

IASC

Protection from 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 Dec. 2015)

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

1 st Draft	<u>23 October 2015</u>
2 nd Draft	<u>20 November 2015</u>
3 rd Draft	<u>24 February 2016</u>
4 th Draft	<u>04 April 2016</u>
Final	<u>27 May 2016</u>

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

KEY DEFINITIONS

Sexual Exploitation and Abuse (SEA): Particular forms of gender-based violence¹ 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 SOPs⁴ 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 SEA. Local communities are involved in developing and approving the CBCM so that the structure is

¹ See: IASC Gender-Based Violence Guidelines (2015), p. 12-13 (including SEA in the examples of violence to which specific at-risk groups might be exposed); 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 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 PSEA (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 PSEA (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 Inter-Agency Standing Committee Gender-Based Violence Guidelines (2015).

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 retaliation⁹ 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.

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

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 IASC Best Practice Guide on Inter-Agency PSEA CBCMs.

⁸ For more on integrating the CBCM with existing structures, see §4.1.2 Design the CBCM.

⁹ Statement of Commitment #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 Guideline to Implement the Minimum Operating Standards for Protection from Sexual Exploitation and Abuse by UN and non-UN Personnel, March 2013, and Inter-Agency Standing Committee Gender-Based Violence Guidelines (2015), Part I Introduction, p. 1.

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 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,¹³ 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.

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 Sexual Exploitation and Abuse Glossary at www.interaction.org/sites/default/files/SEA%20Glossary.pdf.

¹⁴ ICVA, Building Safer Organizations Handbook.

¹⁵ Guidelines to Implement the Minimum Operating Standards for Protection from Sexual Exploitation and Abuse by UN and non-UN Personnel, March 2013, Facilitated by the Interagency Standing Committee (IASC) Task Force on Protection from Sexual Exploitation and Abuse (PSEA) by our own staff.

TABLE OF CONTENTS

1. INTRODUCTION

- 1.1. Background on SEA and Inter-Agency Cooperation
- 1.2. Objective and Scope of Standard Operating Procedures (SOPs)
 - 1.2.1 Objective
 - 1.2.2 Scope
 - 1.2.3 Additional Relevant Policies and Procedures

2. ROLES & RESPONSIBILITIES OF CBCM STAKEHOLDERS

3. GUIDING PRINCIPLES

4. COMPLAINT MECHANISM PROCEDURES

- 4.1 Setting up the Inter-Agency CBCM
 - 4.1.1 Creating an Effective and Sustainable CBCM
 - 4.1.2 Designing the CBCM
- 4.2 Receiving and Assessing Complaints
 - 4.2.1 Receive complaints through the CBCM
 - 4.2.2 Processing complaints
 - 4.2.2(a) Referrals for immediate assistance
 - 4.2.2(b) Processing SEA allegations for referral
 - 4.2.3 Recording and tracking case handling
- 4.3 Referral for Investigation and Possible Administrative Action
 - 4.3.1 Referral to the concerned agency for follow-up
 - 4.3.2 Special note on agency investigation of complaints
 - 4.3.3 Communicating investigation status and findings to the CBCM
 - 4.3.4 Provide feedback to survivors and complainants

ANNEXES

- International Commitments on PSEA
 - a. UN Secretary-General's Bulletin on Special Measures for Protection from Sexual Exploitation and Abuse (09 October 2003)
 - b. Statement of Commitment on Eliminating Sexual Exploitation and Abuse by UN and Non-UN Personnel
 - c. IASC Minimum Operating Standards on PSEA
 - d. IASC Statement on PSEA (11 December 2015)
- Sample Common Code of Conduct, Incident Report Form, and Complaint Referral Form
- Templates for providing feedback to survivors/complainants
- Contact Information for Humanitarian Agencies' Units for Receiving SEA Allegations

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 principles¹⁸ 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

¹⁶ Secretary-General's Bulletin on PSEA (2003). Statement of Commitment on Eliminating Sexual Exploitation and Abuse by UN and Non-UN Personnel (December 2006) [hereinafter 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.

