

## Term of Reference (ToR)

### Afghanistan Protection from Sexual Exploitation and Abuse (PSEA) Network

#### Background

An Inter-Agency PSEA Task Force was set up in Afghanistan in 2016 under the leadership of the IASC PSEAH Champion, focusing on PSEA preparedness and response activities for the UN and a handful of partners. However, ever since the Taliban De facto Authorities' takeover in 2021, the humanitarian and development landscape in Afghanistan has changed drastically, whereby the country is facing an unprecedented humanitarian crisis (linked to protection risks, especially for women and children; drought; climate change; and economic collapse). Moreover, gender discrimination (tied to traditional gender norms and patriarchal culture) increases women and girls' intersectional vulnerabilities within society and decreases their capacity to recover from shock and hardship. This, all combined, has resulted in a rapid scale-up of response needs throughout the country with the augmented risk of sexual exploitation and abuse (SEA) taking place. In view of this evolving context, it has been decided to transform the existing PSEA Task Force into a PSEA Network in 2023. This is being done with the aim of expanding network membership to fully include NGOs and CSOs; introducing a strategic oversight body; deploying a full-time PSEA Coordinator; formalising ad-hoc working groups; and considering options for full operationalisation of the PSEA Network at sub-national levels to reach at-risk groups more effectively. Thus, to support this process, a PSEA Strategy and Work Plan (to include coordinated activities for the UN, NGOs, and CSOs) will be adopted.

#### Objective

Under the leadership of the Resident/Humanitarian Coordinator (RC/HC) and overseen by the UN Country Team (UNCT) and the Humanitarian Country Team (HCT), the Afghanistan Protection from Sexual Exploitation and Abuse (PSEA) Network (hereinafter called PSEA Network, or the Network) is the primary body for technical-level PSEA coordination in Afghanistan with full oversight of inter-agency PSEA activities<sup>1</sup> (i.e., in line with the country-level Work Plan and Strategy). As such, the PSEA Network covers the whole of the country and is responsible for implementing coordinated preparedness and response activities between its members to minimise SEA risk; ensure effective response when SEA incidents arise; and raise awareness and capacity around PSEA<sup>2</sup>. This is in line with the Secretary-General's Bulletin ST/SGB/2003/13, dated 9 October 2003, on "Special measures for protection from sexual exploitation and sexual abuse", as well as the Secretary-General's Report A/71/818, dated 28 February 2017, on "Special measures for protection from sexual exploitation and abuse: a new approach", whereby the PSEA Network commits to follow a victim-centred, inclusive, and gender/age sensitive approach to its work, in line with the IASC guiding principles of safety, confidentiality, respect, and non-discrimination.

#### Membership

PSEA Network membership in Afghanistan is open to all UN agencies, NGOs (international and national), as well as CSOs operating in the humanitarian, development, and/or IDP contexts in the country. However, it is a prerequisite that all members should either (a) have a PSEA policy and SEA complaint handling and response mechanism in place, or (b) commit to developing internal SEA preparedness and response procedures. Moreover, each member entity must be represented in the Network by one PSEA Focal Point<sup>3</sup> and (preferably) an alternate. The PSEA Focal Points will coordinate the implementation of PSEA activities within their own entity and participate in network activities, including, but not limited to, training, information campaigns, community engagement, risk assessments, field monitoring visit, and the establishment of community-based complaint mechanisms (CBCMs). All Focal Points must therefore be able to make PSEA decisions on behalf of their entity in an inter-agency forum. Membership to the Network is also open to Clusters as well as other cross-sectoral working groups (such as accountability, gender, youth, and disability inclusion areas of responsibilities), who are all strongly encouraged to attend PSEA Network meetings and events to improve two-way coordination<sup>4</sup>.

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<sup>1</sup> The presence of the PSEA Network does not lessen the responsibility of individual network members to develop, implement, and strengthen an internal PSEA programme. Senior management within each member organisation is accountable for PSEA within their entity.

