This Protocol is intended to complement, reinforce and enhance Agency-specific Codes with the same purpose that are already in place.\*[[1]](#footnote-2)

Developed in collaboration with:

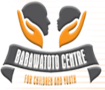
Ministry of Home Affairs (MoHA), African Initiatives for Relief and Development (AIRD), Baba Watoto, Danish Refugee Council (DRC), HelpAge International, International Rescue Committee (IRC), [Médecins Sans Frontières (MSF)](http://www.msf.org/), Norwegian Refugee Council (NRC), OXFAM, Plan International, REDESO, Save the Children International, Tanganyika Christian Relief Services (TCRS), Tanzanian Red Cross Society (TRCS), The United Nations Children’s Fund (UNICEF), United Nation High Commissioner for Refugees (UNHCR), International Organization for Migration (IOM), United Nations World Food Programme (WFP), Women’s Legal Aid Center (WLAC), World Vision, CARITAS, ICRC, CEMDO, Good Neighbors Tanzania, World Vision, Water Mission,

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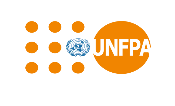












## KEY TERMS

Complainant The person making the complaint, including the survivor/victim of sexual exploitation and abuse.

Informed consent The voluntary agreement of an individual who has the capacity to give consent to pursue a legal procedure or receive services. To provide informed consent, the individual must have the capacity and maturity to know about and understand the implications of the procedures to be followed, the services being offered and be capable of giving her/his consent. Parents, caregivers, or other legal guardians are typically responsible for giving consent for their child to receive humanitarian services and/or undertake the consequences of eventual legal procedures.

Informed Assent The expressed willingness to pursue legal procedures or participate in services. For younger children who are by definition too young to give informed consent, but old enough to understand the implication of the procedures to be followed or to participate in the recommended services, the child’s “informed assent” is sought. Informed assent is the expressed willingness of the child to participate in services and undertake the consequences of eventual legal procedures.

Subject of complaint (SoC) The person(s) alleged to have sexually exploited or abused the survivor/victim. This can be a person, group, or institution that directly inflicts or otherwise supports violence or other abuse inflicted on another against his/her will.

Survivor The person who is, or has been, sexually exploited or abused. The term “survivor” implies strength, resilience and the capacity to survive.[[2]](#footnote-3)

Witness Any person giving testimony or evidence in the investigation, including but not limited to the survivor/victim, the complainant, a beneficiary, personnel of a partner agency, the subject of the complaint or personnel of another entity.

Outside source of information For the purpose of this Protocol, outside source can be considered a community member, partner organization, authorities, concerned individual or any external entity that provides information on a prohibited behaviour of a staff member.[[3]](#footnote-4) This would also include anonymous sources of information.

Person of concern (PoC) to UNHCR Persons of concern to UNHCR consist generally of five categories of people who are within the competence of the High Commissioner. These groups are (a) those who fall under the Statute/1951 Convention definition and thus are entitled to benefit from the full range of the Office’s functions; (b) those who belong to a broader category but have been recognized by States as being entitled to both the protection and assistance of the Office; (c) those to whom the High Commissioner extends his “good offices”, mainly but not exclusively to facilitate humanitarian assistance; (d) returning refugees, for whom the High Commissioner may provide reintegration assistance and a certain protection; and (e) non-refugee stateless persons whom UNHCR has a limited mandate to assist.[[4]](#footnote-5)

## ABBREVIATIONS

CBCM Community Based Complaints Mechanism

CBFM Community Based Feedback Mechanism

CoC Code of Conduct

HoA Head of Agency

IASC Inter-Agency Standing Committee

NGO Non-governmental organisation

SEA Sexual Exploitation and Abuse

PoC Person of Concern (according to the UNHCR mandate)

PSEA Protection from Sexual Exploitation and Abuse

SGBV Sexual and Gender Based Violence

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# BACKGROUND

Emergency and protracted crises may expose persons of concern to UNHCR to serious protection and exploitation-related risks. Sexual Exploitation and Abuse (“SEA”) violates not only the physical integrity and security of the individual victims, but also their dignity and self-worth. SEA is a consequence of unequal power relationships, a dynamic that is often exacerbated during humanitarian crises, which are so often characterized by widespread and systematic violence, mass displacement, and the breakdown in traditional family structures and social, legal, governance, and value systems. Women and children constitute the overwhelming majority of complainants. The economic and social inequalities confronting women and children, in particular, put them at higher risk of exploitation by those in positions of power.[[5]](#footnote-6)

As part of the commitment to ensure **zero-tolerance** to SEA and the implementation of the *Secretary-General’s Bulletin Special measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13) (SGB),* and other best practices, a Protection from Sexual Exploitation and Abuse Task Force (“PSEA TF”) was established under the auspices of the Refugee Coordinator (UNHCR Representative) to develop this Protocol.

The principles of integrity, professionalism, respect for human rights and the dignity of all peoples underpin this Protocol. The Protocol also reaffirms Inter-Agency commitment to promoting and protecting the rights enshrined in international humanitarian, human rights, and refugee law, particularly the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women.

The development of this protocol is part of the commitment to prevent, report, investigate and respond to sexual exploitation and abuse in accordance with the SGB. The protocol has also been developed in accordance with the following:

1. Inter-Agency Standing Committee (IASC) PSEA Task Force tools and best practices.[[6]](#footnote-7)
2. The Statement of Commitment on Eliminating Sexual Exploitation and Abuse by UN and Non-UN Personnel.[[7]](#footnote-8)
3. The Global Review of Protection from Sexual Exploitation and Abuse by UN, NGO, IOM and IFRC Personnel.[[8]](#footnote-9)

*Zero-tolerance means that the culture of impunity and complacency toward sexual exploitation and abuse is no longer tolerated. Zero-tolerance for impunity means that active measures are being introduced to prevent sexual exploitation and abuse and appropriate disciplinary action will be taken against all persons who are found to have violated the UN standards of conduct.*

1. The IASC Six Core Principles Relating to Sexual Exploitation and Abuse.[[9]](#footnote-10)

This protocol has been adopted by the signatory entities. Particular roles and responsibilities are outlined.

# ROLES AND RESPONSIBILITIES?[[10]](#footnote-11)

All entities operating as part of the Inter-Agency response are responsible to ensure that appropriate procedures are in place for handling complaints effectively and safely. Entities are responsible for promoting PSEA amongst their own personnel and the refugee communities they work with. It is the responsibility of each entity to ensure that their personnel understand the ethical obligations placed upon them and its Code of Conduct (or similar), and to implement internal disciplinary procedures. Each entity takes responsibility to manage and coordinate any investigation, either within their agency or directly with an established investigative body of an allegation of SEA by its own personnel.

Individual entities are responsible for ensuring their **partners** understand the reporting line, have a PSEA Focal Point in place and that this is included in project agreements they have with any other entities. Entities take responsibility to provide the necessary support to partners to establish the right environment and systems to tackle and respond to SEA within their operations and agencies, i.e. putting in place prevention strategies; participating in community-based complaint-handling mechanisms; how to receive, refer, investigate and report complaints and allegations in line with this Protocol.

All partners of UNHCR have specifically outlined responsibilities under Section 2 of the partnership project agreement (PPA). All personnel of UNHCR partners and participating entities are responsible for:

* Reporting concerns or suspicions made in good faith regarding SEA by a fellow worker, whether in the same organization/agency or not.
* Building PSEA into their everyday working practices and engagement with persons of concern.

Though all staff share an obligation to prevent and respond to SEA, management has a particular responsibility for developing and implementing mechanisms to prevent abuse:

*‘…staff are obliged to create and maintain an environment that prevents sexual exploitation and sexual abuse. Managers at all levels have a particular responsibility to support and develop systems that maintain this environment*.’[[11]](#footnote-12)

In practice, this means that managers are primarily responsible for designing, implementing, and monitoring *internal* complaint mechanisms. All entities will have systems in place, or develop them if they are not in place, and will regularly evaluate the effectiveness of their complaint mechanisms.

## 2.1 PSEA TASKFORCE/NETWORK

The PSEA Taskforce was established to develop the Protocol and guiding documents. On adoption of the Protocol, the identified Focal Points will remain as part of the PSEA Focal Points Network. Annex 10 provides the TORs of the PSEA Network. The Network is not responsible for investigation or adjudication of complaints, or for dealing directly with complainants. This responsibility rests exclusively with dedicated bodies of individual entities.

## 2.2 PSEA FOCAL POINTS

PSEA Focal Points are officially designated by each entity to represent it and participate in the PSEA Network and are responsible for actively promoting the protection from sexual exploitation and abuse within their own agency. They are responsible, along with their Senior Management, for ensuring that appropriate response systems are established and implemented within their agency and with partners, in line with this Protocol, and ensuring that refugees and host communities are engaged in the prevention and response to complaints.

PSEA Focal Points facilitate the implementation of appropriate actions to respond to the received complaints in line with the agency’s internal procedures and investigative body affiliated with their agency as defined in its legal and project agreements. Focal Points will liaise with investigative bodies within their own agencies and those of other entities when the situation arises. It should be noted that reports can be directed to any individual of an agency by a person of concern (PoC) and not necessarily only through focal points.

# DEFINITIONS

Section 1 of the SGB defines sexual exploitation and abuse as follows:

The term ‘**sexual abuse’** means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.[[12]](#footnote-13)

The term ‘**sexual exploitation’** means any actual or attempted abuse of a position of vulnerability, differential power or trust for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another. Some types of forced and/or coerced prostitution can fall under this category.[[13]](#footnote-14)

# GUIDING PRINCIPLES[[14]](#footnote-15)

UNHCR and partners shall create and maintain an environment that prevents SEA and promotes the implementation of respective and the Inter-Agency code of conduct (CoC). A number of key principles underpin this protocol. Particularly important are those relating to **confidentiality**, **anonymity,** and the **safety/welfare** needs of the complainant and any witnesses.

It is particularly important that, where the complainant is a person of concern (PoC), the staff member receiving the complaint considers whether the PoC has immediate needs requiring attention. There may be immediate safety needs if the PoC is returning to an unsafe situation; there may also be immediate health needs if the complainant is a complainant of sexual exploitation/abuse. This should be assessed by the Focal Point and if the complainant consents he/she can be referred to SGBV services providers for a full assessment and follow-up support.

Exploitative and abusive sexual activities by entity staff and/or their partners and affiliate workforce are prohibited and perpetrators will be held accountable. Any sexual activity involving the exchange or withholding of humanitarian assistance or services is, by definition, exploitative and abusive.

Recognizing that sexual exploitation and abuse are grounded in gender inequality, the Inter-Agency actors will ensure that humanitarian activities are conducted in a gender-sensitive manner and that the views and perspectives of women and girls are adequately considered by consulting women and girls on all stages of the design, implementation and evaluation of their programming.

The six core principles relating to SEA are as follows:

1. Sexual exploitation and abuse by humanitarian workers constitute acts of gross misconduct and are therefore grounds for termination of employment.
2. Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief regarding the age of a child is not a defence.
3. Exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour is prohibited. This includes exchange of assistance that is due to beneficiaries.
4. Sexual relationships between humanitarian workers and beneficiaries are strongly discouraged since they are based on inherently unequal power dynamics. Such relationships undermine the credibility and integrity of humanitarian aid work.
5. Where a humanitarian worker develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same agency or not, he or she must report such concerns via established agency reporting mechanisms.
6. Humanitarian workers are obliged to create and maintain an environment which prevents sexual exploitation and abuse and promotes the implementation of their code of conduct. Managers at all levels have particular responsibilities to support and develop systems which maintain this environment.

# RECEIVING COMPLAINTS AND REPORTS

All complaints must be handled with respect for confidentiality, informed consent, and consideration for the safety of the complainant. Complaints may be received a number of ways:

* Verbally, or through writing, to a staff/affiliate member of any entity;
* Through any of the complaints boxes in place in the camps (organisation specific or Inter-Agency - Refer to SOPs on Complaint Boxes (Annex 12)
* Through a Community Based Feedback Mechanism;
* Through a hotline operated by any agency/organization in the camp.

Regardless of the mechanism of complaint, it should be promptly directed to the Focal Point from the respective entity for immediate action as per that entity’s internal reporting mechanism for handling complaints. If the complaint is received by an individual (verbally or in writing) associated with any entity that person is obligated to report it immediately to their respective PSEA Focal Point/Head of Agency.

If the complaint is received by a committee of helpdesk (e.g. Community Based Feedback Mechanism (CBFM) (verbally or in writing) that committee is to report it immediately to their respective PSEA Focal Point/Head of Office without informing other colleagues, as per the SEA referral pathways – see Annex 9. For a list of entity Focal Points see Annex 7.

In all cases, and only to the extent possible, it is necessary that clear and comprehensive information is gathered about the nature of the complaint at the time of receiving the complaint. A Sexual Exploitation and Abuse Complaints Form (see Annex 5) should be completed (if the complaint is made in person only) and delivered immediately to the entity’s Focal Point as per Annex 7. The person receiving the report does not need to carry out an investigation as this may create further protection risks.

The reporting obligation applies even if the alleged perpetrator is from another entity. It is **not** necessary to be sure or have proof before reporting a concern. All suspicions or concerns must be reported in good faith to the relevant Focal Point. All referrals **must** be made in writing using the complaints form – see Annex 5. All received complaints must be acknowledged in writing or verbally and then recorded. It is **not** the responsibility of the member of staff to ascertain whether or not the complaint is true. Ask what, who, where and when, **never** ask why. Records must be kept in a lockable filing cabinet with the PSEA Focal Point.

The avenues for making complaints will be clearly communicated with the community by all agencies/organisations in regular and coordinated outreach activities including billboards, posters and leaflets and through town hall meetings, individual case management sessions and during individual counselling sessions.

