

## PROTECTION FROM SEXUAL EXPLOITATION AND ABUSE (PSEA) BY HUMANITARIAN PERSONNEL IN JORDAN

## INTER-AGENCY PSEA COMMUNITY-BASED COMPLAINT REFERRAL MECHANISM (CBCRM)



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The Inter-Agency Community-Based Complaint Referral Mechanism (hereinafter 'CBCRM') in Jordan was developed under the umbrella of the Inter-Agency Network on Protection from Sexual Exploitation and Abuse by Humanitarian Personnel (PSEA Network) and the PSEA Task Force. The PSEA Network Co-Chaired by UNHCR and INTERSOS led the development of the CBCRM following extensive consultations with PSEA Network members and agencies providing humanitarian services within the Refugee Response in Jordan on 10 February 2020. The PSEA Network and its Co-Chairs Tayba Sharif and Tricia Mazo would like to thank all those who participated in the development of this CBCRM Mechanism.













































































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# PART ONE INTRODUCTION

## 1 OVERVIEW

The Inter-Agency Community-Based Complaint Referral Mechanism (herein referred to as the 'CBCRM') in Jordan was developed under the umbrella of the Inter-Agency Network on Protection from Sexual Exploitation and Abuse by Humanitarian Personnel (PSEA Network and the PSEA Task Force). In 2015, the PSEA Network coordinated by UNHCR led to initiating the CBCRM Mechanism, following extensive consultations with refugees, PSEA Network members, and agencies providing humanitarian services within the Refugee Response in Jordan. The discussions involved over 700 refugee women, girls, men, and boys from different backgrounds living in and outside camps, and over 30 agencies and community-based organizations.

In 2020, the PSEA network, co-chaired by UNHCR and INTERSOS, led the revision of the CBCRM Mechanism to strengthen its compliance with a survivor-centered approach as well as good global practices on PSEA. A key priority identified by the members of the network was also to improve the information management system, thus allowing the network to provide more information on SEA trends to the UN Resident Coordinator and UNHCR Representative. A task force was created by the network to review the CBCRM and included UNICEF, OCHA, UNFPA, UN Women, Collateral Repair Project (CRP), UNHCR, and INTERSOS. On 10 February 2020, UNHCR and INTERSOS led an intensive consultative workshop that contributed to the development of the PSEA strategy, work plan, and the CBCRM in hand.

The Co-Chairs presented the CBCRM draft to the Network members who reviewed and validated the draft, and the final version was consolidated on 11 June 2020 and signed in July 2020.

## PROTECTION FROM SEXUAL EXPLOITATION AND ABUSE (PSEA)

UN Secretary-General's Bulletin on SEA (2003)¹: Outlines a zero-tolerance policy toward SEA, incorporates the IASC's Six Principles on PSEA, obliges UN staff to report incidents of abuse, and is binding on all UN staff, including all agencies and individuals who have cooperative agreements with the UN.

Sexual exploitation and abuse (SEA) violates universally recognized international legal norms and standards and has always been unacceptable behavior and prohibited conduct for humanitarian workers. It brings harm to those whom the UN and humanitarian agencies are mandated to protect and jeopardizes the reputation of these agencies and their ability to provide protection.

The 2001 Assessment by the UNHCR/Save the Children revealed shocking findings that the United Nations (UN) and Non-governmental Organizations (NGOs) employees had abused their roles as decision-makers and their positions of trust to sexually exploit and abuse beneficiary populations in West African refugee camps<sup>2</sup>. Findings also highlighted the obligation of humanitarian and development agencies to have a system in place to protect those they serve, as well as the need to establish complaints mechanisms to effectively address alleged cases by reporting, investigation, and referrals.

The Secretary-General Bulletin (ST/SGB/2003/13) (SGB)<sup>3</sup> (Annex I) outlines Special Measures for Protection from Sexual Exploitation and Sexual Abuse. The document applies to all UN staff, partners, and contractors. In October 2019, six standards of behavior (core principles) were re-visited by IASC to ensure strengthened measures to address SEA.<sup>4</sup>

Despite efforts made to establish systems and mechanisms to facilitate reports, underreporting of sexual exploitation and abuse remains a challenge for the humanitarian community—several reports, including. "No One To Turn To" (2008)<sup>5</sup> and "To Complain or Not To Complain" (2010)<sup>6</sup>) have concluded that the survivors or the witnesses chronically underreport sexual exploitation and abuse by humanitarian personnel. Several factors include, but not limited to, lack of knowledge on how to report, fear of retaliation, and cultural barriers have contributed to under-reporting issues.

A protracted humanitarian crisis may expose refugees (the term refugees in this CBCRM refers to refugees of nationalities residing in Jordan including Palestinians), host communities, and other persons of concern to serious protection and exploitation—related risks. Humanitarian and developmental agencies operating within the Refugee Response identified the heightened risk of sexual exploitation and abuse due to the protracted character of the displacement, the increasing vulnerabilities, and the limitations in accessing services and assistance for refugees in Jordan. Thus, in line with ensuring implementation of the Secretary-General Bulletin (SGB), prompted the establishment of the Inter-Agency Network on Protection from Sexual Exploitation and Abuse (PSEA) under the auspices of the Refugee Coordinator (UNHCR Representative) in Jordan, in early 2015 (Annex IV – PSEA Network Terms of Reference).

The main objective of the PSEA CBCRM Mechanism is to enable the reception of allegations of SEA through integrated complaint mechanisms and the provision of referrals between the PSEA member agencies in an effective, safe, confidential, transparent, and accessible manner, ensuring the protection of survivors and

<sup>&</sup>lt;sup>1</sup> Secretary General's Bulletin on Special Measures for Protection from Sexual Abuse and Sexual Exploitation (ST/SGB/2003/13) (United Nations, 2003) <a href="https://www.refworld.org/docid/451bb6764.html">https://www.refworld.org/docid/451bb6764.html</a>. Please see also Secretary General's report on Special measures for protection from sexual exploitation and abuse: a new approach; February 2017. <a href="https://undocs.org/A/71/818">https://undocs.org/A/71/818</a>

<sup>&</sup>lt;sup>2</sup> https://www.unhcr.org/news/press/2002/2/3c7bf8094/extensive-abuse-west-african-refugee-children-reported.html

<sup>&</sup>lt;sup>3</sup> Secretary General's report on *Special measures for protection from sexual exploitation and abuse: a new approach;* February 2017. https://undocs.org/A/71/818

<sup>4</sup> Regional Inter-Agency Community-Based Complaint referral Mechanisms in the Americas. For Regional Cross-Border and Inter-Agency referrals of SEA/SH complaints (Regional Safe Spaces Network) <a href="https://www.acnur.org/5dee89fb4.pdf">https://www.acnur.org/5dee89fb4.pdf</a>

<sup>&</sup>lt;sup>5</sup> No One To Turn To: The under reporting of child sexual exploitation and abuse by aid workers and peacekeepers (Save The Children UK, 2008). <a href="http://www.refworld.org/docid/483c2a822.html">http://www.refworld.org/docid/483c2a822.html</a>

<sup>&</sup>lt;sup>6</sup> To Complain or Not to Complain: Still the question. Consultations with humanitarian aid beneficiaries on their perceptions of efforts to prevent and respond to sexual exploitation and abuse. (Humanitarian Accountability Partnership, 2008) http://www.pseataskforce.org/uploads/tools/tocomplainornottocomplainstillthequestion\_hapinternational\_english.pdf.

witnesses. Complaints of sexual exploitation and abuse by humanitarian personnel, refugees, other persons of concern, host community members, or by anyone who has suspicion or concerns may be brought them to the attention of PSEA Focal Points. The purpose of creating the CBCRM Mechanism is to coordinate and enhance the implementation of each agency's existing Code of Conduct, policy, standards, and regulations that guide the behavior of personnel. The PSEA Network currently unites 36 different organizations, co-chaired by UNHCR and INTERSOS, as of February 2020.

## 2.1 Scope of the CBCRM Mechanism

The CBCRM applies to members of the Protection from Sexual Exploitation and Abuse (PSEA) Network. The PSEA Network focuses on PSEA activities in the context of the Syrian crisis but also covers other aspects since members engage in both humanitarian and developmental work.

In the context of this CBCRM, the term Individual Entity refers to any humanitarian or developmental agency be it the United Nation agency (UN), International Government Organizations (INGOs), Non-Governmental Organizations (NGOs) and Community Based Organizations (CBOs) providing services to the refugees, host community and other persons of concern.

In the context of this CBCRM, the term humanitarian workers refer to all those engaged by an entity to provide humanitarian services to the affected population, whether internationally or nationally recruited, whether as an employee, volunteer or contractor or formally or informally engaged with refugees, host community and other persons of concern.

In the humanitarian and development context and accordance with the Secretary General's Bulletin ((ST/SGB/2003/13)10, the term "Sexual Exploitation and Abuse" (SEA) refers to sexual exploitation and abuse of recipients of services and aids, that are perpetrated by humanitarian/development personnel. This CBCRM exclusively applies to these situations, and not to circumstances where someone other than humanitarian personnel is the subject of a complaint or the alleged perpetrator.

## 2.3 Definitions

- **Gender-based violence (GBV)** is violence directed at an individual based on his or her biological sex or gender identity. It includes physical, sexual, verbal, emotional, and psychological abuse, threats, coercion, and economic or educational deprivation, whether occurring in public or private life.
- **Survivor-centered approach:** A survivor-centered approach to violence against women seeks to empower the survivor by prioritizing her/his rights, needs, and wishes. It means ensuring that survivors have access to appropriate, accessible, and excellent quality services, including health care.
- Case Management: is a collaborative process of assessment, planning, facilitation, care, coordination, evaluation, and advocacy for options and services to meet an individual's and family's comprehensive health needs through communication and available resources to promote individual safety, quality of care, and cost.
- Referral Pathway: Referral is the process of noticing a concern about a person, deciding that action needs to be taken, and reporting that concern to someone who has the relevant responsibility. The referral might be a director, or by giving information to the person about where to go for further help. Referral mechanisms are essential both to managing services within sectors (such as health, education or justice systems) and for supporting referrals across services. In particular, effective referral systems are necessary to support effective case management by skilled service providers responding to complex individual or family.
- **Victim assistance programs** provide services to victims as they recover from the crime and proceed through the criminal justice process. Attempts to meet victims' needs and wishes.

Section 1 of the Secretary General's Bulletin issued on 9 October 2003 (SG's Bulletin) defines sexual exploitation and abuse as follows:

- **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.
- **Sexual abuse** means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.
- Sexual harassment is any unwelcome sexual advance, request or favor, verbal or physical conduct or

gesture of a sexual nature, or any other behavior of a sexual nature that might reasonably be expected or be perceived to cause offense or humiliation to another when such conduct interferes with the work environment. Sexual harassment is not SEA. SEA occurs against a beneficiary or any member of the community. Sexual harassment happens between personnel/staff. Sexual harassment is not covered by this CBCRM Mechanism.

## Other useful definitions:

- Confidentiality is an ethical principle that restricts access to and dissemination of information. It helps to create an environment in which witnesses/survivors are more willing to come forward and recount their version of events; it builds trust in the humanitarian system and organizations. Maintaining confidentiality requires that humanitarian personnel protect information about allegations of sexual exploitation and abuse and agree only to share information on a strictly need-to-know basis. When sharing information, consider the best interests of the survivor and the potential for future abuse and harm of all those involved. This means that humanitarian personnel never discuss details of allegations of exploitation and abuse with family or friends, or with colleagues whose knowledge of the abuse is deemed unnecessary. The mandatory reporting obligates humanitarian personnel to report SEA to their agency or Investigative Body. Anyone receiving a complaint 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 based on providing protection or taking appropriate action, i.e., Investigation.
- Code of Conduct A set of standards for behavior that the staff of an organization is obliged to follow.
- Community-Based Complaints and Referral Mechanism CBCRM. A Community-based complaint and referral mechanism (CBCRM) is a Complaints Mechanism system blending both formal and informal community structures, built on engagement with the community where individuals are able and encouraged to report grievances including SEA incidents safely and those reports are referred to the appropriate entities for follow-up.
- Humanitarian Worker This term encompasses all persons involved in providing protection and assistance
  to affected populations and who have a contractual relationship with the participating organization/partners,
  including incentive workers from target communities. It refers to all staff of humanitarian and developmental
  agencies and organizations, including UN agencies, IGOs, NGOs, implementing partners, and relevant CBOs
  including paid staff, volunteers, contractors, incentive workers, and anyone performing a task on behalf of
  any humanitarian and developmental agency or organization, regardless of the type or duration of their
  contract.
- Individual Entity This term refers to any humanitarian or development agency be it the United Nations agency's (UN), International Government Organizations (INGOs), Non-Government Organizations (NGOs) and Community Based Organizations (CBOs), providing services to the refugees, host community and other persons of concern.
- **Informed Consent** The voluntary agreement of an individual who can give consent to pursue a legal procedure or receive services. The individual must have the capacity and maturity to know about and understand the implications of the processes to be followed, the services offered to enable her/him to give consent. Parents, caregivers, or other legal guardians are typically responsible for providing consent for their child to receive humanitarian services and 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 will of the child to participate in services and undertake the consequences of eventual legal procedures.
- **Complaint** Concerning this CBCRM Mechanism, a complaint is a concern about the behavior or conduct of a humanitarian worker, volunteer, or contractor with sexual exploitation and abuse. A complaint is about an action for which the organization is responsible or is within their sphere of influence.
- Refugee Any person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, and is unable to or, owing to such fear, is unwilling to avail himself of the protection of that country<sup>7</sup>.
- **Host Community** These are Jordanian residents within specified geographical locations hosting refugees in their communities. Host community members also avail of humanitarian and development aid and could also be vulnerable to SEA.
- A person of concern to UNHCR Persons of concern to UNHCR generally consists of five categories of

<sup>&</sup>lt;sup>7</sup> UN Refugee Convention, Article 1, 1951. For the purpose of this mechanism, refugees will be those individuals registered with UNHCR in Jordan

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 aid; (d) returning refugees, for whom the High Commissioner may provide reintegration assistance and certain protection; and (e) non-refugee stateless persons whom UNHCR has a limited mandate to assist.<sup>8</sup> Thereafter, the CBCRM Mechanism will refer to the persons of concern to UNHCR as the other persons of concern.

