

INTER-AGENCY STANDING COMMITTEE

IASC DEPUTIES GROUP FACE-TO-FACE MEETING

**Background Note: Terms of Reference
Expert Panel on SEA and Sexual Harassment Investigations**

Prepared by : IASC Secretariat, UNFPA and OIOS

Geneva, 16 September 2022

Terms of Reference

Expert Panel on standards for Sexual Exploitation and Abuse and Sexual Harassment (SEAH) Investigations to meet a Victim/Survivor Centred Approach

‘The IASC upholds a policy of zero tolerance of SEA and sexual harassment. The IASC recognizes that PSEAH activities and investment may not lead to zero cases of SEA and sexual harassment, but IASC members will demonstrate zero tolerance of inaction on PSEAH. The IASC will always exhibit respect for victims/survivors, complainants, and whistle-blowers’. The IASC Vision and Strategy: PSEAH 2022-26

Background and Purpose

In May 2022, the IASC endorsed a five-year Vision and Strategy on protection from sexual exploitation and abuse and sexual harassment (PSEAH)¹. Building upon the recommendations of the 2021 External IASC PSEAH Review²the Strategy sets out three prioritized strategic commitments, including a commitment to enhance accountability through victim-centred and trauma informed investigations.

Based on an IASC-agreed definition of a victim centred approach (VCA) and learning from the experience of conducting SEA and sexual harassment investigations over the last decade, the IASC is committed to ensure enhanced capacity, harmonization of standards and collective accountability.

To this end the IASC will mandate research and consultation, to be led by a senior Panel which will consider whether the current standards governing investigations meet the principles underpinning the IASC VCA. While the Panel will be independently led, membership of the Panel will be drawn from investigatory services and IASC management.

¹ https://psea.interagencystandingcommittee.org/sites/default/files/2022-05/IASC%20Vision%20and%20Strategy_Protection%20from%20sexual%20exploitation%20and%20abuse%20and%20sexual%20harassment%20%28PSEAH%29%202022%E2%88%922026.pdf

² <https://psea.interagencystandingcommittee.org/resources/2021-iasc-external-review-pseash>

The Panel will draw on the ongoing work of the United Nations Chief Executive Board Task Force on Addressing Sexual Harassment in the Organisations of the UN System (the CEB Taskforce), the strategic expertise of representatives of IASC investigation services, and other relevant fora such as the Joint Inspection Unit of the United Nations System (JIU).

Recognizing that IASC members have different legal frameworks and without prejudice to the operational independence of IASC member investigation functions, the panel will be convened to determine how to (i) retain the independence of SEA and sexual harassment investigations while (ii) reaffirming the responsibility of leadership to ensure the effectiveness of organizations' SEA investigations. The Panel will seek to recommend new harmonized standards and KPIs for SEA and sexual harassment investigations by IASC members

The Review will include consideration of modalities including:

- pooled or joint investigation mechanisms
- how duplication can be avoided, and investigation approaches harmonized, including evidentiary - standards, and key performance indicators (KPIs) can be agreed,
- efficiency and cost effectiveness and recommend appropriate operational models.

Proposals will be informed by analysis of investigations conducted over the past decades, trends, number of cases and discussion of perceived obstacles based on anonymized and non-confidential information provided by IASC members.

Once informed by the findings and recommendations of the Panel, IASC leadership will consider adjustments to the parameters governing investigations. Indicators of success would include the IASC agreeing an approach that would result in:

- adherence to the agreed IASC VCA with agreement on how this can be evidenced;
- an acceptable time frame to complete investigations;
- the rapid deployment of appropriately trained and qualified investigators;
- harmonisation of investigation procedures;
- increased trust from victims, communities, staff, and partners through transparent measurement and disclosure of progress against agreed KPIs

Composition and Process

1. The Panel will be convened by the IASC Deputies and will advise them of the appropriate management standards to ensure that SEAH investigations are effective, efficient and victim centred. The primary audience for the Panel's report will be the IASC Principals. Some IASC members may wish to request their Governing Boards to mandate this process of research and consultation.
2. The Panel will be supported by an Advisory Group made up of representatives of the Deputies Group comprising both IASC full members and standing invitees.
3. The Panel will be composed of a Chair who will be external to the IASC and to the member agencies and two senior analysts. The analysts will provide a combination of senior investigative and management oversight experience. These senior analysts may be external to the IASC and/or IASC members may nominate secondees to the process. Any proposals will be formally considered by the Advisory Group.

4. The Panel will meet regularly with the Advisory Group to discuss progress and determine how to overcome any barriers encountered.
5. The Panel will provide a draft report for consideration by the Advisory Group before a final report is provided to the IASC Principals.

Approach

The Panel should:

6. Consider the limitations currently posed by different contexts and the resourcing constraints of some IASC member agencies.
7. Conduct its work based on a rigorous analysis of credible shared evidence.
8. Build upon the work conducted under the investigations workstream of the CEB Taskforce on Sexual Harassment.
9. Engage and consult widely with relevant constituencies at national, regional, and global levels. There should be a strong emphasis on understanding the experience of investigations being conducted at country level.

Tasks

Once composed, the Panel will:

10. Propose an approach to data gathering and triangulation to the Advisory Group within six weeks of beginning work which may include:
 - a. Document Review including a quantitative analysis of past cases and obstacles encountered for past investigations.
 - b. Stakeholder Analysis - including a determination on the most appropriate mechanism for consultation with victims
 - c. Semi Structured Interviews including with representatives of IASC member agencies; executive management and leadership, investigation offices and their governing bodies, regional and country level offices, international and national partners, affected communities, victims and survivors.
 - d. Country level visit(s)
 - e. The proposed methodology will include a proposal on how data will be stored and triangulated and how confidentiality will be ensured.
 - f. A proposal for how the report can be supported by analysis of investigations conducted over the past decade, trends, numbers of cases, and discussion of perceived obstacles.
11. Conduct a consultation and analysis process in accordance with the data gathering and triangulation approach agreed with the Advisory Group.
12. Provide a draft report for consideration by the Advisory Group, which includes recommendations on appropriate operational models, considering how joint or pooled investigation mechanisms could function, and how national investigative capacity can best be supported.
13. Provide a final report and recommendations to the IASC Principals. The report should include recommendations on:
 - Fostering and maintaining trust of victims, communities, and partners
 - KPIs/standards to measure progress against agreed IASC VCA principles

- Hastening the deployment of appropriately trained and qualified investigators; reducing duplication of investigations;
- Ensuring the application of a consistent victim centred approach with a focus on building trust from victims, communities, staff, and partners.
- Agreed KPIS/standards for the transparent measurement and disclosure of progress

Timeline

The 2022 IASC Strategy includes a target that by Q1 2023 IASC leadership is presented with the Panel report and any recommendations for change. This is now not feasible, and the revised timeline is to: convene the Panel by Q4 2022 and delivery of the Panel's report by Q4 2023.