<sup>2</sup> The PSEA Network is not responsible for investigating or adjudicating complaints in Afghanistan. These functions rest exclusively with the entity that employs the individual against whom a complaint has been alleged, in line with internal policy and procedure.

<sup>3</sup> See Afghanistan PSEA Network Focal Point ToR, available here.

<sup>4</sup> It is particularly important that the PSEA Coordinator/Co-chairs and the Gender-Based Violence (GBV) and the Child Protection (CP) Sub-Cluster Coordinators participate in each other's meetings, and actively engage, to ensure close linkages between PSEA, GBV, and CP interventions, referral pathways, and victim support in Afghanistan, more information available here.

Upon request, participation as an ‘observer’ in PSEA Network meetings and events will be open to donors and (implementing) partners, i.e., both in-country as well as abroad. Their observer status may transition into full membership, including voting privileges, by committing to developing internal procedures for complaints handling of SEA incidents and by nominating dedicated PSEA Focal Points. However, at a minimum, all participants in the PSEA Network must be aware of the endorsed inter-agency Afghanistan PSEA Network Standard Operating Procedures (SOPs)<sup>5</sup> and be able to receive/refer inter-agency SEA incidents in a victim-centred, intersectional, gender responsive, age sensitive, and safe manner (regardless of their relationship to the Network/membership status). To ensure this, the PSEA Network will consistently engage observers and non-members as part of its outreach and capacity building activities. This will, amongst others, include technical support to and continuous advocacy for the establishment of internal complaint handling systems and the roll-out of a Code of Conduct (that clearly prohibits SEA and obliges reporting) within all entities, national and international, operating in Afghanistan.

## Roles & Structure

The Afghanistan PSEA Network will ensure strong linkages, engagement, and involvement of senior management, technical specialists, focal points, and other PSEA and CBCM stakeholders within the humanitarian, development, and IDP context in Afghanistan. This will ensure coordinated PSEA preparedness and response activities, whereby the below overview provides an outline of the Network structure, function/roles, and information flow.

- The Resident and Humanitarian Coordinator (RC/HC): The RC/HC bears the final responsibility for ensuring a functioning PSEA Programme in Afghanistan; leads the UNCT and HCT in overseeing said PSEA Programme; and is actively advised by the Inter-Agency PSEA Coordinator on the issue. This also includes overall accountability for (i) ensuring UNCT and HCT endorsement of a collective PSEA Network Strategy and Work Plan; (ii) safeguarding the coordination of inter-agency referrals<sup>6</sup>; (iii) reporting regularly to Office of the Special Coordinator on improving the UN response to sexual exploitation and abuse (OSCSEA) on PSEA in-country actions; and (iv) including PSEA as a frequent agenda item in senior-level meetings, as and when requested by senior management and PSEA Network Co-chairs/Coordinator.
- UN Country Team (UNCT) and Humanitarian Country Team (HCT): Both the UNCT and the HCT are accountable for ensuring that organisational processes and procedures that support PSEA are in place, work effectively, and are monitored/reviewed regularly. This should be ensured in line with the IASC Minimum Operating Standards, whereby UNCT and HCT members have a responsibility to ensure that their staff fully adhere to PSEA procedures and inter-agency reporting mechanism; support in-country PSEA policies; and understand disciplinary measures for any misconduct. Heads of Agencies must also appoint PSEA Focal Points, with clear responsibilities incorporated into their ToRs and performance evaluations, to represent their entity in the PSEA Network. Both HR and programmatic sides should be engaged on PSEA, and - where applicable - field level Focal Point(s) should be appointed as well.
- PSEA Strategic Advisory Group (SAG): The SAG was established in 2023 by the UNCT and HCT to provide strategic direction, advocacy support, and operational backing to the PSEA Network. It has been decided that the SAG will be composed of four UN agencies, two INGOs, ACBAR<sup>7</sup>, and one NNGO/CSO. The SAG will convene quarterly and be chaired by the RC/HC with the support of the PSEA Coordinator (who is also the secretariat of the group). The Co-chairs (i.e., UNFPA and IMC) will be standing members of the SAG. Due to the strategic nature of the group’s role, it is recommended that nominated SAG members and their alternates will hold the most senior managerial roles within their organisation.

