *To Serve With Pride: Zero Tolerance for Sexual Exploitation and Abuse*, A 20-minute film[21] and facilitator's guide[22] by ECHA/ECPS UN and NGO Task Force on Protection from Sexual Exploitation and Abuse

---

[21] ECHA/ECPS UN and NGO Task Force on Protection from Sexual Exploitation and Abuse. *To Serve with Pride: Zero Tolerance for Sexual Exploitation and Abuse.* http://www.peaceopstraining.org/media/2007/vaw/

- UNICEF's *Training of Trainers on Gender-Based Violence: Focusing on Sexual Exploitation and Abuse*[23]
- *Understanding Humanitarian Aid Worker Responsibilities: Sexual Exploitation and Abuse Prevention*[24]

Develop orientation modules and materials that can be translated and delivered in each of the countries where you work. A "train-the-trainer" approach can maximize limited resources while ensuring quality orientation for all staff. You may want to appoint and train SEA focal points or management staff to travel to each region/country to deliver your SEA orientation to senior management. They, in turn, can orient their teams. Because managers have a special responsibility to maintain an environment that discourages SEA, administer additional training for them.

After your initial "roll-out" orientation, incorporate the SEA modules into your standard new staff orientation. You should be prepared to provide the same SEA orientation, on an ongoing basis, to volunteers, contractors, interns, and anyone else doing business with or through your organization in the field, including board members.

Strategic messaging from senior management and ongoing education is necessary to keep your SEA efforts fresh in your staff's minds. Use all-staff meetings, internal newsletters, web-based collaboration functions, etc., to share SEA messages. Test and maintain staff knowledge of your code of conduct and SEA policies and consider including them in annual performance evaluations and as items to be evaluated by internal audit teams.

I. Beneficiary Orientation & Ongoing Education

It is not enough to establish your prevention and response policies and train your staff. Above all else, beneficiaries must know, understand - and contribute to - your SEA standards and procedures. ***At a minimum***, beneficiaries have a right to know:

- The definition of sexual exploitation and abuse as per the SG's Bulletin and your organization's code of conduct;
- That they have a right to be free of sexual exploitation and abuse, including specific details of their food and non-food entitlements;
- How they can complain, including the stages, timeframes, rules, decision-making processes, participants, and responsibilities involved in a complaint;
- To whom they can complain and where that person is located; and
- What steps they can take to ensure confidentiality and what steps your organization will take to ensure safety and confidentiality.[25]

The IASC Task Force's *Model Information Sheet for Local Communities*[26] is one literacy-based method of communicating these basics, which can be translated and posted publicly in your field sites. More importantly,

---

[22] Facilitation Guide for Facilitated Presentation of the Film "To Serve with Pride" on Prevention of Sexual Exploitation and Abuse by United Nations and Related Personnel.
http://www.un.org/en/pseataskforce/tools.shtml
[23] *UNICEF Training of Trainers on Gender-Based Violence: Focusing on Sexual Exploitation and Abuse.*
http://www.reliefweb.int/rw/rwt.nsf/db900SID/NVEA-5ULKLS/$File/unicef-totgender.pdf?OpenElement
[24] Coordination Committee for the Prevention of Sexual Exploitation and Abuse. *Understanding Humanitarian Aid Worker Responsibilities: Sexual Exploitation and Abuse Prevention.*
http://www.reliefweb.int/rw/rwt.nsf/db900SID/LSGZ-5WFFUN/$File/CCSEA%20Sexual%20Exploitation%20Prevention%20Training%20Manual%20Novem.pdf?OpenElement

[25] *BSO Guidelines: Receiving and Investigating Allegations of Abuse and Exploitation by Humanitarian Workers*, p. 9.
http://www.hapinternational.org/pool/files/bso-guidelines.pdf

your field staff should develop appropriate outreach, information, and education activities in each country and site through beneficiary engagement. To do so, they should consider:

