

**Prevention of Sexual Exploitation and Abuse**  
**United Nations – South Sudan**  
***Standard Operating Procedure***

***June 2017***

**1. Introduction**

**Background:** Sexual Exploitation and Abuse (SEA) by UN personnel directly contradicts the core values of the UN, and is a protection failure on the part of the aid and peace keeping community. SEA inflicts harm on those whom UN personnel are obligated to protect, as well as jeopardizes the credibility of all assistance agencies. The revelations of the extent of the problem in West Africa in 2002 led to a number of initiatives by the humanitarian community to address the matter, including the introduction of strict measures of prevention and response as elucidated in the UN Secretary-General's Special Bulletin: Special Measures for Protection from Sexual Exploitation and Sexual Abuse, (2003), which demanded zero tolerance for SEA perpetrators. UN personnel including peacekeepers and civilian UN personnel, and other humanitarian workers everywhere are expected to uphold the highest standards of personal and professional conduct at all times to protect beneficiaries of assistance.

As part of the measures to protect staff and beneficiaries of assistance and the populations of South Sudan, the UN in South Sudan decided to establish a Task Force on Prevention of Sexual Exploitation and Abuse (PSEA TF). Since its Establishment, the PSEA TF, developed a strategy on PSEA and conducted a mapping of agency specific Actions on PSEA. The PSEA TF has an agreed ToR. Furthermore, UN entities have been supporting Community Based Complaints Mechanisms (CBCMs). These SOPs address some of the objectives in the agreed PSEA strategy and some aspects of the functioning of the PSEA TF and the CBCMs.

**Objectives:** The SOPs aim to prevent and respond to SEA committed by UN personnel by establishing a common UN response system to ensure coordinated and effective responses to potential SEA cases. More specifically, it aims at facilitating joint efforts in response to protecting beneficiaries of Aid and those staff delivering Aid by enhancing collective capacity of agencies and affected population to prevent and respond to SEA.

It is important to note that the SOP is in no way intended to change or override the existing organizational specific internal policies on PSEA. Rather, they are procedures to supplement internal policies and reinforce common action to prevent and respond to SEA on a One UN basis.

**Scope:** This SOP covers and provides clarity on the following areas in the context of South Sudan:

- Roles and responsibilities of PSEA stakeholders;
- Key principles for complaint case management;
- A standardized method to receiving and assessing SEA complaints;
- A common procedure for responding to SEA allegations including referrals for (i) victim assistance provision and (ii) Investigations.

The SOP covers all UN entities in South Sudan, and their personnel. Non-UN aid agencies and NGOs in South Sudan are invited to endorse and implement the SOPs and to act according to its principles.

## 2. Definitions

**Sexual Exploitation:** Any actual or attempted abuse of a person in a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.

**Sexual Abuse:** The actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

**Prevention of SEA (PSEA):** Policies, guidelines, procedures, mechanisms and activities to reduce the risk of SEA and mitigate the effects caused by violations.

**Sexual Harassment versus SEA:** Sexual exploitation and abuse occurs against a beneficiary or vulnerable member of the community, while sexual harassment occurs when one employee makes continued, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, to another employee, against his or her wishes. It is important to note that sexual harassment is not covered by these SOPs. It is equally prohibited under UN policies. The distinction between the two is important so that agency policies and staff trainings can include specific instruction on the procedures to report each.

**Locations with elevated risk:** Specific locations in South Sudan determined by the PSEA Task Force to have elevated risk due to the presence of UN Personnel and local population as well as the type of interactions between them. The number of these locations is limited to ensure focused collective action and accountability.

**Victims/survivors:** Anyone who experiences an incident of sexual exploitation and sexual; abuse or someone who has experienced an attempt of SEA against him/her.

**Perpetrator:** A person (or group of persons) who commits an act of SEA or other type of crime or offence.

**Complainant:** Person who brings an allegation of SEA to attention in accordance with established procedures. This person may be a SEA survivor or another person who is aware of the wrongdoing.

**Subject of the Complaint (SOC):** Person alleged to have perpetrated the misconduct in the complaint.

**Whistle-blower:** Any UN staff or related personnel who reports concerns of sexual exploitation or abuse. Whistle-blowers may be a type of complainant.

**Whistle-blowing policy** – an organizational policy which encourages staff members to report concerns or suspicions of misconduct by colleagues. The reports may concern people at other organizations and people at other levels in the organization.

**In-the-air allegation** refers to rumours or concerns of sexual exploitation and abuse (SEA) emanating within a particular setting but not necessarily directly reported by anyone, and where the institutional affiliation of the alleged perpetrator(s) is uncertain or unknown.

### 3. Principles

**One UN:** SEA is a collective responsibility of the UN under a common policy and a common set of guidelines. Each UN entity is responsible for maintaining and mainstreaming its own internal mechanisms and procedures in its programmatic, operational and human resource management activities.

**Safety:** To avoid any additional harm, the safety of SEA victims shall be ensured at all times, and the safety of all parties involved in PSEA must be fully considered.

**Confidentiality:** The confidentiality of complainants, victims and other relevant parties must be respected at all times. Obtaining consent of a whistleblower may not be required if his/her agency has a mandatory reporting policy.