- Complainant, the person, is making the complaint, including the survivor/victim of sexual exploitation and abuse.
- The subject of the complaint /alleged perpetrator, 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.
- **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 staff of another entity.
- Survivor A person who has SEA perpetrated against him/her or an attempt to execute SEA against him/her.
  For this CBCRM, a Complainant who Reports SEA committed against him/herself is treated as a Survivor for
  security and needs assessments (i.e., assistance is not dependent on the proof of a Complainant's
  allegation).
- Victim A person who experienced SEA versus perpetrated or attempted against him/her and is often used
  Victim interchangeably with "Survivor." This CBCRM uses the term "Survivor" for consistency. However, as
  much literature on assistance provision that sourced for this CBCRM uses the "Victim" terminology, the
  CBCRM will follow in kind when discussing Victim Assistance. Neither designation is in any way meant to
  imply a lack of strength, resilience, or capacity to survive.
- An outside source of information: For this CBCRM Mechanism, the external source can be considered a community member, partner organization, authorities, concerned individual, or any external entity that provides information on a prohibited behavior of a staff member. This external would also include anonymous sources of information.
- The subject of the complaint / alleged perpetrator: The person(s) alleged to have sexually exploited or abused the survivor/victim. This person can be an individual, group, or institution that directly inflicts or otherwise supports violence or other abuse inflicted on another against his/her will.<sup>9</sup>

## 2.3 Guiding Principles

All signatories are committed to preventing and protecting individuals from sexual exploitation and abuse by any of its personnel, and in doing so agree to extend the fullest cooperation and assistance to each other in adherence with the following:

- I. All entities will institutionalize and promote within their organization the following 6 Core Standards adopted by the Inter-Agency Standing Committee (IASC/2002) and outlined in the Security General's Bulletin Special measures for the protection from sexual exploitation and abuse (ST/SGB/2003/13) (Annex I) and UN Statement of Commitment for UN and Non-UN Personnel (2006) (Annex III):
  - 1. Sexual exploitation and abuse by humanitarian workers constitute acts of gross misconduct and are therefore grounds for termination of employment.
  - 2. Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief regarding the age of a child is not a defense.
  - 3. Exchange of money, employment, goods, or services for sex, including sexual favors or other forms of humiliating, degrading or exploitative behavior is prohibited. This includes the exchange of assistance that is due to beneficiaries.
  - 4. Any sexual relationship between those providing humanitarian assistance and protection, and a person benefitting from such humanitarian assistance and protection that involves improper use of

<sup>&</sup>lt;sup>8</sup> Population Movements Associated with the Search for Asylum and Refuge, ExCom/WGSP/5 of 4 December 1990, pp. 5-10. http://www.unhcr.org/3ae68cc518.html

<sup>&</sup>lt;sup>9</sup> IASC Guidelines for Gender-based Violence Interventions in Humanitarian Settings, IASC 2015. Accessible at: <a href="http://gbvguidelines.org/wpcontent/uploads/2015/09/2015-IASC-Gender-based-Violence-Guidelines">http://gbvguidelines.org/wpcontent/uploads/2015/09/2015-IASC-Gender-based-Violence-Guidelines</a> lo-res.pdf

- rank or position is prohibited. Such relationships undermine the credibility and integrity of the work of humanitarian assistance.
- 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 that prevents sexual exploitation and abuse and promotes the implementation of their code of conduct. Managers at all levels have particular responsibilities to support and develop systems that maintain this environment.<sup>10</sup>
- II. All entities agree to uphold the principles of confidentiality, anonymity, informed consent, impartiality, dignity, safety, and welfare in implementing these protocols and when any allegation or complaint is made to their agency.
- III. These principles are elaborated on in the Inter-Agency Standard Operating Procedures for Prevention of and Response to Gender-Based Violence and Violence<sup>11</sup>, Abuse, Neglect, and Exploitation of Children in Jordan (2013, revised 2014)19. Section 1: Procedures, Chapter 2: Guiding Principles, SGBV / CP Standard Operating Procedures (2014), Page 17.
- IV. All humanitarian workers commit to a Zero-Tolerance approach to any form of sexually exploitative and abusive behavior of humanitarian personnel and to understand their obligations to report any concerns or suspicions they have to their agency's PSEA Focal Point. Where applicable, all staff shall understand and sign the entity's Code of Conduct, or similar document, setting out the standards of acceptable and unacceptable behavior. This document should incorporate the above-mentioned specific standards (Annex VI Sample Sexual Exploitation and Abuse Code of Conduct (from GBV/CP SOPs).
- V. All entities are obliged to undertake necessary disciplinary action to prevent and respond to misconduct by their personnel.
- VI. Fear of repercussions, i.e., withdrawal of aid, further discrimination, is often a key reason why refugees, the host community, other persons of concern, and personnel may not report cases of sexual exploitation and abuse to an agency about its staff. Entities, therefore, agree to ensure that systems are put in place to dispel fears of reporting, establish appropriate complaint mechanisms to facilitate reporting to their agency and to facilitate referrals between entities about the behavior of humanitarian personnel in Jordan.

<sup>&</sup>lt;sup>10</sup> The six guiding principles revised on 23 September 2019. This revision supersedes the original IASC Six Core Principles, 2002.

<sup>11</sup> The Arabic version only available for public: http://ncfa.org.jo:85/NCFA/sites/default/files/Publications/sops.pdf

# PART TWO THE MECHANISM

## 1 THE CBCRM MECHANISM

## 1.1. Roles and Responsibilities

PSEA Network members are committed to prevent, oppose, and combat any form of sexual exploitation and abuse of refugees and other persons of concern perpetrated by their personnel. Essential roles and responsibilities associated with the established coordination structure highlighted below:

## **The PSEA Network**

The PSAE Network is the primary body for awareness, prevention, and oversight on protection from sexual exploitation and abuse by international and national personnel of the entities providing humanitarian services to refugees in Jordan. The Network is NOT responsible for the investigation or adjudication of complaints, or for dealing directly with complainants. This responsibility rests exclusively with dedicated bodies of individual organizations (Annex IV - PSEA Network Terms of Reference).

## **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 PSEA within their organization. They are responsible for ensuring that appropriate response systems are established and implemented within their organization and with implementing partners, in line with this CBCRM Mechanism, and ensuring that refugees and host communities are engaged in the prevention and response to complaints (Annex V: PSEA Focal Points Roles and Responsibilities).

PSEA Focal Points are responsible for liaising with investigative bodies of their organization and those of other entities, with other PSEA Focal Points and managers as appropriate to ensure safe assistance reception, referral, and follow-up of SEA allegations. PSEA Focal Points are not considered to be the main entry point for complaints from refugees, the host community, and other persons of concern, as this is more likely to be front-line personnel in regular contact with the affected population directly, i.e., field community workers, project officers. PSEA Focal Points are responsible for sensitizing on PSEA and providing training sessions for the staff and IPs, and for submitting statistical reports on SEA allegations as indicated in the Recording and Reporting section of this CBCRM Mechanism.

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 agency does not have an agreement with an affiliated investigative body, either directly or through a project agreement or contract, or have the capacity to manage an investigation internally, the PSEA Focal Point/Management can refer to the PSEA network co-chairs 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 body of UNHCR<sup>12</sup> ). 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 provided from the start of the individual agencies' investigation.

## **Key Deliverables of the Focal Points:**

## Prevention<sup>13</sup>

- Provision of training/raising awareness of Focal Points and all personnel on PSEA and Code of Conduct. Ensure that mandatory, continuing training on the prohibition against sexual exploitation and abuse is followed.
- Sensitization and awareness-raising on PSEA and reporting mechanisms within refugees, host communities, and other persons of concern are ongoing activities.

<sup>&</sup>lt;sup>12</sup> The NGO specialist investigation roster can be considered

<sup>&</sup>lt;sup>13</sup>Special measures for protection from sexual exploitation and abuse <a href="https://www.un.org/preventing-sexual-exploitation-and-abuse/content/documents">https://www.un.org/preventing-sexual-exploitation-and-abuse/content/documents</a>

- Ensure regular vetting and monitoring of entity personnel, volunteers, service providers, and contractors.
- Ensure that there is regular refresher training on knowledge of CP and SGBV referral pathways.
- Confirm that all partners of the PSAE Network adopt a common strategy to overcome the cultural and social barriers victims face in terms of reporting SEA concerns and building their trust and confidence in the humanitarian actors' mechanisms.
- All UN agencies and partners ensure that the "no excuses" card (link below) is distributed with the
  contact details for reporting allegations, preferably available in local languages, require that
  individuals assigned to all UN locations to carry the pocket-card.
- Conduct risk assessments in respect of sexual exploitation and abuse, making full use of existing risk management tools.

## Response:

- Improve access to reporting mechanisms including through CBCRMs, humanitarian worker/PSEA focal point either in person (i.e., to Entity staff or community volunteer; during monitoring visit; at registration services) or via phone or email (i.e., Hotline) and through the **Amaali Application**<sup>14</sup>.
- Ensure all personnel are familiar with reporting mechanisms.
- Ensure that all complaints are received safely and confidentially.
- Ensure that complaints in need of clarification followed up accordingly.

### Assistance:

- Ensure that the survivor (with the consent of the survivor) referred to the existing protection services in UNHC camps.
- All humanitarian actors to ensure all victims of sexual exploitation and abuse have access to adequate services in urban areas, including medical, psychological, and legal services and shelter provisions.

## **Information Tracking Records:**

• The Information Tracking Records are introducing a uniform system-wide recording and tracking system on victims of SAE and the assistance and support they receive. A compiled list of service providers of victims' assistance, including medical assistance, MHPSS, and legal aid, is consistently maintained and disseminated appropriately.

## **Individual Entities**

Individual entities are responsible for facilitating the promotion of PSEA amongst their personnel, the refugee community, host communities, and the other persons of concern they work with. It is the responsibility of each entity to ensure that its personnel understand the ethical obligations placed upon them and its Code of Conduct (or similar) and to implement internal disciplinary procedures. It is also the responsibility of the entity to ensure that each of its personnel is aware of the duty to report cases of SEA to the PSEA Focal Point or the investigatory body /manager as per the investigatory mechanism within the entity. Each entity takes responsibility to manage and coordinate the investigation, either within their agency or directly with an established investigative body, of an allegation of SEA by its personnel.

Individual entities are responsible for ensuring that their personnel and implementing partners understand the meaning of the SEA and how it is different from Sexual Harassment and broader GBV, the complaint reporting line, and the investigation procedures. The entity is obliged to ensure that a PSEA Focal Point is in place and that the Focal Point is given the space to exercise his/her functions listed in the ToR of the FP. The entity is also obliged that the prevention of sexual exploitation and abuse and the responsibility of developing a complaint mechanism is included in the project agreements with other entities. Entities take responsibility to provide the necessary support to partners to establish the right environment and systems to prevent, tackle and respond to SEA within their operations and agencies, I.e.by doing an assessment and making sure that there is an Internal Referral Form and the focal points are trained on it, putting in place prevention strategies; establishing community-based complaint-handling mechanisms; how to receive, refer, investigate and report

- Medical and health care.
- Case management.
- Mental health and PSS services.
- Security services.
- Clinical management of rape (CMR)
- Safe shelter
- Livelihood and basic needs.
- Women and girls empowerment services.

In April 2020, the group added a specific window for SGBV response during COVID-19 since the service delivery was affected by the lockdown and some activities were suspended. The included services are mainly lifesaving and contents information about services and hotlines in all locations.