# MANDATORY REPORTING

The Statement of Commitment endorsed by UN and Non-UN organisations – see Annex 2, in accordance with the Secretary General’s Bulletin – see Annex 1, states that ‘*where a humanitarian worker develops concerns of 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*.’ These obligations are extended and apply to **all humanitarian personnel of the signatories of this Protocol**. Reports must be made to the PSEA Focal Point of one’s own agency or to an established Investigative body such as the UNHCR IGO (Refer to SEA Reporting Guidance – Annex 13).

It is not necessary to be sure or to have proof before reporting a concern. Managers and/or personnel should not take it upon themselves to investigate allegations in order to obtain proof before reporting. However, all concerns or suspicions must be reported in good faith. All personnel are expected to cooperate fully with any investigations procedures or requirements as instructed by the IGO. It is not necessary for managers and/or personnel members to distinguish whether a particular act constitutes sexual exploitation or sexual abuse before reporting. Many acts may constitute both. Similarly, some acts may breach more than one of the standards set forth in the SGB, such as a sexually exploitative relationship in exchange for money with someone under the age of 18.

**All personnel are responsible for:**

1. Reporting concerns or suspicions made in good faith regarding SEA by a fellow worker, whether in the same agency or not, to UNHCR/ IGO.
2. Building PSEA into their everyday working practices and engagement with persons of concern.

The law of Tanzania provides for a ‘duty to report’ of all offences punishable under the Penal Code.[[15]](#footnote-16) In such a case, and in accordance with the Inter-Agency SGBV SOP and referral pathways reports to the Police of incidents affecting persons of concern should be provided through UNHCR or informing UNHCR.

In refugee operations the UNHCR Inspector General’s Office (IGO) is responsible for ensuring that possible misconduct involving any person of concern to UNHCR, whether that entity or person has a direct contractual link with UNHCR or not, is properly investigated.

If approached by a person who wishes to report an SEA issue in person the staff member is obliged to inform them, prior to any interview, that anything that will be shared **will** be reported in accordance with this protocol. Confidentiality, informed consent and the wishes of the survivor of sexual exploitation and abuse will always be given priority, and in parallel, rules of mandatory reporting will be observed.

Other important points to remember:

1. Limit the number of people informed of the complain to ensure confidentiality;
2. Assess the physical safety and welfare of the complainant;
3. Respect the wishes, rights and dignity of the complainant;
4. If you receive an allegation regarding someone from another agency, contact the appropriate section of the relevant organisation as quickly as possible; Refer to Annex 9 on Agency SEA Community-Based Complaint Referral Pathway.
5. The decision to report to local authorities rests in principle with the complainant, this should be explored with the victim by the Focal Point. However, there is a ‘duty to report’ if the allegation constitutes an offence under the Penal Code e.g. sexual activity with a girl under the age of 18. See above.

# INVESTIGATIONS[[16]](#footnote-17)

Entities must always prioritize the protection of the survivor, his/her family members, witnesses and any other individuals who might be affected by an allegation or complaint and all entities shall endeavor to cooperate to mitigate any potential risks during and following an investigation.

For cases which do not give rise to criminal proceedings, or where the complainant refuses criminal proceedings, administrative investigations by the entity concerned should in all cases still be completed, whether the person concerned remains in the country/area or not, and notwithstanding that she/he may have ceased to be an employee of the entity concerned. This is vital, among other reasons, if, for instance, the former employer is approached for a reference concerning this person, or she/he later reapplies for employment within the same entity or another entity.[[17]](#footnote-18)

Investigations can only be carried out by trained staff members who must be named and on a standby team. Entities with partnership agreements with UNHCR who do not have trained investigators on the team can collaborate with UNHCR to utilize investigators within UNHCR.[[18]](#footnote-19) Refer to Annex 8 –Agencies Investigative Bodies.

In cases where multiple agencies are implicated joint investigations should be conducted.

Below are listed the key principles for undertaking investigations:

***THOROUGHNESS*:** investigations must be conducted in a diligent, complete and focused manner.

***CONFIDENTIALITY*:** complainants, witnesses and the subject of allegations have a right to confidentiality other than in certain, exceptional circumstances.

***SAFETY:*** the safety and welfare needs of the complainant are paramount.

***COMPETENT, RESPONSIBLE, INDEPENDENT INVESTIGATORS*:** people conducting investigations and preparing reports should be responsible, independent and should have received training.

***IMPARTIALITY:*** investigations must be conducted in a fair and equitable way.

Investigators must be free of any influence that could impair their judgment.

***OBJECTIVITY:*** evidence to support and refute the allegation, must be gathered and reported in an unbiased and independent manner.

***TIMELINES:*** investigations must be conducted and reported in a timely manner.

***ACCURACY AND DOCUMENTATION*:** investigation reports and their conclusions must be supported by adequate documentation.

Each entity is responsible for ensuring adherence to its own internal investigation policies and procedures, in order to coordinate, manage, assess, investigate and respond to complaints or allegations of sexual exploitation and abuse (UNHCR Investigation Procedures and/or IASC Complaint and Investigation Guidelines on SEA can be reviewed for reference). Relevant guidelines for conducting investigations should be in place in each organization and agency and should meet the minimum standards for conducting investigations.[[19]](#footnote-20)

Entities are encouraged, in respect of confidentiality and wishes of the survivor as well as in line with their internal accountability framework and complaint mechanism systems, to alert UNHCR on possible risks for individual persons of concern to ensure that adequate protection for victims and witnesses is ensured from the start of the individual entity’s investigation. UNHCR IGO/PSEA Focal Point can also provide support and guidance.

# ADDRESSING ANONYMOUS COMPLAINTS AND RUMOURS

Not all complainants may be willing to reveal their identity. This does not necessarily have any bearing on the truth of the complaint but may be an indication of fear of reprisal. Anonymous complaints should be treated just as seriously as complaints where the identity is known. Because of the reporting obligation, the substance of the allegation should still be reported through the proper channels, along with the identification of the alleged perpetrator, if known. The wish for anonymity only applies to the complainant and not to the subject of the complaint. Refer to the SEA referral pathway – Annex 9.

Rumours must be taken seriously. If left unchecked, rumours may damage the individual(s) concerned and the Inter-Agency response. Rumours can serve as early warning of a greater problem. All rumours must therefore be reported and investigated. Refer to the SEA referral pathway – Annex 8.

In all such cases the UNHCR Representative will be alerted and in consultation with the IGO an adequate response to address the potential protection needs of the alleged affected population will be taken.

# COMPLAINTS BROUGHT BY SOMEONE OTHER THAN THE COMPLAINANT OF ABUSE

A complaint can be made by anyone who is concerned that a staff member has engaged in exploitation or abuse of a person of concern; the complaint does not have to be made by the alleged complainant. In some cases the complainant will not agree to provide testimony or may want the investigation to be discontinued. While the complainant’s wishes should be considered, particularly when there is risk of physical, emotional or social harm, s/he does not ‘own’ the allegation. S/he is a witness just as others are witnesses.

Ultimately, it will be a question for the investigation management team whether and how to proceed, considering issues such as the wishes of the complainant, the potential for future abuse and harm, the reputation of the organization/agency, the organization/agency’s responsibility to create a safe and abuse-free environment, national law and the ability of the investigators to reach a conclusion on the available evidence.

# CONFIDENTIALITY

Confidentiality means that information about the complaint and investigation can only be disclosed to a **limited** number of specified people and in a narrow range of circumstances. Confidentiality is important because it protects the privacy and safety of all the people involved in the complaint. All witnesses may fear retaliation from the subject of complaint, community or co-workers. Moreover, for complainants, the experience of abuse can be very intimate and a matter of shame for them, their family and/or community; it may even lead others to reject or harm them. The subject of complaint also has a right to confidentiality as s/he may be targeted in retaliation.

Breaches of confidentiality undermine everyone’s confidence and trust in the investigation, the investigators’ ability to find out what happened and the complaints system.

In consideration of mandatory reporting of humanitarian personnel to report SEA to their agency or Investigative Body and the duty to report under Tanzanian law, anyone receiving a complaint directly should explain this obligation, and reassure the complainant/survivor that all information shared will be appropriately protected and will be kept confidential between only those who are authorized to know on the basis of providing protection or taking appropriate action i.e. investigation.

## 10.1 WHAT IS CONFIDENTIAL

In most cases, the fact and nature of the complaint, the identity of the key participants (the complainant, the Subject of the Complaint and witnesses) and the investigation records are confidential. That said, all aspects of the complaint are sensitive since there is a risk that outsiders will be able to deduce important information about the case from small, seemingly insignificant details.

Only those who **‘need to know’** should be informed of the investigation, and all staff reminded of their obligations to colleagues and beneficiaries to comply with this. This is critical, recognizing that reporting concerns and providing evidence in the course of an investigation can be difficult and dangerous. The disclosure of the identity of a complainant would only occur when the complainant has consented to the disclosure, it is necessary for disciplinary and judicial proceedings, and this has been approved by the designated senior member of staff***.***

## 10.2 WHAT IS DISCLOSURE

Confidentiality is breached by unauthorized disclosure, regardless of whether that disclosure is accidental or intentional.

**Accidental disclosure** occurs when key details about the complaint are inadvertently revealed, generally in casual conversation or by documents ‘falling into the wrong hands’. To minimize the risks of accidental disclosure, investigators should develop an action plan, which identifies the risks to confidentiality, defines who is responsible for addressing those risks in each stage of the investigation and identifies ways to prevent disclosure. Investigators should also require anyone in the organization/agency who knows about the complaint to sign a confidentiality agreement. More generally, investigation units should have separate document management systems including separate servers and printers.

**Intentional disclosure** is more difficult to prevent – by definition it involves someone who is trusted with information disregarding the rules and telling others. Entities can reduce the risk by limiting the number of people who know about the complaint, choosing team members carefully and after extensive background checks, remaining alert to conflicts of interest and taking strong action against anyone who knowingly broadcasts confidential information about the case.

## WHEN IS DISCLOSURE ALLOWED

A complainant’s identity should only be disclosed when it is in her/his best interests, the complainant has been told of the disclosure, and the Head of Office of the respective entity approves the disclosure.

Generally, disclosure is only allowed when:

* it is required or permitted by law;
* it is required by management in the best interests of the subject of the complaint;
* it is needed to obtain specialist help for the complainant or advice on the evidence.

Otherwise, most policies will require disclosure of confidential information to key internal stakeholders on a ‘need-to-know basis’. Who ‘needs to know’ about the complaint should be clearly defined and for what reason. The complainant’s informed consent to share their information is necessary prior to the sharing of any information.

# SUPPORTING THE NEEDS OF SURVIVORS, COMPLAINANTS, WHISLTEBLOWERS AND WITNESSES

A comprehensive approach is required to ensure that the protection needs of survivors, complainants, whistle blowers, witnesses and, where applicable, their families are fully catered for. Under this approach, the medical, psychosocial care, legal referral, protection from retribution, security and other service needs should all be taken into account and addressed properly. The Sexual and Gender Based Violence (“SGBV”) Referral Pathway (Annex 14) provides guidance and survivors can be referred based on consent. The UNHCR PSEA Focal Point can also advise.

Entities will make every effort to put in place prevention measures and support mechanisms to protect anyone who raises a complaint of sexual exploitation and abuse to their agency. All entities must respect the privacy, confidentiality and rights of all those involved in a complaint or allegation of sexual exploitation and abuse, including the complainant, the survivor, a whistle-blower, a witness and the subject of a complaint or alleged perpetrator.

Anyone making a complaint should be made aware that all humanitarian workers are obliged and mandated to report to their agency when they become aware of any concern or complaint of sexual exploitation and abuse by a fellow worker. Complainants should be reassured that information will be shared strictly on a need to know basis, through established reporting mechanisms, and with full consideration of the wishes and best interest of the survivor, while ensuring safe access to applicable criminal procedures.

Entities must consider the immediate or on-going protection, safety or assistance needs of anyone involved in a complaint or allegation of sexual exploitation and abuse this includes the survivor, complainant, whistle blower witness and the subject of the complaint.

Where it is clear that a person has been the victim of malicious, unfounded allegations, every effort should be made to help clear and restore his or her good name. Counselling should also be provided for any psychological strain that may have been caused.

To avoid malicious accusations: entities must reassure their personnel that no action will be taken against those who report in good faith information indicating a violation of the entity’s staff codes of conduct, rules and regulations regarding sexual exploitation and abuse, even if following an investigation it proves unfounded; and if personnel knowingly and willfully report false or malicious information regarding another member of staff, such false reports will lead to disciplinary action. Entities must establish the appropriate environment within their entity to ensure that there is no retaliation by fellow humanitarian workers from within their agency and the PSEA Network will support each other to ensure that retaliation between entities is prevented and managed.

Entities are aware that allegations of SEA can sometimes be made maliciously and without any basis. The need to pay attention to the confidentiality of information, especially of any identifying-data, and of the needs of the individual subjects of such allegations (i.e. the alleged perpetrator or survivor) is fully recognized and support (i.e. counselling) should be facilitated where possible for any psychological strain or physical harm that may be caused by such.

# REPORTING TO NATIONAL AUTHORITIES[[20]](#footnote-21)

Prior to hearing the nature of the incident the complainant must be advised that if the incident being reported is punishable under the Penal Code there is an obligation to report it to the police. Where the affected survivor is a child (below 18) this can constitute a statutory offence and is a crime against the State. All such cases can be reported to the authorities following a security assessment and action plan development (see SGBV/SEA referral pathway). The complainant should also be given an opportunity to consider all possible risks and consequences of making such a report and time to implement any mitigation plans to avoid exposure to such risk upon reporting. The complainant should be supported to develop this action plan as per the SEA referral pathway – see Annex 8.

