

STANDARD OPERATING PROCEDURE (SOPS) FOR INFORMATION SHARING AND PROCESSING OF ALLEGATIONS OF SEXUAL EXPLOITATION AND ABUSE; AND COMPLAINTS RECEIVED VIA “HOTLINES” OPERATIONAL IN UKRAINE AND THAT ARE PART OF THE CBCM INITIATIVE IN UKRAINE

MAIN OBJECTIVES

This document aims at **ensuring timely and effective response** to allegations of possible incidents of sexual exploitation and/or abuse (hereinafter referred as SEA) committed by the United Nations (UN) or associated with the UN personnel. Response is to be ensured through establishment of the Community Based Complaint Mechanism (hereinafter referred as CBCM). It includes **the reporting channels, i.e. hotlines** operational in Ukraine that become the members of the PSEA Task Force (TF), as well established system of **the PSEA focal points network**.

PURPOSE

This information sharing protocol applies to UN agencies present in Ukraine and their partners. Its objective is **to guide and describe procedures for sharing anonymous SEA data** and allegations and/or complaints by using the PSEA focal points and the hotlines that are part of the CBCM mechanism in Ukraine.

This SoP shall **facilitate processing of SEA allegations and streamline the survivor-centric approach**. All data received through the established channels shall be treated with the utmost confidentiality.

By applying this SoP all the parties recognize that sharing and receiving data on suspected and/or reported cases of SEA will contribute towards **improved accountability to the affected population principle and the global commitment of zero tolerance policy against sexual exploitation and abuse**. Established reporting mechanism shall track actions taken by an Agency involved in handling a case and putting an end to an alleged misconduct of humanitarian or development workers in Ukraine.

Information sharing between members of the PSEA TF Network (at national and local levels) and its partners (whilst ensuring dignity and safety of SEA victim/survivor¹) is observed and when other types of requests are received on SEA data via hotlines the confidentiality clause applies by default.

This standard operating procedure **is not to be used to manage cases or conduct investigation** which is the subject matter of the implementing Agency or of the UN Agency contracting the implementing partner in question. It is to be noted that **this SOP by no means override the Agency specific procedures of handling the allegations or conducting investigations** that are to be facilitated in line with and within the timeframes stipulated by the internal policy/procedure.

¹ Both terms – victim and survivor - are used interchangeably throughout the document.

GLOBAL COMMITMENTS AND KEY PRINCIPLE

The **UN Secretary General's Bulletin on special measures for protection from sexual exploitation and sexual abuse (2003)** 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. UN organizations apply the 2003 bulletin and, in some cases, have used it as a foundation for the development of agency-specific policies. Hence, PSEA is a collective responsibility of the UN and NGOs under a common policy and common set of guidelines.

CONFIDENTIALITY:

The confidentiality of complainants, whistle blowers, survivors, witnesses and other relevant parties **must be respected at all times.**

All SEA-related information must be kept confidential. Identities must be protected. Personal information on survivors should be collected and shared only with their informed consent. Where physical records are kept, documents must be stored safely to prevent accidental disclosures. All complainants must be made aware of confidentiality procedures and should give their explicit informed consent to proceed with recording the complaint. Obtaining consent of a whistleblower may not be required if his/her agency has a mandatory reporting policy for knowledge or suspicions of staff's misconduct. Where the survivor gives such consent, only pertinent and relevant information shall be shared with others for the purpose of helping the survivor, such as referring for services, or for investigation. Every participating agency/organization shall adhere to its Data Protection Principles in the event that it collects, receives, uses, transfers, or stores any personal data of a complaint. All UN staff, as well as many NGO and IO staff, are bound by strict confidentiality which in some cases shall continue beyond the end of their employment.

SCOPE OF APPLICATION

This document sets out the process of receiving, recording, sharing and referring information that is allegedly related to SEA incident ensuring proper response and reporting. Current SOPs cover two reporting channels for the affected populations, namely, (1) **Hotlines operational in Ukraine that are a part of the Community Based Complaint Mechanism Initiative** and (2) **information received through the PSEA TF focal points network and via email**. This document provides a **supplementary mechanism** to ensure that recorded SEA allegation/complaint received through the aforementioned channels is properly addressed and referred to the respective UN Agency and/or implementing Partner organization allegedly involved in violation for its follow up, including assistance to the survivor and investigation and further reporting on the outcome.