<sup>&</sup>lt;sup>14</sup> Amaali is an SGBV mobile application developed in 2018 to facilitate dissemination of referral pathways to humanitarian staff and provide beneficiaries with information on available SGBV services in each location and governorate of the kingdom to seek help or join group activities. The application includes information about the following services:

complaints and allegations in line with this Mechanism.

## **Humanitarian Workers**

All humanitarian workers of the PSEA Network entities that endorse this CBCRM Mechanism are bound by the obligations as set out in the Statement of Commitment endorsed by UN and Non-UN organizations, in line with the Secretary General's Bulletin. The Bulletin states that: "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"; and that, "humanitarian workers are obliged to create and maintain an environment that prevents sexual exploitation and abuse and promotes the implementation of their code of conduct. Managers at all levels have particular responsibilities to support and develop systems that maintain this environment." Reporting of SEA incidents is the responsibility of every humanitarian worker. The undertaking of investigation of each SEA case must be made in consideration of the survivor-centered approach, which includes the consent and wishes of the survivors.

## 1.2. Receiving Complains and Reports

A complaint or report can be made regarding the alleged misconduct of a humanitarian worker related to sexual exploitation or abuse of a refugee, member of a host community, or another person of concern directly by the survivor, personnel of the entity, or by anyone who has suspicion or concern.

Entities agree that general personnel and front line staff, who are most likely to receive a complaint from refugees, host communities, or other persons of concern or become aware of sexual exploitation and abuse are trained on how to receive complaints or allegations of sexual exploitation and abuse, safely and confidentially. The staff is also aware of how to report concerns or complaints to their PSEA Focal Point or investigative body where established.

Each entity should facilitate that a refugee, member of the host community, or another person of concern submits a complaint or makes a report in whichever manner this individual feels most comfortable and safe to do so. Based on consultations with refugees, host communities and other persons of concern entities agree that concerns or complaints can be raised and will be accepted by each entity through multiple entry points, at any level and through any method, such as: directly in person from a complainant, via an existing community complaint mechanism (e.g. UNHCR-CARE Complaint Mechanism in Azraq camp, another programmatic complaint mechanism), community mobilizers or health workers, community volunteers, faith leaders, through complaint boxes, at UNHCR registration, protection monitoring; help desks, via established hotlines, and through an agency's management structure or directly to its designated investigative body were established.

When indirect receipt of a complaint, issues of confidentiality should be addressed with the complainant explaining that all humanitarian workers are obliged to report to their agency or investigative body when they become aware of any concern or complaint of sexual exploitation and abuse by a fellow worker while reassuring them that information will be kept private and shared strictly on a need to know basis in consideration of the wishes and best interest of the survivor.

All complaints should be raised directly with the investigative body, the PSEA Focal Point, or where applicable with the manager of the entity receiving the complaint. Where a PSEA Focal Point is the subject of a complaint or allegation, the complaint should be referred to the Alternate PSEA Focal Point of one's agency or with the established investigative body or the manager. Where both PSEA Focal Points are involved, complaints should be directly raised with senior management of the entity or an established investigative body e.g. UNHCR Representative and Inspector General's Office.

It is NOT the responsibility of personnel receiving a complaint to ascertain whether or not the allegation is true or to make any investigation into the allegation. It is their responsibility to report the allegation to their investigative body, PSEA focal point, or manager of their agency via the agency's established reporting mechanism and in line with this CBCRM Mechanism.

Humanitarian workers receiving complaints or reports first should immediately report to their PSEA focal point or the manager. The latter will review the information provided and, depending on the quality of the provided

<sup>&</sup>lt;sup>15</sup> UN Statement of Commitment, <a href="https://cdu.unlb.org/Portals/0/PdfFiles/PolicyDock.pdf">https://cdu.unlb.org/Portals/0/PdfFiles/PolicyDock.pdf</a>

information where possible, guide the humanitarian worker receiving the complaint (or another staff member, depending on his/her capacity) to collect the information required to facilitate its follow-up and referral to the respective entity. The PSEA focal points or the manager receiving the complaint should use the Complaint Referral Form annexed to this CBCRM Mechanism.

Upon the request of the PSEA focal point or the manager, the humanitarian worker receiving the complaint (or another staff member, depending on his/her capacity) may be asked to clarify information if not enough is known on: What happened; when; to provide more clarified information on what is being reported in the words of the complainant(s); what are the precise names of survivors, perpetrators, and the entity to which the perpetrators is affiliated to; dates or locations of the incident(s) where possible; how the complainant or survivor can or prefers to be contacted; and the date of when the statement was taken.<sup>16</sup>

Submission of a complaint can also be made directly to the UNHCR Inspector General's office<sup>17</sup>

Counseling to survivors remains crucial to reduce the risk of under-reporting and effectively contribute to the fight against impunity. The PSEA focal point or the manager will be in the position to provide the necessary counseling to the survivor or in consideration of the need to know the concept, designate a relevant staff member within the entity, to provide advice on the investigation process. The survivor will also be counseled on the available protection services and referred through the existing child protection or SGBV referral pathways after the survivor provides such consent.

Anonymous complaints, where the complainant or survivor is not known or disclosed, must be treated seriously and can be investigated, despite being more challenging to do so. The potential for future abuse and harm, and each entity's responsibility to create a safe and abuse-free environment must be considered. Through an investigation process, more information can be found which can encourage people, who may have been initially hesitant, to come forward and provide more details about the incident. Humanitarian workers receiving anonymous complaints should immediately report to the PSEA focal point or the manager.

Where a humanitarian worker receives information of unspecified/generic "in-the-air" allegations of sexual exploitation and abuse (i.e., where the institutional affiliation of the alleged perpetrator(s) is uncertain or unknown), such information should be reported to the PSEA focal point or the manager. The PSEA entity Focal Point or the manager will alert the PSEA Network Focal Points. They will then need to inform the Refugee Coordinator (UNHCR Representative) if the survivor is refugees or other persons of concern to UNHCR. In case the survivor is a representative of the host community, then such allegation will be reported to the Resident Coordinator in Jordan.

## 1.3. Referral among the Entities

Entities agree to receive complaints referred from another entity in good faith and the spirit of cooperation, in line with this Mechanism and the SEA Complaint Referral Pathway as outlined (Annex VII – Inter-Agency Sexual Exploitation and Abuse Referral Pathway). In referring complaints, entities must maintain confidentiality and respect the reputation of the agency and the individuals involved in an allegation or complaint.

All entities could receive a complaint against another entity, or humanitarian workers may become aware of sexual exploitation and abuse by the personnel of another entity. Complaints could also be made about an entity to an alternative body with established procedures for the prevention of misconduct of humanitarian personnel or to a trusted community member rather than directly to the agency of concern. These circumstances include, but are not limited to, personnel or a member of the affected population genuinely believing that raising the matter directly with the specific entity would not be effective, or would result in further victimization, or where the matter has previously been disclosed to the organization of concern. Still, no effective action has been taken, including the UNHCR Inspector General's Office.

All information contained in a complaint or report, including the identity of the survivor and alleged perpetrator, the incident, the location, etc. must remain private and confidential. This information may only be shared with the minimum number of people necessary strictly on a need-to-know basis for investigation and service provision. The necessity to share information with third parties i.e., protection services or national authorities, will be decided on a case-by-case basis in consideration of best interests of the survivor, with his/her consent and other safety and protection considerations of all those involved.

<sup>&</sup>lt;sup>16</sup> UNHCR Inspector General's Office: <a href="http://www.unhcr.org/pages/52e11b746.html">http://www.unhcr.org/pages/52e11b746.html</a>

<sup>17</sup> https://www.unhcr.org/inspector-generals-office.html or by addressing an email to Inspector@unhcr.org.

To support safe, confidential and efficient Inter-Agency referrals, entities agree to the following procedures to receive and address complaints about another entity or from another entity:

The entity receiving the complaint is not responsible for investigating the complaint. Still, it must prioritize the safety of the survivor, witnesses, alleged perpetrator, and other individuals who could potentially be affected. In this process, and consultation with the relevant investigative services of the entities, attention will be paid to the preservation of evidence in respect of the confidentiality, consent, and wishes of the alleged survivors. They should receive timely and accurate counseling.

The entity receiving the complaint shall seek the consent of the complainant to refer the complaint to the PSEA Focal Point of the agency of concern or Investigative body. If the complainant agrees, the complaint will be raised with the PSEA Focal Person of that agency or directly with the agency's Investigative body safely and confidentially. If the complainant does not agree, the mandatory reporting of sexual exploitation and abuse following the SGB needs to be explained and seek to comply with this requirement considering the safety and protection of all individuals and entities involved. This means to wisely decide how and when to report and which mitigation/protection measures should be put in place in parallel. The entity will be able to refer the case only after the complainant agrees to do so.

A standardized Complaint Referral Form can be used (Annex VIII, Example Complaint Referral Form) and shared as a password-protected file. Further proper communication can be confidentially conducted by phone, particularly in cases where the emergency protection risks warrant immediate action.

In case the allegation and complaint are made against a governmental official or a staff member, the PSEA Focal Point, the investigatory body of the entity or the manager receiving such complaint, will direct the report to the Chairs of the PSEA Network, with the consent of the complainant. The Chairs will consult with the respective Head of the entity and decide which level of governmental agency the complaint should be raised at.

Where indirect receipt of a complaint, the agency of concern shall ensure that the complaint is safely and appropriately investigated, either by itself or affiliated Investigative body as set out in Section 5 of this Mechanism. In parallel to this, referrals to protection services will be provided as per the established procedures in the Interagency SGBV/CP SOPs<sup>18</sup>.

The entity PSEA Focal Point should acknowledge receipt of a complaint or report to the referring agency and confirm that the matter was addressed, in full consideration of confidentiality principles and the best interest of the survivor.

## 1.4. Investigations

Entities will always priorities 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 will endeavor to cooperate to mitigate any potential risks during and following an investigation.

Investigations of complaints or allegations of sexual exploitation and abuse should be undertaken exclusively by dedicated personnel of the entity of concern or by the established investigative body affiliated with that entity that charged with this responsibility and who have the necessary skills and competence to undertake such investigations appropriately.

Each entity is responsible for ensuring adherence to its internal investigation policies and procedures, for coordinating, manage, assess, investigate, and respond to complaints or allegations of sexual exploitation and abuse (UNHCR Investigation Procedures and IASC Complaint and Investigation Guidelines on SEA can be reviewed for reference).

Upon planning an investigation, entities are obligated to contact the relevant UNHCR PSEA Focal Point in Jordan on the potential risks for a refugee as a measure to ensure the provision of adequate protection services for the survivors and witnesses throughout an investigation process.

In keeping with the survivor-centered approach, the wishes of the survivor must be respected if and when he or

<sup>&</sup>lt;sup>18</sup> The Government lead SOPs were launched in 2018: <a href="http://ncfa.org.jo:85/NCFA/sites/default/files/Publications/sops.pdf">http://ncfa.org.jo:85/NCFA/sites/default/files/Publications/sops.pdf</a>
SGBV and CP Interagency SOP in Jordan are available at: <a href="http://data.unhcr.org/syrianrefugees/working\_group.php?Page=Country&amp;LocationId=107&amp;Id=35">http://data.unhcr.org/syrianrefugees/working\_group.php?Page=Country&amp;LocationId=107&amp;Id=35</a>. The specific books can be accessed at: <a href="http://data.unhcr.org/syrianrefugees/download.php?id=9675">data.unhcr.org/syrianrefugees/download.php?id=9675</a> & <a href="http://data.unhcr.org/syrianrefugees/download.php?id=9675">http://data.unhcr.org/syrianrefugees/download.php?id=9675</a> & <a href="http://data.unhcr.org/syrianrefugees/download.php?id=9675">http://data.unhcr.org/syrianrefugees/download.php?id=9675</a> & <a href="http://data.unhcr.org/syrianrefugees/download.php?id=9675">data.unhcr.org/syrianrefugees/download.php?id=9675</a> & <a href="http://data.unhcr.org/syrianrefugees/download.php?id=9676">data.unhcr.org/syrianrefugees/download.php?id=9676</a> & <a href="http://data.unhcr.org/syrianrefugees/download.php?id=9676">data.unhcr.org/syrianrefugees/download.php?id=9676</a> & <a href="http://data.unhcr.org/syrianrefugees/download.php?id=9676">data.unhcr.org/syrianrefugees/download.php?id=9676</a> & <a href="http://data.unhcr.org/syrianrefugees/download.php?id=9676">http://data.unhcr.org/syrianrefugees/download.php?id=9676</a> & <a href="http://data.unhcr.org/syrianrefugees/download.php?id=9676">http://data.unhcr.org/syrianrefugees/download.php?id=9676</a> & <a href="http://data.unhcr.org/syrianrefugees/download.php?id=9676">http://data.unhcr.org/syrianrefugees/download.php?id=9676</a> & <a href="http://data.unhcr.org/syrianrefugees/download.php?id=9676">http://data.unhcr.org/syrianrefugees/download.php?id=9676</a> & <a href="http://data.unhcr.org/syrianrefugees/download.php?id=9676">http://data.unhcr.org/syrianrefugees/download.php?id

she withdraws from any of the steps of the investigation process.