The internal investigation should not be seen as a substitute for a criminal investigation where this is warranted. Having a criminal investigation and an administrative investigation underway at the same time, may seriously compromise the police investigation and jeopardize any subsequent criminal prosecution. It may be advisable to delay the administrative process. There may be circumstances where this is not advisable, e.g. excessive delay, but if they are run concurrently, great care must be taken to avoid compromising any future legal procedures.[[21]](#footnote-22)

# IMPLEMENTATION AND ADHERENCE

## 13.1 RECRUITMENT AND VETTING

Human resources departments of entities which are signatory to this Protocol will establish a system to prevent re-recruitment of individuals disciplined for SEA. At minimum there will be an articulated process for checking return employees against previous allegations and/or investigations relating to SEA. Management has the specific obligation to ensure that human resource recruitment procedures include adequate due diligence in checking previous employment history to avoid employment of persons who have been dismissed for SEA.

Given the reliance on refugee staff and the challenges associated with conducting background checks, it is agreed that when a person of concern or beneficiary is found to have been engaged in a misconduct and/or the subject of an investigation pending result, the name and identification details (name, address, household and Individual proGres numbers) will be shared with the UNHCR PSEA Focal Point in your location who will maintain a list of persons including the status of the investigation who should not be hired. This list can be shared with hiring managers only on request when any entity is hiring. No information about the nature of the incident or identity of the survivor will be shared.

## 13.2 INFORMATION SHARING AND TRACKING

Entities must follow their own Data Protection Protocols and implement appropriate procedures to maintain confidentiality of all data gathered in relation to a complaint of sexual exploitation and abuse. Entities should keep all information safe and secure.

On a quarterly basis the appointed UNHCR PSEA Focal Point will prepare a brief overview report to be circulated with the heads of all entities as per the quarterly report template - see Annex 6. The respective entity Focal Point is obliged to report in accordance with the consent and best interests of the survivor. Non identifying statistical information for this report will be shared with the Task Force and Heads of Agencies. The purpose of this is to identify trends and prepare analysis to adequately prevent and respond to SEA.

## 13.3 INTER AGENCY CODE OF CONDUCT

The commitments in this Protocol are complemented by the Inter-Agency Code of Conduct in Refugee Response Situations – Tanzania. See Annex 4. Each staff member should be given a copy of the Code of Conduct during their induction and should sign it. The Inter -Agency Code of Conduct should be displayed at conspicuous place in all sites in the camps and in the offices of all entities. This should also be accompanied by the list of PSEA Focal Points in each organization – see Annex 7. This also applies to affiliate workforce including refugee incentive workers and contractors who are contracted to conduct any type of work in the camps. This is the responsibility of each entity.

Each entity is also responsible for implementing the PSEA Checklist for Compliance with Minimum Operating Standards (MOS) - see Annex 3.

## 13.4 TRAINING FOR STAFF

All entities commit shall commit to conduct a one-day training session on PSEA on an annual basis. The training will be in accordance with the agreed work plan which will be updated periodically. During induction, all newly recruited staff members shall be made aware of their obligations as outlined in this Protocol and provided with the names of Focal Persons within their respective entity.

## 13.5 COMMUNICATING WITH COMMUNITIES

All entities commit to participate in regular community outreach and sensitization activities organized by UNHCR to disseminate agreed information on PSEA and reporting mechanisms to persons of concern. Information regarding the procedures, processes and channels of reporting will be included in appropriate opportunities when engaging with the community and through visibility materials.

## 13.6 IMPLEMENTATION AGREEMENT

This Protocol is signed for and on behalf of the parties by their Heads of Agencies appearing below. By signing this agreement, the signatories undertake:

1. That they have read, understood and are in full agreement with the content of the Protocol.
2. To make every effort to work together in collaboration and create an environment whereby the spirit of the Protocol is fully enforced and prevention measures are implemented.
3. To designate a PSEA Focal Point and Alternate for the organisation and equip said persons with the skills and resources to undertake their responsibilities as defined in the PSEA Focal Point Roles and Responsibilities (Annex 11) and to engage in the PSEA Network as per the Terms of Reference (Annex 10).
4. To disseminate the contents of this Protocol comprehensively within their respective entities, and take all necessary steps to ensure their implementation and adherence by all their respective personnel.
5. To disseminate the Protocol publicly and to personnel and persons of concern, in the local language and appropriateness so as to be understood by those target audiences.
6. To ensure that any and all violations of the PSEA Principles and standards contained within the Protocol, especially related to the behaviour of personnel, and of individual organizational Codes of Conduct are dealt with in accordance with this Protocol and as provided for in the respective entity’s investigative, administrative and disciplinary procedures, decisively and without delay.

Any challenges to the implementation of the Protocol will be communicated to the PSEA Network. If the challenges cannot be addressed following consultation with the PSEA network the matter will be raised with UNHCR senior management for resolution within two weeks. Regular revisions of this document will be undertaken as appropriate. New signatories are welcome following the adoption of this document and can be done on an on-going basis. Interest in doing so should be registered with UNHCR Focal Point.

# ANNEXES

## Annex 1 - Secretary-General’s Bulletin- ST/SGB/2003/13

**Special measures for protection from sexual exploitation and sexual abuse**

The Secretary-General, for the purpose of preventing and addressing cases of sexual exploitation and sexual abuse, and taking into consideration General Assembly resolution 57/306 of 15 April 2003, “Investigation into sexual exploitation of refugees by aid workers in West Africa”, promulgates the following in consultation with Executive Heads of separately administered organs and programmes of the United Nations:

**Section 1**

**Definitions**

For the purposes of the present bulletin, the term “sexual exploitation” means any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another. Similarly, the term “sexual abuse” means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

**Section 2**

**Scope of application**

2.1 The present bulletin shall apply to all staff of the United Nations, including staff of separately administered organs and programmes of the United Nations.

2.2 United Nations forces conducting operations under United Nations command and control are prohibited from committing acts of sexual exploitation and sexual abuse, and have a particular duty of care towards women and children, pursuant to section 7 of Secretary-General’s bulletin ST/SGB/1999/13, entitled “Observance by United Nations forces of international humanitarian law”.

2.3 Secretary-General’s bulletin ST/SGB/253, entitled “Promotion of equal treatment of men and women in the Secretariat and prevention of sexual harassment”, and the related administrative instruction[[22]](#footnote-23) set forth policies and procedures for handling cases of sexual harassment in the Secretariat of the United Nations. Separately administered organs and programmes of the United Nations have promulgated similar policies and procedures.

**Section 3**

**Prohibition of sexual exploitation and sexual abuse**

3.1 Sexual exploitation and sexual abuse violate universally recognized international legal norms and standards and have always been unacceptable behaviour and prohibited conduct for United Nations staff. Such conduct is prohibited by the United Nations Staff Regulations and Rules.

3.2 In order to further protect the most vulnerable populations, especially women and children, the following specific standards which reiterate existing general obligations under the United Nations Staff Regulations and Rules, are promulgated:

(a) Sexual exploitation and sexual abuse constitute acts of serious misconduct and are therefore grounds for disciplinary measures, including summary dismissal;

(b) Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief in the age of a child is not a defence;

(c) Exchange of money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour, is prohibited. This includes any exchange of assistance that is due to beneficiaries of assistance;

(d) Sexual relationships between United Nations staff and beneficiaries of assistance, since they are based on inherently unequal power dynamics, undermine the credibility and integrity of the work of the United Nations and are strongly discouraged;

(e) Where a United Nations staff member develops concerns or suspicions regarding sexual exploitation or sexual abuse by a fellow worker, whether in the same agency or not and whether or not within the United Nations system, he or she must report such concerns via established reporting mechanisms;

(f) United Nations staff are obliged to create and maintain an environment that prevents sexual exploitation and sexual abuse. Managers at all levels have a particular responsibility to support and develop systems that maintain this environment.

3.3 The standards set out above are not intended to be an exhaustive list. Other types of sexually exploitive or sexually abusive behaviour may be grounds for administrative action or disciplinary measures, including summary dismissal, pursuant to the United Nations Staff Regulations and Rules.

**Section 4**

**Duties of Heads of Departments, Offices and Missions**

4.1 The Head of Department, Office or Mission, as appropriate, shall be responsible for creating and maintaining an environment that prevents sexual exploitation and sexual abuse, and shall take appropriate measures for this purpose. In particular, the Head of Department, Office or Mission shall inform his or her staff of the contents of the present bulletin and ascertain that each staff member receives a copy thereof.

4.2 The Head of Department, Office or Mission shall be responsible for taking appropriate action in cases where there is reason to believe that any of the standards listed in section 3.2 above have been violated or any behaviour referred to in section 3.3 above has occurred. This action shall be taken in accordance with established rules and procedures for dealing with cases of staff misconduct.

4.3 The Head of Department, Office or Mission shall appoint an official, at a sufficiently high level, to serve as a focal point for receiving reports on cases of sexual exploitation and sexual abuse. With respect to Missions, the staff of the Mission and the local population shall be properly informed of the existence and role of the focal point and of how to contact him or her. All reports of sexual exploitation and sexual abuse shall be handled in a confidential manner in order to protect the rights of all involved. However, such reports may be used, where necessary, for action taken pursuant to section 4.2 above.

4.4 The Head of Department, Office or Mission shall not apply the standard prescribed in section 3.2 (b), where a staff member is legally married to someone under the age of 18 but over the age of majority or consent in their country of citizenship.

4.5 The Head of Department, Office or Mission may use his or her discretion in applying the standard prescribed in section 3.2 (d), where beneficiaries of assistance are over the age of 18 and the circumstances of the case justify an exception.

4.6 The Head of Department, Office or Mission shall promptly inform the Department of Management of its investigations into cases of sexual exploitation and sexual abuse, and the actions it has taken as a result of such investigations.

**Section 5**

**Referral to national authorities**

If, after proper investigation, there is evidence to support allegations of sexual exploitation or sexual abuse, these cases may, upon consultation with the Office of Legal Affairs, be referred to national authorities for criminal prosecution.

**Section 6**

**Cooperative arrangements with non-United Nations entities or individuals**

6.1 When entering into cooperative arrangements with non-United Nations entities or individuals, relevant United Nations officials shall inform those entities or individuals of the standards of conduct listed in section 3, and shall receive a written undertaking from those entities or individuals that they accept these standards.

6.2 The failure of those entities or individuals to take preventive measures against sexual exploitation or sexual abuse, to investigate allegations thereof, or to take corrective action when sexual exploitation or sexual abuse has occurred, shall constitute grounds for termination of any cooperative arrangement with the United Nations.

**Section 7  
Entry into force**

The present bulletin shall enter into force on 15 October 2003.

(*Signed*) Kofi A. **Annan**

## Annex 2 - Statement of Commitment on Eliminating Sexual Exploitation and Abuse by UN and Non-UN Personnel

**Statement of Commitment on**

**Eliminating Sexual Exploitation and Abuse by UN and Non-UN Personnel[[23]](#footnote-24)**

We, UN and non-UN entities[[24]](#footnote-25), re-affirm our determination to prevent future acts of sexual exploitation and abuse by our personnel[[25]](#footnote-26).

We note the issuance of this Statement at the High-level Conference on Eliminating Sexual Exploitation and Abuse by UN and NGO Personnel on 4 December 2006 in New York, USA and welcome future endorsement of this Statement by others.

We recall the six core principles[[26]](#footnote-27) relating to sexual exploitation and abuse adopted by the Inter-Agency Standing Committee (IASC) Working Group in July 2002[[27]](#footnote-28). We note that these principles have been incorporated into organization-specific codes of conduct, rules and regulations and are thereby binding on personnel. In particular, they are binding on United Nations staff and related personnel and outlined in the

Secretary-General’s Bulletin *Special measures for protection from sexual exploitation and sexual abuse* (ST/SGB/2003/13).

We recall that these standards were promulgated to further protect the most vulnerable populations, especially women, girls and boys, and recognize that in countries where we operate, conditions such as poverty, weak rule of law and displacement and the destruction of community structures due to conflict, increase the vulnerability of communities to sexual exploitation and abuse, including human trafficking, by our personnel and others.

We further recall that creating and maintaining a living and working environment that prevents sexual exploitation and abuse is both an individual and organizational responsibility. We note that the management culture of an organization, the equal representation of women and men at all levels of the organization and the adequacy of the living and working environment all contribute to the prevention of sexual exploitation and abuse.

We underline the importance of preventing sexual exploitation and abuse and stress the need for swift, decisive action when such acts do occur. We note the specific duties of managers and commanders in this regard, outlined for the United Nations in section 4 of the Bulletin.

We recognize that significant progress has been made to-date to eliminate sexual exploitation and abuse by our personnel, and note that we are at different stages of implementing the IASC six core principles on sexual exploitation and abuse.

We re-affirm our goal of achieving full implementation of these principles as a matter of urgency and commit to:

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.

Incorporate our standards on sexual exploitation and abuse in induction materials and training courses for our personnel.

Prevent perpetrators of sexual exploitation and abuse from being (re-)hired or (re-)deployed. This could include use of background and criminal reference checks.

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.

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.

Investigate allegations of sexual exploitation and abuse in a timely and professional manner. This includes the use of appropriate interviewing practice with complainants and witnesses, particularly with children.

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.

Provide basic emergency assistance to complainants of sexual exploitation and abuse.

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.

Engage the support of communities and governments to prevent and respond to sexual exploitation and abuse by our personnel.

**Appendix 1: List of Endorsing Entities United Nations Entities**

Department for Disarmament Affairs (DDA), Mr. Nobuaki Tanaka, Under-Secretary-General.

Department of Economic and Social Affairs (DESA), Mr. José Antonio Ocampo, Under-Secretary-General.

Department of Political Affairs (DPA), Mr. Ibrahim Agboola Gambari, Under-Secretary-General.

Department of Public Information (DPI), Mr. Shashi Tharoor,

Under-Secretary-General for Communications and Public Information.

Department of Peacekeeping Operations (DPKO), Mr. Jean-Marie Guéhenno, Under-Secretary-General for Peacekeeping Operations.

Department of Safety and Security (DSS), Mr. David Veness, Under-Secretary-General.

