



# United Nations and Humanitarian Partners Protection from Sexual Exploitation and Abuse (PSEA) in Humanitarian Action

## Standard Operating Procedures (SOPs) for Recording & Processing Complaints in Afghanistan, June 2020

### 1. Introduction

**Background:** Sexual Exploitation and Abuse (SEA) by Humanitarian Workers directly contradicts the core values of humanitarian action and is a protection failure on the part of the aid and humanitarian community. SEA inflicts harm on those whom humanitarian worker is obligated to protect, as well as jeopardizes the credibility of all assisting agencies. The revelations of the extent of the problem in West Africa in 2002 led to several initiatives by the humanitarian community to address the matter, including the introduction of strict measures of prevention and response as elucidated in the UN

Secretary-General's Special Bulletin: Special Measures for Protection from Sexual Exploitation and Sexual Abuse, (2003) [Secretary-General's Bulletin: Special measures for protection from sexual exploitation and sexual abuse \(ST/SGB/2003/13\)](#), 9 October 2003 which demanded zero tolerance for SEA perpetrators. UN and humanitarian partners personnel, Humanitarian workers everywhere are always expected to uphold the highest standards of personal and professional conduct to protect beneficiaries of assistance.

The PSEA Taskforce in Afghanistan was rapidly reestablished in mid-2019 with UNICEF, with IRC and UNHCR as co-chairs until May 2020, and DRC and UNFPA as Co - chairs until May 2021 to ensure that this critical issue is a central part of coordinated humanitarian action. As part of the measures to protect beneficiaries of assistance and vulnerable populations in affected communities, since its Establishment, the PSEA taskforce continues to work on an inter-agency approach and actions on PSEA. The PSEA Taskforce has an agreed term of reference (**ToR- Annex i**) and Inter-agency workplan. Furthermore, the PSEA Taskforce through its members have committed to Reinforce and establishing and maintaining Community Based Complaints Mechanisms (CBCMs) to provide opportunity for affected populations to raise concerns related to AAP and Sexual exploitation and abuse and seek appropriate support. The SOPs address some of the objectives in the agreed inter-agency workplan and strategies, some aspects of the functioning of the PSEA taskforce and how complaints received through the established CBCMs will be addressed.

### 2. Purpose

- a) Aim to prevent and respond to SEA committed by UN and humanitarian partners personnel by establishing a common response system to ensure coordinated and effective responses to potential SEA cases. More specifically, it aims at facilitating joint efforts in response to protecting beneficiaries of Humanitarian Assistance and those staff delivering Humanitarian Assistance by enhancing collective capacity of agencies and affected populations to prevent and respond to SEA.
- b) The SOP is in no way intended to change or override the existing organization specific internal policies on PSEA. Rather, they are procedures to supplement internal policies and reinforce common action to prevent and respond to SEA on a one humanitarian community basis.

### 3. Scope - This SOP covers and provides clarity on the following areas in the context of Afghanistan:

- a) Key definitions.
- b) Key principles and a standardized method to receiving and forwarding SEA complaints;
- c) Roles and responsibilities of PSEA stakeholders and the PSEA coordinator.
- d) A common procedure for responding to SEA allegations including referrals for (i) survivor/victim assistance provision and (ii) Investigations.
- e) The SOP covers all UN entities and humanitarian partners in Afghanistan and, and their personnel. All agencies in Afghanistan are invited to endorse and implement the SOPs and to act according to its principles.