**Transparency:** The functioning of reporting mechanisms shall remain transparent.

**Accessibility:** SEA reporting mechanisms must be available to anyone who may have reason to allege SEA incident, including local populations and UN personnel, as well as personnel of non-UN entities.

**Accountability:** UN entities in South Sudan are held accountable for their PSEA actions through regular reporting.

### 4. Roles and Responsibilities

**UN entities in South Sudan:** Individual UN entities are responsible for SEA investigations and sanctions against personnel found responsible for SEA according to their own policies and procedures. They participate in the work of the PSEA Task Force under its ToRs, comply fully with these SOPs and support joint PSEA action as agreed, including support for CBCMs. Entities are responsible for sharing relevant information with the PSEA Task Force according to these SOPs.

**Co-chairs of the PSEA Task Force:** Ensures that the Task Force works according to its ToRs, convene and lead meetings, report on activities to the UNCT and any other appropriate structures on a regular basis and advice and assist members as required.

**Resident Coordinator's Office:** Supports the Task Force with secretariat functions, including drafting of agendas, minutes, notes and reports.

**PSEA Focal Points:** The PSEA Task Force in consultation with HoAs may designate common PSEA Focal Points in locations with elevated risks. The Focal points lead common PSEA activities in these locations and report on progress and on specific cases to the Task Force as required. Agencies are encouraged to nominate their own PSEA Focal points in every field office location.

### 5. Procedures

**Setting up CBCMs and designating Focal Points:** The PSEA Task Force will ensure that joint CBCMs are established and focal points are designated in all locations with elevated risk. The names and contact information of the focal point must be disseminated to all UN entities with a presence in the location. The focal point organizes activities to raise awareness, and to enable and facilitate any allegation of SEA complaints in the location through CBCMs.

**Receiving and assessing allegations/complaints through CBCMs:** The primary concern when establishing SEA reporting channels for affected populations in communities in specific locations is that multiple entry points exist allowing different methods of reporting. For South Sudan, with inputs from community members in locations with elevated risks, SEA concerns or cases can be reported through a common telephone hotline, women and girls' friendly spaces, suggestion boxes, verbal complaints through CBCM focal points including trusted community leaders in the specific locations and any other locally agreed upon mechanism. Local CBCM Teams will put in place and manage and support local channels and procedures to receive allegations, assess, document cases using an incident report form, and refer for immediate assistance if needed. The CBCM team will refer all complaints for investigation through the PSEA co-chairs at the national level as required by these SOPs.

The PSEA Task Force will work with local level agency focal points to agree on members of the local interagency CBCM teams (maximum of 3).

Information will be made available to the community by the CBCM teams about whom they should report to and what assistance they can expect from the health, legal, psycho-social, security, and other sectors. All potential and actual SEA survivors will be fully informed of the status of their case handling, and the case handling process. All complainants and survivors have the right to receive feedback on the development and outcome of their cases.

**Receiving and assessing allegations/complaints through internal agency mechanisms:** SEA allegations received directly by agency staff will be dealt with according to internal agency procedures and policies.

**Referring allegations to other UN entities:** All UN entities must convey all relevant information received about allegations involving other UN entities to the co-chairs, who will in turn refer to the UN entities that are subject to these allegations without delay (as fast as agency policies and procedures allow), including information from whistleblowers. The Task Force Co-chairs are encouraged to exchange similar information with non-UN entities as relevant, including NGOs. Once a case is referred to the relevant entity, PSEA Focal person representing this organization is obliged to report to the PSEA co-chairs on the investigation process taken within the organization for accountability and follow up purposes. Periodicity of submitting report on the follow-up should be agreed upon, at the time, the complaint is referred to the organization.

The co-chairs are responsible for referring specific cases to the entity with an email to the representative or executive director with a copy to the designated PSEA focal point in the concerned entity. All allegation and complaints concerning any UN entity or partners must be duly reported and considered by the entity that receives the allegation, according to its own rules and procedures. The entity is also obliged to inform the PSEA Task force Co- chairs for accountability and follow up purposes.

In the case that the SEA constitutes a criminal offense, it is the decision of the entity conducting the investigation to refer cases to the proper law enforcement authorities in conformity with their internal procedures and in consideration of the interests of the survivor. Given the gravity of SEA and the vulnerable nature of SEA survivors, the complaint mechanisms should refer complainants to legal, psychosocial assistance and other services, when appropriate (for instance through GBV sub-cluster members). In the event that a complaint does not warrant a referral or full investigation, the PSEA Task Force, nonetheless may decide on steps to address concerns in other ways, (for example, addressing matters of poor practice via training, a change in working arrangements or a change in procedures).

Anonymized information about case may be brought up in meetings of the PSEA Task Force as required.



**Referring” in-the-air” allegations to the PSEA Task Force:** All UN entities must convey all relevant information to the co-chairs of the PSEA Task Force about any allegations where it is not certain or where it is unknown, which UN entity may be responsible for the alleged violation. Furthermore, UN entities may also convey information about any allegations that are deemed significant in other ways, including information about non-UN entities. The PSEA Task Force co-chairs advise UN entities on follow-up and assist as required.