Food and Agriculture Organization (FAO), Mr. Jacques Diouf, Director- General.

Office for the Coordination of Humanitarian Affairs (OCHA), Mr. Jan Egeland, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator.

Office of the United Nations High Commissioner for Human Rights (OHCHR), Ms. Louise Arbour, High Commissioner for Human Rights.

Office of Legal Affairs (OLA), Mr. Nicolas Michel, Under-Secretary-General

/ The Legal Counsel.

Office of the Special Adviser on Africa (OSAA), Mr. Joseph Legwaila, Under-Secretary-General.

Office of the Special Representative of the Secretary-General for Children and Armed Conflict (OSRSG/CAAC), Ms. Radhika Coomaraswamy.

Under-Secretary-General / Special Representative of the Secretary-General for Children and Armed Conflict.

United Nations Development Programme (UNDP), Mr. Kemal Dervis, Administrator.

United Nations Human Settlements Programme (UN-HABITAT), Ms. Anna Tibaijuka, Executive Director.

Office of the United Nations High Commissioner for Refugees (UNHCR), Mr. Antonio Manuel De Oliveira Guterres, High Commissionner for Refugees.

United Nations Children’s Fund (UNICEF), Ms. Ann Veneman, Executive Director.

United Nations Office on Drugs and Crime (UNODC), Mr. Antonio Maria Costa, Director General.

United Nations Office at Geneva (UNOG), Mr. Sergei Ordzhonikidze, Director-General.

United Nations Office for Project Services (UNOPS), Mr. Jan Mattsson, Executive Director.

United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), Ms. Karen Koning Abu Zayd, Commissioner-General.

World Health Organization (WHO), Dr. Anders Nordström, Acting Director- General.

World Food Programme (WFP), Mr. James T. Morris, Executive Director.

**Non-United Nations Entities**

Action By Churches Together (ACT), Mr. John Nduna, Director.

Africa and Middle East Refugee Assistance (AMERA UK),

Ms. Barbara E. Harrell-Bond, OBE, Executive Director for Overseas Operations.

American Refugee Committee International (ARC), Mr. Hugh Parmer, President.

Association of Voluntary Agencies for Rural Development (AVARD), Mr. P.M. Tripathi, President.

Care International, Mr. Denis Caillaux, Secretary-General.

Caritas Internationalis, Mr. Duncan MacLaren, Secretary-General.

Catholic Relief Services (CRS), Mr. Ken Hackett, President.

Christian Children’s Fund (CCF), Mr. Bill Leahey, Acting Chief Executive Officer.

Christian Reformed World Relief Committee (CRWRC-US), Mr. Andrew Ryskamp, Director.

Concern Worldwide, Mr. Tom Arnold, Chief Executive.

End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT International), Ms. Carmen M. Madriñán, Executive Director.

HelpAge International (HAI), Mr. Richard Blewitt, Chief Executive.

International Medical Corps, Ms. Nancy Aossey, President and Chief Executive Officer.

International Rescue Committee (IRC), Mr. George Rupp, President and Chief Executive Officer.

Mercy Corps, Ms. Nancy Lindborg, President.

Médecins du Monde (MDM France), Dr. Pierre Micheletti, Chairman.

Refugees International (RI), Mr. Kenneth H. Bacon, President.

Operation USA, Mr. Richard M. Walden, President and Chief Executive Officer.

Pact, Inc., Ms. Sarah Newhall, President and Chief Executive Officer.

Plan International, Mr. Tom Miller, Chief Executive Officer.

Population Action International (PAI), Ms. Amy Cohen, Chief Executive Officer and President.

Save the Children UK (SC UK), Ms. Jasmine Whitbread, Chief Executive.

Winrock International Institute for Agricultural Development (Winrock International), Mr. Frank Tugwell, President and Chief Executive Officer.

Women’s Commission for Refugee Women and Children, Ms. Carolyn Makinson, Executive Director.

**Status as of 1 December 2006**

Appendix 2: Six Core Principles Relating to Sexual Exploitation and Abuse**[[28]](#footnote-29)**

1. “Sexual exploitation and abuse by humanitarian workers constitute acts of gross misconduct and are therefore grounds for termination of employment.
2. Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief regarding the age of a child is not a defence.
3. Exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour is prohibited. This includes exchange of assistance that is due to beneficiaries.
4. Sexual relationships between humanitarian workers and beneficiaries are strongly discouraged since they are based on inherently unequal power dynamics. Such relationships undermine the credibility and integrity of humanitarian aid work.
5. Where a humanitarian worker develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same agency or not, he or she must report such concerns via established agency reporting mechanisms.
6. Humanitarian workers are obliged to create and maintain an environment which prevents sexual exploitation and abuse and promotes the implementation of their code of conduct. Managers at all levels have particular responsibilities to support and develop systems which maintain this environment.”

## Annex 3 - CHECKLIST – COMPLIANCE WITH MINIMUM OPERATING STANDARDS (MOS)

|  | **PSEA Minimum Operating Standards** | **Key Indicators** |
| --- | --- | --- |
| 1 | **Effective Policy Development and Implementation** | * A policy stating standards of conduct, including acts of SEA, exists and a work plan to implement the policy is in place. * The policy/standards of conduct have been conveyed to current staff and senior management on repeated occasions (such as inductions and refresher trainings). |
| 2 | **Cooperative Arrangements** | * SG’s Bulletin (ST/SGB/2003/13) or respective codes of conduct are included in general contract conditions. * SG’s Bulletin (ST/SGB/2002/9) Regulation governing the status basic rights and duties of officials other than secretariat officials and experts on mission * SG’s Bulletin (ST/SGB/2008/5) Prohibition of discrimination, harassment including sexual harassment and abuse of authority * SG’s Bulletin on protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations. (ST/SGB/ 2017/2) * Procedures are in place to receive written agreement from entities or individuals entering into cooperative arrangements with the agency that they are aware of and will abide by the standards of the PSEA policy. * Ensure that MOUs are developed and signed with Operational Partners and clearly articulate clauses on PSEA and secure commitment from Operational Partners to abide by the Secretary General’s Bulletin. |
| 3 | **A dedicated department/focal point is committed to PSEA** | * A dedicated focal point has the overall responsibility for the development and implementation of PSEA policy and activities. * The responsible focal point is required to regularly report to senior management on its progress on PSEA through the Senior Focal Point on PSEA. * Staff members dealing with PSEA have formalized responsibility for PSEA in their job description, performance appraisal or similar. * They have received systematized training on PSEA and the time committed to PSEA is commensurate with the scale of implementation required under the current situation of the organisation. |
| 4 | **Effective community based complaints mechanisms (CBCM), including victim assistance.** | * Organisations/agencies to participate in community based complaint mechanisms that are jointly developed and implemented by the inter agency community adapted to the specific locations. * Each organisation/agency complies with the Inter Agency SEA Community-Based Complaint Referral Pathway outlining procedures for complaint. * Ensure that each camp has a complaint box with SOPs developed for its management. * Staff members and beneficiaries are adequately sensitized and aware of their obligations to report allegations of SEA. * Ensure minimum measures are in place to provide support and assistance to victims/survivors of SEA in a timely manner. |
| 5 | **Effective recruitment and performance management** | * The organisation makes sure that all candidates are required to sign and actually sign the Code of Conduct before being offered a contract. * Each organisation commits to improving its system of reference checking including screening and vetting for former misconduct. * Supervision and performance appraisals include adherence to participation in Code of Conduct trainings (or similar) that includes PSEA. * Performance appraisals for Senior Management include the adherence to create and maintain an environment which prevents sexual exploitation and abuse and promotes the implementation of the ST/SGB/2003/13 and/or inter agency code of conduct. |
| 6 | **Effective and comprehensive mechanisms are established to ensure awareness-raising on SEA amongst personnel** | * Staff receives annual refresher training on the standards of conduct, learn about the mechanism to file complaints and reports of misconduct and the implications of breaching these standards. * Training on misconduct (specifically mentioning SEA) forms part of the induction process. * Staff members are aware of their obligation to report SEA/misconduct and that there is a policy for protection from retaliation in place. |
| 7 | **Internal complaints and investigation procedures in place** | * Written procedures on complaints/reports handling from staff members or beneficiaries are in place. * Staff members are informed on a regular basis of how to file a complaint/report and the procedures for handling these. * Standard investigation operating procedures or equivalent issued and used to guide investigation practice. * Investigations are undertaken by experienced and qualified professionals who are also trained on sensitive investigations such as allegations of SEA. * Follow-up with IGO investigations on reported cases is done regularly and in a consistent manner. * Substantiated complaints have resulted in either disciplinary action or contractual consequences and, if not, the entity is able to justify why not. |

## Annex 4 - INTER-AGENCY CODE OF CONDUCT IN REFUGEE SITUATIONS – TANZANIA

INTER AGENCY CODE OF CONDUCT IN REFUGEE RESPONSE SITUATIONS

REFUGEE RESPONSE TANZANIA

**All entity staff and affiliate staff in the area or operation commit to:**

1. Respect and promote the fundamental rights of all and promote the right to life with dignity.
2. Create and maintain an environment that prevents sexual exploitation and abuse and promotes the implementation of their code of conduct.
3. Treat all persons of concern fairly and without discrimination.
4. Uphold the humanitarian principle of impartiality.
5. Uphold the highest standards of accountability, efficiency, competence, integrity and transparency in all duties and responsibilities.
6. Never request the exchange of money, employment, goods, or services for sex, including sexual favours.
7. Never engage in humiliating, degrading or exploitative behaviour in any circumstance.
8. Refrain from engaging in sexual relationships with persons of concern.
9. Never abuse their position to withhold protection, humanitarian assistance, and services or provide preferential treatment to solicit sexual favours/gifts.
10. Never commit any act or form of harassment that could cause physical, sexual, psychological or emotional harm or suffering.
11. Never exploit vulnerability of beneficiaries or allow them to be put in compromising situations.
12. Never engage in sexual activity with children – persons under 18 years. Mistaken belief regarding the age of a child is not a defence.
13. Never condone or participate in corrupt or illegal activities.
14. Promote transparency in humanitarian operations and the full participation of beneficiaries - men, women and children - in their planning and implementation.
15. Never accept or exchange money for services. All services are free.
16. Never make malicious and false accusations against another individual.
17. Ensure all breaches of the Code of Conduct are reported to senior management through established reporting systems.

**All signatories to this commit to monitor implementation and adherence.**

## Annex 5 - COMPLAINTS REFERRAL FORM[[29]](#footnote-30)

|  |  |  |  |
| --- | --- | --- | --- |
| INTER-AGENCY COMPLAINTS REFERRAL FORM (SEXUAL EXPLOITATION AND ABUSE)  **\*Information contained in this form is CONFIDENTIAL. All Forms must be PASSWORD PROTECTED**  **\*Only minimum details are required for a referral to Investigative Bodies, PSEA FPs or Managers** | | | |
| **Name of Complainant:** | | **Ethnic Origin/Nationality:** | |
| **Address:** | | **Identity No:** | |
| **Age:** | | **Sex:** | |
| **How does the Complainant prefer to be contacted (give details):** | | | |
| **Name of survivor:**  **(if not the complainant)** | | **Ethnic Origin/Nationality:** | |
| **Address details:** | | **Identity No:** | |
| **Age:** | | **Sex:** | |
| **Name(s) and address of parent/guardian, if under 18:** | | | |
| **Has the survivor given consent to the completion of this form and referral?**   * **Yes** * **No** * **Don’t know** | | **How does the complainant prefer to be contacted (give details):** | |
| **Date of incident(s):** | **Time of incident(s):** | | **Location of incident(s):** |
| **Brief description of incident(s) in the words of the survivor / complainant:** | | | |
| **Name of accused person(s):** | | **Position / Job title of person(s):** | |
| **Entity****accused person(s) works for:** | | | |
| **Address or location where accused person(s) works:** | | | |
| Entity receiving complaint | | | |
| **Name of person completing form:** | | **Name of PSEA Focal Point:** | |
| **Entity***:* | | **Position/Job title***:* | |
| **Signature***:* | | **Date***:* | |
| **Referral to Entity of Concern PSEA Focal Point** | | | |
| **Name of entity name of person (PSEA Focal Point) report forwarded to:** | | | |
| **Name and position of person report forwarded to:** | | | |
| **Date of referral:** | | | |
| Acknowledgment of receipt | | | |
| **Name:** | | | |
| **Entity***:* | | **Position/Job title***:* | |
| **Signature***:* | | **Date***:* | |

## Annex 6 - SEA QUARTERLY OVERVIEW REPORT

**TEMPLATE FOR INTER-AGENCY QUARTELY REPORTS ON SEXUAL EXPLOITATION AND ABUSE (SEA) COMPLAINTS**

|  |  |
| --- | --- |
| Name of Entity |  |
| Dates covered by report |  |
| Name of person completing form |  |
| Name of PSEA Focal Person |  |
| # of new SEA complaints reports received within your entity (during the reporting period) |  |
| # of SEA complaints referred to another entity (during the reporting period) |  |
| Total # of SEA cases pending investigation within your entity (cumulative) |  |
| Total # of cases with on-going investigations within your entity (cumulative) |  |
| Total # of cases closed within your entity (outcome of investigation reflects SEA allegation not substantiated during the reporting period) |  |
| Total # of cases closed within your entity (outcome of investigation reflects SEA allegation substantiated during the reporting period) |  |
| Overview of any prevention and/or risk mitigation measures taken to improve provision of humanitarian assistance and future protection of refugees and other individuals: | |
| Signed | |
| Date | |