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, 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.

¹⁹ The Statement of Commitment (2006) expanded the scope of the Secretary-General’s Bulletin on PSEA (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 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/system/files/legacy_files/AAP%20Operational%20Framework%20Final%20Revision.pdf

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 IASC, Protection from Sexual Exploitation and Abuse: Compendium of Practices on Community-Based Complaints Mechanisms (2012) [hereinafter IASC Compendium (2012)].

Two of the principles set out in the Statement of Commitment endorsed by seventy-eight organizations²⁴ directly relate to the creation and maintenance of complaints mechanisms:

“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 SG Bulletin and the Statement of Commitment by non-UN Personnel, 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

²⁴ As of 2011, the statement 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 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 Force on AAP-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 MOS-PSEA #5: “Effective community-based complaints mechanisms (CBCM), including victim assistance.” See also Statement of Commitment on Eliminating Sexual Exploitation and Abuse by UN and Non-UN Personnel #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 #5, Indicator 1.

²⁹ The Principals Statement also reaffirms agencies’ collective responsibility to systematize PSEA response in all humanitarian operations and strengthen investigation and protection responses to SEA allegations.

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

In December 2013, the IASC Principals³¹ 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 shown³⁵ that inter-agency coordination is vital for

³⁰ IASC Statement on PSEA, 11 Dec. 2015, action point II, “[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 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 (2012).

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, 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 assessing³⁸ SEA complaints in a CBCM; and
- Procedures for responding to SEA allegations, including referrals for 1) victim assistance provision and 2) investigation.

³⁶ The key elements of a survivor-centered approach are safety, confidentiality, respect, and non-discrimination. Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action, IASC, 2015. See Background 2.2. at 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 Receiving and Assessing Complaints.

Special Notes on Scope

1) *Humanitarian Setting*: While the UN Secretary-General’s Bulletin and the Statement of Commitment on Eliminating SEA by UN and Non-UN Personnel 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 SOPs⁴⁰ 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.

³⁹ Agency commitments to create and fully implement internal policies include: MOS-PSEA #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, Principle #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”); Principals Statement #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 UN Secretary-General’s Special Bulletin⁴¹ and the Statement of Commitment on Eliminating SEA by UN and Non-UN Personnel, 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

⁴¹ Based upon the IASC Six Core Principles Relating to Sexual Exploitation and Abuse, laid out in §1 (Introduction).

⁴² See the SG bulletin and Statement of Commitment on Eliminating Sexual Exploitation and Abuse by UN and Non-UN Personnel.

⁴³ IASC Statement on Protection from Sexual Exploitation and Abuse (11 December 2015).

⁴⁴ 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. 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.

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.

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 cases⁴⁷;
 - 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.

⁴⁵ Staff and volunteers should sign their respective agencies' Code of Conduct, or a Common Code of Conduct if developed by the CBCM. See Sample Common Code of Conduct in Annex.

⁴⁶ See the IASC Model Complaints and Investigation Procedures and Guidance Related to SEA (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 PSEA Minimum Operating Standards (MOS-PSEA) 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.

⁴⁹ MOS #3, Indicators 1 and 2.

⁵⁰ MOS #3, Indicator 3.

⁵¹ MOS #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 PSEA CBCM Best Practices Guide) can assist with harmonizing agency training approaches.

⁵² IASC Statement on PSEA, 11 December 2015.

⁵³ The IASC Task Team on AAP/PSEA is comprised of representatives from humanitarian agencies at the headquarters level.

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

⁵⁴ This can include conducting the victim services needs assessment if so structured by stakeholders. See §4.2.2(a).

⁵⁵ In the interest of confidentiality, only one person should be privy to the sensitive details of an SEA complaint under the review function. Where other entities insist on being involved, e.g. the host government, 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, 11 December 2015.

survivor, and pre-emptively addressing potential retaliation against all 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 appropriate⁶¹ 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

⁵⁷ Potential retaliation against whistleblowers is one of the reasons why immediate assistance should be available not only to victims, and be based on personalized needs assessment. See §4.2.2(a) Referrals for immediate assistance.