**Informing the UN leadership in South Sudan:** Any UN entity that is the subject of complaints or allegations or conducts SEA related investigations inform the UN leadership in South Sudan (DSRSG and SRSG/HOM) about this as required, and according to their own policies and procedures. The PSEA Task Force co-chairs must inform the UN leadership about all SEA cases and in-the-air allegations as well.

**Rapid mutual support for victims of SEA:**

- a. **Conducting preliminary assessment:** Any UN entity receiving a complaint or allegation of SEA should prioritize victim/survivor’s immediate protection needs and physical, emotional and social wellbeing. If they do not have the capacity to do so, an immediate request should be made to another relevant UN agency for assistance. UN entities with relevant staff capacity should respond positively to requests for assistance. All assessment of SEA victims/survivors should be done by someone trained or by a designated PSEA focal person, taking into account the need for safety, confidentiality, respect and non-discrimination.
- b. **Facilitating access to essential services:** Based on identified needs and the consent of victims/survivors of SEA, they should be referred for essential services including medical care, emotional support, safety and security or legal assistance. Where applicable, GBV programs and staff should serve as entry points for facilitating essential services for victims/survivors of SEA. If there is no GBV program or protection related staff in the location, SEA victims/survivors should be referred as appropriate to other locations to access essential services in a safe and confidential manner.

**Investigating SEA Complaints:** In line with internal complaint policies and procedures, every UN entity is responsible for conducting investigations of SEA concerns or allegations involving their own Personnel, contractors, consultants and volunteers, or the personnel of other UN entities as provided for under this SOP. All investigations of SEA should be carried out in a safe, confidential, transparent and timely manner. Although SEA complaint handling procedures vary, agencies must communicate their investigation status and findings and must provide basic information on each incident and consolidated cases on a quarterly basis under this SOP to the Task Force Co-chairs. After the investigation, has been completed, the investigating entity should alert the relevant parties including the co-chairs of the PSEA Task Force about the status of the investigation and action taken.

**Providing feedback on the status of the complaint:** The complainant and the victim/survivor (if separate) have an interest in receiving feedback on the case, including from the Task Force Co-chairs. The subject of the complaint also has interest to know the status of the case filed against him or her. It is the responsibility of the investigating agency to provide this feedback and to determine what information is provided. The PSEA Task Force Co-chairs also provide feedback to the CBCM Team, who informs each of the concerned complainant.

**Recording and tracking SEA cases:** UN entities report the number and type of allegations, victims and alleged perpetrators to the PSEA Task Force on incident cases and consolidated report on a quarterly basis, including information about new as well as on-going cases that remain under investigation. The reporting on specific cases may include: when the complaint was received; when/whether investigation has commenced; when the investigation is concluded; and the outcome of the investigation. The Task Force may engage with UN entities to










jointly analyze occurrences, patterns and general challenges and develop prevention and mitigation strategies. The Task Force report to the UNCT and other relevant structures on a quarterly basis and to the HQ-based ECHA/ECPS UN and NGO Task Force on PSEA on an annual basis.

**Annex:**

- 1.Flowchart
- 2.ToR PSEA TF
- 3.ToR IAAT
- 4.Intake Form
- 5.Mainstreamed CoC
- 6.Case Management System for reported cases
- 7.PSEA Self-Assessment tool for agencies