## 1.5. Protection of Victims and Witnesses

SEA cases involving refugees and other persons of concern to UNHCR should 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)<sup>19</sup>, the investigative body of UNHCR

Cases involving host communities should be referred to PSEA Network Chairs, who will then refer for a bit of advice to the Resident Coordinator.

Following the outcome of an investigation, the entity shall carry out the relevant administrative and disciplinary measures in line with its agency policy and procedures, with the urgency, seriousness, and fullness underscored in this Mechanism.

<sup>&</sup>lt;sup>19</sup> UNHCR Investigation Resource Manual can be accessed at: https://www.unhcr.org/investigation-resource-manual.html. The NGO specialist investigation roster can be considered: <a href="https://www.unhcr.org/admin/execoffice/54cf852b9/ngo-investigation-specialist-roster-ngo-isr-brochure.html">https://www.unhcr.org/admin/execoffice/54cf852b9/ngo-investigation-specialist-roster-ngo-isr-brochure.html</a>

## 2 | SUPPORTING THE NEEDS OF SURVIVORS, COMPLAINANTS, WHISTLEBLOWERS AND WITNESSES

All entities are responsible for the actions of their personnel and all entities agree to a comprehensive approach to ensure that the protection needs of anyone involved in a complaint are fully considered and provided.

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<sup>20</sup>.

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 ongoing protection, safety, or assistance needs of anyone involved in a complaint or allegation of sexual exploitation and abuse. This includes the survivor, complainant, whistleblower, witness, and the subject of the complaint. Entities will follow the Inter-Agency Emergency Standard Operating Procedures for Prevention of and Response to Gender-Based Violence and Violence, abuse, neglect and exploitation of Children<sup>21</sup>

One who reveals wrongdoing within an organization to the public or those in positions of authority policies for the protection of whistleblowers has been established by UN and non-UN organizations<sup>22</sup>.

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 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 foundation. 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. counseling) should be facilitated where possible for any psychological strain or physical harm that may be caused by such.

## 3 | MANDATORY REPORTING

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.

The Statement of Commitment endorsed by UN and Non-UN organizations, following the Secretary General's Bulletin, states that "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." These obligations are extended and apply to all humanitarian

<sup>&</sup>lt;sup>20</sup> Also refer to the Secretary-General's bulletin. Protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigation; January 2017. <a href="https://undocs.org/ST/SGB/2017/2">https://undocs.org/ST/SGB/2017/2</a>

<sup>&</sup>lt;sup>21</sup> (SGBV/CP SOPs 2013, revised 2014) for Case Management and Referrals to protection services in Jordan. Please also see SGBV and CP Inter-Agency SOP, paragraph 4.8.1, page 51, Book 1 accessible at: <a href="https://data.unhcr.org/syrianrefugees/download.php?id=9675">data.unhcr.org/syrianrefugees/download.php?id=9675</a>

https://oios.un.org/resources/2015/01/ST-SGB-2005-21.pdf Please see SGBV and CP Inter-Agency SOP, accessible at: data.unhcr.org/syrianrefugees/download.php?id=9675

personnel of the PSEA Network entities that endorse this Mechanism. Reports must be made to the PSEA Focal Point of one's agency or an established Investigative body and in line with this Mechanism. UN Statement of Commitment<sup>23</sup>

The Secretary-General Bulletin states that "where a United Nations staff member develops concerns or suspicions regarding sexual exploitation and or sexual abuse by a fellow worker, whether in the same agency or not, and whether or not within the United National system, he or she must report such concerns via established reporting mechanisms"<sup>24</sup> This provision entails all humanitarian workers notwithstanding the entity they are affiliated with.

Where the subject of a complaint or alleged perpetrator is a beneficiary refugee who works or volunteers for an entity in the provision of humanitarian assistance, i.e., community volunteer, entities should refer the case through or in coordination with UNHCR to ensure the protection of perpetrator and survivor, always in consideration with confidentiality and consent procedures.

## 3.1 Mandatory Reporting under the Jordanian law

PSEA Focal Points, the investigatory body of the entity or the manager receiving the complaint, should be aware of the requirements under the Mandatory Reporting governed by the Jordanian national legislation. The rules of Mandatory Reporting to the authorities in Jordan are such that certain actors receiving information about certain types of violence are compelled by law to report this information to the police.

In case a survivor rejecting referral to authorities, the entities respect the concept of a survivor-centered approach and the best interest of the survivor. Therefore, the PSEA focal Points or the managers are bound to consult in confidence the legal services of the relevant organizations or the PSEA Focal Points of UNHCR. Incidents involving refugees and other persons of concern to UNHCR should be tackled through consultations with UNHCR.

## 4 RECORDING AND REPORTING SEA

## **Sharing information with the PSEA Network:**

Entities must follow its Data Protection Protocols and implement appropriate procedures to maintain the confidentiality of all data gathered about a complaint of sexual exploitation and abuse. Entities should keep all information safe and secure. Some measures to ensure data protection can include:

Paper file security (for investigative bodies) - paper documentation should be stored in an individual file, clearly labeled with a complaint/incident number. Names of the complainants or any subjects of a complaint are NOT on the outside of the paper file. Paper files should be kept in a locked cabinet/drawer, accessible only to responsible individuals specified by the entity. No one else should be given independent access to the paper files without permission. Rooms containing paper and electronic information should be securely locked when personnel leaves the room. All staff are aware of the importance of being vigilant as to who is entering the room where they work and for what purpose.

Electronic data security - all computers being used for data storage are password protected. All applicable personnel are aware that information should be transferred using encrypted and password-protected files, whether this is by the Internet, online, or memory stick. A back-up system i.e., the external hard drive on and off-site, of said data, should be established so that the central database can be restored in case of technical problems or destroyed in an emergency evacuation without this meaning the loss of all electronic data.

Entities should appropriately document the management process of a complaint received, the outcomes of any investigation, and the actions taken in line with the entity's internal policy and procedures.

Entities agree to share information on SEA complaints within the PSEA Network. Following the report template (Annex V IX - Template for Inter-Agency Annual Report on SEA Complaints), entities will share the necessary information with UNHCR, who will compile said information into an anonymous quarterly and annual PSEA report,

<sup>&</sup>lt;sup>23</sup> https://cdu.unlb.org/Portals/0/PdfFiles/PolicyDock.pdf

<sup>&</sup>lt;sup>24</sup> SGBV and CP interagency SOP Section1: Chapter 3.2. and 4.8.1

which is shared confidentially with the PSEA Network, UNHCR Representative and the RC, without names of entities or organizations at a minimum each entity agrees to submit the following information related to their agency:

- Total number of SEA complaints received
- Total number of SEA complaints referred
- Total number of SEA complaints investigated
- Overview of any prevention or risk mitigation measures undertaken to improve service provision and the future protection of refugees and other individuals.

## 5 MINIMUM STANDARDS FOR PSEA

## The PSEA Minimum Operational Standards based on the following:

- IASC Six Core Principles Relating to Sexual Exploitation and Abuse, September 2019<sup>25</sup>
- The Statement of Commitment on Eliminating Sexual Exploitation and Abuse by UN and Non-UN Personnel, August 2008
- The Global Review of protection from Sexual Exploitation and Abuse by UN, NGO, IOM and IFRC Personnel, July 2010

## **PSEA Minimum Operational Procedures**

- Effective Policy Development and Implementation
- Cooperative Arrangements
- Dedicated department / Focal Point
- Practical and comprehensive communication from HQ to the field on expectations regarding raising beneficiary awareness on PSEA
- Valid community-based complaints and reporting mechanisms (CBCRM), including victim assistance
- Effective recruitment and performance management
- Practical and comprehensive mechanisms established to ensure awareness-raising on SEA
- Internal complaints and investigation procedures in place

## Operationalizing the Minimum Operational Standards - PSEA

- Does your organization have a policy in place stating standards of conduct? Are these policies conveyed and promoted regularly?
- Does your PSEA policies extend to partners, contractors, volunteers, etc.
- Is there a dedicated Focal Point with the overall responsibility to develop, implement, and report to senior management?
- Are your staff trained on your PSEA policies?
- Are your beneficiaries aware of PSEA and how to report?
- Is there written guidance on the provision of victim assistance?

## Operationalizing the Minimum Operational Standards - PSEA

- Do your organization performance appraisals include adherence to participation in the Code of Conduct training (or similar) that includes PSEA?
- Is training on misconduct part of the induction process?
- Are staff members informed regularly of how to file a complaint/report and the procedures for handling these?

<sup>&</sup>lt;sup>25</sup> <a href="https://interagencystandingcommittee.org/inter-agency-standing-committee/iasc-six-core-principles-relating-sexual-exploitation-and-abuse">https://interagencystandingcommittee.org/inter-agency-standing-committee/iasc-six-core-principles-relating-sexual-exploitation-and-abuse</a>

## **PART THREE**

## ENGAGEMENT, IMPLEMENTATION AND ADDRESSING CHALLENGES

## 1 INTER-AGENCY AGREEMENT

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

- 1. That they have read, understood, and are in full agreement with the content of the CBCRM Mechanism.
- 2. To make every effort to work together in collaboration and create an environment whereby the spirit of the CBCRM Mechanism is fully enforced.
- 3. To designate PSEA Focal Points and Alternates for the organization and equip said persons with the skills and resources to undertake their responsibilities as defined in the PSEA Focal Point Roles and Responsibilities (Annex V) and to engage in the PSEA Network as per the Terms of Reference (Annex IV)
- 4. To disseminate the contents of the CBCRM Mechanism comprehensively within their respective entities and take all necessary steps to ensure their implementation and adherence by all their personnel.
- **5.** To disseminate the CBCRM Mechanism publicly and to personnel and beneficiaries, in the local language and appropriateness to be understood by those target audiences.
- 6. To ensure that any violations of the PSEA Principles and standards contained within the CBCRM Mechanism, primarily related to the behavior of personnel, and individual, organizational Codes of Conduct are dealt with following this CBCRM Mechanism and as provided for in the respective entity's investigative, administrative and disciplinary procedures, decisively and without delay.

## 2 CHALLENGES IN THE IMPLEMENTATION

## 2.1

In cases where challenges in implementing the CBCRM are raised – either by any of the signatory participants or by the PSEA Focal Points network - a process will be followed to discuss the matter and determine the appropriate action to be taken, and address the issue within one month to facilitate ongoing information sharing and referrals. A meeting will be convened, including the **PSEA Focal Points of the relevant entities and the PSEA Co-Chairs**<sup>26</sup> to discuss the matter and to determine appropriate actions to be taken within two (2) weeks from the identified challenges in the implementation. If unresolved, the matter should be referred to the **Senior Management** within the two (2) following weeks, including the UNHCR Representative (Refugee Coordinator) and Resident Coordinator.

## 2.2

Pending the resolution of the matter, referrals among PSEA Network members and information sharing should continue, noting that interruptions in the implementation of this CBCRM mechanism may be considered misconduct within the regulations of individual entities.

<sup>&</sup>lt;sup>26</sup> The Co-chairs at the moment of signing this protocol are: Tayba Sharif at Sharif@unhcr.org and Tricia Mazo at protection.jordan@intersos.org

## 2.3

During this process, regular updates will be provided to the PSEA Network members signatories of this protocol. If the resolution cannot be agreed upon, signatories have the option to terminate, in writing, their inclusion in the CBCRM Mechanism and the CBCRM Mechanism will be revised accordingly.

## 3 PARTICIPATION IN THE MECHANISM

This CBCRM Mechanism 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 ongoing basis. Such organizations will signify their interest to the PSEA Network Co-Chairs, who will take the necessary steps to formally include the agency in the CBCRM Mechanism and the PSEA Network. Regular revisions will be undertaken as appropriate.

## 4 | SIGNATORY PAGES FOR PARTICIPATING AGENCIES

The following agencies endorse this CBCRM Mechanism and agreement for the Inter-Agency SEA Community-Based Complaints Referral Mechanism for the Protection from Sexual Exploitation and Abuse by humanitarian personnel providing humanitarian services to refugees in Jordan.