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<sup>5</sup> The Afghanistan PSEA Network Standard Operating Procedures (SOPs) define recommended inter-agency steps and measures to be taken when there is suspected, or alleged, SEA committed by staff and/or implementing partners in Afghanistan, available here. The SOPs are not intended to change nor to override existing agency-specific guidelines on PSEA. Instead, the procedures are meant to reinforce common actions for all Afghanistan PSEA Network members for when reports need to be referred beyond one individual entity.

<sup>6</sup> It should be noted that the RC/HC is not responsible for reporting on numbers of SEA complaints received in-country. For one, this would duplicate HQ-level case reporting, as UN agencies are individually responsible for quarterly reporting of SEA cases to the Secretary General (the data on which is collected by the OSCSEA). For another, given the systematic underreporting of SEA, it is not recommended to assess the success of a collective PSEA Programme based on SEA case numbers. Rather, RC/HC reporting should be focusing on actions taken in-country by UN, NGOs, CSOs, and other partners to prevent and respond to SEA, including in the IASC priority areas.

<sup>7</sup> Agency Coordinating Body for Afghan Relief & development (ACBAR) is a national, independent, non-government organisation that provides a platform for information-sharing and networking for national and international NGOs in Afghanistan, more information available here.

- PSEA Network: The Afghanistan PSEA Network (formerly referred to as “Task Force”) encompasses one national level network for the whole of the country (with the expansion of sub-national/regional networks currently under consideration and planning). The PSEA Network structure represents the inter-agency technical body that implements the PSEA in-country programme and is the primary forum for PSEA coordination in Afghanistan. The PSEA Network comprises focal points from UNCT and HCT; NGOs; CSOs; technical specialists, partners, and ‘observers’. The PSEA Network is guided by a common Strategy and Work Plan, which member organisations are jointly accountable for implementing.
- PSEA Network Co-chairs: The role of PSEA Network Co-chairs have been taken on by the International Medical Corps (IMC) and the United Nations Population Fund (UNFPA) in Afghanistan, closely supported by the UN Resident Coordinator’s Office (UN RCO)<sup>8</sup>. While the organisations seated as co-chairs may change<sup>9</sup>, the role itself remains permanent to provide sustainable leadership to the PSEA Network. The Co-chair representatives are requested to take on an active role in convening and managing network meetings/events and help oversee the PSEA Work Plan. At the senior level, the Co-chairs will support the PSEA Coordinator in ensuring that PSEA is addressed at UNCT and HCT level.
- PSEA Coordinator: In close coordination with the Network Co-chairs, the PSEA Coordinator<sup>10</sup> acts as the main entry point for SEA reporting in the country and supports the PSEA Network to fulfil its responsibilities under the Network TOR, Work Plan, and Strategy. The PSEA Coordinator is responsible for reporting on network activities; progress against the network work plan indicators; and anonymised SEA trends to the RC/HC. The PSEA Coordinator also represents the Network in relevant coordination bodies (such as ICCT, UNCT and HCT) and advises focal points and other actors in the country on good practice to support effective PSEA implementation. Upon request, the PSEA Coordinator must provide technical support to Network members, and other relevant entities operating in the context, to strengthen their internal PSEA programs in line global standards.
- PSEA Focal Points: Each member entity of the PSEA Network will, as a bare minimum, be represented in the Network by a PSEA Focal Point<sup>11</sup>, and (preferably) also an alternate. The PSEA Focal Points act as potential entry points for SEA reporting and have an obligation to receive and refer SEA complaints for action, including investigation per internal protocols and victim support. All PSEA Focal Points will actively participate in information sharing within the Network (in line with the endorsed information sharing protocol) and support the coordination of inter-agency activities. Moreover, under the leadership of their own senior management, the PSEA Focal Points will lead on internal PSEA activities (including awareness raising and training), whereby they will report on progress and plans in Network meetings.
- Clusters and Cross-Sectoral Working Groups: The PSEA Network must engage and coordinate with all Clusters<sup>12</sup> (especially Protection and Health Clusters) and cross-sectoral working groups (such as gender, disability inclusion, youth, and access) to ensure PSEA mainstreaming during assessment, planning, policy development, and programming. The Clusters and cross-sectoral working groups are invited to all Network meetings with the aim of ensuring strong coordination and two-way technical support. It is the role of the Network, supported by the PSEA Coordinator and Co-chairs, to explore concrete activities to carry out with each Cluster/ working group and support the integration of PSEA into existing action plans.