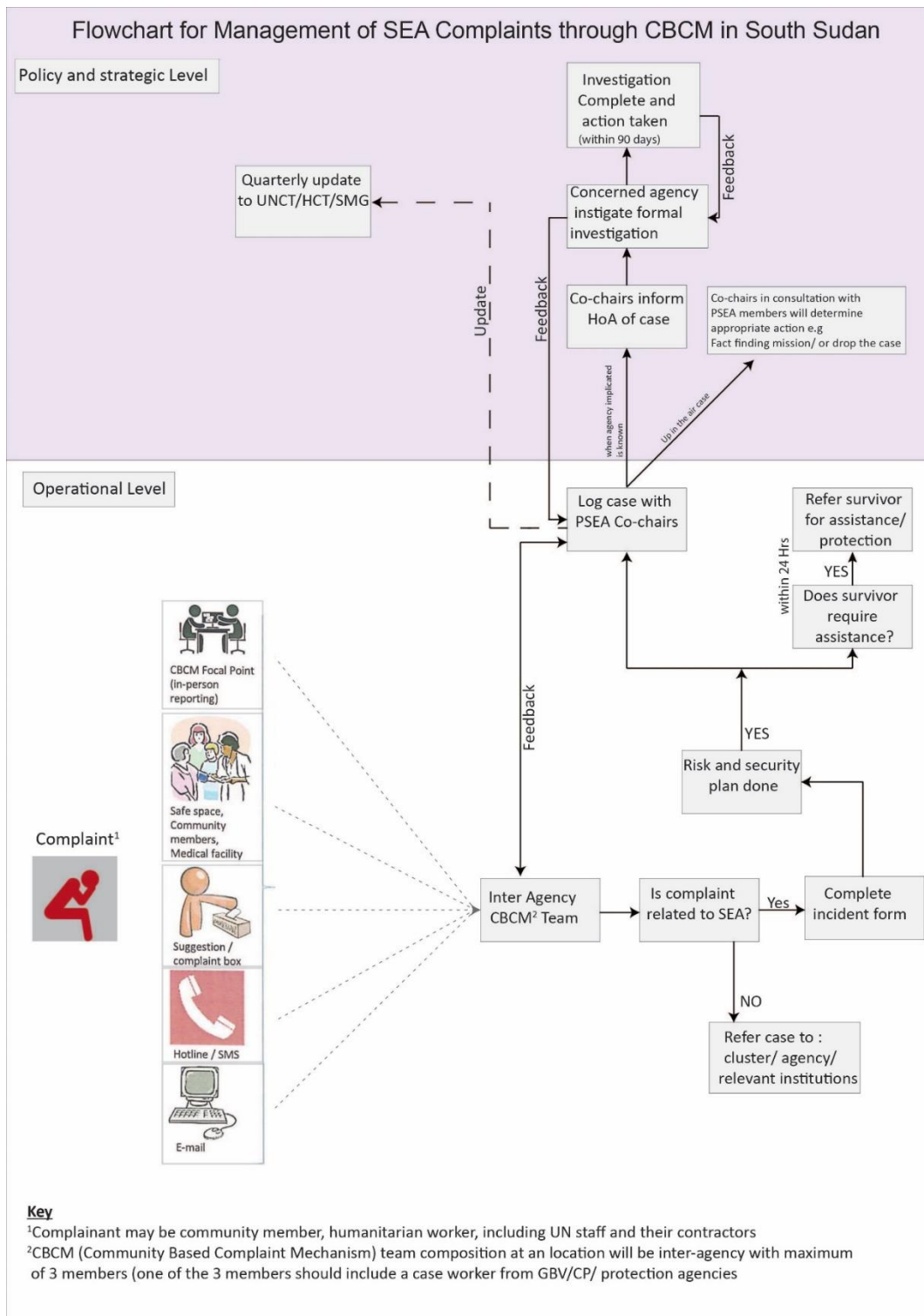
**ENDORSEMENT**  
**STANDARD OPERATING PROCEDURE**  
**PREVENTION OF SEXUAL EXPLOITATION AND ABUSE**

Agency	Name	Designation	Signature
DSRSG/RC/HC/RR	Eugene Owusu	DSRSG/RC/HC/RR	
FAO	Serge Tissot	Representative	
IOM	William Barriga	Chief of Mission	
OHCHR	Eugene Nindorera	Director	
UNAIDS	Mumtaz Mia	Officer in Charge	
UNDP	Kamil Kamaluddeen	Country Director	
UNDSS	Christoffel Du Toit	Chief Security Adviser	
UNESCO	Sardar Umar Alam	Head of Office	
UNEP	Arshad Khan	Officer in Charge (OIC)	

Agency	Name	Designation	Signature
UNFPA	Esperance Fundira	Country Representative	For the Representative E.F. [Signature]
UN HABITAT	Christian Okafor At-Ngann Akad	Country Programme Manager	[Signature]
UNHCR	Vincent Parker	ACTING REP Officer in Charge	[Signature]
UNICEF	Mahimbo Mdoe	Representative	[Signature]
UNIDO	LARAISSIE Victor Cobby Baah ESSERHINI CTA	Technical Advisor and Officer in Charge	[Signature]
UNMAS	Tim Lardner	Representative	[Signature]
UNMISS	Paul Egunbola	Chief of Staff	[Signature]
UNOCHA	Ian Ridley	Head of Office	[Signature]
UNOPS	Richard Schroeder	Officer in Charge	[Signature]
UN WOMEN	Funmi Balogun	Country Representative	[Signature]
WFP	Joyce Luma	Country Representative	[Signature]
WHO	Dr. Abdulmumini Usman	Country Representative	[Signature]



## Annex 1: Flowchart



**Terms of Reference for in-country Task Force  
on Protection from Sexual Exploitation and Abuse**

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**Background**

The Protection from Sexual Exploitation and Abuse (PSEA) National Task Force in South Sudan (herein after called “the Task Force”) is established with the aim to facilitate the implementation of all aspects of the Secretary General’s Bulletin on special measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13), hereafter referred as *SG Bulletin* and to strengthen, monitor and evaluate the mechanisms in place to eliminate SEA and to promote more effective responses. The SG Bulletin establishes specific standards applicable to all UN staff (including agencies, funds, programmes), UN uniformed personnel and all partners who enter into a contractual arrangement with the UN, INGO’s, NGO’s. It underlines the statement of commitment on eliminating Sexual Exploitation and Abuse and sets out the legal framework of the United Nations.