- 1. Arab Renaissance for Democracy & Development (ARDD)
- 2. Arab Women Organization of Jordan (AWOJ)
- 3. CARE
- 4. Center for Victims of Torture (CVT)
- 5. Collateral Repair (CR)
- 6. Danish Refugee Council (DRC)
- 7. Drabzeen Human Development (DHD)
- 8. Humanity & Inclusion (HI)
- 9. Information and Research Center King Hussein Foundation (IRCKHF)
- 10. International Medical Corps (IMC)
- 11. International Organization for Migration (IOM)
- 12. INTERSOS
- 13. International Rescue Committee (IRC)
- 14. International Orthodox Christian Charities (IOCC)
- 15. Jordan River Foundation (JRF)
- 16. MedAir
- 17. Middle East Children's Institute (MECI)
- 18. Norwegian Refugee Committee (NRC)
- 19. Oxford Committee for Famine Relief (Oxfam)
- 20. Reclaim Childhood (RC)
- 21. Save the Children Jordan
- 22. Sawiyan for Community Development (SCD)
- 23. The Institute for Family Health (IFH)
- 24. The Jordanian Hashimite Fund for Human Development (JOHUD)
- 25. United Nations Development Programme (UNDP)
- 26. United Nations Population Fund (UNFPA)
- 27. United Nations High Commissioner for Refugees (UNHCR)
- 28. United Nations Children Fund (UNICEF)
- 29. United Nations Office for the Coordination of Humanitarian Affairs (OCHA)
- 30. United Nations Relief & Work Agency (UNRWA)
- 31. Un Ponte Per (UPP)
- 32. United Nations Office for Project Services (UNOPS)
- 33. UN Women
- 34. United Nations World Food Programme (WFP)
- 35. Vento di Terra
- 36. UN Resident Coordinator's Office (RCO)
- 37. World University Service of Canada (WUSC)

We the undersigned, as representatives of our respective organizations, agree and commit to fulfilling our roles and responsibilities in adhering to this CBCRM Mechanism.

**UN Resident Coordinator's Office** (RCO)

United Nations High Commissioner for Refugees (UNHCR)

Name: Anders Pedersen

Name: Dominik Bartsch

HCai.

Signature:

Signature:

Arab Rensissance for Demucracy & Development (ARDD) Arab Women Organization of Jordan (AWOJ) Name Layla Naffa Name Signature Signatura CARE Center for Victims of Torture (GVT) Name Ammar Abu Zayyad Signature Signature: Danish Refugee Council (DRC) Collatoral Repair (CR) Lane Amanda Name. Signature Signature: Humanity & Incluston-(idl) Drabzeen Human Divelopment (0HD) Name Signature Signature: Information Levil Record Control King Hussein Foundation (RCKHF) International Medical Corps (IMC) Signature. Signature international Organization for Migration INTERSOS (IOM) Signatura Bignaturo International Rescue Committee (IRC) International Orthodox Christian Charities (1000)

## International Rescue Committee (IRC)

Name:

Sarra Ghazi Digitally signed by Sarra Ghazi Date: 2020.09.13 15:04:12 +03'00'

Signature:

Jordan River Foundation (JRF)

Name: Enaam

Signature: Barrishi

Middle East Children's Institute (MECI)

Name:

Signature:

Oxford Committee for Famine Relief (Oxfam)

Signature:

Save the Children Jordan (SCJ)

Name:

Signature:

The Institute for Family Health (IFH)

Name: Dr. Ibrahim Agel

Signature:

International Orthodox Christian Charities (IOCC)

Name:

Loren Hyatt Digitally signed by Loren Hyatt Date: 2020.09.21 09:54:23

MedAir

Signature:

Name: Nathan Harper

Signature: //

Digitally signed by Nathan Harper

Norwegian Refugee Committee (NRC)

Name:

Muriel Tschopp

Signature:

Reclaim Childhood (RC)

Name:

Anna Barrett

Signature:

Barrett

Sawiyan for Community Development

(SCD)

Name:

Signature:

The Jordanian Hashimite Fund for Human

Development (JOHUD)

Name:

Signature:

24

## **United Nations Development Programme** (UNDP)

Name: Sara Ferrer Olivella

Signature:

## United Nations Children Fund (UNICEF)

Tanya Chapuisat Name:

Signature:

United Nations Office for Project Services (UNOPS)

Muhammad Usman Akram

Signature:

Un Ponte Per (UPP)

Name: Yousef Msarsa'

Signature:

**United Nations World Food Programme** 

(WFP)

Name: Alberto Correia

Signature:

World University Service of Canada

(WUSC)

Signature:

United Nations Population Fund (UNFPA)

Name:

Enshrah Ahmed

Signature:

United Nations Office for the Coordination of Humanitarian Affairs (OCHA)

United Nations Relief & Work Agency

(UNRWA)

Lorenza Rodinguez

Signature:

**UN Women** 

Signature:

Vento di Terra

Name: GIULIA CAPUANI

United Nations S I /SGB/2003/13



## **Secretariat**

9 October 2003

## **Secretary-General's Bulletin**

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

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

## Section 1 Definitions

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

## Section 2 Scope of application

- 2.1 The present bulletin shall apply to all staff of the United Nations, including staff of separately administered organs and programmes of the United Nations.
- 2.2 United Nations forces conducting operations under United Nations command and control are prohibited from committing acts of sexual exploitation and sexual abuse, and have a particular duty of care towards women and children, pursuant to section 7 of Secretary-General's bulletin ST/SGB/1999/13, entitled "Observance by United Nations forces of international humanitarian law".
- 2.3 Secretary-General's bulletin ST/SGB/253, entitled "Promotion of equal treatment of men and women in the Secretariat and prevention of sexual harassment", and the related administrative instruction 1 set forth policies and procedures for handling cases of sexual harassment in the Secretariat of the United Nations. Separately administered organs and programmes of the United Nations have promulgated similar policies and procedures.

<sup>1</sup> Currently ST/Al/379, entitled "Procedures for dealing with sexual harassment".

ST/SGB/2003/13

### Section 3

## Prohibition of sexual exploitation and sexual abuse

- 3.1 Sexual exploitation and sexual abuse violate universally recognized international legal norms and standards and have always been unacceptable behaviour and prohibited conduct for United Nations staff. Such conduct is prohibited by the United Nations Staff Regulations and Rules.
- 3.2 In order to further protect the most vulnerable populations, especially women and children, the following specific standards which reiterate existing general obligations under the United Nations Staff Regulations and Rules, are promulgated:
- (a) Sexual exploitation and sexual abuse constitute acts of serious misconduct and are therefore grounds for disciplinary measures, including summary dismissal;
- (b) Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief in the age of a child is not a defense;
- (c) Exchange of money, employment, goods or services for sex, including sexual favors 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 behavior 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
Secretary-General



## UNITED NATIONS PROTOCOL ON ALLEGATIONS OF SEXUAL **EXPLOITATION AND ABUSE INVOLVING IMPLEMENTING PARTNERS**



## UNITED NATIONS PROTOCOL ON ALLEGATIONS OF SEXUAL EXPLOITATION AND ABUSE INVOLVING IMPLEMENTING PARTNERS

## 21 March 2018

### **RATIONALE**

- 1. This protocol outlines obligations of the United Nations, including its funds and programmes (collectively, the "UN")When working with implementing partners, to ensure adequate safeguards and appropriate action related to sexual exploitation and abuse (SEA).
- 2. This protocol is aligned with the Secretary General's Bulletin, 9 October 2003 on "Special measures for protection from sexual exploitation and sexual abuse" (ST/SGB/2003/13).

## **GUIDING PRINCIPLES**

- 3. The UN does not partner with entities that fail to address sexual exploitation and abuse through appropriate preventive measures, investigation and corrective action. Such failures shall constitute grounds for the termination of any cooperative arrangement with the UN.2
- 4. The UN shall place the human rights, interests and needs of all victim at the center of our efforts, and adhere to the principles of 'do no harm,' confidentiality, safety and non-discrimination when responding to allegations of sexual exploitation and abuse.
- 5. A victim-centered approach guides UN SEA prevention and response whereby the victim is informed, participates in the decision-making process and provides consent on the possible use and disclosure of their information.
- 6. In cases involving children, all decisions made regarding the prevention and response to SEA allegations involving implementing partners of the UN are guided by the best interests of the child and the right of the child to participate and to be heard.

## APPLICABILITY / SCOPE

- 7. This protocol applies to all offices of the UN when working with implementing partners (as defined below) in all programme contexts.
- 8. This protocol addresses matters relating to possible and actual sexual exploitation and abuse perpetrated by implementing partners of the UN.



See Sections 6.1 and 6.2 of Secretary-General's Bulletin on "Special measures for protection from sexual exploitation and sexual abuse" (ST/SGB/2003/13), 9 October 2003.

### **DEFINITIONS**

For purposes of this protocol, the following definitions apply:

- 9. The UN defines sexual exploitation and abuse as follows:3
  - a. Sexual exploitation is 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.
  - b. Sexual abuse means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.
- 10. Victim: A person who is, or has been, sexually exploited or abuse. For the purposes of this protocol, a victim is a person who is, or has been, sexually exploited or abused by employees or other related personnel of an implementing partner of the United Nations, including employees or related personnel of an implementing partner's subcontractor(s).
- 11. Implementing partner: an entity to which a UN office or entity has entrusted the implementation of a programme and/or project specified in a signed document, along with the assumption of responsibility and accountability for the effective use of resources and the delivery of outputs. Implementing partners may include but are not limited to government institutions, inter-governmental organizations, and civil society organizations, including NGOs. Implementing partners' subcontractors are subsumed within this definition.
- 12. UN partner entity: the particular UN entity that has signed the agreement with the implementing partner in connection with a particular programme or project.
- 13. Higher risk programme activities involve at least one of the following:
  - a. Take place in high-risk environments such as camps and shelters;
  - b. Involve the implementing partner having direct contact with children;
  - c. Take place in environments where SEA has occurred in the past and/or where sexual and gender-based violence is prevalent.

### PROTOCOL STATEMENTS

### Screening implementing partners

14. The UN must carry out an appropriate screening process before entering into cooperative arrangements with implementing partners. When assessing a potential implementing partner as part of a screening process, the relevant UN partner entity shall assess the capacity of the potential implementing partner to prevent or to mitigate risks of SEA (see Annex A). If a UN partner entity selects an implementing partner that is assessed as having weak capacity to prevent or to mitigate risks of SEA, that UN partner entity is required to:



Secretary-General's Bulletin on Special measures for protection from sexual exploitation and sexual abuse, ST/SGB/2003/13. 9 October 2003.

- Justify the selection of that implementing partner notwithstanding its assessed weak capacity to prevent or to mitigate risks of SEA; and
- b. Implement appropriate risk mitigation measures, including capacity building and monitoring. (See Annex A)

UN offices or entities will provide requested results of any screening of partners with other UN offices or entities.

## Entering into cooperative arrangements with implementing partners

- 15. When entering into cooperative arrangements with implementing partners, officials from the relevant UN partner entity shall inform those implementing partners of the standards of conduct listed in section 3 of ST/SGB/2003/13, and shall receive a written undertaking from them, in accordance with section 6.1 of ST/SGB/2003/13. A copy of any SEA policy documents issued by the relevant UN partner entity must also be provided.
- 16. UN partner entities shall take into consideration the capacity of implementing partners to prevent and respond to sexual exploitation and abuse when designing the programme document/work plans for programme activities and managing associated risks, including:
  - Partner capacity building activities such as: face-to-face SEA training for all partner personnel; dissemination of awareness raising tools; support for establishing policy and implementation of reporting procedures, policy guidance, etc.
  - b. Planned field monitoring visits for higher risk programme activities, and further adjusted for partners with low capacity as identified as part of selection.
- 17. Prior to entering into or reviewing a partnership agreement, the UN partner entity should request documentation of regular training offered by the implementing partners to their employees and associated personnel on prevention and response to SEA<sup>4</sup>. The training must include information on the UN's definition and prohibition of SEA, the requirements for prompt reporting of SEA allegations to the UN partner entity and referral of victims to immediate assistance. Training options include the UN PSEA online training that is available for all implementing partners at: <a href="https://agora.unicef.org/course/info.php?id=7380.">https://agora.unicef.org/course/info.php?id=7380.</a>

## Monitoring of implementing partners and termination of arrangements

- 18. As part of any partnership review processes, each UN partner entity shall review any changes in the implementing partner's capacity to manage SEA risks and whether adjustments should be made to capacity building and monitoring activities. In addition, implementing partners operating in higher-risk environments should be reviewed regularly for compliance with PSEA requirements.
- 19. The UN is required to report allegations of SEA to the Secretary-General. It is the responsibility of implementing partners to promptly report allegations of SEA to the UN partner entity, as part of this reporting obligation. It is the shared responsibility of both the



The terms "associated" or "related" personnel of implementing partners include, for example, sub-contractors, consultants, interns or volunteers associated with or working on behalf of the implementing partner.

