

Term of Reference (ToR) Protection from Sexual Exploitation and Abuse (PSEA) Focal Point

Description

The PSEA Focal Point is a staff member (from either a UN, NGO, CSO, or a partner entity) who is tasked with implementing PSEA in direct coordination with their Country Representative/Country Director/Head of Office. This includes both internal as well as external responsibilities (i.e., as an active member of the Afghanistan PSEA Network¹). The nomination of a PSEA Focal Point does not relieve the Country Representative/Country Director/Head of Office of their ultimate responsibility for PSEA within their own organisation, especially as the PSEA Focal Point role is meant to support senior management and is not necessarily a full-time position. Therefore, to respect the need to balance the staff member's regular duties with their engagement on PSEA, the below responsibilities should be reflected in their job evaluations. Moreover, to ensure the PSEA Focal Point is allowed enough time to focus on PSEA duties, and that activities are still covered during R&R, all PSEA Network members are asked to designate two Focal Points (taking gender balance into consideration). The responsibilities outlined in this TOR will then be divided between the two Focal Points, whereby the Country Representative/Country Director/Head of Office and the PSEA Focal Points are mutually responsible for keeping each other up to date. It is therefore important that the PSEA Focal Points can commit to the role for the minimum of one year (to avoid loss of institutional memory) and prepare a briefing for their replacement when exiting. Although the PSEA Focal Points must be able to identify links between SEA and other forms of misconduct, the role of the PSEA Focal Point is limited to PSEA (whereby they are not responsible for implementing activities outside this mandate).

NB. The PSEA Focal Point does not have an investigative role as a member of the Afghanistan PSEA Network².

Responsibilities

Under the four pillars as the Afghanistan PSEA Network³, and in line with Global Standards, the PSEA Focal Point will be responsible for undertaking the following:

Management and Coordination

- Raise awareness of the Focal Point role and their own contact details (internally and externally).
- Represent their own entity in monthly network meetings; actively participate in fulfilling the inter-agency Work Plan; and report to their senior management on Network progress and lessons learned.
- Promote adherence to inter-agency accountability mechanisms and reporting requirements.
- Assist the Country Representative/Director/Head of Office/ to meet their PSEA responsibilities⁴.
- Share regular updates of anonymised, aggregate SEA data with the PSEA Coordinator⁵.
- Track all PSEA-related activities, ensuring that all information is shared with the PSEA Network.
- If applicable, coordinate with field offices to share lessons learned to mutually benefit from training opportunities and to harmonise PSEA implementation throughout the entity.

Prevention

- Develop and monitor an internal PSEA action plan, which should be closely linked with the inter-agency Afghanistan PSEA Network annual Work Plan and Strategy.
- Lead capacity building on PSEA, including code of conduct, reporting procedures, and risk mitigation.

¹ See Afghanistan PSEA Network ToR, available here.

² PSEA Focal Points from entities without a separate HQ investigation unit (i.e., some NGOs and most CSOs) may also have an internal SEA investigation role (if trained and qualified as an investigator). In such a scenario, the Focal Point must remove themselves from an investigation if he/she provides victim support; or otherwise compromises his/her impartiality; or fosters an impression of conflict of interest.

³ In line with the IASC Minimum Operating Standards on PSEA, the Afghanistan PSEA Network is responsible for undertaking the following tasks: (i) management and coordination; (ii) prevention; (iii) response; and (iv) engagement with affected populations.

⁴ In 2021, the Office of the Special Coordinator on Sexual Exploitation and Abuse (OSCSEA) instated a system-wide guidance on mandatory procedures for all UN entities on sharing information on SEA allegations with the most senior UN official in the country. See Interoffice Memorandum/Guidance Note and mandatory Reporting Form, available here. This also includes partners of the UN.

⁵ Information sharing on anonymised SEA complaints within the Network will be done in line with the endorsed Information Sharing Protocol (ISP) of the Afghanistan PSEA Network Standard Operating Procedures (SOPs), available here.

- Collaborating with Human Resources to ensure all new hires receive induction on PSEA and sign a Code of Conduct that clearly prohibits SEA and obliges reporting.
- Collect and analyse information on SEA risk factors (via internal programming) and country-wide trends (via the Network) to make recommendations to senior management on prevention strategies.
- Support internal programme managers to budget for and implement PSEA activities.
- Ensure senior management are aware of the UN Protocol on Allegations of Sexual Exploitation and Abuse involving implementing partners, oversee accompanying implementing partner assessment (including data sharing), and support capacity building, as needed.

Response

- Act as a possible entry point for receiving SEA allegations.
- Report and, where relevant, refer allegations to assistance in line with GBV and CP referral pathways.
- Limit sharing of sensitive information to a “need to know” basis following data protection principles (including the PSEA Network’s Information Sharing Protocol) and taking a victim-centred approach.
- In coordination with the Monitoring Evaluation Accountability and Learning (MEAL) team and/or Accountability to Affected Population (AAP) Focal Point, support programme managers to strengthen/establish safe, accessible, and contextually appropriate channels to receive sensitive allegations.
- If applicable, support the Country Representative/Country Director/Head of Office to monitor progress of complaints according to internal procedures and in line with the PSEA Network Standard Operating Procedures (SOPs)⁶.

Engagement with affected communities⁷:

- Work with the PSEA Network to establish an inter-agency Community-Based Complaint Mechanism, incorporating the entity’s existing complaint and feedback mechanism (CFM).
- Disseminate awareness-raising tools⁸ and facilitate events for community members with emphasis on their rights; what SEA reporting obligations are; and options for victim assistance and support.
- In coordination with the Community Voices Platform for Afghanistan, learn community preferences in reporting sensitive information; their perspectives of aid workers’ attitudes and behaviour; their feedback on the effectiveness of SEA reporting channels/processes and accessibility of assistance services; and their input on how to speak about sexual issues in a culturally appropriate manner.

Required Qualifications and Experience

The PSEA Focal Point should be a staff member of their organisation/agency/entity with easy access to senior management and should be sufficiently senior level within the management structure to ensure this. Once appointed, the PSEA Focal Point will be requested to participate in the network-led PSEA Focal Point Training of Trainers (either online or in-person) as well as other capacity building initiatives.

When selecting a PSEA Focal Points, the following should be given due attention:

- Sufficient decision-making authority to initiate institutional change and can speak on behalf of their organisation/agency/entity in inter-agency meetings and events.
- Direct access to the Country Representative/Country Director/Head of Office.
- Knowledge of the local context and country norms related to sex and gender.
- Understanding of institutional approach on PSEA and related strategies, policies, rules, and regulations.
- Compatibility of the PSEA Focal Point function with his/her assigned position and workload.

In addition, background in protection; familiarity with data protection and confidentiality measures; experience working with local communities; and knowledge of a local language would be considered strong advantages.

Note: Technical PSEA background is not a prerequisite for taking on the role as the Afghanistan PSEA Network will ensure that all nominated Focal Points are trained on PSEA preparedness and response.

⁶ See Afghanistan PSEA Network Standard Operating Procedures (SOPs) for Inter-Agency Intake, Reporting, and Feedback of SEA cases.

⁷ All PSEA engagements with the local population should be done in coordination with actors working with affected populations to avoid duplication of efforts and to inform said engagements.

⁸ See Afghanistan PSEA Network IEC materials.