

Terms of Reference

[ORGANIZATION] IN-COUNTRY PSEA FOCAL POINT FOR [CONTEXT]

IOM and IASC Results Group 2 on Accountability
and Inclusion

August 2021

Endorsed by IASC Operational Policy and Advocacy Group (OPAG)

[Organization] in-country PSEA Focal Point for [Context]

Generic Terms of Reference¹

These generic TORs are intended to serve as a useful guide for organizations that do not already have their own internal TORs for PSEA Focal Points, and are to be adapted as needed to the organizational and operational context

Background

[Insert relevant information about the organizations' commitments on Protection from Sexual Exploitation and Abuse (PSEA) and the Sexual Exploitation and Abuse (SEA) context in-country. PSEA is a core commitment of the UN Secretary-General and the Inter-Agency Standing Committee (IASC). To deliver on this commitment, the IASC has prioritized the acceleration of PSEA from the outset of humanitarian response, with a focus on key priority areas including safe and accessible reporting, victims/survivor-centered response, and enhanced accountability.²]

Role Description

The PSEA Focal Point is a staff member of [Organization] tasked with implementing PSEA in direct coordination with their Head of Office, both internally and as an active member of the [Context] PSEA Network.³ The nomination of a PSEA Focal Point does not relieve the Head of Office of their ultimate responsibility for PSEA in the office but supports the Head of Office in that role. *[Reference here any regional or HQ PSEA Focal Point whose role is to provide functional guidance to the in-country Focal Point.]*

The Focal Point designation is a role or "hat" assigned to existing personnel and not a full-time position. To respect the need to balance the Focal Point's regular job with engagement on PSEA, the below responsibilities will be reflected in the Focal Point's job evaluation. To avoid the loss of institutional memory due to personnel change, the PSEA Focal Point should be able to commit to the role for minimum 1 year and prepare a briefing for his/her replacement when exiting.

To ensure the Focal Point is allowed enough time to devote to PSEA responsibilities and that the activities are covered during Leave/R&R, [Organization] will designate two PSEA Focal Points, taking gender balance into consideration. The responsibilities outlined in these TORs will be divided between the Focal Points at their discretion and under the supervision of their respective supervisors as sharing responsibilities equally or as one primary and one alternate. The Head of Office and Focal Points are mutually responsible for ensuring each are kept up to date on collective and organizational PSEA developments for participation in the [HCT/UNCT] and PSEA Network respectively.

The role of the Focal Point is limited to PSEA. Although the PSEA Focal Points need to be able to identify links between SEA and other forms of staff misconduct, they are not responsible for implementing activities beyond PSEA *[If designated as Sexual Harassment Focal Point, separate TORs will be needed]*.

The PSEA Focal Point does not have an investigative role *as such*. However, the PSEA Focal Point of an organization without a separate HQ investigation unit *may also* have an internal investigation role, if trained and qualified as an SEA investigator. In such a scenario, the Focal Point must recuse themselves from an

¹ The generic PSEA Focal Point TORs update the TORs produced by the ECHA/ECPS UN and NGO Task Force on Protection from Sexual Exploitation and Abuse (November 2008) based on good practice, agreements in the IASC, existing agency TORs, and have been developed with the contributions of in-country and global practitioners.

² IASC Strategy on Protection from Sexual Exploitation and Abuse and Sexual Harassment (2021), available [here](#); IASC Plan for Accelerating PSEA in Humanitarian Response at Country-Level (2018), available [here](#); UN Secretary-General's Strategy on PSEA (2017), available [here](#).

³ See the [Generic Terms of Reference for in-country PSEA Networks \(2021\)](#).

investigation if he/she begins providing victim support and/or otherwise compromises his/her impartiality or fosters an impression of conflict of interest.