UN partner entity, and the respective implementing partner, to communicate the UN mandatory reporting of SEA allegations to all related personnel, and to provide support for the establishment of reporting mechanisms at field level.<sup>5</sup>

- 20. The UN entity shall have the right to investigate SEA allegations involving implementing partners and its associated personnel, notwithstanding related investigations undertaken by the implementing partner or national authorities. Where the investigation is not conducted by a UN entity directly, the UN partner entity will seek all relevant information to determine whether the implementing partner has taken appropriate investigative or corrective action.
- 21. The UN partner entity's receipt and handling of SEA allegations involving implementing partners will be guided, as appropriate, by the *Uniform policy on balancing the disclosure of information to national authorities with principles of confidentiality when receiving and handling allegations of SEA by persons acting under a UN mandate<sup>6</sup> and other relevant administrative issuances.*
- 22. Steps to be taken by the UN partner entity in the event of a credible SEA allegation made against employee or employees of partner or associated personnel that is implementing UN-supported programmes, include:
  - Ensure that appropriate actions are taken regarding staff of implementing partner involved in perpetrating SEA, including termination of the staff contract and/or referral for criminal accountability, if appropriate;
  - b. Withhold further cash and/or supply transfers to the implementing partner, if appropriate;
  - c. Share information on the allegation with relevant authorities as appropriate, upon a protection risk assessment and in line with informed consent.
  - d. Immediate referral of the victim to safe and confidential victim assistance, including legal assistance, where available, based on their needs and consent.
- 23. If credible SEA allegations are made, the implementing partner's risk assessment for the relevant agreement or programme is immediately increased to 'high risk' (with a respective increase in programme monitoring). A number of corrective measures need to be taken by the UN partner entity, in consultation with its legal advisors and headquarters, before the 'high

This policy covers, inter alia, the UN's reception and referral of allegations of SEA to UN entity leads on investigations depending on the nature and actor involved in the allegation, and the disclosure of information about the allegations to national authorities in a manner that is in conformity with the principle of confidentiality and informed consent.



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Acts of SEA that are forms of sexual violence, as defined by international law, amount to violations of human rights and, where applicable, violations of international humanitarian law, when committed by implementing partners who are State actors. Such acts must be reported to OHCHR and appropriate human rights mechanisms. In addition, if the implementing partner concerned is a member of the national armed forces, the national police or another security actors attributable to the host government, an act of sexual abuse, when it is directly or indirectly linked to a conflict, might also constitute conflict-related sexual violence or a grave violation against children. Such conflict-related incidents of sexual abuse must also be reported through the respective Monitoring Analysis and Reporting Arrangements (MARA) on Sexual Violence in Conflict or the Monitoring and Reporting Mechanisms (MRM) on Children and Armed Conflict, where operational, via the SRSG on Sexual Violence in Conflict or the SRSG on Children and Armed Conflict to the UN Security Council, in line with Security Council resolutions 1882 (2009) and 1960 (2010).

risk' assessment is reduced. Corrective actions will be identified by the UN entity, together with the implementing partner, and may include increased monitoring of programme activities on site and additional capacity development for the implementing partner.

24. Failure of the implementing partner to comply with the above-stated corrective actions can result in a termination of the agreement before the end of the agreement period. The cooperative arrangement with the implementing partner shall expressly provide for this contingency.

Annex A. Specific areas/steps of risk assessment and appropriate mitigation measures for UN implementing partners

Assessment criteria	UN action
√ If the partner plans to sub-contract activities to another entity, the partner has the necessary reporting and monitoring mechanisms in place to prevent and respond to allegations and incidents of SEA.	√ Request the partner to describe reporting and monitoring mechanisms in place.
√ The partner has properly screened staff for involvement or alleged involvement in SEA or violations of human rights.	√ Confirm that reference and background checks for partner personnel have been completed.
√ The partner has reporting procedures in place for SEA allegations for employees, contractors/sub-implementing partners and beneficiaries.	✓ Request and review partner's reporting procedure.
√ The partner is informed of the UN zero tolerance policy on SEA, and related UN agency, funds and programmes policies on SEA.	✓ Confirm in writing that the partner is informed of the UN zero tolerance policy on SEA, and related UN agency, funds and programmes policies on SEA.
√ The partner's staff who are working on UN matters have completed UN PSEA training, or equivalent.	√ Confirm that the partner has completed the UN PSEA training, or equivalent.
√ The partner has dealt appropriately with any past SEA allegations.	√ Request the partner to disclose any past allegations and outcomes.

See para. 6.2 of ST/SGB/2003/13, which states that the "failure of those entities or individuals to take preventive measures against sexual exploitation and abuse, to investigate allegations thereof, or to take corrective action when sexual exploitation and abuse has occurred, shall constitute grounds for termination of any cooperative arrangement with the United Nations."



## ANNEX III | STATEMENT OF COMMITMENT ON ELIMINATING SEXUAL EXPLOITATION AND ABUSE BY UN AND NON-UN PERSONNEL

We, UN and non-UN entities<sup>1</sup>, re-affirm our determination to prevent future acts of sexual exploitation and abuse by our personnel<sup>2</sup>.

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<sup>3</sup> relating to sexual exploitation and abuse adopted by 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.

<sup>1.</sup> 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

<sup>2. &</sup>quot;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.

<sup>3.</sup> See "Appendix 2: Six Core Principles Relating to Sexual Exploitation and Abuse"

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

- 1. 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.
- 2. Incorporate our standards on sexual exploitation and abuse in induction materials and training courses for our personnel.
- 3. Prevent perpetrators of sexual exploitation and abuse from being (re-)hired or (re-)deployed. This could include use of background and criminal reference checks.
- 4. Ensure that complaint mechanisms for reporting sexual exploitation and abuse are accessible and that focal points for receiving complaints understand how to discharge their duties.
- 5. Take appropriate action to the best of our abilities to protect persons from retaliation where allegations of sexual exploitation and abuse are reported involving our personnel.
- **6. 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.
- 7. Take swift and appropriate action against our personnel who commit sexual exploitation and abuse. This may include administrative or disciplinary action, and/or referral to the relevant authorities for appropriate action, including criminal prosecution.
- 8. Provide basic emergency assistance to complainants of sexual exploitation and abuse.
- 9. Regularly inform our personnel and communities on measures taken to prevent and respond to sexual exploitation and abuse. Such information should be developed and disseminated in-country in cooperation with other relevant agencies and should include details on complaints mechanisms, the status and outcome of investigations in general terms, feedback on actions taken against perpetrators and follow-up measures taken as well as assistance available to complainants and victims.
- 10. 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**

- 1. Department for Disarmament Affairs (DDA), Mr. Nobuaki Tanaka, Under-Secretary-General.
- 2. Department of Economic and Social Affairs (DESA), Mr. José Antonio Ocampo, Under-Secretary-General.
- 3. Department of Political Affairs (DPA), Mr. Ibrahim Agboola Gambari, Under-Secretary-General.
- 4. Department of Public Information (DPI), Mr. Shashi Tharoor, Under-Secretary-General for Communications and Public Information.
- 5. Department of Peacekeeping Operations (DPKO), Mr. Jean-Marie Guéhenno, Under-Secretary-General for Peacekeeping Operations.
- 6. Department of Management, Mr. Warren Sach OIC.
- 7. Department of Safety and Security (DSS), Mr. David Veness, Under-Secretary-General.
- 8. Food and Agriculture Organization (FAO), Mr. Jacques Diouf, Director-General.
- 9. International Organization for Migration (IOM), Mr. William Lacy Swing, Director-General.
- 10. International Trade Centre (ITC), Patricia Francis.
- 11. Office for the Coordination of Humanitarian Affairs (OCHA), Mr. Jan Egeland, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator.
- 12. Office of the United Nations High Commissioner for Human Rights (OHCHR), Ms. Louise Arbour, High Commissioner for Human Rights.
- 13. Office of Legal Affairs (OLA), Mr. Nicolas Michel, Under-Secretary-General / The Legal Counsel.
- 14. Office of the Special Adviser on Africa (OSAA), Mr. Joseph Legwaila, Under-Secretary-General.
- 15. 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.
- 16. United Nations Development Programme (UNDP), Mr. Kemal Dervis, Administrator.
- 17. United Nations Disengagement Observer Force (UNDOF), Major-General Wolfgang Jilke, Force Commander
- 18. United Nations Human Settlements Programme (UN-HABITAT), Ms. Anna Tibaijuka, Executive Director.
- 19. Office of the United Nations High Commissioner for Refugees (UNHCR), Mr. Antonio Manuel De Oliveira Guterres, High Commissionner for Refugees.
- 20. United Nations Children's Fund (UNICEF), Ms. Ann Veneman, Executive Director.
- 21. United Nations Interim Force in Lebanon (UNIFIL), Major-General Clausio Graziano, Force Commander.
- 22. United Nations Interim Administration Mission in Kosovo (UNMIK), Mr. Joachim Rucker, Special Representative of the Secretary-General.
- 23. United Nations Integrated Mission in Timor-Leste (UNMIT), Mr. Atul Khare, Special Representative of the Secretary-General.
- 24. United Nations Office on Drugs and Crime (UNODC), Mr. Antonio Maria Costa, Director General.
- 25. United Nations Mission in Côte d'Ivoire (UNOCI), Mr. Abou Moussa OIC.
- 26. United Nations Mission in Ethiopia and Eritrea (UNMEE), Mr. Azouz Ennifar, Acting Special Representative of the Secretary-General.
- 27. United Nations Mission in Sudan (UNMIS), Mr. Taye-Brook Zerihoun, Acting Special Representative of the Secretary-General.

- 28. United Nations Mission for the referendum in Western Sahara (MINURSO), Julian Harston, Special Representative of the Secretary-General.
- 29. United Nations Military Observer Group in India and Pakistan (UNMOGIP), Major-General Dragutin Repinc, Chief Military Observer.
- 30. United Nations Observer Mission in Georgia (UNOMIG), Mr. Jean Arnault, Special Representative of the Secretary-General.
- 31. United Nations Organization Mission in the Democratic Republic of Congo (MONUC), Mr. William Lacy Swing, Special Representative of the Secretary-General.
- 32. United Nations Office at Geneva (UNOG), Mr. Sergei Ordzhonikidze, Director-General.
- 33. United Nations Office for Project Services (UNOPS), Mr. Jan Mattsson, Executive Director.
- 34. United Nations Peacekeeping Force in Cyprus (UNFICYP), Mr. Michael Moller, Special Representative of the Secretary-General and Chief of Mission.
- 35. United Nations Populations Fund (UNFPA), Ms. Thoraya Obaid, Executive Director.
- 36. United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), Ms. Karen Koning Abu Zayd, Commissioner-General.
- 37. United Nations Stabilization Mission in Haiti (MINUSTAH), Mr. Edmond Mulet, Special Representative of the Secretary-General.
- 38. United Nations Staff Union, Mr. Stephen Kisambira, President.
- 39. United Nations Truce Supervision Organizations (UNTSO), Major-General Ian Gordon, Chief of Staff.
- 40. United Nations Volunteers (UNV), Mr. Ad de Raad, Executive Coordinator.
- 41. World Health Organization (WHO), Dr. Anders Nordström, Acting Director-General.
- 42. World Food Programme (WFP), Mr. James T. Morris, Executive Director.