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#### 4. Definitions

- a) **Sexual Exploitation:** Any actual or attempted abuse of a person in 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:** The actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.
- c) **Prevention of or Protection from Sexual Exploitation and Abuse (PSEA):** Policies, guidelines, procedures, mechanisms and activities to lessen the risk of SEA and mitigate the effects caused by violations.
- d) **Sexual Harassment versus Sexual Exploitation and Abuse:** Sexual exploitation and abuse occurs against a beneficiary or vulnerable member of the community, while sexual harassment occurs when one employee makes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, to another employee, against his or her wishes. It is important to note that sexual harassment is not covered by these SOPs. It is equally prohibited under UN policies. The distinction between the two is important so that agency policies and staff trainings can include specific instruction on the procedures to report each.
- e) **Locations with elevated risk:** Specific locations where (Humanitarian operation) in the region is determined by the PSEA taskforce to have elevated risk due to nature of displacement, living conditions of displaced population coping mechanisms, presence of Humanitarian Workers and local population as well as the type of interactions between them. These locations in general have limited capacity to ensure focused collective action and accountability.
- f) **Victims/survivors:** Anyone who experiences an incident of sexual exploitation and sexual abuse or someone who has experienced an attempt of SEA against him/her.
- g) **Perpetrator:** A person or a (group of persons) who commits an act of SEA or other type of crime or offence.
- h) **Complainant:** Person who brings an allegation of SEA to attention in accordance with established procedures. This person may be a SEA victim or another person who is aware of the wrongdoing.
- i) **Subject of the Complaint (SOC):** Person alleged to have perpetrated the misconduct in the complaint.
- j) **Whistle-blower:** Any UN and humanitarian staff or related personnel who reports concerns of sexual exploitation or abuse. Whistle-blowers may be a type of complainant.
- k) **Whistle-blowing policy** – an organizational policy which encourages staff members to report concerns or suspicions of misconduct by colleagues. The reports may concern people at other organizations and people at other levels in the organization.
- l) **In-the-air allegation** refers to rumors or concerns of sexual exploitation and abuse (SEA) emanating within a setting but not necessarily directly reported by anyone, and where the institutional affiliation of the alleged perpetrator(s) is uncertain or unknown.



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#### 5. Principles

**One humanitarian community:** Building on the [IASC's Six Core Principles Relating to Sexual Exploitation and Abuse](#), the work carried out by the Afghanistan PSEA taskforce under these Standard Operating Procedures (SOPs) premised on the following principles:

- a) **Survivor-centered:** All responses to SEA complaints and allegations will be developed in a manner that balances respect for due process with a survivor-centered approach in which the survivor's wishes, safety, and well-being remain a priority in all matters and procedures. The overarching approach, in line with best practice, will be to let the complainant/survivor oversee their case, letting them decide what they want to do, what information they want to share, who they want to talk to and what help they want. Allowing the complainant/survivor to make decisions about their case empowers them, which is particularly critical in cases involving sexual exploitation and abuse.
- b) **Confidentiality:** Complainants and subjects of a complaint (SOC) both have a right to confidentiality. Access to/sharing of information will be restricted and will create an environment enabling survivors/complainants to submit allegations and receive appropriate assistance without stigmatization.
- c) **Accessibility:** Multiple channels will be made for complainants/survivors and other persons to raise allegations, rumors, and concerns about potential SEA cases. These options will be available to be used by as many people as possible in areas with humanitarian operations, and communities will be informed on how to report SEA.
- d) **Safety:** The safety of the survivor will always be a primary consideration during reporting, investigation, and thereafter. All actions taken under these SOPs will consider potential dangers and risks to all parties, incorporate ways to prevent injury and harm, address potential retaliation to survivors/complainants, and offer a safe space for reporting. It is essential that a risk assessment be conducted for each survivor, and that a security/protection plan be developed if necessary, based on individualized needs.
- e) **Transparency:** Members of the affected community will be educated on how to raise complaints and allegations, may offer input to improve how such complaints and allegations may be raised and handled, and will receive feedback on any complaint or allegation raised. This will be in a format that is accessible to all, regardless of age, literacy, language spoke or disability.
- f) **Accountability:** Community members will be educated about their rights, including their rights to make and withdraw allegations. Complainants/survivors will be kept informed about any next steps related to their case, including investigation and referral to GBV and other required services, and will be provided information on any obligation for service providers to report to the police, to enable them to make informed decisions.

*For the purposes of these Standard Operating Procedures, the term 'humanitarian aid worker' includes all persons involved in providing protection and/or assistance to affected populations and who have a contractual relationship with the participating organization/partners, including Volunteers workers from target communities. It refers to all staff of humanitarian agencies and organizations, including UN agencies, IGOs, NGOs, implementing partners, and relevant CBOs including paid staff, volunteers, contractors, incentive workers, and anyone performing a task on behalf of any humanitarian agency or organization, regardless of the type or duration of their contract.*



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#### 6. Roles and Responsibilities