N.B. The current SoP does not cover the SEA allegations received directly by the specific UN entity or the Partner Agency and is to be treated according to the Agency specific SEA procedures and policies.

ROLES AND RESPONSIBILITIES

Under the PSEA Task Force an **Inter-Agency Community Based Complaint Mechanism Team** is established. It is a quorum of four Agencies/entities: UN OCHA, UNFPA, UNHCR and Protection Cluster focal points. One person per the above entity is to be appointed by the Chair of the PSEA TF. There might be an arrangement of having a back stopper should the circumstances change, and the person is not in the position to perform his/her duties as the CBCM team member or is directly involved in the wrongdoing. Such access is terminated immediately following the relevant staff member's departure from the organization or from the country operation. Every member of the CBCM Team commits to exercise utmost confidentiality and adhere to the application of the current SoP to the full.

For the purposes of confidentiality, a **separate mailbox** seareferral@un.org (SEA dedicated mailbox) is set up. It will serve as the entry point for receiving allegations from the specified channels, within the **Community Based Complaint Mechanism in Ukraine** that is to be **established**.

Thus, all the cases received at the SEA dedicated mailbox will be treated with utmost confidentiality and as per the set procedures stipulated below.

Non-disclosure and confidentiality clauses are binding principles that the **hotline agrees to perse by becoming a member of the CBCM Initiative**.

PROCEDURES

1. Receiving and recording allegations/complaints by the Hotline operators

If the Hotline operator receives the information which is perceived as SEA allegation or complaint, he/she fills in the *SEA complaints form* (Annex 1) according to the respective *Guide for Hotline Managers Filling SEA Complaints*, which is a part of the form. The completed form is sent to the CBCM team to seareferral@un.org for review.

2. Notification of the Management of the Agency in question (within 24 hours)

Once the CBCM team received and confirms receipt of the allegation that relates to probable case of SEA, the Team sends a confidential email to the management of the Agency, the staff member of which has been suspected of involvement in a SEA incident. The team ensures that the email was well-received by asking to confirm the email receipt.

N.B. The CBCM team also informs the Agency's management that the UN Resident Coordinator/Humanitarian Coordinator (UN RC/HC) has been notified about such a complaint and that the Agency in question must report back to the CBCM team, once the fact finding mission is over and to claim what are the outcomes of investigation and the actions taken towards the staff member in question by sending the outcome to seareferral@un.org immediately once there was a resolution to the case related to possible wrongdoing. All information from the mechanism shall be regularly reported to the RC/HC.

3. Notification to the UN RC/HC Resident Coordinator (within 48 hours)

At the same time a standard notification email goes to the PSEA TF co-chairs and the UN Resident Coordinator/Humanitarian Coordinator in Ukraine with no details of the case. Quarterly reporting on the outcomes of cases detected is to be ensured at national level for the cases received through the CBCM mechanism in Ukraine.

4. Sophisticated cases related to SEA received via CBCM

If any of the below apply to the allegation received, the CBCM team has the right to extend the time for data vetting and referral path establishment by allocating up to 72 hours.

- It is unknown, which UN or Partner Agency may be responsible for the alleged violation.
- There are several agencies working in the area, which could be involved.
- The complaint form following internal checks is returned to the Team by the UN Agency as related to a different Agency.

N.B. In case an alleged perpetrator is the Head of the Agency, then the allegation is to be referred to an officer or a section dealing with SEA in the HQ of the Agency in question or the UN affiliated entity HQ for further actions and investigation. Additional outcome reporting to the CBCM team is not expected in this case.

5. Reporting and monitoring

Once a case is referred to the relevant agency, the Agency is obliged to notify the CBCM team of the outcomes of the allegation. Thus, on quarterly or ad-hoc basis the Team will report back to the RC/HC and the PSEA TF Co-chairs for accountability and monitoring purposes.

The investigating Agency provides relevant assistance (referral to the services available) and feedback to the survivor if required. Additionally, the Agency in question is to notify the survivor on the outcomes of the investigation/case.

**FLOWCHART OF MANAGEMENT OF SEA COMPLAINTS THROUGH CBCM IN UKRAINE
POLICY AND STRATEGIS LEVEL**