- **Audience(s) -** what is the gender, age, physical ability, language, level of literacy, and ethnicity of your target population?
- Available **communication tools** – is it better to advertise through posters, dramas, radio, TV or cell phone messages, music, focus groups, local action, and/or community groups?
- The **core message** – what does the target population really need to know?
- The **budget** – how can you reach the widest cross-section of the community within budgetary constraints?[27]

Before you launch your orientation or information campaigns, test your messages with a variety of stakeholders - including vulnerable populations - to ensure that the messages are culturally appropriate. Examples of SEA outreach and awareness campaigns by UN agencies and NGOs in various countries include t-shirts, wrist bands, radio messages, bumper stickers, posters, dramas, videos, and more.

J. Mainstreaming SEA Prevention and Response

Mainstreaming SEA is the strategy or practice of bringing SEA prevention and response into the "mainstream" of your organization's culture, operations, policies, and procedures. Some examples include:

- SEA policies and activities are included in regular field audits.
- Headquarters managers identify resources they can provide to SEA efforts in the field, and country directors and managers in the field receive support for maintaining an environment in which SEA is actively discouraged.
- Program development staff and program managers design and implement programs in ways that reduce SEA risk.
- Addressing SEA is a critical element of all needs assessments and initiated from the beginning of all emergency responses.
- Senior managers develop key messages to share with their teams during each phase of the implementation of new SEA policies.
- SEA prevention is included in job descriptions and job evaluation criteria, particularly for senior managers.
- Project proposals show how SEA will be taken into consideration and implemented for each technical sector.

K. Monitoring and Evaluation Systems

Consider the implementation of SEA policies and procedures as you would a program in the field. Identify measurable objectives, indicator, outputs, and impacts that will help you monitor the implementation of your SEA activities and evaluate your success or failure in meeting your targets. If you have monitoring and evaluation staff, ask them to help draft a plan with you. You may use the InterAction SEA Sub-Working Group Prevention and Response Checklist (in the annex to this guide) as a starting point. You may also adapt BSO's "Checkpoints for Managers"[28] into a tool for establishing outputs and measuring your progress.

---

[26] IASC Task Force on Protection from Sexual Exploitation and Abuse. *Model Information Sheet for Local Communities.* http://www.un.org/en/pseataskforce/docs/model_information_sheet_for_local_communities_en.pdf
[27] *BSO Guidelines: Receiving and Investigating Allegations of Abuse and Exploitation by Humanitarian Workers*, p. 9. http://www.hapinternational.org/pool/files/bso-guidelines.pdf
[28] *BSO Guidelines: Receiving and Investigating Allegations of Abuse and Exploitation by Humanitarian Workers*, p. 31. http://www.hapinternational.org/pool/files/bso-guidelines.pdf

Also be sure to include means for beneficiaries to complain about - or praise - your complaint mechanisms and SEA education efforts.

Monitoring and evaluation systems may also include:

- Developing monitoring plan/audit on SEA policies and activities.
- Identifying and/or assigning senior management staff to lead and/or conduct the review of the SEA system.
- Following up on findings of review/audit and implementing necessary changes on steps in agency SEA systems.

L. Sharing Experiences and Participating in Wider Accountability Networks

When working on your SEA policy, it's useful to know that you are not alone in this work and that there are shared resources and experiences you can learn from. Staff working in the field are encouraged to connect with local-level SEA networks. Globally, connections can be made with these groups:

InterAction Sexual Exploitation and Abuse Sub-Working Group

This Sub-Working Group (SWG) is dedicated to addressing the issue of sexual exploitation and abuse of be-neficiary populations by humanitarian and development assistance staff. The SWG is the advisory body to strengthen InterAction member capacity to respond to and prevent SEA, to advocate for awareness of SEA, and to influence prevention and response capacities on the global level. For more information: SEA@interaction.org / www.interaction.org.