## Annex 7 - FOCAL POINT CONTACT LIST PER LOCATION AND ORGANISATION[[30]](#footnote-31)

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Agency | Dar es Salaam Focal Point | Dar es Salaam Alternate | Kibondo Focal Point | Kibondo Alternate | Kasulu Focal Point | Kasulu Alternate | Kigoma Focal Point | Kigoma Alternate |
| AATZ |  |  |  |  |  |  |  |  |
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| Caritas |  |  | Petronia Kimeye  [petroniapaschal@gmail.com](mailto:petroniapaschal@gmail.com) | Julius Jelemiah  [julijeremiah@gmail.com](mailto:julijeremiah@gmail.com) | Daniel Rumenyela daniedward@yahoo.co.uk |  | Daniel Rumenyela daniedward@yahoo.co.uk |  |
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| HelpAge | Imran ullah Jan  Imran.jan@helpage.org |  | Mary Shuma  [mary.shuma@helpage.org](mailto:mary.shuma@helpage.org) | Janeth Mongi  Janeth.Mongi@helpage.org |  |  |  |  |
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| IRC |  |  | Tumaini Mng’ong’o [Tumaini.Mgongo@rescue.org](mailto:Tumaini.Mgongo@rescue.org) | Gloria Mushi Gloria.Mushi@rescue.org | Jackline John [Jackline.John@rescue.org](mailto:Jackline.John@rescue.org) | Laurensia Kasiga  Laurensia.kasiga@rescue.org | Marcela Sulley [Marcela.Sulley@rescue.org](mailto:Marcela.Sulley@rescue.org) | Domitina Peter  Domitina.Peter@rescue.org |
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|  |  |  |  |  |  |  |  |  |

**Annex 8 – AGENCIES INVESTIGATIVE BODIES**

1. **UNHCR Inspector General’s Office (IGO)**

Email: inspector@unhcr.org

Hotline: +41 22 739 8844

www.unhcr.org/php/complaints.php

1. **IOM Ethics and Conduct Office**

Email: [ECO@iom.int](mailto:ECO@iom.int)

Hotline: +41 22 717 9111

[www.iom.int/ethics-and-conduct-office](http://www.iom.int/ethics-and-conduct-office)

1. **UNICEF Office of Internal Audit and Investigation**

Email: [integrity1@unicef.org](mailto:integrity1@unicef.org)

Hotline:

[www.unicef.org/auditandinvestigation/index\_65761.html#How\_do\_I\_report](http://www.unicef.org/auditandinvestigation/index_65761.html#How_do_I_report)

1. **WFP Office of the Inspector General**

Email: hotline@wfp.org

Hotline: +39 066 513 3663

www1.wfp.org/oversight

## Annex 9 – AGENCY SEXUAL EXPLOITATION AND ABSUSE (SEA) COMMUNITY-BASED COMPLAINT REFERRAL PATHWAY[[31]](#footnote-32)

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| --- | --- | --- | --- |
| **Telling someone and seeking help (disclosing)** | | | |
| Survivor / Complainant tells a humanitarian worker either in person (i.e. to agency staff or community volunteer; helpdesk; during monitoring visit; at registration services) or via phone or email or complaint box (i.e. Hotline) | Survivor / Complainant tells someone else (i.e. family member, friend, community member) and that person tells a humanitarian worker (i.e. in person; via hotline; at registration services) | Survivor self-reports to a medical/health or case manager/psychosocial ‘entry point’ | Unspecified/generic allegation or rumour of sexual exploitation and abuse (i.e. where the institutional affiliation of the alleged perpetrator(s) is uncertain or unknown) or the name of the subject of complaint is not known |

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| **Immediate response of personnel receiving complaint / report / suspicion / allegation of SEA** | |
| * When in direct receipt of a complaint: provide a safe, caring environment and respect the confidentiality and wishes of the survivor; explain that all humanitarian workers are **obliged** to report to their investigative body when they become aware of SEA by a fellow worker; reassure complainant that information will be kept private and shared strictly on a need-to-know basis in consideration of the wishes of the survivor; provide counselling on the available solutions. * Collect minimum necessary information and complete the Complaint Referral Form (with minimum details required); PASSWORD PROTECT the form. * **DO NOT** try to ascertain whether or not the allegation is true or to make any investigation into the allegation. |  |

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| **Reporting SEA Complaints** |
| **Where the complaint / report concerns your agency** |
| * Raise the complaint confidentially with your agency PSEA Focal Point, Investigative Body or Senior Manager as soon as possible. * **Where the PSEA Focal Point is the subject or involved in a complaint or allegation** refer the complaint to your Alternate PSEA Focal Point, Investigative Body or Senior Manager as soon as possible. * **Where both PSEA Focal Points are involved,** raise the complaint with an established investigative body or with senior management of your agency as soon as possible. |
| **Where the complaint / report concerns another entity the PSEA Focal Point should:** |
| * Refer the Complaint Referral Form (password protected and confidentially) to the agency of concern’s Investigative Body, PSEA Focal Point or Senior Manager (by email or hand-delivered letter) as soon as possible. * **Where the entity of concern’s PSEA Focal Point is the subject or involved in the complaint or allegation** refer the complaint to their Alternate PSEA Focal Point, Investigative Body or Senior Manager as soon as possible. * **Where both the PSEA Focal Points are involved,** raise the complaint with an established investigative body or senior management (e.g. UNHCR Representative and Inspector General´s Office) as soon as possible.   **(List of focal points and alternates in Annex 7)** |

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| **Response of PSEA Focal Point of the entity of concern receiving the complaint** | |
| * Respect the confidentiality and wishes of the survivor * Keep information on strict needs to know basis * Refer to entity Complaint and Investigation Policy and Procedures | * Alert UNHCR PSEA Focal Point to ensure an adequate response to address the potential protection needs of the allegedly affected person(s) in consultation with the Inspector General’s Office (IGO) |

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| **Investigation initiated by Investigation Body or Senior Management** in line with agency investigation policy and procedures and the Inter-Agency Protocol |
| Upon planning an investigation, agencies are encouraged to contact UNHCR PSEA Focal Point in Tanzania on potential risks for refugees as a measure to ensure adequate security and safety for survivors and witnesses throughout an investigation process. |

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| **The Protection needs of the survivor, complainant, witnesses, whistle-blower, alleged perpetrator or subject of the complaint, are considered of paramount importance and referrals are made to the appropriate Protection Services via the Referral Pathways as defined in the Inter-Agency SGBV SOPs** |

**Entity carries out relevant administrative and disciplinary measures, in line with agency policy and the Inter-Agency SEA Protocol agreement.**

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| **When in receipt of a referral from another entity, the PSEA Focal Point should acknowledge receipt of the complaint or report and confirm that the matter was addressed** (considering confidentiality and best interests of the survivor). |

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| **PSEA Focal Points report to UNHCR on SEA complaints and referrals** (as defined in the Protocol) to be shared within the PSEA Network |

## Annex 10 - TERMS OF REFERENCE PSEA NETWORK

**PSEA NETWORK TERMS OF REFERENCE (ToR)[[32]](#footnote-33)**

**MEMBERSHIP**

The Network will function under the auspices of the Refugee Coordinator (UNHCR Representative) in Tanzania and report to him/her. Membership includes normally one Focal Point on Protection from Sexual Exploitation and Abuse officially designated by agencies who provide humanitarian aid to refugees within the context of the Tanzania Refugee Response (hereinafter ‘entity’).

**RESPONSIBILITIES**

The Network on Protection from Sexual Exploitation and Abuse (PSEA) will serve as the primary body for awareness, prevention, coordination and oversight on PSEA by international and national personnel of the entities providing humanitarian services to refugees. The Network is NOT responsible for investigation or adjudication of complaints, or for dealing directly with complainants. These functions rest exclusively with dedicated bodies of individual entities. Cases can be referred to UNHCR PSEA focal points for advice and guidance (i.e. Should investigation be conducted, relevant entities are encouraged, in respect of confidentiality and wishes of the survivor as well as in line with their internal accountability framework and complaint mechanism systems, to alert UNHCR on possible risks for individual refugees to ensure that adequate protection for victims and witnesses is ensured from the start of the individual agencies’ investigation).

**GUIDING PRINCIPLES**

The Network will closely work with other coordination bodies such as Inter Agency Coordination Forum, Protection Working Group, Sexual and Gender Based Violence Sub Working Group, Child Protection Sub Working Group and Mental Health and Psycho Social Support Sub Working Group.

* The Network meetings should provide a supporting environment to discuss potentially sensitive challenges to PSEA for organizations, and information shared during the meeting will be kept confidential; it will be shared only on a need to know basis and will clearly specify the purposes for the requested information.
* In order to ensure that the Network has a strong membership and representation at decision-making levels, organizations are encouraged to nominate two staff (the focal point and the alternate) in managerial or advisory positions to participate in the Network. The PSEA Focal points and the alternates will be officially designated by each entity according with their respective organization profile and structure.
* Names or identifying information of alleged victims, witnesses or perpetrators, will never be shared during meetings nor recorded in minutes. Additional procedures for eventual discussions/recording of individual cases in respect of confidentiality and investigative requirements will be determined by the Network in due course.

**ACTIVITIES**

1. **ENGAGEMENT WITH AND SUPORT TO REFUGEES AND ASYLUM SEEKERS**

* Ensure prompt referral of reported incidents to competent authorities.
* Facilitate awareness raising with service providers and refugee communities on codes of conduct, including PSEA and complaint mechanisms, available services and referral pathways.
* Identify potential risk factors and areas of concern engaging concerned entities and refugees.

1. **PREVENTION**

* Ensure and, as necessary, coordinate the provision of awareness raising on SEA for all humanitarian personnel and volunteers in the country, including their responsibility to report all suspicions of sexual exploitation and abuse committed by colleagues (pursuant to ST/SGB/2003/13 section 3.2 (e) for UN staff and related personnel).
* Share and analyze information about potential risk factors and areas of concern and develop strategies to minimize them within the refugee response.
* Advocate with Senior Managers and relevant national and international actors to ensure that PSEA strategies are adequately implemented.
* Share good practices to improve the organizations’ procedures for vetting staff and reduce hiring of individuals who may have established criminal records for having committed serious misconduct, especially in relation to sexual exploitation and abuse. This would include engagement with Community Based Organizations (CBOs) and volunteers.

1. **RESPONSE**

* Support safe and confidential reporting mechanisms.

In accordance with the guiding principles and the agreed upon SOP, the PSEA focal points network will seek to provide advice to members on individual cases upon their request. As indicated above special cases can be referred to UNHCR PSEA focal points for advice and guidance. (E.g. should it be required, and upon request of individual entities, technical advice and investigative support could be made available in consultation with and through the Inspector General’s Office (IGO), the investigative service of UNHCR.

* When any of the formally designated Focal Points receives information of unspecified/generic (‘in-the-air’) allegations of sexual exploitation or abuse (i.e. where the institutional affiliation of the alleged perpetrator(s) is uncertain or unknown), the PSEA Focal Points Network will alert the Refugee Coordinator (UNHCR Representative) to ensure an adequate response to address the potential protection needs of the allegedly affected population in consultation with the IGO, the investigative service of UNHCR.
* Support the implementation of minimum standard procedures for reporting SEA, protecting whistleblowers and responding to malicious reports by each individual organization.

1. **MANAGEMENT AND COORDINATION**

* Meetings will be called every quarter. Ad hoc meetings can be called when necessary.
* UNHCR will chair the Network.
* Review trends and assess gaps and develop appropriate action plans to respond.
* Coordinate on training activities and communications with communities.

## Annex 11 - TERMS OF REFERENCE PSEA FOCAL POINTS

**PSEA FOCAL POINTS ROLES AND RESPONSIBILIITES TERMS OF REFERENCE (ToR)[[33]](#footnote-34)**

1. **ROLE**

The Focal Point for the Protection from Sexual Exploitation and Abuse (PSEA) is officially responsible for actively promoting the protection from sexual exploitation and abuse within their own organization in their area of responsibility (i.e. Dar es Salaam, Kigoma, Kibondo or Kasulu).

Focal Points support the implementation of the Secretary-General’s Bulletin on Special Measures for Protection from Sexual Exploitation and Sexual Abuse (ST/SGB/2003/13) and Statement of Commitment on Eliminating Sexual Exploitation and Abuse by UN and Non-UN Personnel (2006).

1. **RESPONSIBILITY**

PSEA Focal Points, with the support of their senior management, are responsible for ensuring that appropriate response systems are established and implemented within their organisation and with implementing partners, in line with the Inter-Agency Protocol.

PSEA Focal Points are responsible for liaising with investigative bodies of their own organisation and those of other entities, with other PSEA Focal Points and managers as appropriate to ensure safe reception, referral and follow-up of SEA complaints and allegations.

PSEA Focal Points facilitate the implementation of appropriate actions to respond to the received complaints in line with the agency’s internal procedures and investigative body affiliated with their agency and as defined in its legal and project agreements. In the case where an entity does not have an agreement with an affiliated investigative body, either directly or through a project agreement or contract, or does not have the capacity to manage an investigation internally, the PSEA Focal Point/Management of the entity can refer to the UNHCR PSEA focal points for advice and guidance through the Inspector General’s Office (IGO), the investigative body of UNHCR).[[34]](#footnote-35)

Individual entities are also encouraged, in respect of confidentiality and wishes of the survivor as well as in line with their internal accountability framework and complaint mechanism systems, to alert UNHCR on possible risks for individual refugees to ensure that adequate protection for victims and witnesses is ensured from the start of the individual agencies’ investigation.

1. **PSEA Network**

In the development of the mechanisms and procedures noted above, the Focal Point collaborates with the PSEA Network so as to promote consistency among entities and benefit from lessons learned.

The Focal Point supports the fulfilment of the ToR of the Network.

The Focal Point can seek further support as needed from the PSEA Focal Point from UNHCR.

**Annex 12 – SOPS – MANAGEMENT OF A COMPLAINT BOX**

**Standard Operating Procedures**

**Management of a Complaint Box**

**UNHCR Tanzania Operation**

**2018**

|  |  |
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| **Contents** |  |

1. Purpose
2. Scope
3. Policy/ Reference Documents
4. Procedure
5. General Management Issues
6. Accountability

Annexure

[Depending on what documents might still be drafted/are already in use]

1. **Purpose**

This document outlines the Standard Operating Procedures (“SOPs”) for the management of complaints. It details the complaint mechanism and responsibilities of Designated Focal Points.