The Secretary-General’s Report on Special Measures for Protection from Sexual Exploitation and Abuse: A New Approach (A/71/818), herein referred as *the SG’s New Approach*, should frame the work of the Task Force at the strategic and operational level. The report outlines a victim-centered strategy rooted in transparency, accountability and ensuring justice and focuses on four main areas:

- Putting the rights and dignity of victims/survivors of sexual exploitation and abuse at the forefront of our efforts;
- Establishing greater transparency on reporting and investigations in an effort to end impunity for those guilty of sexual exploitation and abuse
- Building a truly multi-stakeholder network to support the UN effort to prevent and respond to sexual exploitation and abuse; and
- Raising awareness and sharing best practices to end this scourge

**Membership**

The Task Force will function under the auspices of the Deputy SRSG/ Resident Coordinator (RC) / Humanitarian Coordinator (HC). The Task Force will report through the UN Country Team (UNCT) and the Humanitarian Team (HCT) and the RC/HC to the UN Special Representative of the Secretary General in South Sudan, given the integrated mission setting. The Task Force will report monthly to the UNCT and quarterly to the HCT. The Task Force should report to the Senior Management Group (SMG) on a bi-monthly basis.

The meetings of the Task Force shall be convened by UN WOMEN and UNFPA as Co-Chairs.

Membership includes at least one Focal Point (or Alternate) on Protection from Sexual Abuse and Exploitation from each agency, department, mission (hereinafter “entity”) from the mission, UN agencies, funds, programmes. Membership also includes focal points from the South Sudan NGO Forum. These should represent national NGOs and international NGOs respectively.

The Focal Point for Protection from Sexual Exploitation and Abuse (PSEA) and his/her Alternate from the mission, agencies, funds and programmes, shall be appointed by the Head of entity on an annual basis. The Focal Point and his/her Alternate is a staff member appointed at a sufficiently senior level. Either the Focal Point or the Alternate shall be a female staff member. The Focal Points for the South Sudan NGO Forum and their alternates shall be appointed by the members of the South Sudan NGO Forum.

## Responsibilities

The Task Force on Protection from Sexual Abuse and Sexual Exploitation (PSEA) will serve as the primary body for coordination and oversight on protection from sexual exploitation and abuse by international and national personnel of the UN, NGOs and IGOs. The Task Force is **NOT** responsible for investigation or adjudication of complaints, or for dealing directly with complainants. These functions rest exclusively with individual entities. The Task Force may follow up on the status of the reports and/or complaints to ensure that appropriate action is taken within 90 days, which is the deadline for actions to be taken and feedback provided to the victims according to the Standard Operating procedures (June 2017).

Task Force members from the mission, agencies, funds and programmes, are obliged to log reported or “in-the-air” SEA allegations to the Task Force in compliance with the Standard Operating Procedures, signed in June 2017. The Co-Chairs of the Task Force should maintain the correct numbers for statistical usage. The Task Force will report number of SEA cases documented on an annual basis to the Secretary-General for public statistical purposes.

## Major Tasks

Under the 4 pillars of PSEA, identified during the Global Technical-level Meeting on Protection from Sexual Exploitation and Abuse (New York May 2008) and since then globally commonly applied, the Task Force should include:

### 1. Engagement with and Support of Local Populations

- In cooperation with the local communities, established community-based complaints mechanisms (CBCMs), which have been or will be established in identified high-risk communities with UN, NGOs and IGOs staff presence, should be maintained through regular conduction of participatory trainings on PSEA for PSEA focal points and relevant stakeholders such as community leaders, and through outreach activities to raise awareness and capacity on PSEA among the local population.
- Each field location with CBCMs should establish a field-level Task Force to ensure the inter-agency efforts on PSEA coordinated and engagement with the local population is maintained. The terms of references of these field-level Task Forces should be flexible and adaptable according to the operational needs at the given geographical field location and shall be developed by the respective Task Force members at the given field-location. The terms of reference of the National Task Force may serve for replication.

### 2. Prevention

- Ensure and, as necessary, coordinate the provision of awareness raising on SEA for all personnel in the country, including their responsibility to report all suspicions of sexual exploitation and abuse committed by personnel to whom ST/SGB/2003/13 applies. All awareness raising on SEA for personal must include the SG’s New Approach.
- Collaboratively with the various CBCMs continue to conduct regular risk assessments and operationalize accordingly.
- Continue to share information about potential risk factors and areas of concern and develop strategies to minimize them.
- Develop a communication strategy to ensure common approach on Protection from sexual exploitation and abuse and to increase awareness and capacity of the beneficiaries on sexual exploitation and abuse.
- Support through strategic advice and operational support the strengthen system-wide procedures on good hiring (practices), including procedures to prevent hiring of persons who have committed sexual exploitation or abuse, where known.
- Support through strategic advice and operational support the strengthen of system-wide procedures to ensure compliance with the UN protocol on allegations of sexual exploitation and abuse involving implementing partners. That includes sub-contractors, consultants, interns and volunteers associated with or working on behalf of the implementing partner.

- As part of capacity building the Task Force shall develop a training plan for the members of the Task Force on the SG Bulletin using generic training modules.
- Coordinate specialized training for all SEA focal Points and managers of institutions at all level on SEA and handling of complaints.
- Ensure wide spread and regular dissemination of outreach material in different local languages, through appropriate media, of materials explaining the rights of beneficiaries, standard of conduct expected of UN personnel/humanitarian aid workers and members of the local population.