Responsibilities:

Under the 4 pillars of IASC Minimum Operating Standards on Protection from Sexual Exploitation and Abuse and in line with global standards on PSEA,⁴ the PSEA Focal Point(s) will undertake the following:

Core Activities:

Engagement with and support of the affected population⁵

- [Design / disseminate] awareness-raising tools and facilitate events for community members with emphasis on their rights, what SEA and staff reporting obligations are, and options for reporting sensitive complaints and victim assistance services.
- [If not already in place] Work with the PSEA Network to establish an inter-agency Community-Based Complaint Mechanism, incorporating [Organization]'s existing complaint and feedback mechanism (CFM) and in line with PSEA and GBV good practice.⁶

Prevention

Support the Head of Office to:

- Establish [where not already in place] and ensure staff sign a Code of Conduct that clearly prohibits SEA, obliges reporting of such acts, and enforces these clauses when breached.
- Develop and monitor a Work Plan to mainstream PSEA throughout [Organization]'s departments and programming, informed by community engagement and SEA trends in [Context] [and in accordance with global and/or regional PSEA Action Plans].

Take the lead on:

- Collaborating with Human Resources to ensure all new hires receive induction on PSEA.
- Regularly [train / support trainings for] staff and field personnel on PSEA and [Organization]'s Code of Conduct and mechanisms for reporting SEA.

Response

- [Where applicable per internal procedures on complaint and assistance reporting] Act as a channel to receive allegations of SEA. Report and where relevant refer allegations to the organization whose personnel are implicated, and survivors to assistance in line with internal procedure and available pathways.
- Limit sharing of sensitive complaint information to a “need to know” basis, in line with data protection principles and a victim-centered approach.
- In coordination with the [Monitoring Evaluation Accountability and Learning (MEAL) team / Accountability to Affected Population (AAP) Focal Point], support program managers to strengthen and/or establish safe, accessible, and contextually appropriate channels to receive sensitive allegations, informed by good practice and community consultations.
- Support the Head of Office to establish [if not already in place / defined by HQ] and/or strengthen complaint handling and investigation protocols, including clear case handling responsibilities, capacitated investigators, and the ability to enact disciplinary measures where an allegation of SEA is substantiated [and incorporating the relevant national laws of Context].

⁴ See e.g. the [Minimum Operating Standards on PSEA](#), and the [Core Humanitarian Standard](#).

⁵ All PSEA engagements with the local population should be done in coordination with actors working with affected populations to avoid duplication of efforts and to inform said engagements.

⁶ Good practices in setting up systems for inter-agency referrals of SEA complaints and victim assistance, are found in the IASC [Best Practice Guide](#) and the GBV AoR's [Handbook for Coordinating Gender-Based Violence Interventions in Emergencies](#) Chapter 1.8

Management and Coordination

- Raise awareness of the Focal Points' identity and contact details throughout [Organization], the PSEA Network, [and where appropriate the affected community].
- Represent [Organization] at PSEA Network meetings, actively participate in fulfilling the Network's Action Plan, and report back to the Head of Office on Network progress and lessons learned.
- Generally assist the Head of Office to meet his/her senior leadership PSEA responsibilities.

Advanced Activities:

[The following activities have proven to be strong practice for a Focal Point to take on where possible]

Community engagement

- Map existing community engagement projects in [Organization] and work with project leads to insert PSEA messages and/or gather community input where appropriate.
- In coordination with trained GBV colleagues, learn community preferences in reporting sensitive information, their perspectives of aid workers' attitudes and behavior, their feedback on the effectiveness of SEA reporting channels and processes and accessibility of assistance services, and their input on how to speak about sexual issues in a culturally appropriate manner.