These SOPs

1. Establish a confidential complaint mechanism to ensure that persons of concern are able to report all concerns encountered in accessing services. This includes gaps in service delivery, and complaints concerning other Persons of Concern (PoCs), UNHCR staff, implementing partners, government staff, and other actors.
2. Set out the modalities for managing the Complaint Box.
3. Define the responsibilities of the Designated Focal Points in the receipt and handling of complaints and feedback to PoCs.
4. Become effective on 01 June 2018.

The overall objective of these SOPs lies in setting proper standards in order to ensure accountability to affected populations, confidentiality and further strengthen the efficiency and effectiveness in the response to complaints. A formal complaint mechanism has not been in place in the Tanzania operation and the installation of complaint boxes aims at closing this gap.

The complaint boxes provide a communication channel between PoCs and UNHCR. They help UNHCR to identify protection problems and challenges faced by refugees and asylum seekers in Tanzania so that measures can be taken to address these challenges. They also provide an additional channel for the identification and referral of cases for specific interventions by UNHCR and/or referral to implementing partners.

**2. Scope**

These SOPs on the Management of a Complaint Box are designed to be utilized when handling the contents of a box relating to the complaints of UNHCR’s PoCs.

These SOPs shall apply to all UNHCR staff as well as the affiliate staff involved in complaint management and shall remain in effect unless and until expressly modified by [insert responsible staff].

**3. Policy/ Reference Documents**

* UNHCR Code of Conduct and Explanatory Notes, June 2004
* Confidentiality Guidelines, UNHCR/IOM/71/01
* Tanzania Inter-Agency PSEA Protocol and its 14 Annexes
* SGBV Standard Operating Procedures
* Strategic Framework for the Prevention of Fraud and Corruption, July 2013
* Policy and Procedural Guidelines: Addressing Resettlement Fraud Perpetrated by Refugees, March 2008UNHCR Resettlement Handbook Ch.4.4 “Combating Fraud and Corruption in the Resettlement Process”

**4. Procedure**

* Complaint Boxes shall be made available and placed in accessible locations in all refugee camps. Signage in all major languages spoken in the camps shall be put up next to the Complaint Boxes to explain the complaint procedures.
* Every complaint box shall come with paper, writing utensils and a writing platform. The Designated Officers are in charge of ensuring that Complaint Boxes are stocked at all times.
* Complaint Boxes shall be locked at all times, and access to the keys shall be limited to 3 UNHCR officers per camp designated by the Head of Field Office or Senior Protection Officer at the field office.
* Heads of Field Offices shall inform the Country Office (addressed to the Designated Fraud Focal Point and copied to the Representative) of the Designated Officers assigned for each location.
* The Designated Officials are responsible for documenting and reviewing the complaints received through the Complaint Box on a monthly basis. In cases where complaints have to be translated, the Designated Official shall reach out to colleagues to assist with translations.
* Feedback shall be provided to the complainant where applicable and in such manner as deemed appropriate by the Designated Official.
* All complaints received that deal with allegations of fraud shall be addressed to the Designated Fraud Focal Point at the Dar es Salaam Country Office and marked as “confidential.” The Designated Fraud Focal Point shall ensure that all allegations received through the Complaint Box are documented and properly addressed.

**5. General Management Issues**

Confidentiality: All information provided by PoCs is confidential and Designated Officers involved in complaint management shall treat it as such. Further guidance can be found in UNHCR’s *Confidentiality Guidelines* and *Code of Conduct.*

Security: Access to the contents of the complaint box is restricted to the designated staff involved in the complaint management.

Accessibility: Complaint boxes shall be installed in central locations so that all PoCs can have access to them.

Awareness: PoCs shall be made aware of the Complaint Boxes and complaint mechanism.

Anonymity: PoCs are free to make anonymous complaints. However, PoCs should be sensitized to refrain from making false allegations and should be encouraged to provide detailed information so that Designated Officers can adequately respond to the complaint.

**6. Accountability**

Under the direct supervision of the Designated Fraud Focal Point, all staff members assigned with the management of complaints through the Complaint Box are accountable for the proper management of the contents of a Complaint Box.

Any lapse in the management of the contents of a Complaint Box shall first be brought to the attention of the Designated Fraud Focal Point for appropriate action.

Repeated lapses shall be brought to the attention of the Representative.

**Annex 13 – SEA REPORTING GUIDANCE**

**SEXUAL EXPLOITATION AND ABUSE (SEA) REPORTING GUIDANCE**

**UNHCR Tanzania**

**GENERAL**

There is no PSEA Task Force/Network established under the Resident Coordinator (RC) in Tanzania. Given the Refugee Coordination Model (RCM), UNHCR has responsibility to ensure that all persons of concern (PoCs) are safe from exploitation and abuse and that clear mechanisms are in place to support this. This note is to document the internal procedures in the three most common types of reported incidents.

1. **REPORTS AGAINST UNHCR STAFF**

* Reports can be made directly to the IGO (inspector@unhcr.org).
* Any staff member/partner can make a direct report.
* Reports can also be made to the PSEA Focal Point who will take the step of informing the UNHCR Representative and then the report will be shared with the IGO.

1. **REPORTS AGAINST POLICE OFFICERS**

* The report should be channeled to the PSEA Focal Point in that location who will refer it to the UNHCR Representative directly. The UNHCR Representative shall in turn inform the MHA RSD Director.
* [All issues pertaining to the conduct of the package police shall be directed to the office of Inspector General of the Police; the deployment of the package police is guided by the MOU between UNHCR and the Government of Tanzania which among other things explain the procedure to follow in case of complaints against the police].
* Investigations against Police Officers will be conducted by the police as per the directions of the Inspector General of Police (IGP) and the responsible Regional Police Commander (RPC). A report will be submitted to the Head Office who will inform the Representative and the Regional Police Commander. Thereafter a report will be made to the Inspector General of Police (IGP) by the Representative to initiate investigation.

1. Pending formal investigations and follow-up disciplinary procedures by the IGP, the Police Officer involved should immediately be relieved of their duties in the area of operation as directed by the IGP and the relevant authority. It is essential that all potential risks to the complainant are considered and that UNHCR Protection staff are involved to support a risk-assessment and take any necessary action before the information is shared with the police. This is to be done as a priority.
2. A relevant formal process comprising senior police officials in the location will be convened once a reasonable cause is established.
3. If found guilty, the case will be handed over for criminal proceedings if it is a crime punishable by the Penal Code.

* The IGO will be informed by the UNHCR PSEA Focal Point, following communication with the Representative. While the IGO may not investigate, the IGO can flag the concern to the host country.

1. **REPORTS AGAINST PARTNER STAFF INCLUDING REFUGEE INCENTIVE WORKERS**

The complaint can be raised confidentially with the agency PSEA Focal Point, Investigative Body or Senior Manager as soon as possible.

Where the PSEA Focal Point is the subject or is involved in a complaint or allegation, the complaint can be referred to the Alternate PSEA Focal Point, Investigative Body or Senior Manager as soon as possible.

Where both PSEA Focal Points are involved, the complaint can be raised with an established investigative body or with senior management of the agency as soon as possible.

Under the PPA (section on Ethical Considerations and Professional Misconduct) all partners of UNHCR are required to (as per the [model PPA 2017](file:///C:\Users\UNHCR\AppData\Local\Microsoft\Windows\Temporary%20Internet%20Files\Content.Outlook\Bip_NGO-PPA-ENG-BY2017.pdf)) as follows:

*12.22 The Parties commit to carry out all their activities with the highest ethical and professional standards, both within their respective organizations and externally, in conformity with their humanitarian nature. This includes efficient and cost-effective management and transparent reporting and communications, to maintain credibility, reputation and integrity and to attain the best results for the Population of Concern.*

*12.23 The Parties shall commit to put in place policies to ensure that their personnel do not derive personal benefit as a result of their involvement in activities and work for the Partner and/or for UNHCR.*

*12.24 The Parties shall undertake to inform their personnel to refrain from any conduct that could potentially be perceived as having an element of conflict of interest or adversely reflect on UNHCR and/or the United Nations and from any activity that is incompatible with the aim and objectives of the United Nations or the mandate of UNHCR.*

*12.25 The Parties shall undertake all reasonable measures to prevent their personnel from exploiting and abusing refugees and other persons of concern and from engaging in any form of behavior that could amount to misconduct. The failure of the Partner to take effective measures to prevent such abuse or other misconduct, or the failure of the Partner to investigate allegations or to request UNHCR investigative support of the same and to take disciplinary and corrective actions when misconduct is found to have occurred, shall constitute grounds for termination of this Agreement.*

*12.26 The Partner shall ensure close coordination with UNHCR regarding the planning and conduct of any investigation or administrative action in regard to allegations of such abuse and possible misconduct, and shall share with UNHCR the full investigation report, or a redacted summary thereof to safeguard confidentiality, if advised by legal counsel that sharing the full report could jeopardize the Partner’s attorney-client privilege in the context of any governmental or third party (i.e. not the United Nations or any of its subordinate or related offices or agencies) investigation or administrative action.*

*12.27 When deemed necessary and appropriate by both Parties, UNHCR may conduct an investigation in coordination with the Partner and share the findings with the Partner. Alternatively, the Partner may request UNHCR support to conduct an investigation.*

In all cases relating to UNHCR staff and affiliated workforce, partners including affiliated workforce, other UN entities and local authorities’ reports will be channeled to the PSEA Focal Point who will inform the UNHCR Representative. The IGO may not be in a position to investigate and will advise the PSEA Focal Point as such. In parallel the PSEA Focal Point will inform the partner/UN entity regarding the report using the agreed complaints form. Reports against staff serving in local authorities will be channeled through the PSEA Focal Point at the location to the UNHCR Representative for the concerns to be raised with the relevant authority.

1. **UNHCR FOCAL POINTS**

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| **LOCATION** | **FOCAL POINT** | **CONTACTS** |
| UNHCR Country PSEA Focal Point | David Bugden | bugden@unhcr.org |
| UNHCR Country PSEA Alternate Focal Point | Aba Opoku-Mensah | opokum@unhcr.org |
| UNHCR PSEA Focal Point Kibondo (including Mwanza) | Louisa Muithya | muithya@unhcr.org |
| UNHCR PSEA Alternate Focal Point Kibondo (including Mwanza) | Judith Chan | chanj@unhcr.org |
| UNHCR PSEA Focal Point Kasulu | Agnes Kanyonyi | kanyonyi@unhcr.org |
| UNHCR PSEA Alternate Kasulu | Elias Ngugi | ngugie@unhcr.org |
| UNHCR PSEA Focal Point Kigoma | Sabina Luoga | luogas@unhcr.org |
| UNHCR PSEA Alternate Focal Point Kigoma | Rehema Msami | msamir@unhcr.org |
| Inspector General’s Office | N/A | [inspector@unhcr.org](mailto:inspector@unhcr.org) |

**Annex 14 – SGBV REFERRAL PATHWAY**

**SGBV REFERRAL PATHWAY – NYARUGUSU**

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| **DISCLOSING – TELLING SOMEONE AND SEEKING HELP** |
| **Step 1: Entry point:** Survivor tells police, community groups, community leaders, sungusungus, organizations/agencies, health centers, hospital, friends and family members, CFS or self-referral. Provide a safe, caring environment and respect the **confidentiality** and wishes of the survivor. Accompany or refer to any of the following centres:  **Step 2: Needs assessment/reporting:** for Immediate response; **immediate needs, safety assessment and comprehensive case management. Locations:**   |  |  |  |  |  | | --- | --- | --- | --- | --- | | RH Zone 8  Mon-Fri: 8:00-16:00  Focal Point : Naomi Festo  Contact: [Naomi.Festo@rescue.org](mailto:Naomi.Festo@rescue.org)  0767800202 | Women’s Centre Zone 8  Mon-Fri: 8:00-16:00  Focal Point:  Adili Akhonaaye  Contact:  [Adili.Akhonaaye@rescue.org](mailto:Adili.Akhonaaye@rescue.org)  0673225810 | Support Centre 2 - Zone 7 (between E3 and F3)  Mon-Fri: 8:00-16:00  Focal Point :Bitia Kahise  Contact: [Bitia.Jackson@rescue.org](mailto:Bitia.Jackson@rescue.org)  0753247706 | Support Centre 1 - Zone 4 (Inside main hospital compound)  Mon-Fri: 8:00-17:00  Focal Point: Eva Damas Contact: [Damas.eva@rescue.org](mailto:Damas.eva@rescue.org)  0768109088 | Mobile support zone12  Mon-Fri: 8:00-17:00  Focal Point : JohnPaul Aloyce  Contact: [Johnpaul.Aloyce@rescue.org](mailto:Johnpaul.Aloyce@rescue.org)  0767800452 |   Services offered at IRC case management:   * Learn the immediate needs and give reliable, honest and clear information about available services and safely document the survivor’s experience. * Discuss the possible risks and consequences of accessing any services. * Facilitate immediate access to medical care for sexual assault survivors (if not yet received) - currently available at Red Cross within IRC Support Centre 1, at the IRC/Red Cross reproductive health unit in zone 8 and health post 5 in zone 8. * Legal assistance to survivors and their witnesses (includes legal counselling, escort to police(when requested) and accompaniment to court for both survivors and their witnesses using IRC provided transport and monitoring the trial process {Veronica John are IRC’s Legal Officers for all GBV cases – 07552471727 and 0759533415}. * Material support on a case by case basis. * Temporary safe shelter as needed. * Psychosocial support/community based social protection. |
| **Step 3: After immediate response, referral and follow-ups:** Obtain **informed consent** and make agreed referrals, accompany the survivor to assist him/her in accessing services if needed, thereafter follow-up until survivor receives all possible services. (***All referrals must respect survivor’s right to confidentiality, safety and security, privacy and self-determination and best interest of the child (0-17)*** |