### **3. Response systems**

- Conduct regular training of teams managing CBCMs at field level to ensure efficient reporting and referral according to the Standard Operating Procedure signed in June 2017.
- Identify opportunities with support of the Office of the United Nations Special Coordinator for Protection against Sexual Exploitation and Abuse, to harmonize procedures for personnel to report incidents of sexual exploitation and abuse and for such reports to be properly referred for investigation and assistance provided to the victims.
- When any of the Focal Points receives information of ‘in-the-air’ allegations of sexual exploitation or abuse (i.e. where the institutional affiliation of the alleged perpetrator(s) is uncertain or unknown), the Task Force shall convene and prepare a report for submission to the Head of the Entity concerned and to the RC/HC and through him to the SRSG containing information for further action.
- Never share during meetings nor record in minutes the names or identifying information of alleged perpetrators, victims or witnesses. Instead, cases discussed in meetings of the Task Force should be referred to by a case number.
- Ensure that victim assistance mechanisms are strengthened or established in line with the existing protection response mechanisms in field locations with activated CBCMs. In locations with no victim assistance established, the Field-Level Task Force should establish clear procedures on referral and/or relocation of victim to alternative locations with available victim assistance. The Field-Level Task Force must ensure that sufficient number of alternative locations have been identified and information on accessibility continuously updated in case selected alternative location is not accessible for various reasons (e.g. security, weather, logistical challenges) at the time of victim referral/relocation.

### **4. Management and Coordination**

- Hold regular meetings, at least once a month, and circulate the minutes to all members. Ad-hoc meetings may be called on an as needed basis. Ensure minutes of the meeting are stored according to standard procedures and confidentiality of content discussed during the meetings protected.
- Support CBCMs to model practices undertaken at the national level such as holding regular meetings, circulating minutes to all members in adherence to standard procedures while observing principles of confidentiality.
- Continuously identify lessons learned from shared experience from Task Force members, risk assessments and field missions, and implement changes in action plans to fill identified gaps accordingly.
- Coordinate trainings for all Focal Points and managers on their PSEA roles and responsibilities.
- Share information on achievements, best practices and/or effective mechanisms in addressing SEA and make recommendations to relevant entities for action. Develop plans for monitoring implementation of recommended actions.
- Support entities to adhere to applicable monitoring and compliance mechanisms.
- Report annually, through the RC/HC and the SRSG, to the Headquarters-based ECHA/ECPS UN and NGO Task Force on Protection from Sexual Exploitation and Abuse on actions taken to prevent and respond to SEA. These reports will contribute to the annual report of the Secretary-General on Special Measures for Protection from Sexual Exploitation and Sexual Abuse.
- Report quarterly to the RC/HC and the SRSG on reported incidents of SEA and the subsequent action taken. These reports can contribute to an annual report by the RC/HC on incidents of SEA in the country.



### Annex 3: ToR IAAT



#### **Terms of Reference for Inter-Agency Assessment Team (IAAT) for the PSEA Task Force**

##### **A. Background to the Establishment of Inter-Agency Emergency Response Team (IAERT)**

A Task Force for Prevention of Sexual Exploitation and Abuse (PSEA TF) has been set up by the UN system in South Sudan. The PSEA TF has initiated work to respond to the SG Report on Special Measures for Protection from Sexual Exploitation and Abuse: A New Approach, (A/71/818). The main objective of the PSEA TF is to support the UN system in South Sudan to prevent and respond to SEA committed by UN personnel by establishing a common UN response system to ensure coordinated and effective responses to potential SEA cases. More specifically, it aims at facilitating joint efforts in response to protecting beneficiaries of Aid and those staff delivering Aid by enhancing collective capacity of agencies and affected population to prevent and respond to SEA. The PSEA TF has developed a Standard Operating Procedure (SOP), which has been adopted by the UN System in South Sudan. The SOP outlines the need to establish a response mechanism to SEA allegations. These terms of reference respond to that need and establish an 'Inter-Agency Emergency Response Team' (IAERT). The functions of the IAERT described in these Terms of Reference operationalises the Standard Operating Procedures for PSEA in South Sudan.

The IAERT consists of members of the PSEA TF, which provides support to UN entities in relation to PSEA allegations. Experience in peacekeeping missions has shown that failure to act quickly to collect and preserve evidence by UN entities may affect the ultimate success of PSEA investigations. The IAERT supports the Task Force by assessing allegations received for relevance of SEA. The IAERT's assessments will allow the Task Force to determine appropriate action in accordance with the SOP adopted.

It is important to note that the existence of the IAERT does not replace the need to report all possible incidents of SEA through the normal channels of communication, including to the relevant inter-agency mechanisms.

##### **B. Objectives of the Inter-Agency Emergency Response Team**

The IAERT's primary objective is to assess allegations of PSEA as to whether the allegation is related to SEA or not and to follow the procedures outlined in the adopted SOP on PSEA.

##### **C. Authority of the IAERTs**

IAERTs members must, at all times, properly identify themselves, their purpose and general duties when accessing any location and obtaining information. Individuals deployed with the IAAT should carry with them a copy of the Convening Order to deploy, which they should show if questioned about the authority of the IAERTs.