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<sup>8</sup> If the PSEA Coordinator position is not filled, or when the PSEA Coordinator is temporarily unavailable, the coordinator role will be divided between the technical and senior level co-chair representatives.

<sup>9</sup> The selection and rotation of co-chair organisations should be based upon whichever organisations that are able to commit efforts and funding to supporting PSEA at the technical and senior level. It is strongly recommended that the co-chair responsibilities are shared between one UN and one non-UN organisation.

<sup>10</sup> See Afghanistan PSEA Network Coordinator ToR, available here.

<sup>11</sup> See Afghanistan PSEA Network Focal Point ToR, available here.

<sup>12</sup> The Inter-Cluster Coordination Group (ICCG) is a forum to promote PSEA mainstreaming and engage the cluster leads. The PSEA Coordinator should represent the PSEA Network and update on relevant PSEA activities during ICCG meetings and report back to the PSEA Network on developments and updates that may impact the PSEA Work Plan implementation.

- GBV and CP Sub-Clusters: The GBV and CP Sub-Cluster Coordinators will be standing members in the Afghanistan PSEA Network to provide technical guidance, including on adherence to GBV and CP guiding principles at all stages of the development of inter-agency complaint and feedback mechanisms, referral procedures, and outreach activities. As such, the Sub-Cluster Coordinators represent GBV and CP service providers, who will be affected by the strategic decisions of the PSEA Network regarding survivor support/victim assistance. The GBV and CP Sub-Clusters and the PSEA Networks will also work together to map and design systems that integrate SOPs for PSEA into existing GBV and CP referral systems.
- Accountability to Affected Populations (AAP) Working Group: To make the inter-agency PSEA Programme outward-focused, coordination with the AAP Working Group is the key to the Afghanistan PSEA Network. The AAP Working Group in Afghanistan leads accountability activities (such as community engagement/assessments, information sharing, and community feedback mechanisms, which are the cornerstone of a localised, needs-based PSEA Network. Thus, to secure the inclusion of PSEA in AAP efforts, the AAP Coordinator in Afghanistan is also the co-chairs of the PSEA Network (i.e., representing UNFPA).
- Network role regarding the affected Community: The affected community are integral partners to the PSEA Network, whereby at-risk groups should be included in PSEA Network programme design and decision-making. This requires a sound understanding of the local community, country context, gender norms, and empowerment mechanisms, as well as the provision of timely information to affected populations on PSEA in an inclusive and intersectional manner. This will ensure a solid feedback loop on issues related to gender, power, and SEA for the Network to more effectively address power imbalances between men, women, aid workers, and affected communities (which lies at the root of SEA risks).
- Network role regarding partners: The members of the Afghanistan PSEA Network are responsible for ensuring that implementing partners adhere to all PSEA protocols/standards and are provided adequate resources and tools to ensure minimum standards for PSEA, including training and awareness raising for contractors, volunteers, and other third parties. It is the responsibility of the implementing partner to then report allegations of SEA promptly to their UN or NGO/CSO counterpart. It is therefore vital that all implementing partners (IPs) engage with the PSEA Network and the inter-agency Community-Based Complaint Mechanism (CBCM) and create/strengthen their own PSEA policies in this regard.