The Executive Committees on Humanitarian Affairs and Peace and Security (ECHA/ECPS) United Nations (UN) and Nongovernmental Organization (NGO) Task Force on Protection from Sexual Exploitation and Abuse

The Task Force supports the establishment of UN and NGO policies and develops tools so as to assist in pro-tecting from SEA. The Task Force also provides strategic and technical support to selected field operations. In this context, it builds capacity through training, provides guidance, and more. The Task Force strengthens inter-agency collaboration on SEA activities to ensure complementarity and knowledge-sharing and avoid duplication. For more information: seatf@un.org / http://www.un.org/en/pseataskforce/.

Your feedback welcomed!

This step-by-step guide is meant to be a helpful tool for NGO staff. We welcome feedback and want to improve the document based on the experiences of people who have used it. Please e-mail your suggestions, comments, etc., to: **SEA@interaction.org.**

Annex I: Reference List and Other Resources

Building Safer Organisations (BSO) Guidelines: Receiving and Investigating Allegations of Abuse and Exploitation by Humanitarian Workers. December 2006. http://www.hapinternational.org/pool/files/bso-guidelines.pdf

BSO Handbook: Training Materials on Receiving and Investigating Allegations of Abuse and Exploitation by Humanitarian Workers. December 2006. http://www.hapinternational.org/pool/files/bso-handbook.pdf

Coordination Committee for the Prevention of Sexual Exploitation and Abuse. *Understanding Humanitarian Aid Worker Responsibilities: Sexual Exploitation and Abuse Prevention.* November 2003. http://www.reliefweb.int/rw/rwt.nsf/db900SID/LSGZ-5WFFUN/$File/CCSEA%20Sexual%20Exploitation%20Prevention%20Training%20Manual%20Novem.pdf?OpenElement

Executive Committees on Humanitarian Affairs and Peace and Security (ECHA/ECPS) UN and NGO Task Force on Protection from Sexual Exploitation and Abuse. *Draft Guidelines on Setting up a Community Based Complaints Mechanism Regarding Sexual Exploitation and Abuse by UN and non-UN Personnel.* (In development).

ECHA/ECPS UN and NGO Task Force on Protection from Sexual Exploitation and Abuse. *Protection from Sexual Exploitation and Abuse Website.* http://www.un.org/en/pseataskforce/index.shtml

ECHA/ECPS UN and NGO Task Force on Protection from Sexual Exploitation and Abuse. *Terms of Reference for in-country Focal Points on Protection from Sexual Exploitation and Abuse by UN/NGO/IGO Personnel.* November 2008.
http://www.un.org/en/pseataskforce/docs/tor_for_in_country_focal_points_on_sea_en.doc

ECHA/ECPS UN and NGO Task Force on Protection from Sexual Exploitation and Abuse. *Terms of Reference for in-country Network on Sexual Exploitation and Abuse by UN/NGO/IGO Personnel.* November 2008.
http://www.un.org/en/pseataskforce/docs/tor_for_in_country_network_psea_en.doc

ECHA/ECPS UN and NGO Task Force on Protection from Sexual Exploitation and Abuse. *To Serve with Pride: Zero Tolerance for Sexual Exploitation and Abuse.* December 2006.
http://www.peaceopstraining.org/media/2007/vaw/

ECHA/ECPS UN and NGO Taskforce on Protection from Sexual Exploitation and Abuse by UN and NGO Staff and Related Personnel. *Workshop Report: Focal Points on Protection from Sexual Exploitation and Abuse by UN and NGO Staff. Nairobi, Kenya.* Oct 7, 14, and 29, 2008.
http://gender.care2share.wikispaces.net/file/view/Nairobi+PSEA+Workshop+Report+-+FINAL.doc

Facilitation Guide for Facilitated Presentation of the Film "To Serve with Pride" on Prevention of Sexual Exploitation and Abuse by United Nations and Related Personnel.
http://www.un.org/en/pseataskforce/tools.shtml

IASC Draft Model Complaints and Investigation Procedures and Guidance Related to Sexual Abuse and Sexual Exploitation. March 2004.
http://www.un.org/en/pseataskforce/docs/sea_model_complaints_and_investigation_procedures_and_guidan.pdf

