IASC Inter-Agency Standing Committee

IASC Task Team on Accountability to Affected Populations and Protection from Sexual Exploitation and Abuse (AAP/PSEA)

IASC PSEA-focused Task Team Meeting.

01 November 2018

Agenda

15.00-15.15	Introduction
15.15-15.30	DFID Safeguarding Summit: Donor commitments
15.30-15.45	Inter-Agency Misconduct Disclosure Scheme
15.45-16.00	BOND: Accountability Sub-Working group
16.00-16.15	International Ombuds Scoping Study
16.15-16.30	PSEA/SH Championship Secretariat
16.30-16.45	CHS Alliance on PSEA Index
16.45-17.00	Open questions and AOB

Andrew
Gleadle
DFID

DFID Safeguarding Summit: Donor Commitments

DFID Department for International Development

https://www.gov.uk/government/publications/safeguarding-summit-2018-hosts-outcome-summary

The Inter-Agency Misconduct Disclosure Scheme

An Inter-Agency Scheme for the Disclosure of Safeguarding-related Misconduct in Recruitment Processes within the Humanitarian and Development Sector

Kate Halff
SCHR

Inter-Agency Misconduct Disclosure Scheme

- A minimum standard to share information between former /current employer and potential new employer as part of the recruitment process about staff and trustees who have been found to have committed sexual harassment, sexual abuse or sexual exploitation.
- Respects relevant legal and regulatory requirements.
- Investigations of allegations of sexual misconduct are conducted and concluded regardless of whether the person being investigated resigns before or during the investigation.
- Contributes to informed recruitment decisions.
- Grounded in transparency (i) a way to achieve fairness in the processing of personal data (from a GDPR perspective), (ii) to enable all organisations to implement the scheme despite differences in approaches and in legal and regulatory requirements.

Kate Halff
SCHR

Inter-Agency Misconduct Disclosure Scheme

We, the undersigned organisations, commit to work together to find legal means to share relevant information during the recruitment process about individuals who have been found to have committed sexual abuse, harassment or exploitation.

We commit this day to rigorous good faith efforts to finalise an Inter-Agency Misconduct Disclosure Scheme and its implementation timeline, based on current proposals, by 31 December 2018.

Kate Halff
SCHR

Inter-Agency Misconduct Disclosure Scheme

For more information / active engagement:

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UK Sector – Safeguarding Working Groups

1. **Accountability to people we work with**
2. Organisational culture
3. The employment cycle
4. Reports and complaints mechanisms

Richard
Corbett
Oxfam/BOND

Awareness

Vision:

Citizens who are recipients of aid and development are aware of their rights, know what steps to take if they feel at risk of, or choose to report, a violation by sector staff/volunteers, and are confident that their feedback /complaint will be responded to positively, sensitively and effectively.

Trust

Dignity

OXFAM

bond

ChildHope

Addressing the Problem

- Reviewing and learning from existing best practice within the sector and beyond
- Appraisal of existing standards and quality of delivery against these standards
- Focusing on new approaches to engage citizens in receipt of aid and development
- Ensuring broad buy in so recommendations of this work are adopted

https://oxfam.box.com/s/3tfzrcdatnybp0zxf7gnfuvnxjskqhvz

OXFAM bond ChildHope

Next Steps

- Appropriateness and awareness of available tools
- Organisations lack the confidence, willingness, resources and capacity to use available tools effectively
- People participating in programmes lack trust, confidence and knowledge of rights, and fear repercussions if they speak out

OXFAM

bond

ChildHope

International Ombuds for Humanitarian and Development Aid

Presentation on scoping study
IASC PSEA-focused Task Team Meeting
1 November 2018
Asmita Naik

(1) Background

- Scoping study commissioned by Netherlands Ministry of Foreign Affairs as contribution to Ad Hoc Donor Technical Group on Safeguarding
- Response to SEA and SHA scandals this year with principle aim of addressing lack of ability of affected people to raise concerns
- Project implemented by ISS/Erasmus University between August-September 2018
- Team – Thea Hilhorst, Asmita Naik, Andrew Cunningham

(2) Methodology

- Rapid assessment using qualitative methodology
- Interviews involving 76 persons from across sector (donors, UN, NGOs, private sector, host governments, persons with specialist knowledge)
- Interviews sought personal views of experienced practitioners at this initial stage of scoping NOT organisational positions
- Desk review of approx 125 documents