## Meetings

The Afghanistan PSEA Network will convene monthly, but additional ad-hoc meetings<sup>13</sup> may be requested by any member at any time. The minutes of each meeting will be distributed amongst all members (as well as observers) and filed in the records of the Network, including its online Shared Folder for easy access and transparency. As all PSEA Network meetings are meant to provide a supporting environment for the PSEA Focal Points, Clusters, and technical specialists to discuss potentially sensitive challenges regarding PSEA, any information shared during the meetings must be kept strictly confidential. Thus, the Afghanistan PSEA Network meetings should follow the Chatham House Rule<sup>14</sup> and completely refrain from discussing individual cases. Any reference to SEA allegations, cases, rumours, and/or risks would therefore need to be anonymised<sup>15</sup>. This is important as network members will quarterly be requested to submit an excel table of anonymised statistical data on reported cases of SEA to the Inter-Agency PSEA Coordinator, who will then consolidate all submitted data into an aggregate table and present the data in a PowerPoint format<sup>16</sup>. In cases where a PSEA Focal Point cannot attend a regular network meeting, the entity must be represented by a sufficiently briefed alternate.

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<sup>13</sup> The Afghanistan PSEA Network may also form smaller, time-bound task teams and/or working groups made up of regular members to carry out specific deliverables and/or activities, as needed.

<sup>14</sup> When a meeting, or part thereof, is held under the Chatham House Rule, participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed.

<sup>15</sup> In line with the Secretary-General's reporting mechanism for UN personnel, the UN and implementing partners may announce nature of allegation(s); date of alleged incident and date of complaint; age, gender, and number of victims; assistance provided to a victim(s); category of perpetrator; and whether matter has been referred to an investigation entity. However, the UN and partners must never announce the name of the victim(s) and/or witnesses, nor provide information that could help identify them (including location within the country).

<sup>16</sup> The purpose of collecting anonymised SEA data is to update members on trends to ensure that accountability actions are taken. During or after the meeting, Network members may raise concerns about any of the data/request for amendments. Sharing non-identifiable SEA data will contribute towards improved coordination; clearer prioritisation of actions; greater monitoring; and increased support for advocacy.

## Responsibility

In line with the IASC Minimum Operating Standards on Protection from Sexual Exploitation and Abuse<sup>17</sup>, the PSEA Network is responsible for undertaking the following tasks:

### Management and Coordination

- Lead monthly network meetings and organise ad-hoc meetings, as needed.
- Carry out an annual mapping of inter-agency PSEA Network capacity, needs, and gaps to identify areas of focus/concern. The data will inform strategic decision-making of senior leadership and the Work Plan.
- Establish and implement a measurable PSEA Work Plan with defined time frames and responsibilities<sup>18</sup>.
- Monitor and align PSEA activities of network members to avoid duplication and to fill gaps.
- Work closely with other coordination bodies, including Clusters (ICCG), Protection and Health Clusters, GBV/CP Sub-Clusters, and other working groups (such as AAP, gender, youth, and disability inclusion).
- Identify training needs and resources to develop and coordinate Afghanistan PSEA Network Training Package (including Training of Trainers) for focal points/technical specialists.
- Advocate for the strengthening/establishment of internal PSEA policies and practices for organisations/agencies/entities operating in Afghanistan and offer support, as needed.

### Prevention

- Advocate for PSEA to be a priority throughout humanitarian, development, and IDP programming.
- Support actors to embed SEA risk mitigation in needs assessment, project design, implementation, and monitoring, including the Humanitarian Needs Overview and the Humanitarian Response Plan.
- Supplement the members' PSEA initiatives through joint activities and sharing of good practices.
- Encourage network members to carry out induction and refresher trainings on SEA for all personnel and support such trainings with jointly developed contextualised materials<sup>19</sup>.
- Work with UNDSS to develop/contextualise the PSEA component of mandatory UNDSS on-arrival brief.
- Establish an inter-agency PSEA Network Code of Conduct for Afghanistan<sup>20</sup>.
- Develop a collective communication strategy to raise awareness on PSEA with unified messages and materials (i.e., for both affected populations as well as for UN, NGO, and CSO stakeholders).