⁵⁸ The 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 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 Regulations).

⁶¹ Some CBCM member agencies have institutional policies that already obligate staff to keep all information on SEA allegations that they receive confidential.

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 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 PSEA 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 survivor⁶⁸ 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

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 #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 (11 December 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 Protection against Sexual Exploitation and Abuse, Statement by the Inter-Agency Standing Committee (IASC), Endorsed by the IASC Principals on 11 December 2015.

⁶⁷ See IASC Report of the Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises, 2002.

⁶⁸ Inter-Agency Standing Committee Gender-Based Violence Guidelines (2015), Part 2 Background, Key Elements of the Survivor-Centered Approach for Promoting Ethical and Safety Standards, p. 47.

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

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

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 on Elimination of SEA.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

⁶⁹ Additional guidance on working with child complainants can be found in the IASC CBCM Best Practice Guide.

⁷⁰ Agency staff should report SEA allegations through their internal reporting procedures.

⁷¹ “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;” (Secretary-General’s Bulletin on PSEA (2003)§3.2(e))

⁷² Mandatory reporting to governments will need to be reconciled with the Privileges & Immunities of organizations.

⁷³ MOS #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 #10 “Engage the support of communities and governments to prevent and respond to sexual exploitation and abuse by our personnel”.

PSEA,⁷⁵ the Statement of Commitment,⁷⁶ and the MOS-PSEA,⁷⁷ as 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 PSEA 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 CBCMs’ design shall take into consideration the principles of complaints 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 the 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

⁷⁵ Secretary-General’s Bulletin on PSEA (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, 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 (“Engage the support of communities and governments to prevent and respond to sexual exploitation and abuse by our personnel”).

⁷⁷ 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.”

⁷⁹ The 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 CBCM Best Practice Guide can be obtained at: www.iom.int

women, girls and boys, and men access and report information. In designing such a mechanism, all participating organizations in a humanitarian response operation⁸⁰ should work in conjunction, incorporating input from affected populations (see above) as well as that of national authorities⁸¹ and host communities.⁸²

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 apprised 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,⁸⁵ 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.⁸⁶ However, using a broader mechanism has its own logistical drawbacks and these SOPs do not advocate one structure over another.⁸⁷ 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.⁸⁸ 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

⁸⁰ This also includes post-conflict or transition and recovery operations.

⁸¹ Without prejudice to the privileges and immunities of the agency/organization.

⁸² MOS # 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 Inter-Agency Standing Committee Guidelines for Integrating GBV Interventions in Humanitarian Action (2015).

⁸⁴ See the GPC Coordinating GBV Interventions Handbook.

⁸⁵ There are advantages and disadvantages for each type of CBCM. See the IASC PSEA CBCM Best Practices Guide.

⁸⁶ 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 (2012).

⁸⁷ For detailed pros and cons of different possible CBCM scopes, see the IASC PSEA CBCM Best Practices Guide.

⁸⁸ 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 Best Practices Guide.

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.

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 complaints 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 off accessing 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.⁸⁹ 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.⁹⁰ 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

⁸⁹ 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 Best Practices Guide).

⁹⁰ See the Sample Incident Report Form in Annex.

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.

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.⁹¹

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.⁹² 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.

⁹¹ 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.

⁹² 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.⁹³ 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 complaints mechanism 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).⁹⁴

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.⁹⁵

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.⁹⁶ 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.

⁹³ In drafting the country-specific CBCM SOPs, the CBCM should consult with UNDSS or relevant security personnel on these procedures.

⁹⁴ 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.

⁹⁵ See also §4.2.2(b) Processing SEA allegations for referral.