IAERTs members must be aware of the limits to their authority. IAERT can only take statements to the extent that these are aimed at collecting basic details of the survivor/victim, and asking him/her to indicate (briefly) what happened to them, where the alleged activity occurred, when the activity occurred and who may have important information, or was present as a witness. The IAERT may not conduct interviews, as such an activity pertains to fact-finding investigations, which is beyond the mandate of the IAERT.

IAERTs members cannot access private property without permission, and do not have the authority to compel a statement by third-parties. In some instances, taking pictures or engaging in conversation with third-parties may be restricted. IAERTs members should seek permission in all instances prior to taking action.

**D. Inter-Agency Emergency Response Team Tasks**

The overall tasks of the IAERT include:

- a. Mobilize and deploy as soon as practicable, upon receiving instructions to deploy;
- b. Collect and preserve evidence in a manner that ensures the integrity of that information for future investigation if necessary;
- c. identify and facilitate the provision of assistance to any victims of SEA with access to medical services for any consequences or conditions that may be related to the claimed SEA. This includes referrals for physical care, psycho-social counselling and other forms of relevant support and assistance as required;
- d. record survivor's responses so that it can be accurately and completely reported to the Chairpersons of the PSEA Task Force for further assessment and be relied upon in any subsequent investigation;
- e. Cooperate with any assessment and/or investigation that may follow; and,
- f. Maintain lessons learned and case file notes for training purposes.

Members of the IAERT must maintain strict confidentiality about the matter to which they respond, circumstances of their response, and any findings. Communication must be only within the IAERT reporting lines. This obligation continues even after the IAERT deployment is concluded.

**E. Final Report**

The IAERT should submit the Report of its findings to the Chairperson of the PSEA Task Force as soon as possible, but in any event, not later than two weeks from the date of the Convening Order.

**Composition of IAERT**

The IAERT will be composed by the PSEA TF to ensure that relevant expertise in the area of sexual violence is available. Composition of the IAERT will also ensure gender and national/international balance.

**F. Relevant guidance documents:**

Standard Operating Procedures for Prevention of Sexual Abuse and Exploitation in  
South Sudan

ST/SGB/2003/13, ST/SGB/2017/2, (A/RES/62/214); and, SG Report on Special  
Measures for Protection from Sexual Exploitation and Abuse: A New Approach, (A/71/818).

## Annex 4: Intake Form

South Sudan SEA intake form: sent by email to [pseass@unfpa.org](mailto:pseass@unfpa.org) or Hotlines 0912100012 /0959401425 or any other available agency specific reporting channels

### South Sudan Complaint form (Sexual Exploitation and Abuse)<sup>1</sup>

#### Notes:

- According to the SG Bulletin (ST/SGB/2003/13), a United Nations Staff Member, Implementing Partner, Contractor, etc. must report any concerns or suspicions regarding SEA.
- If you are completing this form on behalf of a survivor:
  - Please inform the survivor that you have a duty to report all suspected cases of SEA to the designated SEA focal points and various channels
  - Please make sure to fill in the “informed consent to share” portion of each box (tick yes/no).
  - Please include as much information as possible regarding the survivor, the incident, and the alleged perpetrator.
  - Inform the survivor that anonymous reporting is acceptable. However, insufficient information about any allegation can compromise the investigation if required.

#### COMPLAINANT CREDENTIALS:

informed consent to share: Yes ☐ No ☐

Name of Complainant

Nationality (if applicable):

Contact Details (if applicable):

Identity No (if applicable):

Year of Birth/Age (if applicable):

Sex ):

Place where complainant reported the case:

#### SURVIVOR' CREDENTIALS:

Name of survivor (If different from complainant )(if applicable): Yes ☐ No ☐

Nationality (if applicable): Yes ☐ No ☐

Contact Details (if applicable): Yes ☐ No ☐

Identity No (if applicable): Yes ☐ No ☐

Year of Birth/Age (if applicable): Yes ☐ No ☐

Sex (if applicable):

Place where complainant reported the case:

Name and address of parents, if under 18 (if applicable):

<sup>1</sup> Adapted from the Model complaints Referral Form by Interagency Standing Committee (IASC) Task Force on Protection from Sexual Exploitation and Abuse



#### Annex 4: Intake Form

South Sudan SEA intake form: sent by email to [pseass@unfpa.org](mailto:pseass@unfpa.org) or Hotlines 0912100012 /0959401425 or any other available agency specific reporting channels

#### DETAILS OF INCIDENT:

Date of incident:

Time (Morning/Midday/Evening/Night):

Location of the Incident (s):

Brief Description of incident (s) including Specific location, where the incident (s) occurred, and what happened (attach extra pages if necessary):

Witness name and contact information (if available):

#### OFFENDER'S CREDENTIALS:

Name of the accused person(s) if known:

Job Title (if known):

Agency of the accused (if known):

Nationality (if known)

Nature of Work, in which the accused person is involved (if known):

Address of the accused person (s) (if known):

Age (if known):

Sex (if known):

Physical Description of accused person (s):

#### Annex 4: Intake Form

South Sudan SEA intake form: sent by email to [pseass@unfpa.org](mailto:pseass@unfpa.org) or Hotlines 0912100012 /0959401425 or any other available agency specific reporting channels

##### **SURVIVOR ASSISTANCE REQUIRED:**

Yes ☐ No ☐

Has survivor requested for any assistance (medical, psychosocial, safety etc): Yes ☐ No ☐

Any measures taken already: Yes ☐ No ☐

If yes, has assistance provided already? What type?