IASC Guidelines for Gender-based Violence Interventions in Humanitarian Settings. September 2005.
http://www.humanitarianinfo.org/iasc/pageloader.aspx?page=content-subsidi-tf_gender-gbv

IASC Task Force on Protection from Sexual Exploitation and Abuse. *Model Information Sheet for Local Communities.*
http://www.un.org/en/pseataskforce/docs/model_information_sheet_for_local_communities_en.pdf

Keeping Children Safe: A Toolkit for Child Protection. 2006.
http://www.keepingchildrensafe.org.uk/index.php?option=com_content&view=article&id=5&Itemid=4

OCHA Focal Points Training Package.
*h*ttp://ochaonline.un.org/HumanitarianIssues/ProtectionfromSexualExploitationandAbuse/SEADocumentLibrar y/FocalPointsTrainingPackage/tabid/4606/Default.aspx

Statement of Commitment on Eliminating Sexual Exploitation and Abuse by UN and Non-UN Personnel. December 2006. http://www.icva.ch/doc00001962.html

UNHCR Tool for Participatory Assessment. May 2006. http://www.unhcr.org/450e963f2.html

UNICEF Training of Trainers on Gender-Based Violence: Focusing on Sexual Exploitation and Abuse
http://www.reliefweb.int/rw/rwt.nsf/db900SID/NVEA-5ULKLS/$File/unicef-totgender.pdf?OpenElement

United Nations Secretary-General's Bulletin on Special Measures for Protection from Sexual Exploitation and Sexual Abuse 2003/13. October 2003.
ochaonline.un.org/OchaLinkClick.aspx?link=ocha&DocId=1001083

Annex II: United Nations Secretary-General's Bulletin on Special Measures for Protection from Sexual Exploitation and Sexual Abuse 2003/13

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.

---

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

03-55040 (E)   101003

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

2

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

3

Annex III: InterAction Private Voluntary (PVO) Standards for Sexual Exploitation and Abuse (Section 7.9)

Intended to ensure and strengthen public confidence in the integrity, quality, and effectiveness of member organizations and their programs, InterAction's Private Voluntary Organization (PVO) Standards were created when the overseas work of PVOs was dramatically increasing in scope and significance. Defining the financial, operational, and ethical code of conduct for InterAction and its member agencies, these high and objective standards, self-applied, set InterAction members apart from many other charitable organizations. Reproduced below is the section of the PVO Standards that describes specifically the responsibility of InterAction members in regard to sexual exploitation and abuse.

Section 7.9: Protection from Sexual Exploitation and Abuse in Humanitarian Crises

7.9.1   A member has a responsibility to ensure that beneficiaries are treated with dignity and respect and that certain minimum standards of behavior are observed. In order to prevent sexual exploitation and abuse, the following core principles shall be incorporated into a code of conduct that will be adopted by a member agency. It shall be recognized that the adoption of a code of conduct that incorporates these core principles is a first step and that all additional action necessary to ensure that beneficiaries are protected should be taken.

7.9.2   Sexual exploitation and abuse by humanitarian workers constitute acts of gross misconduct and are therefore grounds for termination of employment.

7.9.3   Sexual activity by a humanitarian worker and a beneficiary who is a child (person 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 defense. The sole exception in applying this principle may be in the instance where a staff member is legally married to a person under the age of 18.

7.9.4   Exchange of money, employment, goods, or services, including assistance that is due to beneficiaries, for sex, sexual favors or other forms of humiliating, degrading or exploitative behavior is prohibited.

7.9.5   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.

7.9.6   Where a humanitarian worker develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same agency or not, s/he must report such concerns via established agency reporting mechanisms.

7.9.7   Humanitarian workers are obliged to create and maintain an environment that 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 that maintain this environment.