- a) **UN and humanitarian partners:** Individual UN and humanitarian partners are responsible for SEA investigations and sanctions against personnel found responsible for SEA according to their own policies and procedures. They will participate in the work of the PSEA taskforce under its ToRs, comply fully with these SOPs and support joint PSEA actions as agreed, including support for CBCMs. UN and humanitarian partners are responsible for sharing relevant information with the PSEA taskforce according to these SOPs.
- b) **PSEA Coordinator:** In bringing together key national and international humanitarian actors, the PSEA Coordinator, will support the implementation of the PSEA strategy, Inter-agency PSEA workplan and commitments, and will support strengthened common approaches to prevention and response of SEA including survivor/victim assistance. The cost for this position can be supported by any PSEA taskforce members or through mobilized resources. The PSEA coordinator will serve as bridge between HCT and the PSEA taskforce. He or she will report to the HCT, the PSEA co leads are (Currently UNHCR and IRC), advise HCT and other relevant humanitarian actors on PSEA, and provide technical guidance to the PSEA taskforce.
  - PSEA Coordinator - will be the custodian of the data base of cases and particulars of the perpetrators, once a determination has been made and found to be culpable of SEA offence.
  - PSEA Coordinator - will be responsible in uploading the data in the national database for the reported PSEA cases, whether determination has made or not.
- c) **The PSEA co-chairs:** are responsible for referring specific cases to the entity with an email to the representative or executive director with a copy to the designated PSEA focal point in the concerned entity. All allegation and complaints concerning any UN entity or partners must be duly reported and considered by the entity that receives the allegation, according to its own rules and procedures. The entity is also obliged to inform the PSEA taskforce Co- chairs for accountability and follow up purposes
- d) **Humanitarian/Resident Coordinator's Office:** Supports the PSEA taskforce with secretariat functions, including drafting of agendas, minutes, notes and reports. **Informing the UN leadership in Afghanistan:** The PSEA Coordinator and co-chairs must inform the UNHCT leadership about all SEA cases received through the CBCM and "in-the-air" allegations as well.
- e) **PSEA Focal Points:** The PSEA taskforce in consultation with heads of agencies or country representatives may designate common PSEA Focal Points in locations with elevated risks. The Focal points lead common PSEA activities in these locations and report on progress and on specific cases to the taskforce as required. Agencies are encouraged to nominate their own PSEA Focal points (at least two- male and female) in every field office location.
- f) **PSEA taskforce membership:** all entities (UN and partners) providing humanitarian assistance to the affected population in Afghanistan shall be members of the PSEA system. As part of the commitments on PSEA in humanitarian action, PSEA taskforce members must actively participate in the PSEA activities, monitor and report on progress, mobilize resources for PSEA and support coordination.
- g) **Focal points including trusted community leaders and any other locally agreed upon mechanism.** Local CBCM Teams (**Annex ii**) will be put in place or strengthened the existing mechanism to manage and support local channels and procedures. They will be responsible for receiving allegations, assessing them, documenting cases using an incident report form, and referring victims/survivors for immediate assistance if needed. The CBCM team will



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forward all sensitive complaints such as harassment, exploitation SEA received through the CBCM to the PSEA co-chairs at the national level for further actions as required by these SOPs.

- h) **Concerned Organization:** The final responsibility to address the complaint, and conduct the investigation, lies with the organization that employs the subject of the complaint. This is the organization responsible for investigating allegations of SEA and taking right follow-up action. The organization is also responsible to provide updates to the PSEA taskforce on the status of a referred case, including: when the complaint was received by the agency's investigative unit; when/whether investigation commenced or the complaint was determined an insufficient basis to proceed; when the investigation concluded; the outcome of the investigation; and when/whether the outcome (or any information) was provided to the survivor.

#### **7. Procedures to be followed in making a complaint, including duty of humanitarian workers to report.**

- a) **Complaints from beneficiaries can be received via any Complaint and Feedback Mechanism**, the inter-agency complaints and feedback mechanism. Complaint and Feedback mechanisms may include call centers, SMS platforms, agency-specific or coordinated hotlines, cluster referrals, community focal points, suggestion boxes in camps, women's centers, child-friendly spaces, gender-based violence referral mechanisms, and others. Complaints may be submitted online or through paper, voice message, text message or in-person.
- b) **Humanitarian workers have a duty to report any concern, doubt, or allegation of SEA as per the internal policies and procedures of their agency**, whether the subject of complaint is from the same agency. For United Nations staff, the Secretary-General's Bulletin on SEA (2003) and many agency policies make reporting concerns or suspicions of SEA via "established reporting mechanisms" a mandatory requirement of staff. In line with this mandatory reporting requirement, agency protection for whistle-blowers needs to be robust so that staff are not harmed for fulfilling their duties. All implementing partners are expected to uphold the same requirements. **Survivor assistance service providers especially should be familiar with the CBCM SOPs and complaint:** referral pathways. Survivors who come first to health or mental health and psychosocial (MHPSS) services should be supported by service providers to report through the CBCM where SEA is present. Service providers should therefore be trained on how to recognize SEA, specific needs of SEA survivors, and be equipped to accept referrals from the CBCM and refer survivors to report.
- c) The PSEA taskforce is expected to Support the GBV Sub-Cluster, Child Protection Sub-Cluster, or any other victim service providers to conduct a mapping exercise of available services and gaps for health, safety and security, legal, psychosocial, and material support. The PSEA taskforce works with existing service providers to incorporate "existing GBV referral pathways into the CBCM SOPs to provide immediate support for complainants and survivors of SEA. Existing assistance referral pathways for victim assistance services are to be included in CBCM SOPs where they already exist to avoid creating parallel systems.
- d) The PSEA taskforce will also work with the health Cluster and partners to identify Health Facilities as an entry point to receive allegations of SEA assuming that some cases are reported to health facilities, however other tools such as (hotlines, community centers etc.) will still be used, but people appear when they have access to health care – this is a lure that can help to identify SEA cases. Formally integrating the health structures as channels of the CBCM makes it possible to detect the cases not reported or shared by victims through other channels.