### Response

- Establish an inter-agency community-based complaint mechanism (CBCM) by linking the network members' complaint and feedback mechanisms (CFMs) through agreed Standard Operating Procedures (SOPs) on inter-agency intake, referral, and feedback of SEA incidents.
- Work with the GBV and Child Protection Sub-Clusters to incorporate assistance referral pathways into the PSEA Network SOPs to provide immediate support for complainants and victims of SEA<sup>21</sup>.
- Raise the awareness of Protection and Health leads; GBV and CP service providers; and CBCM actors, so that all response personnel know how to recognise SEA and where to safely send allegations.
- Raise awareness on inter-agency reporting and referral procedures amongst UN, NGO and CSO staff.
- Receive aggregate, anonymized updates of complaints in country shared by network members<sup>22</sup>.

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<sup>17</sup> Four Pillars of (i) Management and Coordination, (ii) Community Engagement, (iii) Prevention, and (iv) Response are outlined in the Minimum Operating Standards for PSEA, more information here.

<sup>18</sup> Design and implementation of the Afghanistan PSEA Work Plan will be informed by community input, contextually appropriate, and respond to the risk factors identified by field assessment. The accountability platform "Community Voices" will be crucial in this regard.

<sup>19</sup> It is not the responsibility of the Afghanistan PSEA Network to ensure PSEA training for the staff since it is an individual organisational responsibility. According to the global PSEA Network Terms of Reference (2021), the PSEA Network shall "encourage network members to carry out training on SEA for all personnel and support such training with jointly developed contextualised materials". Thus, the Afghanistan PSEA Network will focus on Training of Trainers, more information here.

<sup>20</sup> An inter-agency PSEA Code of Conduct will guide network members that do not already have in place their own and may be adapted to internal requirements. Note that PSEA Code of Conducts must be signed by all staff and partners as part of mandatory training.

<sup>21</sup> The PSEA Network does not create parallel assistance referral pathways for victims of SEA.

<sup>22</sup> 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. The ISP is intended to facilitate good practices on information sharing, responsible handling of data, and transparency between aid and development actors.

- Map trusted and functional complaint and feedback mechanisms (CFMs) in Afghanistan to identify where there are gaps in the affected population’s safe access to report SEA.
- Support members to establish new complaint channels to fill the gaps in access to reporting based on the mapping and community preferences.

#### Engagement the affected population

- Support members to conduct gender and age sensitive community outreach<sup>23</sup> to raise awareness amongst the affected populations about their rights, appropriate behaviour, mandatory reporting, mechanisms for submitting complaints/concerns, and how to access victim assistance and services.
- Guide members to assess and improve the effectiveness and appropriateness of PSEA activities within the targeted communities from an intersectional and inclusive perspective.
- Support members to create and/or adapt their aid delivery models to address power disparities and actively give those in more vulnerable positions a sustained voice in how aid is delivered<sup>24</sup>.

**Note:** The Afghanistan PSEA Network is not responsible for investigating SEA complaints. This function rests solely with the entity that employs the individual against whom a complaint has been alleged, in line with internal policies and protocols. Moreover, it is not within the mandate nor the area responsibility of the Afghanistan PSEA Network (such as the PSEA Coordinator, Co-chairs, and/or PSEA Focal Points) to provide case management to SEA victims directly. This should be left to trained and certified GBV and CP health care professionals.

#### **General information**

- The monthly network meetings will be held on the first Wednesday of the month.
- The timings of the meeting will be 10:00-11:00.
- The meetings will be held either (a) online or (b) at the UNFPA offices.
- The meetings will be co-chaired by UNFPA and IMC, supported by the PSEA Coordinator.
- The minutes, with clear action points, should be shared within one week of the meeting.

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<sup>23</sup> All engagements with populations should be done in coordination with actors working with affected population (including the Accountability to Affected Populations (AAP) and Gender in Humanitarian Action (GiHA) Working Groups) and the Protection and Health Clusters (including the GBV and Child Protection Sub-Cluster) to avoid duplication of efforts.

<sup>24</sup> This will be done with the particular engagement of women, children, and other at-risks groups in the community.