#### **Non-United Nations Entities**

- 1. Action By Churches Together (ACT), Mr. John Nduna, Director.
- 2. Africa and Middle East Refugee Assistance (AMERA UK), Ms. Barbara E. Harrell-Bond, OBE, Executive Director for Overseas Operations.
- 3. Africare, Mr. Julius E. Coles, President.
- 4. American Refugee Committee International (ARC), Mr. Hugh Parmer, President.
- 5. Association of Voluntary Agencies for Rural Development (AVARD), Mr. P.M. Tripathi, President.
- 6. Austrian Red Cross, Mr. Wolfgang Kopetsky, Secretary General.
- 7. Care International, Mr. Denis Caillaux, Secretary-General.
- 8. Caritas Internationalis, Mr. Duncan MacLaren, Secretary-General.
- 9. Catholic Relief Services (CRS), Mr. Ken Hackett, President.
- 10. Christian Children's Fund (CCF), Mr. Bill Leahey, Acting Chief Executive Officer.
- 11. Christian Reformed World Relief Committee (CRWRC-US), Mr Andrew Ryskamp, Director.
- 12. Concern Worldwide, Mr. Tom Arnold, Chief Executive.
- 13. End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT International), Ms. Carmen M. Madriñán, Executive Director.
- 14. HelpAge International (HAI), Mr. Richard Blewitt, Chief Executive.
- 15. International Medical Corps, Ms. Nancy Aossey, President and Chief Executive Officer.
- 16. International Rescue Committee (IRC), Mr. George Rupp, President and Chief Executive Officer.
- 17. Irish Red Cross, Mr. John Roycroft, Secretary General.
- 18. Italian Red Cross, Mr. Massimo Barra, President.
- 19. Lutheran World Relief, Mr. Jeff Whisenant, Executive Vice President.
- 20. Mercy Corps, Ms. Nancy Lindborg, President.
- 21. Red Cross of Monaco, HSH Prince Albert II.
- 22. Médecins du Monde (MDM France), Dr. Pierre Micheletti, Chairman.
- 23. Refugees International (RI), Mr. Kenneth H. Bacon, President.
- 24. Operation USA, Mr. Richard M. Walden, President and Chief Executive Officer.
- 25. Relief International, Mr. Farshad Rastegar, CEO.
- 26. Pact, Inc., Ms. Sarah Newhall, President and Chief Executive Officer.
- 27. Plan International, Mr. Tom Miller, Chief Executive Officer.
- 28. Population Action International (PAI), Ms. Amy Cohen, Chief Executive Officer and President.
- 29. Save the Children UK (SC UK), Ms. Jasmine Whitbread, Chief Executive.
- 30. Save the Children Alliance, Ms. Jasmine Whitbread, Chief Executive.
- 31. Tearfund, Mr. Matthew Frost, Chief Executive.
- 32. Temporary International Presence in Hebron (TIPH), Mr. Karl-Henrik Sjursen, Head of Mission.
- 33. Trinidad and Tobago Red Cross Society, Ms. Delia Chatoor, President.
- 34. Winrock International Institute for Agricultural Development (Winrock International), Mr. Frank Tugwell, President and Chief Executive Officer.
- 35. Women's Commission for Refugee Women and Children, Ms. Carolyn Makinson, Executive Director.
- 36. World Vision International, Kevin J. Jenkins, President and Chief Executive Officer

#### Status as of December 2011

### APPENDIX 2: SIX CORE PRINCIPLES RELATING TO SEXUAL EXPLOITATION AND ABUSE<sup>27</sup>

Published Date 23 September 2019

- 1. "Sexual exploitation and abuse by humanitarian workers constitute acts of gross misconduct and are therefore grounds for termination of employment.
- 2. Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief regarding the age of a child is not a defense.
- 3. Exchange of money, employment, goods, or services for sex, including sexual favors or other forms of humiliating, degrading or exploitative behavior is prohibited. This includes exchange of assistance that is due to beneficiaries.
- 4. Any sexual relationship between those providing humanitarian assistance and protection and a person benefitting from such humanitarian assistance and protection that involves improper use of rank or position is prohibited. 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."

This revision supersedes the original IASC Six Core Principles, 2002

<sup>&</sup>lt;sup>27</sup> 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.

## ANNEX IV: PSEA NETWORK TERMS OF REFERENCE

#### 1. Membership

The Network will function under the auspices of the Resident Coordinator and the Refugee Coordinator (UNHCR Representative) in Jordan and report to them. 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 Syrian Refugee Response<sup>28</sup> (hereinafter "entity").

The PSEA Co-chairs (UNHCR and INTERSOS) are responsible for overseeing and supporting the collective PSEA activities of organizations members of PSEA Network. Support mentioned senior leadership in developing and implementing in country PSEA strategy. Support the Network to carry out joint PSEA risk assessment in Jordan to inform senior leadership on strategic decision-making. Support in developing and implementing PSEA Network TORs and a Work Plan.

### 2. Responsibilities

The Network of Protection from Sexual Exploitation and Abuse (PSEA) will serve as the primary body for awareness, prevention, coordination and oversight on protection from sexual exploitation and abuse 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).

### 3. Guiding Principles

- The Network will closely work with other coordination bodies such as UNCT, ISWG, Protection WG, SGBV SWG, CP SWG and MHPSS SWG.
- 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, if needed and requested.
- 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.

### 4. Major Tasks

The tasks of the Network are listed below under each of the 4 pillars of Protection from Sexual Exploitation and Abuse:

#### **Engagement with and Support of refugees**

In cooperation with the refugee communities and population affected by the Syrian refugee crisis, establish
coordinated (not necessarily common) complaints mechanisms in each community where the entities
work. This will ensure community trust and ownership. Such mechanisms should be safe, accessible, and

 $<sup>^{\</sup>rm 28}$  The possibility of supporting refugees of other nationalities is not excluded.

confidential (i.e. on a need to know basis) and tailored to the needs of each geographical area. The network will develop adequate mechanisms for the coordination of complaints mechanisms, i.e. referral to competent services.

- 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.

#### 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.

#### **Response systems**

- Support the implementation of Inter-Agency Standard Operating Procedures, including safe, confidential
  and efficient inter agency referral mechanisms to ensure timely access of victims to quality protection
  solutions. In this process, and in consultation with the relevant investigative services of individual
  responsible organizations, attention will be paid to the preservation of evidence in respect of the
  confidentiality, the consent and wishes of the alleged victims.
- 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.

#### **Management and Coordination**

- Hold *regular meetings*, every two months, and circulate the minutes to all members. *Ad-hoc* meetings may be called as required.
- The Co-chairs (UNHCR and INTERSOS) will coordinate the PSEA Network. Co-chairs will be renewed on a yearly basis.
- Assess gaps in protection from SEA and develop and implement action plans to fill them.
- Coordinate trainings for Focal Points and managers on their PSEA roles and responsibilities.

- Share information on achievements, best practices and/or effective mechanisms in addressing SEA and make recommendations to relevant entities for action. Develop plans for monitoring implementation of recommended actions within the refugee response plan.
- Support entities to adhere to applicable monitoring and compliance mechanisms.
- Report annually to the Refugee Coordinator on the implementation of the network action plan.
- Review this TOR and other coordination documents, such as SOP, on annual basis and as required.
- Consult and engage with all relevant stakeholders during the design of the community-based complaints referral mechanism (CBCRM) in order to ensure support, high-level commitment, sustainability in the CBCRM.

## ANNEX V | PSEA FOCAL POINT ROLES AND RESPONSIBILITIES

#### 1. The Role

The Focal Point for the Protection from Sexual Exploitation and Abuse (PSEA) in Jordan is officially designated by his/her agency Head of Office, Head of Mission, Resident Representative or Country Director, to represent it and participate in the PSEA Network and are responsible for actively promoting the protection from sexual exploitation and abuse within their organization.

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). To facilitate this, he/she supports the implementation of the Inter-Agency SEA Community-Based Complaint Referral Mechanism (CBCRM). S/he will undertake these both within his/her agency, organization, department, or mission (hereinafter "entity") and as a member of the Refugee Response Network on PSEA by Humanitarian Personnel in Jordan.

### 2. Responsibility

PSEA Focal Points are responsible for ensuring that appropriate response systems are established and implemented within their organization and with implementing partners, in line with the Inter-Agency SEA Community-Based Complaint Referral Mechanism (CBCRM), and ensuring that refugees and host communities are engaged in the prevention and response to SEA complaints and allegations.

PSEA Focal Points are responsible for liaising with investigative bodies of their organization 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 are not considered to be the main entry point for allegations from refugees, as this is more likely to be front-line personnel in regular contact with refugees directly, i.e., field community workers, project officers. PSEA Focal Points are responsible for submitting statistical reports on SEA allegations, as indicated in the CBCRM.

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 agency does not have an agreement with an affiliated investigative body, either directly or through a project agreement or contract, or have the capacity to manage an investigation internally, the PSEA Focal Point/Management can refer to the 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 body of UNHCR¹). 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.

 The NGO specialist investigation roster can be considered: file:///H:/2016/PSEA/basic%20docs/The%20NGO%20Investigation%20Specialist%20Roster%20.pdf

#### 3. PSEA Network

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

As a participant in the Network on PSEA in Jordan, the Focal Point works with other focal points in the Network to achieve the fulfillment of the PSEA Network's Terms of Reference and implementation of the CBCRM. The Focal Point's contribution shall be per his/her expertise and position.

### 4. Support and Resources for the Focal Point

Resources developed by the PSEA Network are shared on the UNHCR Portal - Refugee in Response in Jordan: http://data.unhcr.org/syrianrefugees/working\_group.php?Page=Country&LocationId=107&Id=74

Other organizations and groups have already developed many tools and resources, whether in Jordan or elsewhere. As such, the Focal Point shall seek to benefit from pre-existing tools and guidance so as to avoid duplication and "reinventing the wheel." See tools repositories at the PSEA Task Force - www.un.org/psea/taskforce and the IASC https://interagencystandingcommittee.org/accountability-affected-populations-including-protection-sexual-exploitation-and-abuse

As permitted by the entity, the Focal Point shall likewise share with the Network in Jordan the tools s/he develops and submit them for inclusion in the global PSEA tools repository at www.un.org/psea/taskforce (email them to seatf@un.org).

The Focal Point can seek further support as needed from the PSEA Focal Points Network Co-Chairs Tayba Sharif, <a href="mailto:sharif@unhcr.org">sharif@unhcr.org</a>, and Tricia Mazo, <a href="mailto:protection.jordan@intersos.org">protection.jordan@intersos.org</a> or from UNHCR, National PSEA Oversight, Carolyn Ennis, <a href="mailto:ennis@unhcr.org">ennis@unhcr.org</a>

## ANNEX VI | SAMPLE SEXUAL EXPLOITATION AND ABUSE CODE OF CONDUCT (FROM GBV/CP SOPS)

All actors involved in the prevention of and response to Sexual Gender-Based Violence (SGBV), which includes sexual exploitation and abuse, should understand and sign a Code of Conduct or a similar document, setting of professional standards of conduct. Humanitarian agencies have a duty of care to beneficiaries and a responsibility to ensure that refugees and beneficiaries are treated with dignity and respect and that certain minimum standards of behavior are observed.

To prevent sexual exploitation and abuse, the following 6 core principles<sup>29</sup> must be incorporated into humanitarian agency codes of conduct:

- 1. Sexual exploitation and abuse by humanitarian workers constitute acts of gross misconduct and are therefore grounds for termination of employment.
- 2. Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief regarding the age of a child is not a defense.
- 3. Exchange of money, employment, goods, or services for sex, including sexual favors or other forms of humiliating, degrading or exploitative behavior is prohibited. This includes the exchange of assistance that is due to beneficiaries.
- 4. Any sexual relationship between those providing humanitarian assistance and protection and a person benefitting from such humanitarian assistance and protection that involves improper use of rank or position is prohibited. 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 that prevents sexual exploitation and abuse and promotes the implementation of their code of conduct. Managers at all levels have particular responsibilities to support and develop systems that maintain this environment.

To ensure the maximum effectiveness of the Code of Conduct, it should be posted in a clear view in the public areas of each actor's office/center, introduced and explained, signed by all staff, volunteers and other contracted parties, and kept in an employee, volunteer, contractor files. All posted and distributed copies of the Code of Conduct should be translated into the appropriate language of use for the field area.

#### Resources:

- Secretary General's Bulletin on 'Special measures for protection from sexual exploitation and asexual abuse' (ST/SGB/2003/13)
- Statement of Commitment to eliminating sexual exploitation and abuse by UN and Non-UN personnel (2006)
- Examples of Codes of Conduct: http://www.pseataskforce.org/en/tools

<sup>&</sup>lt;sup>29</sup> Updated version of 23 Sept 2019

## ANNEX VII INTER-AGENCY SEXUAL EXPLOITATION AND ABUSE (SEA) COMMUNITY-BASED COMPLAINT REFERRAL PATHWAY

#### Telling someone and seeking help (disclosing)

Survivor / Complainant tells a humanitarian worker/PSEA focal point either in person (i.e., to Entity staff or community volunteer; during monitoring visit; at registration services) or via phone or email (i.e., Hotline) and Amaali App

Survivor / Complainant tells someone else (e. family member, friend, community member) and that person tells a humanitarian worker/PSEA focal point (i.e. in person; via hotline; at registration services)

Survivor self-reports to a medical/health or case manager/psychosocial "entry point" Unspecified/generic
"in-the-air" allegation of
sexual exploitation and
abuse (i.e. where the
institutional affiliation of
the alleged
perpetrator(s) is
uncertain or unknown)





#### The immediate response of personnel receiving complaint/report/suspicion/allegation of SEA

- When indirect 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 needs to know basis in consideration of the wishes of the survivor; provide counseling on the available solutions.
- The complaint must be immediately passed to the PSEA focal point.
- **PSEA focal point**, based on the necessity, collects theminimum 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.
- Complete a Complaint Referral Form (with details of information known) and PASSWORD PROTECT form
- DO NOT try to ascertain whether or not the allegation is true or to make any investigation into the allegation.





#### **Reporting SEA Complaints**

#### Where the complaint/report concerns your entity

Raise the complaint confidentially with your entity Investigative Body, PSEA Focal Point, or 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 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 entity (e.g. UNHCR Representative and Inspector General's Office), 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 entity of concern's Investigative Body, PSEA Focal Point, or Manager (by email or phone, through confidential manner) 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 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.