Annex IV: InterAction Sexual Exploitation and Abuse Sub-Working Group Prevention and Response Checklist

OBJECTIVE 1: Clear Policies, Procedures and Systems				
	Action	*Estimated Completion Date*	*Person/Team responsible*	*Comments*
1	Develop and ratify Code of Conduct based on Secretary General's Bulletin and incorporate into organization's policies and procedures			
2	Develop and put into place with appropriate staff and resources a complaints / reporting mechanism that is safe, confidential, transparent, and accessible			
3	Develop and put into place with appropriate resources and staff an investigations mechanism with a roster of investigators			
4	Identify and train organizational SEA focal points			
5	Integrate Code of Conduct and consequences for violations into human resources policies and procedures			

OBJECTIVE 2: Staff Knowledge				
	Action	**Estimated Completion Date**	**Person/Team responsible**	**Comments**
1	Develop and implement an orientation for all staff, including an understanding of the Code of Conduct, the investigations process, the decision making process and consequences			
2	All staff formally acknowledge receipt and acceptance of the Code of Conduct			
3	Senior Management develop a key message strategy and provide ongoing information on the issue			
4	Disseminate policies and procedures for partners per the Secretary General's Bulletin			
5	Ensure accessibility of materials and ensure that they are translated using simple and direct language			

InterAction Sexual Exploitation and Abuse Sub-Working Group
Prevention and Response Checklist
(Page 2 of 3)

OBJECTIVE 3: Beneficiary Knowledge and Participation

	Action	Estimated Completion Date	Person/Team responsible	Comments
1	Create dialogue and promote awareness about SEA issues with community stakeholders			
2	Develop and implement strategy to inform beneficiaries on SEA issues and complaints mechanisms			
3	Ensure beneficiary participation in development of culturally appropriate and effective messaging on SEA and complaints mechanisms			

OBJECTIVE 4: Mainstream SEA

	Action	Estimated Completion Date	Person/Team responsible	Comments
1	Create a policy, staffing assignments and operational strategy for mainstreaming SEA for all departments within the organization			
2	Implement and integrate operational SEA plans into all organizational departments, policies and technical sectors at headquarters and the field			
3	Train staff on roles and responsibilities for mainstreaming SEA into all sectors and policies			
4	Demonstrate within project proposals how SEA will be taken into consideration and implemented for each technical sector and policies			
5	Monitoring and Evaluation SEA mainstreaming will be a reporting requirement			

InterAction Sexual Exploitation and Abuse Sub-Working Group
Prevention and Response Checklist
(Page 3 of 3)

	OBJECTIVE 5: Monitoring and Evaluation System			
	Action	**Estimated Completion Date**	**Person/Team responsible**	**Comments**
1	Develop monitoring plan / audit on SEA policies and activities			
2	Identify and/or assign senior management staff to lead and/or conduct the review			
3	Follow-up on findings of review / audit and implement necessary changes on steps in agency SEA systems			
4	Participate in wider accountability initiatives and share SEA monitoring and evaluation results (examples include the SEA Sub-working Group and InterAction's PVO standards)			

Annex V: Inter-Agency Standing Committee Model Complaint Referral Form

MODEL COMPLAINTS REFERRAL FORM (SEXUAL EXPLOITATION AND ABUSE)

Name of Complainant: _____ Ethnic origin/Nationality: _____

Address/Contact details: _____ Identity no: _____

Age: _____ Sex: _____

Name of Victim (if different from Complainant): _____ Ethnic origin/Nationality:____

Address/Contact details: _____ Identity no: _____

Age: _____ Sex: _____

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): _____

Organization Accused person(s) Works For: _____

Address of Accused person(s) (if known): _____

Age: _____ Sex: _____

Physical Description of Accused person(s): _____

_____

Draft for OHRM

27

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 Organisations, 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 Ogranisation'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

Draft for OHRM   28

(*Relevant management structure is the official(s) responsible for sexual exploitation and abuse issues in the Headquarters of the
Organisation where the Accused person works)

**ALL INFORMATION MUST BE HELD SECURELY AND HANDLED STRICTLY IN LINE WITH
APPLICABLE REPORTING AND INVESTIGATION PROCEDURES**