(3) Context

- Concept of Ombuds as an institution
  - Classical role as accountability tool for public services vs organisational Ombuds
  - Characteristics - last resort, non-binding recommendations than direct authority, publication of findings, outreach, pro-active capacity, principles (neutrality, confidentiality, independence, impartiality)
  - modern-day connotations of gender bias
- History of Ombuds idea in aid sector and previous study in late 1990s
- Evolution of complaints mechanisms in sector - accessibility and outreach

(4) Findings

- General consensus that need for independent recourse for complaints despite existing mechanisms (not all agree).
  - Primary responsibility to remain with agencies
  - Donors should do more to lead strengthened oversight (including use of donor conditionality)
- Authority – mixture of donor conditionality, voluntary agreement and moral pressure more readily achievable though constitution under international law would give more binding authority

(5) Findings continued…

- Organisations covered – only effective if applies to all – UN/multilaterals, (I)NGOs, Red Cross, donors, private sector
  - Degree of authority may vary depending on types of voluntary commitments or agreements but at a minimum, Ombuds still as capacity to make enquiries and assist complainants
  - Aid chain responsibility – coordinated response to allegations from donor through to downstream partners
  - Not envisaged apply to peacekeeping or national governmental authorities due to different lines of accountability – grey areas

(6) Findings continued…

- Issues addressed – open to all complaints, albeit priority areas such as PSEA
- Persons covered – aid recipients and affected populations. Staff/personnel to use other available channels first.
- Role
  - Reactive role - primary function to respond to complaints as second-tier appeal function once internal complaints channels pursued. Non-binding recommendations. Sanctions – publication and potential impacts on funding and reputation.
  - Pro-active role – advisory, research, capacity building especially first-tier complaints mechanisms

(7) Challenges

Accessibility – geographical proximity, language, culture – outreach work, reporting mechanisms and assistance with complaints

Legal – jurisdiction, authority

Structure – national presence vs remote global office. Global reach needed but scalability, parallel structures, costs, logistics etc. Lightweight/agile structure which does not override existing initiatives

Ownership, governance, buy-in – multi-stakeholder approach – initiated by donors but inclusive governance of aid agencies, host governments etc.

Readiness – dependence on primary tier which not adequately up and running. Staged approach.

(8) Possible model

Nest International Body

Governance – donor, host governments, UN, RCRC, (I)NGO, private sector

Joint Sectoral Ombuds

National Links – Joint inter-agency/ agency complaints mechanisms; Ombuds office; network of global specialists

Secretariat – receive, respond, coordinate complaints; initiate pro-active role; network and liaison; annual reporting; secretariat function

Roster of Experts- reactive and proactive functions

(9) Next steps

- Dutch Minister for Foreign Trade and Development Cooperation, Sigrid Kaag, announced continued pursuit of this initiative and funding of pilots at Global Safeguarding Conference held in London on 18 October 2018
- Continue scoping – identify potential nest, test and develop proposed model further
- Assess state of complaints mechanisms in sector
- Sector consultations to garner buy-in
- Field work to test feasibility
- Consider trialling prototype

(10) Weblink to report

- https://www.iss.nl/sites/corporate/files/2018-10/2018%20International%20Ombuds.pdf

Katie
Wepplo
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Tanya Wood
CHS ALLIANCE

CHS Alliance on PSEA INDEX

hqai

CHSAlliance

CHS PSEA Index

Current CHS PSEA Index

- The CHS PSEA Index brings together the 18 indicators in the CHS Verification Framework specifically focussed on PSEA.

- 35 Members of the CHS Alliance have used it to measure their performance and identify key areas for improvement.

CHS PSEA Index

Donor commitments

Donors have taken the following commitment at the Safeguarding Summit in London, on October 17th:

14. « *Demonstrate adherence to one or both sets of international minimum standards related to preventing sexual exploitation and abuse (PSEA), namely the Inter-Agency Standing Committee Minimum Operating Standards on PSEA, and/or the PSEA elements of The Core Humanitarian Standard on Quality and Accountability. In the longer term, we will look to review and strengthen measures for verification of that adherence, and how the standards could also cover sexual harassment".*

CHS PSEA Index

Proposal for the revision of the CHS PSEA Index

1. Weighting the indicators to highlight the ones with the most significant and direct impact on PSEA
   - *Example: indicator 5.2. Complaints are welcomed and accepted, and it is communicated how the mechanism can be accessed and the scope of issues it can address – to be weighted 3?*