⁹⁶ Reporting channels for each agency/organization vary, and humanitarian workers 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 allegation⁹⁷ 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.⁹⁸ 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.⁹⁹

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.¹⁰⁰ 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 principles¹⁰¹ and be able to put them into practice. In making the assessment for referral to services, the following considerations shall also be taken:

⁹⁷ As opposed to, e.g., a Shelter or WASH complaint.

⁹⁸ Statement of Commitment on Eliminating Sexual Exploitation and Abuse by UN and Non-UN Personnel #8 "Provide basic emergency assistance to complainants of sexual exploitation and abuse."

⁹⁹ In-depth guidance on victim assistance is provided in the CBCM Best Practice Guide.

¹⁰⁰ This function should be determined by the Steering Committee when designing the CBCM, and clearly articulated in the CBCMs procedures. Sample Victim Assistance Referral Pathway in Annex.

¹⁰¹ 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 Form¹⁰² to the department responsible for receiving SEA complaints¹⁰³ 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 delegate 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 minimize interviews in order to avoid retraumatization and potential contamination 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 complaints¹⁰⁴ 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

¹⁰² Model IASC Complaint Referral Form included in the Annex.

¹⁰³ 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.

¹⁰⁴ 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.

bypasses complaint review by the CBCM, it is highly recommended that the investigating agency notify the CBCM Coordinator of the report for data tracking purposes.¹⁰⁵

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,¹⁰⁶ 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.¹⁰⁷ 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.¹⁰⁸

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

¹⁰⁵ See §4.2.3 Recording and tracking case handling.

¹⁰⁶ 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.

¹⁰⁷ 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.

¹⁰⁸ Regardless of scope, the CBCM should record the receipt and referral of both SEA and non-SEA complaints.

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.

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.¹⁰⁹ 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.¹¹⁰ 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,

¹⁰⁹ MOS #5 Indicator 3: "There is a mechanism for monitoring and review of the complaint mechanism."

¹¹⁰ The Common Reporting Platform, developed through the IASC's PSEA-CBCM Pilot Project, is available on request for CBCMs to utilize.

apprising the CBCM is highly recommended for transparency and accountability to the complainant/survivor, and for monitoring and evaluation purposes.¹¹¹

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,¹¹² and that in practice they will use their respective investigation policies in the event that their staff is accused of SEA.¹¹³

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.¹¹⁴ 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.¹¹⁵

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,¹¹⁶ but agencies should strive to initiate investigations sooner.¹¹⁷

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

¹¹¹ See below §4.3.3 Communicating investigation status and findings to the CBCM.

¹¹² MOS #8, Indicator 1.

¹¹³ MOS #8, Indicator 3 “Standard investigation operating procedures or equivalent issued and used to guide investigation practice.”

¹¹⁴ MOS #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.” 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.”

¹¹⁵ Inter-Agency Standing Committee Task Force Guidelines on Interpreting the Minimum Operating Standards.

¹¹⁶ MOS #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” Statement of Commitment (2006) #6 “Investigate allegations of sexual exploitation and abuse in a timely and professional manner.”

¹¹⁷ 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))

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.¹¹⁸

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.¹¹⁹ 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 unit¹²⁰;
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.¹²¹ The complainant and the survivor (if separate) have an interest in receiving feedback on the case filed on their behalf.¹²²

¹¹⁸ For example, UNHCR, UNOPS, and the CHS Alliance.

¹¹⁹ Statement of Commitment on Eliminating Sexual Exploitation and Abuse by UN and Non-UN Personnel #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."

¹²⁰ 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.

¹²¹ 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.

¹²² The IASC Task Force's Guidelines on Implementing the MOS state that feedback is highly important to meet the requirement of MOS #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

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. Timely and thorough response to complaints is also integral to building trust and buy-in for the CBCM within the community.¹²³

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.¹²⁴ 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.¹²⁵ 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.

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.

¹²³ For more, see the IASC CBCM Best Practices Guide.

¹²⁴ MOS #8, Indicator 5.

¹²⁵ Sample templates 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.