#### **8. Procedures to be followed when receiving a complaint: 5**



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- a) **When a complaint is made through the hotline, it should be recorded using a standard complaint referral form** (Appendix 1- Complaints Protocol), which should be signed and dated by the person receiving the complaint. The person receiving the complaint should immediately refer the case to the concerned organization's PSEA Focal Point (if the organization is clearly identified) OR refer the case to the PSEA taskforce Co-Chairs (if no organization is clearly identified).
- b) When a complaint is **made via another avenue** (e.g. in-person at a protection desk), the complainant/survivor should be referred immediately to the PSEA Focal Point of the relevant organization (if a specific organization is identified) or to the PSEA taskforce Co-Chairs (if no specific organization is identified) to record the case using the standard complaint referral form.
- c) The PSEA Focal Point or PSEA taskforce Co-Chair(s) who receives the case should immediately conduct a **risk assessment for the complaint/survivor**, and develop a security/protection plan if necessary, based on individualized needs. However, the PSEA Focal Point and/or the PSEA Taskforce Co-Chair should not conduct a fact-finding investigation.
- d) The person recording the complaint **must ensure that the individual who makes the complaint is informed of the policy on confidentiality** and obtain consent from the complainant for the information to be made available to others within the Afghanistan PSEA Taskforce, which shall include the call center manager, PSEA Afghanistan Taskforce co-leads, concerned UN agency PSEA focal points, and the head of concerned organization. If the recipient of the complaint is a UN staff, the staff member must inform the complainant/survivor of the UN's mandatory reporting policy and explain who the complaint will be reported to.
- e) The person recording the complaint must **provide immediate advice on available survivor assistance** systems, facilitate the provision of services **within 24 hours**, and provide clear information on any legal reporting requirements for support services, to enable the complainant/survivor to make an informed decision, without waiting for the outcome of the complaint. The Afghanistan PSEA taskforce will work with gender-based violence (GBV) coordination mechanisms to ensure that SEA survivors have access to services. All actions taken must be with the full consent of the survivor.
- f) The person recording the complaint should **identify whether the complainant/survivor consents to be contacted for follow up** and if so how and at what time and day of the week. If possible, an alternative contact channel should be gathered and shared with the PSEA Focal Point of the Concerned Organization or the PSEA taskforce Co-Chairs (where the Concerned Organization is not readily identifiable). The right to say no is paramount.

*In accordance with the United Nations Protocol on Allegations of Sexual Exploitation and Abuse involving Implementing Partners, 27 April 2018.*



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#### 9. Action to be taken on complaints

- a) Each SEA complaint received must be **treated as a matter of the highest priority** by the person recording it.
- b) For all cases where the **subject of the complaint's organizational affiliation is known**:
  - i. The case should be immediately referred to the Concerned Organization through the respective organizations designated PSEA Focal Point, for follow-up within the next 24 hours. If no focal point has been designated for that organization, the case will be referred to the Country Director and/or Human Resources Department;
  - ii. The PSEA Focal Point should **identify whether the complainant/survivor has received assistance** through trusted assistance mechanisms, preferably via pre-established pathways, within 24 hours, and follow-up to resolve any blockages in case assistance has not yet been provided.
- c) For all cases where there is **no clarity regarding the identity of the accused person or their organizational affiliation**, the person who receives the complaint should refer the case immediately to the PSEA taskforce Co-Leads, who will review the case within 24 hours and may **recommend a preliminary inquiry**.
- d) A **detailed record of information gathered via the complaints protocol** should be kept confidentially on file, as it may be used in subsequent disciplinary or legal action. Every effort must be made to ensure the security of such files.