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| **Health care**    **TRCS** – Main hospital IRC Support Centre  Zone 4  Mon-Sun: 7:30 -16:30/on call 24hrs  Focal Point: Winfrida Rwehumbiza Contact: [win\_rwehumbiza2@yahoo.com](mailto:win_rwehumbiza2@yahoo.com) 0763564494  Focal Point: Mariam Matemu  Contact: 0754252146  **IRC** RH zone 8-  Mon-Fri: 8:00- 16:00  Focal Point: Victor Msovu Contact: 0765565877  *TRCS services provided: primary and reproductive healthcare; medical examination including clinical management for rape. Option of emergency contraception, preventive treatment for STIs, post-exposure prophylaxis for prevention of transmission of HIV, filling in the PF3 and testifying in court.* | Legal action or if there are immediate safety and security risks  Image result for government of tanzania logo  Police Gender/Child desk  Station A  Mon-Sun: 24hrs  Focal Point: Officer in Charge Shadrack Evarest Contact: 0754855692  Focal Point: Officer Raymond Mkami  Contact:  [raymondmkami@gmail.com](mailto:raymondmkami@gmail.com0767091097)  [0767091097](mailto:raymondmkami@gmail.com0767091097)  Station B  Mon-Sun: 24hrs  Focal Point: Officer in Charge Shadrack Evarest Contact: 0754855692  Focal Point: Officer Raymond Mkami -  Contact:  [raymondmkami@gmail.com](mailto:raymondmkami@gmail.com0767091097)  [0767091097](mailto:raymondmkami@gmail.com0767091097)  *Police services provided: Receive complaints and file charges. Issuing of PF3, post mortem examination form.*  *Collect and preserve evidence; includes legal records. Preliminary investigation, transfer of evidence to the persecution and testifying before court.*    **IRC** RH Zone 8, Women’s Centre Zone 8, Support Centre 1 Zone 4, Support Centre 2 Zone 7  Mon-Fri: 8:00-17:00  *IRC legal assistance services provided: legal counseling, escort to police when requested, accompanying survivors and witnesses to court using IRC provided transport and monitoring the trial process.* | **Protection/Security and Justice**    UNHCR Registration Centre Mon, Tues & Thurs. 9:00-13:00 Zone 4  Focal point for Shelter relocation /security: Charles Ngarama – Contact: ntahonde@unhcr.org  0755 455 189  *UNHCR services provided: Registration; card separation/reunification case management for referred cases; monitoring and liaising with actors for follow up purposes, including relocation of survivors; Support safety and security of victims/survivors and any witnesses. Shelter reallocation and food distribution issues.*  **IRC** RH Zone 8, Women’s Centre Zone 8, Support Centre 1 Zone 4, Support Centre 2 Zone 7  Mon-Fri: 8:00-17:00  *IRC child protection services provided: BIAs and BIDs; alternative care arrangements for child survivors; assist in family tracing; provide complementary counseling.*  WLAC - UNHCR Registration Centre  Focal Point: Lulu Mshana Contact: 0765425614, 0653955269  Focal Point: Lilian Nyalusi  Contact: [wlackasulu@gmail.com](mailto:wlackasulu@gmail.com) 0757970460  Zone 4  Mon & Fri 08:30-16:00  Tues & Thurs 10:00-16:00  Paralegals/Washekanya  Focal Point: Ramadhani Mhunga  Contact: 0753530145  *WLAC services provided: legal counselling on civil cases; inheritance rights, formal mediation, divorce, court representation, drafting of legal documents.* | *The IRC GBV Team plays a coordinator role on GBV individual case management, safely maintains GBV data using GBVIMS and follows up on the support to survivors. Feedback will be requested on all referrals made using the interagency referral form. Individual follow-ups and weekly case conference review meetings will be held. For enquiries contact IRC Focal Point: Tumaini Mngongo*  *Contact:* [*Tumaini.mngongo@rescure.org*](mailto:Tumaini.mngongo@rescure.org)  *0763163123* |

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| **DISCLOSING - TELLING SOMEONE AND SEEKING HELP** | | | |
| **Step 1: Entry point:** Survivor tells police, community groups, community leaders, sungusungu, organizations/agencies, health centres, hospital, friends and family members, CFS or self-referral. Provide a safe, caring environment and respect the confidentiality and wishes of the survivor. Accompany or refer to any of the following centres.  **Step 2: Needs assessment/reporting:** for immediate response; immediate needs, safety assessment and comprehensive case management. **Locations:** | | | |
| **IRC** Support Centre at **TRCS Hos**pital, between Zone D  Mon-Fri: 08:00 – 17:00  Focal Point (all sites): Tumain Mng’ong’o  Contact: [Tumaini.mngongo@rescue.org](mailto:Tumaini.mngongo@rescue.org)  0755630243, 0767800306    Psycho-social Supervisor: Godlizan Bakary  Contact: [Godilizan.Bakary@rescue.org](mailto:Godilizan.Bakary@rescue.org)  0767800228, 0763-525670  Psycho-social Officer : Sandrarose Callysty  Contact:[Sandrarose.Callysty@rescue.org](mailto:Sandrarose.Callysty@rescue.org)  0767800234, 0625945778  GBV HELPLINE (Mon – Sat: 08:00-20:00): 0767800228 | | **Uhuru Women Center -** Zone I  Mon-Fri: 08:00 – 17:00  Psychosocial Officer: Neema Musa  Contact: [neema.mussa@rescue.org](mailto:neema.mussa@rescue.org) 0767800444, 0767974647  Psycho-social Officer: Sandrarose Callysty  Contact:[Sandrarose.Callysty@rescue.org](mailto:Sandrarose.Callysty@rescue.org) 0767800234,0625945778 | |
| **Services offered by IRC case management:**   * Learn the immediate needs and give reliable, honest and clear information about available services and safely document the survivor’s experience. * Discuss the possible risks and consequences of accessing any services. * Facilitate immediate access to medical care for sexual assault survivors (if not yet received) - currently available at MSF at the MSF hospital. * Legal assistance to survivors and their witnesses (includes legal counseling, escort to police (when requested) and accompaniment to court for both survivors and  their witnesses using IRC provided transport and monitoring the trial process; (Vicky Msuya – 0714 646058/ 0767800223 - is the IRC’s legal officer for all GBV cases). * Material support on a case by case basis. * Temporary safe shelter as needed. * Psychosocial support/community based social protection. | | | |
| **Step 3: After immediate response, referral and follow-ups:** Obtain informed consent and make agreed referrals, accompany the survivor to assist him/her in accessing services if needed, follow-up until survivor receives all possible services. **(All referrals must respect survivor’s right to confidentiality, safety and security, privacy and self-determination and best interest of the child (0-17).** | | | |
| Health Care    TRCS  Main Hospital between Zone D  Mon-Sun: 08:00-16:30/on call 24hrs  Focal Point: Moses Fugwe  Contact: Fugwemoses88@gmail.com 0764780549  Focal point Mariam Maulid Contact: mamoumaulid@gmail.com 0763268879:  *TRCS services provided: Primary health care. Medical examination including clinical management for rape; option of emergency contraception, preventive treatment for STIs, post-exposure prophylaxis for prevention of transmission of HIV, filling in the PF3 and testifying in court.*  Zone I  IRC Mtendeli mental health - Wellness Center  Monday – Friday 08:00 – 17:00  Focal Point: Mary Kalunga  Contact: Marry.Kalunga@rescue.org 0744909041  Focal Point: Getrude Temu  Contact: Getrude.Temu@rescue.org 0767800261 , 0624 037757  C:\Users\Godlizan Bakari\Desktop\logos\IRClogo_RGB_lrg.jpgIRC RH and Maternity Center  Inside TRCS compound in zone C  Mon-Sun: 08:00-16:30/on call 24hrs  Focal Point: Dr. Yoel Mashimba  Contact:[Yoel.Mashimba@rescue.org](mailto:Yoel.Mashimba@rescue.org) 0746-460656  Focal Point: Monica Naingo  Contact: Monica.Nayingo@rescue.org 0767800419,0763836355 | Legal action or if there are immediate safety and security risks  Image result for government of tanzania logo  Police Gender/Child Desk,  Mtendeli Police Station  Mon-Sun: 24 hrs.  Focal Point: Frey Lindi  Contact: 0718769281, 0766957355      Gender Desk  Focal Point: Lightness Mbwambo  Contact:0754455750, 0655455750  Focal Point: Joyce Mlope  Contact: 0754 054030, 0715220599  *Police services provided: Receive complaints and file charges. Issuing of PF3, post mortem examination form. Collect and preserve evidence; includes legal records. Preliminary investigation, transfer of evidence to the persecution and testifying before court*.  IRC Support Centre, between Zone I  Mon-Fri: 08:00-17:00  Vicky Msuya  Contact: Vicky.Msuya@rescue.org 0767800223, 0714646058  *IRC legal assistance services provided: legal counselling, escort to police when requested, accompanying survivors and witnesses to court using IRC provided transport and monitoring the trial process*  *. The IRC GBV Team plays a coordinator role on GBV individual case management, safely maintains GBV data using GBVIMS and follows up on the support of survivors. Feedback will be requested on all referrals made using the interagency referral form. Individual follow-ups and weekly/monthly case conference review meetings will be held. For enquiries contact IRC GBV Response Manager: Tumaini Mng’ong’o 0767800306,0755630243*  *Contact:* [*tumain.mngongo@rescue.org*](mailto:tumain.mngongo@rescue.org) | Protection/Security and Justice    UNHCR Registration Centre  Zone A  Mon-Fri: 08:30 – 16:30  UNHCR Sub Office Kibondo  Mon-Fri: 08:00-17:00  Focal Point: Judith Chan  Contact: [chanj@unhcr.org](mailto:chanj@unhcr.org)  0682 488 895  SGBV Focal Point: Gati Mossama  Contact: [mossama@unhcr.org](mailto:mossama@unhcr.org)  0767 896 892  Focal Point Mtendeli: Timotheo Masanyiwa  Contact: [masanyiw@unhcr.org](mailto:masanyiw@unhcr.org)  0756852340  *UNHCR services provided: Registration, protection and security; card separation/reunification case management for referred cases; monitoring and liaising with actors for follow up purposes, including relocation of survivors; support safety and security of victims/survivors and any witnesses.*  WLAC Zone D  Focal Point: Christina Massao  Contact:  [Christina.Massao@yahoo,com](mailto:Christina.Massao@yahoo,com) 0762646775  Focal Point :Victor Ndwike Contact:[ndwikevictor@gmail.com](mailto:ndwikevictor@gmail.com) 0765605239    *WLAC services provided: legal counselling on civil cases (including children); inheritance rights, formal mediation, divorce and reconciliation*  *..* | Persons with Specific Needs  Helping older people live full and secure lives | Age helps  Help Age International  Reception Centre  CBR Centre Zone D  Mon-Fri: 08:00 – 16:00  Focal Point : Mary Shuma  Contact:mary.shuma@helpage.org      Focal Point: Hyiacinta Muhamba  Contact: hyasinta.muhamba@helpage.org  *Help Age International services provided: physical rehabilitation, assistive devices, cash support and NFIs.*    Plan International  Child Friendly Spaces (CFS) – Zone 1 and 2 and 3  Youth Centre – Zone D  Mon-Fri: 08:00 - 16:30 Saturday: 08:00 - 12:00  Focal Point: Karafuu Ally. Contact: [Karafuu.Ally@plan-international.org](mailto:Karafuu.Ally@plan-international.org)  0755020818,0757020818    Focal Point: Nancy Modesta  Contact: modestnancy@gmail.com 0743998847, 0622045069  *Plan International child protection services provided: Registration of UASCs and alternative care arrangements; CP case management; BIAs; assist in family tracing; provide psychosocial support services including complementary counselling (individual and group). Youth services include vocational training and life skills education for adolescents and youth* |