See on p. 47 Referral Pathway list of Investigative Bodies, PSEA Focal Points and Alternates





#### **Response of PSEA Focal Point of the entity of concern**

- 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 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)





An investigation initiated by Investigation Body or Snr. management inline with agency investigation policy and procedures and the Inter-Agency SEA CBCRM Mechanism

Upon planning an investigation, entities are encouraged to contact UNHCR PSEA Focal Point in Jordan on potential risks for refugees as a measure to ensure adequate security and safety for survivors and witnesses throughout an investigation process



The Protection needs of the survivor, complainant, witnesses, whistle-blower, alleged perpetrator or subject of the complaint, are considered and referrals are made to the appropriate Protection Services via the Referral Pathways as defined in the SGB / CP SOPs

- Refer to SGBV / CP SOPs for information on protection services and provide comprehensive information on available services and support to survivors of sexual exploitation and abuse / SGBV
- If agreed and requested by a survivor, obtain informed consent and make referrals to protection services
- When family/guardians decide on behalf of the child, ensure the best interest of the child is given priority. Preferably, the accompanying adult should be selected by the child
- Accompany the survivor to assist his/her in accessing services
- For survivors of sexual violence ensure immediate (within 72 hours) access to medical care



Entity carries out relevant administrative and disciplinary measures, in line with entity's policy and the Inter-Agency SEA CBCRM agreement



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 interest of the survivor)



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

## **UNHCR Investigative Body**

UNHCR Inspector General's Office (IGO) www.unhcr.org/php/complaints.php

## **PSEA Focal Points and Alternates**

PLEASE NOTE: This contact list will be updated every 6 months by the PSEA Network and will be available at: <a href="http://data.unhcr.org/syrianrefugees/working\_group.php?Page=Country&LocationId=107&Id=74">http://data.unhcr.org/syrianrefugees/working\_group.php?Page=Country&LocationId=107&Id=74</a>

List Dated: 11 June 2020

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AWO	Focal point: Wesal Abdullah	Program Manager	wesal@awo.org.jo	0798865757
	Alternate: Wala'a Hasan	Project Coordinator	w.hasan@awo.org.jo	0790038904
	Alternate: Dania Al Mousa	Project Coordinator	d.almousa@awo.org.jo	0797301002
CARE International	Diana Al Qawasmi Firas Izzat Saleh	HR Manager Programs Quality Director	diana.qawasmi@care.org Firas.lzzat@care.org	0791827772 0797117450
Center for Victims of	Focal Point: Samrina Jones	Senior Manager- Clinic Services	sjones@CVT.ORG	0790172149
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Drabzeen Human	Focal Point: Mahmoud Salah Eddin	Programs Manager advisor	mahmoud.k@drabzeen.org	0795907255
Development (DHD)	Alternate: Anas Al Rawshdeh	Executive director	anas@drabzeen.org	0790882381
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·	Alternate: Suhad Abood	CBR manager	s.abood@hi.org	0787984573
IFH/NHF	Focal Point: Areej Semreen	Senior GBV Specialist	a.sumreen@ifh.org.jo	0798812594
11 1 1/10111	Alternate: Rudayna Qasem	Project Manager	r.qasem@ifh.org.jo	0796526993
IMC	Focal point: Lucy Cracknell	HR Coordinator	lcracknell@InternationalMedicalCorps.org	0798009238
IIVIC	Alternate: Hiba Odeh	Protection advisor	hodeh@InternationalMedicalCorps.org	0795556837
Center - King Hussein	Focal Point: Hadeel Al Amayreh	Sr. Communications Specialist	hadeel.alamayreh@irckhf.org	0772099964
Foundation (IRCKHF)	Alternate: Rand Abu Taleb	Senior Researcher	rand.abutaleb@irckhf.org	0798569883
	Focal Point: Tricia Mazo	Protection Coordinator	protection.jordan@intersos.org	0799603367
INTERSOS	Alternate: Haneen Alafeef	Accountability Officer	accountability.jordan@intersos.org	0777820890
1000	Focal point: Meg McManus	Jordan Project Manager	mmcmanus@iocc.org	0790024288
IOCC	Alternate: Saba Almasri	Field Coordinator	salmasri@iocc.org	0790220590
IOM	Focal Point: Shorouq ALMAHADIN	Sr. HR Assistant	smahadeen@iom.int	0790342941
IOM	Alternate: Leen ALKHATIB	Counter Trafficking Project Assistant	lealkhatib@iom.int	0798733989
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JOHUD- The Jordanian	Focal Point: Qais AL - Tarawneh	Social Protection Director	qais@johud.org.jo	0777468801

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Middle East Children's	Focal Point: Dina AlMasri	Assistant Regional Director	dalmasri@mecinstitute.org	0776521192
Institute (MECI)	Alternate: Lina Farouqi	Regional Director	lfarouqi@mecinstitute.org	0798438356
MedAir	Focal Point: Sara Yaseen	HR officer	hr-officer-jor@medair.org	0790220618
INICUAII	Alternate Tamara Ratrout	Senior MEAL officer	tamara.emad@medair.org	0797215911
Norwegian Refugee Council (NRC) Middle East Regional Office	Focal Point: Irene Wangare	Regional HR Adviser	irene.wangare@nrc.no	0797148152
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	Focal Point: Nada Qaddoura	Economic Justice Project Manager	nqaddoura@oxfam.org.uk	0776698498
	Focal Point: Hannah Fisher-Jones	MENA Regional Safeguarding Advisor	HFisher-Jones1@oxfam.org.uk	799423634
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Reclaim Childhood	Focal Point: Jessie Wyatt		jessie@reclaimchildhood.org	07999289366
Save the Children	Focal Point: Mahmoud Hamdan Alternate Rana Sabha	Child protection Specialist Field Officer	mahmoud.hamdan@savethechildren. org rana.sabha@savethechildren.org	0791249629 0791249401
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UNDP	Alternate: Chirine Riaz	Gender Equality & Results	chirine.riaz@undp.org	0786239094
	Alternate: Rabia Hasan	Business Development Support and Reporting Specialist	rabia.hasan@undp.org	0795747014
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	Tayba Sharif	PSEA Co-Chair, National PSEA focal point	sharif@unhcr.org	0797260832
	Focal Point: Diana Suleiman	Zarqa, Baiqa and South	Suleiman@unhcr.org	0777281911
UNHCR	Focal Point: Sergii Ivchenko Alternate: Majd Khabour		ivchenko@unhcr.org KHABOUR@unhcr.org	0798261009
	Focal Point: Sophie Jambazishvili- Yucer Alternate: Mariam Khokhar	DOE 4 E 1 D : 1 M (	yucer@unhcr.org khokhar@unhcr.org	0795120509
	Focal Point: Marina Nassif Alternate: Sondos El Nour	DOE 4 E 1 D : 4 A	nassif@unhcr.org elnours@unhcr.org	0791120283
	Focal Point: Eugene Baek		ebaek@unicef.org	0799829406
UNICEF	1 Sour Form. Eugene Dack	Orma protootion officer	Saucit @ drilloof.org	0100020400

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	Alternate: Iman Al Qasem	HR specialist	imanq@unops.org	0797555990
Un Ponte Per (UPP)	Focal Point: Zahraa El Dakar	Referral Officer/ Team Leader	zahraa.eldakar@unponteper.it	775667075
UN Women	Focal Point: Rebeca Acin Rivera	Gender in Humanitarian Action Advisor	rebeca.acin@unwomen.org	0778062777
	Alternate: Hadeel Al Qunaibi	Protection Officer	hadeel.alqunaibi@unwomen.org	795117304
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	Alternate: Federica Ioli	Project Manager	ioli@ventoditerra.org	39 349 791 0840
WFP	Focal Point: Laurene Goublet	Head of Programme	laurene.goublet@wfp.org	+962791295583
	Alternate: Hussam Ghaleb	Head of Field Office	hussam.ghaleb@wfp.org	0791295779
World University Service of Canada (WUSC)	Rawiah Naoum	Focal Point: Gender Equality Specialist	rnaoum@wusc.ca	0798212771
	Niveen Bataineh	Country Director	nbataineh@wusc.ca	0797288585

# ANNEX VIII | EXAMPLE COMPLAINT REFERRAL FORM

INTER-AGENCY COMPLAINTS REFERRAL FORM (SEXUAL EXPLOITATION AND ABUSE)			
*Information contained in this form is CONFIDENTI. *Only minimum details are required for a referral to			
Name of Complainant:	Ethnic origin/Nat	ionality:	
Address:	Identity no:		
Age:	Sex:		
How does the complainant prefer to be contacted (g	ive details)?		
Name of survivor (if not the complainant):	Ethnic origin/Nationality:		
Address/Contact details:	Identity no:		
Age:	Sex:		
Name(s) and address of parent/guardian, if under 18	:		
How does the complainant prefer to be contacted (g	ive details)?		
Has the survivor given consent to the completion of Yes No don't know	this form and refe	rral?	
Date of incident(s):	(s):	Location of incident(s):	
Brief description of the incident(s) in the words of th	e survivor/compla	inant:	
Name of accused person(s):	Position / Job title of person(s):		
Agency accused person(s) works for:			
Address or location where an accused person(s) wo	rks:		
Agency receiving complaint			
Name of person completing the form:	Name of PSEA Focal Point:		
Agency:	Position / Job title:		
Signature:	Date:		
Referral to Agency of Concern PSEA Focal Point			
Name of agency/name of person (PSEA Focal Point) report forwarded to:			
Name and position of person report forwarded to:			
Date of referral:			
Acknowledgment of receipt			
Name:			
Agency:	Position / Job tit	ile:	
Signature:	Date received:		

## مثال على نموذج إحالة شكوى

	استمارة الإحالة إلى الشكاوى بين الوكالات (الاساءة والاستغلال الجنسي)
	* المعلومات الواردة في هذا النموذج سرية. يجب أن تكون جميع النماذج م
	* مطلوب فقط الحد الأدنى من التفاصيل للإحالة إلى هيئات التحقيق، أو ضد 
صل العرقي/ الجنسية:	
م الهوية:	
	-
	طريقة التواصل المفضلة لدى المشتكى:
صل العرقي/ الجنسية:	اسم الناجي/ة (إن كان غير المشتكي):
م الهوية:	العنوان/ طرق الاتصال:
بنس:	
سنة:	الاسم (الأسماء) وعنوان الوالدين / ولي الأمر، إذا كان الناجي/ة أقل من 18
	طريقة التواصل المفضلة لدى المشتكي:
	هل قام المشتكي بإعطاء الموافقة لاستكمال إجراءات التحويل
	نعم لا أد <i>ري</i>
تاريخ الحادثة/ الحوادث	مكان الحادثة/ الحوادث
	وصف موجز للحادث (الحوادث) باستخدام كلمات الناجي / المشتكي:
م الشخص/ الأشخاص (المتهمين):	
	الوكالة التي يعمل لديها الشخص/ الأشخاص المتهمين:
	العنوان أو الموقع الذي يعمل فيه الشخص (الأشخاص) المتهمون:
	الوكالة المتلقية للشكوى:
م الشخص الذي يكمل الاستمارة:	اسم ضابط ارتباط الحماية من الاساءة والاستغلال الجنسي: اس
عالة:	المنصب/ المسمى الوظيفي:
وقيع:	التاريخ
	الإحالة إلى وكالة الحماية من الاساءة والاستغلال الجنسي المعنية:
يه:	اسم الوكالة/ ضابط ارتباط الحماية من الاساءة والاستغلال الجنسي المحول إله
	اسم ومنصب الشخص المحول إليه:
	تاريخ الإحالة:
	اقرار بالاستلام:
	الاسم:
كالة:	المنصب/ المسمى الوظيفي:
قيع:	تاريخ الاستلام: التو



## ANNEX IX | TEMPLATE FOR INTER-AGENCY ANNUAL REPORT ON SEA COMPLAINTS

Name of Entity:	
Period covered by report:	
Name of person completing form:	
Name of PSEA Focal Person:	
Number of SEA complaints received:	
Number of SEA complaints referred to another entity:	
Total number of SEA complaint investigated:	
	nitigation measures taken to improve provision of protection of refugees and other individuals:
Signed:	

## نموذج للتقرير السنوي بين الوكالات حول شكاوى الاساءة والاستغلال الجنسي:

*	· · · · · · · · · · · · · · · · · · ·
	اسم الوكالة:
	الفترة التي يغطيها التقرير:
	1 m N1 7 s m 17 11 1 m 11 1
	اسم الشخص الذي قام بتعبئة الاستمارة:
	اسم ضابط ارتباط الحماية من الاساءة والاستغلال الجنسي:
	عدد شكاوي الاساءة والاستغلال الجنسي المستلمة:
	عدد شكاوي الاساءة والاستغلال الجنسي المحولة إلى وكالة أخرى:
	العدد الكلي لشكاوي الاساءة والاستغلال الجنسي المحقق بها:
لتحسين تقديم المساعدة الإنسانية والحماية المستقبلية للاجئين وغير هم من	نظرة عامة على اي تدابير للوقاية او التخفيف من المخاطر المتخذة الأفراد:
	توقيع:











































