2. Adding the missing PSEA elements into the guidance notes accompanying the indicators and giving details on what elements should be looked at for each indicator.
   - *Example: resources for investigation – linked to indicator 9.6?*

Tanya Wood
CHS ALLIANCE

CHS Alliance on PSEA INDEX

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CHS PSEA Index

List of indicators and weighting proposed

Original PSEA index	Suggested changes by CHS Alliance and HQAI	
Indicators	Status in the revised index	Ponderation
1.2. Programmes are appropriately designed and implemented based on an impartial assessment of needs and risks and an understanding of the vulnerabilities and capacities of different groups.	To be maintained	2
3.1. Programmes are designed taking into account constraints so that the proposed action is realistic and safe for communities.	To be maintained	1
3.6. Programmes identify and act upon potential or actual unintended negative effects in a timely and systematic manner, including in the areas of people's safety, security, dignity and rights, sexual exploitation and abuse by staff, culture, gender, social and political relationships, livelihoods, the local economy, and the environment.	To be maintained	2
3.7. Policies, strategies and guidance are designed to prevent programmes having any negative effects such as, for example, exploitation, abuse or discrimination by staff against communities and people affected by crisis, and to strengthen local capacities.	To be maintained	3
3.8. Systems are in place to safeguard any personal information collected from communities and people affected by crisis that could put them at risk.	To be maintained	1
4.1. Information is provided to communities and people affected by crisis about the organization, the principles it adheres to, the expected behaviours of staff, and its programmes and deliverables.	To be maintained	2
4.5. Policies for information-sharing are in place, and promote a culture of open communication.	To be maintained	1
4.6. Policies are in place for engaging communities and people affected by crisis and reflect the priorities and risks communities identify in all stages of the work.	To be added	2
5.1. Communities and people affected by crisis are consulted on the a. design, b. implementation, and c. monitoring of complaints handling processes.	To be maintained	2
5.2. Complaints are welcomed and accepted, and it is communicated how the mechanism can be accessed and the scope of issues it can address.	To be maintained	3
5.3. Complaints are managed in a timely, fair and appropriate manner. b. Complaints handling mechanisms prioritise the safety of the complainant and those affected at all stages.	To be maintained	2
5.4. The complaints-handling process for communities and people affected by crisis is documented and in place. The process covers programming, sexual exploitation and abuse, and other abuses of power.	To be maintained	2
5.5. An organizational culture in which complaints are taken seriously and acted upon according to defined policies and processes has been established.	To be maintained	1
5.6. Communities and people affected by crisis are fully aware of the expected behaviour of humanitarian staff, including organisational commitments made on the prevention of sexual exploitation and abuse.	To be maintained	3
5.7. Complaints that do not fall within the scope of the organization are referred to a relevant party in a manner consistent with good practice.	To be maintained	2
6.2. Staff adhere to the policies that are relevant to them and understand the consequences of not adhering to them.	To be maintained	2
6.7. A code of conduct is in place that establishes, as a minimum, the obligation of staff not to exploit, abuse or otherwise discriminate against people.	To be maintained	3
6.8. The risk of corruption is managed and appropriate action is taken when corruption cases are identified.	To be maintained	1
9.6. Policies and processes governing the use and management of resources are in place, including how the organization: a. accepts and allocates funds and gifts-in-kind ethically and legally; b. uses its resources in an environmentally responsible way; c. prevents and addresses corruption, fraud, conflicts of interest and misuse of resources; d. conducts audits; verifies compliance and reports transparently; e. assesses, manages and mitigates risks on an ongoing basis; and f. ensures that the acceptance of resources does not compromise its independence.	To be maintained	2

hqai

CHSAlliance

CHS PSEA Index

How can the IASC Task Team and its members contribute to this revision?

1. Feed into the revision process of the CHS PSEA Index
   - *Send your comments to bsokpoh@chsalliance.org by November 16th.*

2. Use the revised CHS PSEA Index
   - *Organisations verify their performance against the revised CHS PSEA index to improve your systems & practices (part of the TT work plan 2019).*

Tanya Axisa
Task Team

AOB

- Update on UN SEA WG
- Update on Meeting of the Heads of Investigatory Bodies, 26 November