#### Action to be taken on complaints

- e) If required, a preliminary inquiry should **take place within 72 hours** of receiving the complaint and should be tailored according to the nature of the complaint
- f) The **aim of the preliminary inquiry** will be to gather **additional, readily available, information, that may help determine which organization a case should be referred to**. This could include, for example, gathering information on which partners are operational in the area and in which sectors.
- g) **A preliminary inquiry is held only to collect basic missing information** and must not step into the realm of investigation.
- h) The following **steps will be taken during a preliminary inquiry**
  - i. PSEA taskforce Co-Leads will contact 2-3 PSEA Focal Points to participate; and
  - ii. PSEA taskforce Co-Leads will designate a team leader, who is responsible for collecting and sharing findings, **within 72 hours**.
- i) PSEA Focal Points contacted by the PSEA Taskforce Co-Leads to participate in the preliminary inquiry have an **obligation to respond rapidly and cooperate promptly** and, as much as possible, contribute resources and technical expertise to the conduct of the preliminary inquiry and not investigation of the complaint. Everyone involved in the process should adhere strictly to the confidentiality of the complainant. The list of PSEA Focal Points should include alternatives to allow for quick activation of a preliminary inquiry regardless of whether the primary is in country.



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- j) The preliminary inquiry report should be submitted to the PSEA taskforce Co-Leads **within one week**, who may either:
- i. refer it to an individual organization, if enough information is available to do so; OR
  - ii. where no organization can be identified for referral, decide (depending on the sensitivity of the complaint) to share the preliminary inquiry report with the full PSEA Afghanistan taskforce, to discuss the information available and determine whether there is an avenue via which the complaint can be taken forward. In addition, the PSEA taskforce Co-Leads should follow-up with the complainant/survivor to update them on the status of the case as well as to check on the status of services received and whether any further help is required.

**10. Action and updates on complaints received by the relevant organization, including feedback to the survivor.**

- a) The final responsibility to address the complaint, and follow-up the investigation, lies with **the individual organization** that employs the Subject of Complaint (SOC). However, in cases of SEA committed by humanitarian workers engaged by UN **implementing partners**, the UN entity shall have the right to investigate SEA allegations, 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 and corrective action.
- b) Where the organization that employs the Subject of Complaint (SOC) **does not have the capacity** to appropriately follow-up on the complaint, the PSEA taskforce, with support from the HCT, should utilize available resources and expertise to support rapid action by the organization.
- c) Where appropriate and warranted, consideration should be given to conducting **joint investigations** in the interests of information and resource sharing, as well as limiting the number of interviews necessary.
- d) The investigating organization must **notify the complainant/survivors in a safe and timely manner of the status and outcome** of their investigation. Feedback to complainants/survivors is a two-fold responsibility: it is part of the required outcome of agency investigations under international commitments, and it is part of the survivor assistance package. Ideally, feedback should be given in writing to avoid confusion and/or differing interpretations of the feedback.
- e) The PSEA Focal Point for the investigating organization is also obliged to **update the Afghanistan PSEA taskforce** – with due respect for confidentiality of both the complainant/survivor and the subject of the complaint - on the progress of the investigation process taken by the organization, as well as services provided to the survivor/complainant.

**11. Complaints against government, military, and other personnel.**

- a) If the complaint involves staff of **government, military personnel or other personnel**, the relevant entity must be informed of the complaint via newly established mechanisms or a joint strategy meeting should be convened urgently by the PSEA taskforce Co-Leads with at least three members of the taskforce to discuss the complaint and agree on a course of action. Where accusations are made in the context of a Government acting as an implementing partner for a United Nations entity, the relevant provisions apply (*see above under 10. a*).



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**WHEREFORE**, Country representatives /Heads of Agencies of the parties hereof, have on this *date and location* appended their respective signatures to [NUMBER] of copies of the Inter-Agency Procedures for the Prevention of Exploitation and Abuse in the Afghanistan Emergency Program in the English language, one original copy for each signatory agency or Forum.

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**Annexes**

- i. PSEA taskforce Term of Reference (TOR)
- ii. Community Based Complain Mechanism (CBCM) Team Term of Reference (SOPs)
- iii. Protection from Sexual Exploitation and Abuse (PSEA) Complaint Flowchart
- iv. Protection from Sexual Exploitation and Abuse (PSEA) Tracking sheet for cases