
Terms of Reference (TOR) for HCT task force on Protection from Sexual Exploitation and Abuse (PSEA) by UN/NGO/INGO Personnel

Background

1. Further to the Resident Coordinator (RC) /Humanitarian Coordinator (HC) presentation to the UNCT on PSEA on 25th July 2016, it was agreed a Task Force on PSEA was established under the direction of the RC/HC. The HCT Task Force will be the venue for collaboration among humanitarian actors.

Principles

2. The humanitarian community in Afghanistan affirms the Inter-Agency Standing Committee's (IASC) commitment to promote and protect the rights enshrined in international humanitarian, human rights, and refugee law, particularly the Convention on the Child's Rights Convention on the Elimination of all Forms of Discrimination Against Women. Furthermore, the humanitarian community recognizes its responsibility to fulfill its mandates to guard and protect vulnerable persons from sexual exploitation and abuse and address such violations appropriately in their work. In particular, they must ensure that their staff and partners do not abuse their power and influence to exploit and harm others.

Leadership and selection of the co-leadership.

3. The PSEA Task Force will function under the Resident Coordinator (RC) / Humanitarian Coordinator (HC) auspices and report to him/her, who will have ultimate oversight of the task force and consistent delegate control. The global IASC Champion will chair the PSEA Task Force on PSEAH Agency on a (12 monthly) rotational basis.
4. Supported by another co-lead from NGOs, who acts as secretariat (international or National) organization with Sturdy background in protection and Advocacy, engaged in humanitarian work, can assign staff to the PSEA activities, and depending on the scope of responsibility.
5. These leadership roles are made at the HCT level.
6. Since the reestablishment of the PSEA task force in Afghanistan – UNICEF lead the PSEA task force until 31st May 2019, then UNHCR and IRC co lead 1st June 2019 to 30th May 2020; DRC and UNFPA were assigned to take over the PSEA co-leadership position from June 2020 to December 2021.

Membership

7. Network membership is open to all UN agencies, 6 INGOs, Donors, and 6 NGOs operating in Afghanistan. Each agency/organization will be represented in the Task Force by one PSEA Focal Point or an alternate.
8. PSEA focal points: Focal Points coordinate PSEA activities within their agency/organization and participate in the Task Force activities. These include, for example, PSEA capacity building, site monitoring, and the establishment and ongoing maintenance of community-based complaint mechanisms for SEA. All PSEA Focal Points must make decisions on behalf of their agencies in an inter-agency forum.

Responsibilities

9. Senior management within each organization is accountable for PSEA and ensures that organizational processes and procedures supporting PSEA are in place, working effectively, and are monitored and reviewed¹.
10. The Task Force on PSEA will serve as the primary body for coordination and oversight of activities related to protection from sexual exploitation and abuse by international and national personnel of the UN and NGOs.
11. The Task Force is **NOT** responsible for investigation or adjudication of complaints or dealing directly with complainants. These functions rest exclusively with individual entities.

Major tasks

1. Management and Coordination

- Ensure a dedicated PSEA Focal Point committed from each agency/organization/Donor.
- Hold regular meetings of the PSEA Network (quarterly), and ad hoc meetings may be called necessary.
- Develop an effective PSEA action plan to be implemented by all actors engaged in the humanitarian response.
- Share information on achievements, best practices, and effective mechanisms in addressing SEA and recommend relevant entities for action. Develop plans for monitoring the implementation of recommended activities.
- Present progress report to the HCT every quarter and as per the agreed priorities.

¹ *Secretary-General's Bulletin*, as above n.1.

- Submit a quarterly report to the RC/HCT on reported incidents of SEA and the subsequent action(s) taken.
- A review of the task force will take place six months after its installation.
- Contribute to the Secretary-General's RC/HC annual report on Special Measures for Protection from Sexual Exploitation and Sexual Abuse.

2. Prevention & Protection

- Advocating for the rights, protection, and well-being of people, particularly women and children and the needs of adolescents, for the prevention of and responding to sexual exploitation and abuse is a priority throughout humanitarian programming.
- Engage in outreach with non-member, non-observer organizations as part of ongoing activities.
- Conduct ongoing discussions with affected communities to assess their knowledge of PSEA.
- Map and support existing mechanisms on Accountability to Affected Populations (AAP).
- Collaborating on awareness-raising for the community on their rights, the standards of conduct expected of personnel of the UN and NGOs, and the various contacts and entry points where they can lodge complaints/discuss incidents.
- Support regular training of all humanitarian workers on PSEA and complaint procedures. At a minimum, all organizations in Afghanistan should be aware of the PSEA complaint referral system and receive complaints against their staff, regardless of their relationship to the Task Force.

3. Response systems

- Support from partners and task force - Operationalize the existing Standard Operating Procedures for processing and recording sexual exploitation and abuse (SEA) complaints.
- Understand where to refer concerns, when received, are received by an entity implicating personnel of another entity, personnel of multiple entities, or personnel, whose entity is uncertain or unknown, including providing feedback to affected survivors.
- Harmonize procedures for personnel to report sexual exploitation and abuse incidents and for such reports to be appropriately referred for investigation and assistance provided to the victims.
- Establish and coordinate the implementation of a survivor assistance mechanism in collaboration with UNFPA/GBV partners for health assistance, Child Protection sub-cluster, and UNHCR/Protection cluster on legal aids and the safe house where it is needed.