Prevention

- Support program managers to budget for and implement [Organization]'s PSEA activities under the Work Plan.
- Assist human resource departments upon request to put in place and apply practices that guard against hiring persons who have a record of misconduct,⁷ and include PSEA content in contracts, subcontracting, and job evaluation criteria.
- Collect and analyze information on SEA risk factors (via internal programming) and country-wide trends (via the Network) and make recommendations to senior management on how to enhance prevention strategies.
- Raise awareness of partners on [Organization's] Code of Conduct and mechanisms for reporting allegations of SEA. [For UN agencies, funds and programmes] Ensure management are aware of the [UN Protocol on Allegations of Sexual Exploitation and Abuse involving implementing partners](#) and accompanying partner assessment, and support as needed.
- In coordination with relevant fellow PSEA Network members (e.g. those sharing partners with [Organization]) provide PSEA trainings for partners.

Response:

- In coordination with GBV specialists [and where present the Senior Victims' Rights Officer/Field Victims' Rights Advocate/Focal Point on Victims' Rights⁸], support the Head of Office to establish and/or strengthen [Organization]'s internal referral pathways to victim assistance services in line with the [UN Victim Assistance Protocol](#).
- [If applicable and in line with the internal procedures] Support the Head of Office to monitor the progress of complaints according to [Organization's] internal procedures.

⁷ Initiatives to promote sharing information on re-hiring of perpetrators are the Steering Committee for Humanitarian Response's [Misconduct Disclosure Scheme](#) (open to UN and NGOs), and [Clear Check](#) (open to UN).

⁸ More information on the role of the SVRO/FVRA/FPVR is available [here](#).

Management & Coordination

- Support and promote [*Organization's*] adherence to relevant accountability and compliance mechanisms, and reporting requirements on PSEA.
- Compile available anonymized, aggregate data on SEA allegations within [*Organization*] at country level to inform program adjustment and strengthen efforts to address SEA.
- Share regular updates of anonymized, aggregate SEA allegations with the PSEA Network to support trends analysis, unless this would jeopardize the rights of the victim or the investigation process.
- [*Coordinate with sub/field offices to share lessons learned, mutually benefit from training opportunities, and harmonize PSEA implementation throughout Organization*].

Required Qualifications and Experience:

[Desirable competencies of the PSEA Focal Point will vary significantly by context. Below is a non-exclusive list intended as a starting point of minimum standards]

Professional experience and background

- [Insert minimum P-level or equivalent years of experience under Organization's policy, or minimum level to reflect that the Focal Point:] Can speak on behalf of [Organization] in the PSEA Network and has sufficient decision-making authority to initiate institutional change. The PSEA Focal Point has direct access to the Head of Office in PSEA-related matters.
- Strong knowledge of the local context and norms related to sex and gender
- Strong knowledge and understanding of [Organization]'s institutional approach on PSEA and related strategies, policies, rules and regulations
- Compatibility of the PSEA Focal Point function with his/her assigned position and workload
- Demonstrated experience working directly with local communities
- Experience in protection-centred work is an advantage
- Familiarity with data protection and confidentiality measures and protocols

Skills

- Professionalism (proven integrity, objectivity, and professional competence)
- Communication, facilitation, and inter-personal skills
- Time-management

Behavioral requirements

- Embracing cultural diversity
- Sensitivity to gender issues
- Ability to interact in a sensitive manner with victims
- Ability to work in a stressful environment

Languages

- [Functional language of the response] required
- [Local language(s)] a strong benefit⁹

Training:

The Head of Office will support the Focal Points to be trained on:

- The definition of SEA, including the [Six Principles](#) and how they are captured in [Organization]'s Code of Conduct / PSEA Policy
- Other forms of misconduct, to enhance the ability to recognize SEA when mixed with other issues
- Gender-Based Violence (GBV), Accountability to Affected Populations (AAP), and (Child) Protection Guiding Principles to promote victim-centered and accountable approach to PSEA
- [Organization]'s internal complaints procedures and victim assistance mechanisms
- Investigation standards, so that the intake and reporting process does not jeopardize a subsequent SEA investigation

⁹ Where necessary and as possible, the Focal Point will receive training on relevant words/phrases in the local language to ensure [Organization's] PSEA program is contextualized and appropriate, and to minimize communication barriers.