**GENDER-BASED VIOLENCE REFERRAL PATHWAY – NDUTA CAMP**

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| **DISCLOSING – TELLING SOMEONE AND SEEKING HELP** | | | |
| Step 1: Entry point: Survivor tells police, community groups, community leaders, sungusungus, organizations/agencies, health centres, hospital, friends and family members, CFS or self-referral. Provide a safe, caring environment and respect the confidentiality and wishes of the survivor. Accompany or refer to any of the following centres:  Step 2: Needs assessment/reporting: for Immediate response; immediate needs, safety assessment and comprehensive case management. Locations: | | | |
| IRC Support Centre (opposite MSF Main Hospital), Zone 4  Mon-Fri: 08:00 – 17:00  Psycho-social Officer: Lydia Remigius  Contact: Lydia.Remigius@rescue.org  0767800442  GBV HELPLINE (Mon – Sat: 08:00-20:00): 0767800229  Focal Point (All sites): Tumaini Mng’ong’o  tumaini.mngongo@rescue.org  0767800306  Psycho-social Supervisor: Gloria Mushi  Contact: [Gloria.Mushi@rescue.org](mailto:Gloria.Mushi@rescue.org) 0767800229, 0626893612 | | UNHCR Registration Centre, Zone 1  Mon-Fri: 08:00 – 17:00  Psycho-social Supervisor: Gloria Mushi  Contact: [Gloria.Mushi@rescue.org](mailto:Gloria.Mushi@rescue.org) 0767800229, 0626893612 | |
| IRC Outreach Tent, Zone 15  Mon-Fri: 08:00 – 17:00  Focal Point: Dianarose Sitta  Contact: [Diana\_Sitta@yahoo.com](mailto:Diana_Sitta@yahoo.com), 0767800440 | | IRC Women center, Zone 5  Mon-Fri: 08:00 – 17:00  Psychosocial Officer: Jane Mtafya  Contact: 0767800440, 0627062851 | |
| **Services offered at IRC case management:**   * Learn the immediate needs and give reliable, honest and clear information about available services and safely document the survivor’s experience. * Discuss the possible risks and consequences of accessing any services. * Facilitate immediate access to medical care for sexual assault survivors (if not yet received) - currently available at MSF at the MSF hospital. * Legal assistance to survivors and their witnesses (includes legal counselling, escort to police (when requested) and accompaniment to court for both survivors and  their witnesses using IRC provided transport and monitoring the trial process; (Lusia Mushi -0767800307- is the IRC’s legal officer for all GBV cases). * Material support on a case by case basis. * Temporary safe shelter as needed. * Psychosocial support/community based social protection. | | | |
| **Step 3: After immediate response, referral and follow-ups:** Obtain **informed consent** and make agreed referrals, accompany the survivor to assist him/her in accessing services if needed, thereafter follow-up until survivor receives all possible services. (***All referrals must respect survivor’s right to confidentiality, safety and security, privacy and self-determination and best interest of the child (0-17)*** | | | |
| Health care  MSF - Main Hospital in Zone 4  Clinical Officer: Elda Kyando  Contact: 0753230596  Focal Point: Zamoyoni Lucus Mwenda  Contact: stellazamy@gmail.com 0759928573  *MSF services provided: Primary and reproductive health care during daylight hours; 24/7 emergency, including SGBV cases. Medical examination including clinical management for rape; option of emergency contraception, preventive treatment for STIs, post-exposure prophylaxis for prevention of transmission of HIV, filling in the PF3 and testifying in court.* | Legal action or if there are immediate safety and security risks  Image result for government of tanzania logo  Police Gender/Child Desk,  Nduta Police Station  Mon-Sun: 24 hrs  Officer in Charge: Eliashea Jacob  Contact: 0622001005  Focal Point: Faudhia Mustafa  Contact: faudhiamustaphambacho3@gmail.com 0621928238  *Police services provided: Receive complaints and file charges. Issuing of PF3, post mortem examination form. Collect and preserve evidence; includes legal records. Preliminary investigation, transfer of evidence to the persecution and testifying before court*.    IRC Support Centre, Zone 4  Mon-Fri: 08:00-17:00  Focal Point: Lusia Mushi  Contact: [Lusia.Mushi@rescue.org](mailto:Lusia.Mushi@rescue.org)  0767800307  *IRC legal assistance services provided: legal counselling, escort to police when requested, accompanying survivors and witnesses to court using IRC provided transport and monitoring the trial process.* | Protection/Security and Justice    UNHCR Field Office, Protection  Zone 1  Thursday: 08:30 – 15:00  UNHCR Sub Office Kibondo  Mon-Fri: 08:00-17:00  Focal Point: Judith Chan  Contact: [chanj@unhcr.org](mailto:chanj@unhcr.org)  0682488895  SGBV Focal Point: Gati Mossama  Contact: [mossama@unhcr.org](mailto:mossama@unhcr.org) 0767896892  Focal Point: Timotheo Masanyiwa  Contact: [mossama@unhcr.org](mailto:mossama@unhcr.org)    *UNHCR services provided: Registration, protection and security; card separation/reunification case management for referred cases; monitoring and liaising with actors for follow up purposes, including relocation of survivors; support safety and security of victims/survivors and any witnesses.*    WLAC Consultation room within DRC office at UNHCR Registration Centre,  Reception centre Zone 1 On demand  Legal Officer:Rehema Bilikundi, Contact: [rehemabilikundi@gmail.com](mailto:rehemabilikundi@gmail.com) 0679282042  Focal Point: Christina Massao  Contact: Christina.massao@yahoo.com 0762646775  *WLAC services provided: legal counselling on civil cases (including children); inheritance rights, formal mediation, divorce and reconciliation.* | Persons with specific needs    Help Age International  HelpAge CRC, Zone 4  Focal Point: Mary Shuma  Contact: [mary.shuma@helpage.org](mailto:mary.shuma@helpage.org)  0754866920  Focal Point Dismas Msanya Contact: [Dismas.Msanya@helpage.org](mailto:Dismas.Msanya@helpage.org)  0755984653  *Help Age International services provided: physical rehabilitation, assistive devices, cash support and NFI.*    Plan International  Registration Reception Area/Plan International office  Child Friendly Spaces (CFS) Zone 1, 3, 8, 6  Youth Centre – Zone 8  Mon-Fri: 08:00 - 16:30  Saturday: 08:00 - 12:00  Focal Point: Toyi Mphubusa,  Contact: [Mphubusa.Toyi@plan-international.org](mailto:Mphubusa.Toyi@plan-international.org)  Focal Point: Rhoda Nyakato  Contact: Rhoda Nyakato [Rhoda.Nyakato@plan-international.org](mailto:Rhoda.Nyakato@plan-international.org) 0625507252  *Plan International child protection services provided: Registration of UASCs and alternative care arrangements; CP case management; BIAs; assist in family tracing; provide psychosocial support services including complementary counselling (individual and group). Youth services include vocational training and life skills education for adolescents and youth.*  *The IRC GBV Team plays a coordinator role on GBV individual case management, safely maintains GBV data using GBVIMS and follows up on the support of survivors. Feedback will be requested on all referrals made using the interagency referral form. Individual follow-ups and weekly case conference review meetings will be held. For enquiries contact IRC GBV Response Manager: Tumaini Mng’ong’o*  *Contact:* [*tumaini.mngongo@rescue.org*](mailto:tumaini.mngongo@rescue.org)*0767800306, 0755630243* |

## Annex 15 – SIGNATORY PAGE FOR PARTICIPATING AGENCIES

This Protocol is considered as a living document, which shall continue to be developed for greater effectiveness. It shall be open for signature by humanitarian agencies not signing them on the date below and which may subsequently wish to do so on an on-going basis. Such organisations will signify their interest to the PSEA Taskforce who will take the necessary steps to formally include the agency in the Mechanism and the PSEA Network. Regular revisions will be undertaken as appropriate.

The following agencies endorse this Protocol Mechanism for the Protection from Sexual Exploitation and Abuse by humanitarian personnel providing humanitarian services to refugees in Tanzania.

1. Ministry of Home Affairs (MoHA)
2. African Initiatives for Relief and Development (AIRD)
3. Baba Watoto
4. Danish Refugee Council (DRC)
5. HelpAge International
6. International Rescue Committee (IRC)
7. [Médecins Sans Frontières (MSF)](http://www.msf.org/)
8. Norwegian Refugee Council (NRC)
9. OXFAM
10. Plan International
11. REDESO
12. Save the Children International
13. Tanganyika Christian Relief Services (TCRS)
14. Tanzanian Red Cross Society (TRCS)
15. The United Nations Children’s Fund (UNICEF)
16. United Nation High Commissioner for Refugees (UNHCR)
17. International Organization for Migration (IOM)
18. United Nations World Food Programme (WFP)
19. Women’s Legal Aid Center (WLAC)
20. World Vision,
21. CARITAS
22. International Committee of the Red Cross (ICRC)
23. CEMDO
24. Good Neighbors Tanzania
25. Water Mission

We the undersigned, as representatives of our respective organisations, agree and commit to fulfil our roles and responsibilities in adhering to this Protocol:

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Baba Watoto African Initiatives for Relief and Development (AIRD)

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Danish Refugee Council (DRC) HelpAge International

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Water Mission [Médecins Sans Frontières (MSF)](http://www.msf.org/)

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OXFAM REDESO

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Plan International Norwegian Refugee Council (NRC)

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International Rescue Committee (IRC) Save the Children International

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Tanganyika Christian Relief Services (TCRS) International Committee of the Red Cross (ICRC)

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Plan International Norwegian Refugee Council (NRC)

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Ministry of Home Affairs (MoHA) Save the Children International

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UNFPA Tanzanian Red Cross Society (TRCS)

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The United Nations Children’s Fund (UNICEF) United Nation High Commissioner for Refugees (UNHCR)

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International Organization for Migration (IOM) United Nations World Food Programme (WFP)

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Women’s Legal Aid Center (WLAC) World Vision

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CARITAS Good Neighbors Tanzania

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CEMDO Tanzanian Red Cross Society (TRCS)

1. Parts of these SOPs were developed with thanks from the CBCRM SOPs in the Jordan response. [↑](#footnote-ref-2)
2. The terms ‘victim’ and ‘survivor’ can be used interchangeably. Refer to the SGBV IA SOPs. [↑](#footnote-ref-3)
3. UNHCR Investigation Resource Manual, Chapter 4. <http://www.unhcr.org/pages/526526126.html> [↑](#footnote-ref-4)
4. Un Refugee Convention, Article 1, 1951. [↑](#footnote-ref-5)
5. IASC Policy Statement on Protection from SEA in Humanitarian Crises 2002 [↑](#footnote-ref-6)
6. http://pseataskforce.org/en/taskforce [↑](#footnote-ref-7)
7. [↑](#footnote-ref-8)
8. <https://interagencystandingcommittee.org/system/files/legacy_files/PSEA%20Golbal%20Review%20Overview%20Publication%2015%20Sept.pdf> [↑](#footnote-ref-9)
9. See 2006 Statement of Commitment on Eliminating Sexual Exploitation and Abuse by UN and Non-UN Personnel. [↑](#footnote-ref-10)
10. Building Safer Organisations Guidelines – Receiving and investigating allegations of abuse and exploitation by humanitarian workers – International Council of Voluntary Agencies [↑](#footnote-ref-11)
11. United Nations Secretariat. 2003. ‘Secretary-General’s Bulletin on Special Measures for Protection for Sexual Exploitation and Abuse’. ST/SGB/2003/13, <www.pseataskforce.org/uploads/ tools/1327932869.pdf> [↑](#footnote-ref-12)
12. United Nations Secretariat. 2003. ‘Secretary-General’s Bulletin on Special Measures for Protection for Sexual Exploitation and Abuse’. ST/SGB/2003/13, <www.pseataskforce.org/uploads/ tools/1327932869.pdf> [↑](#footnote-ref-13)
13. United Nations Secretariat. 2003. ‘Secretary-General’s Bulletin on Special Measures for Protection for Sexual Exploitation and Abuse’. ST/SGB/2003/13, <http://www.unhcr.org/405ac6614.html> [↑](#footnote-ref-14)
14. See 2006 Statement of Commitment on Eliminating Sexual Exploitation and Abuse by UN and Non-UN Personnel and IASC Model Complaints and Investigations Procedures and Guidance related to Sexual Explication and Abuse [↑](#footnote-ref-15)
15. Section 7 Criminal Procedure Code. [↑](#footnote-ref-16)
16. Adapted from the Jordan CBCRM SOPs. [↑](#footnote-ref-17)
17. See IASC Model Complaints and Investigations Procedures and Guidance related to Sexual Exploitation and Abuse; Building Safer Organisations Guidelines – Receiving and investigating allegations of abuse and exploitation by humanitarian workers – International Council of Voluntary Agencies; IRC Guidelines for Conducting Investigations into Beneficiary Exploitation and Abuse. [↑](#footnote-ref-18)
18. Section 2 UNHCR PPAs 2017. [↑](#footnote-ref-19)
19. See IASC Model Complaints and Investigations Procedures and Guidance related to Sexual Explication and Abuse; Building Safer Organisations Guidelines – Receiving and investigating allegations of abuse and exploitation by humanitarian workers – International Council of Voluntary Agencies; IRC Guidelines for Conducting Investigations into Beneficiary Exploitation and Abuse. [↑](#footnote-ref-20)
20. IASC Model Complaints and Investigations Procedures and Guidance related to Sexual Explication and Abuse [↑](#footnote-ref-21)
21. http://www.pseataskforce.org/uploads/tools/modelcomplaintsandinvestigationproceduresandguidancerelatedtoseadraft\_iasctaskforceonpsea\_english.pdf [↑](#footnote-ref-22)
22. Currently ST/AI/379, entitled “Procedures for dealing with sexual harassment”. [↑](#footnote-ref-23)
23. <https://cdu.unlb.org/Portals/0/PdfFiles/PolicyDock.pdf> [↑](#footnote-ref-24)
24. See “Appendix 1: List of Endorsing Entities” for a full listing of entities that endorse the Statement of Commitment on Eliminating Sexual Exploitation and Abuse by UN and Non-UN Personnel [↑](#footnote-ref-25)
25. “Our personnel” includes: United Nations staff and related personnel such as United Nations Volunteers, personnel or employees of non-United Nations entities or individuals who have entered into a cooperative arrangement with the United Nations (including interns, international and local consultants as well as individual and corporate contractors), experts on mission including United Nations police officers, members of national formed police units, corrections officers and military observers, as well as military members of national contingents serving in United Nations peacekeeping missions); personnel as defined by international organizations and their membership bodies; and personnel of non-governmental organizations [↑](#footnote-ref-26)
26. See “Appendix 2: Six Core Principles Relating to Sexual Exploitation and Abuse” [↑](#footnote-ref-27)
27. The 2002 Report and Plan of Action of the IASC Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises established six core principles relating to sexual exploitation and abuse, to be incorporated into the codes of conduct and staff rules and regulations of member organizations. [↑](#footnote-ref-28)
28. See Report of the Inter-Agency Standing Committee Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises of 13 June 2002, Plan of Action, Section I.A. [↑](#footnote-ref-29)
29. Adapted from the Model Complaints Form and the CBCRM Jordan 2016 [↑](#footnote-ref-30)
30. To be shared with all new staff as part of their CoC/PSEA orientation on arrival. [↑](#footnote-ref-31)
31. Adapted with thanks from CBCRM Jordan 2016. [↑](#footnote-ref-32)
32. Adapted from the CBCRM Jordan SOPs. [↑](#footnote-ref-33)
33. Adapted from the CBCRM Jordan SoPs. [↑](#footnote-ref-34)
34. <http://www.unhcr.org/inspector-generals-office.html> [↑](#footnote-ref-35)