What kind of assistance survivor has requested to provide?

Is the provision of assistance needed urgently? Yes ☐ No ☐

Is the requested assistance available in the place of reporting: Yes ☐ No ☐

Does the survivor wants to receive the feedback of follow-up: Yes ☐ No ☐

If yes, How? (ask if through phone or in person, any issues in providing feedback etc.)

Report completed by:

Signature

Date:

Position (if applicable):

Organization (if applicable):

Contact details (if applicable)

Has the complainant or Survivor been informed about the organisations procedures for dealing with complaints? Yes ☐ No ☐

Signature of complainant signalling details provided in the form are correct, and agrees with where consent is given to share details:

##### **REFERAL DETAILS:**

Any other observations recorded by complaints receiving person:

#### Annex 4: Intake Form

South Sudan SEA intake form: sent by email to [pseass@unfpa.org](mailto:pseass@unfpa.org) or Hotlines 0912100012 /0959401425 or any other available agency specific reporting channels

**PRIORITY ( as per complaint recording person's observation):**

High ☐ Medium ☐ Low ☐

Sent from [ ] to [ ] on [date ], and [time ].

Sent from [ ] to [ ] on [date ], and [time ].

Received by

... ..

Name

position

Signature



## CODE OF CONDUCT ON SEXUAL EXPLOITATION AND ABUSE

United Nations has **ZERO TOLERANCE** to Sexual Exploitation and Abuse (SEA)

The spirit of this Code of Conduct is to complement, reinforce and enhance similar Codes already in force in the organizations party to the Code or any other instruments that have the same purpose. The Code is not intended to replace or in any way detract from them.

ST/SGB/2003/13 Special measures for protection from sexual exploitation and sexual abuse sets out minimum principles to guide all UN personnel and partners on PSEA.

Sexual exploitation, sexual abuse, corruption by staff members constitute acts of gross misconduct and will result in disciplinary action, up to and including immediate termination of employment.

All UN and humanitarian and development staff must uphold the highest standard of professional and personal conduct. Sexual Exploitation and Abuse (SEA) is prohibited for all staff.

**Undertakings.** Humanitarian and development workers in South Sudan will:

1. Treat all persons fairly and with respect, courtesy and dignity per the international human rights legislation and be sensitive to local customs.
2. Never commit any act or form of sexual harassment that could result in physical, sexual or psychological harm or suffering to individuals, especially women and children.
3. Never exploit the vulnerability of beneficiaries, especially women and children, or allow them to be put into compromising situations.<sup>1</sup>
4. Never engage in any sexual activity with children (Under 18), regardless of what the age of majority or consent locally may otherwise be. It shall not be a defence that I was mistaken as to the age of the child concerned.
5. Never engage in sexual exploitation or abuse of beneficiaries under any circumstances.
6. Never abuse my authority, position or influence by withholding protection, humanitarian assistance or services, nor give preferential treatment in order to solicit sexual favours, gifts, payments of any kind, or any other advantage.
7. Never accept or exchange money, employment, goods, or services with anyone- including exchange of assistance that is due to beneficiaries for sex or sexual favours.
8. Ensure that any concerns or suspicions of SEA and breaches of the standards set out in this Code by a fellow worker, whether or not the person is affiliated with the organisation, are immediately reported to PSEA Focal point, senior management, human resources, or through any other established reporting mechanism and handled with utmost confidentiality
9. Create and maintain an environment that prevents sexual exploitation and abuse, sexual harassment, corruption or abuse of power and promotes the implementation of this code of conduct.
10. Not purposely make false accusations against another worker of breaching the provisions of the Code of Conduct nor start or spread false statements concerning employees or UNICEF
11. As a manager at my level, I have particular responsibilities and accountability to support and develop systems that maintain and enhance SEA free environment.

**I certify that I have read and understood the contents above and commit to abide by the South Sudan Code of Conduct on PSEA at all times.**

Full name

Title

Signature

<sup>1</sup> Consensual sexual relationships between UN and humanitarian staff and beneficiaries are **strongly discouraged** as they are based on an inherently unequal power balance



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Organisation and Duty station

Date

## INTERPRETATION: FOR PURPOSES OF THIS CODE OF CONDUCT

### **Environment:**

Sexual exploitation, abuse of power and corruption occur in many different situations. However, in humanitarian crises, the dependency of affected populations on humanitarian agencies for their basic needs creates a particular ethical responsibility and duty of care on the part of humanitarian workers. Managers have a special responsibility to ensure that there are proper mechanisms to prevent and respond to sexual exploitation, abuse of power and corruption, and that there is no tolerance for such practices

**Child** refers to a person under the age of 18 years.

**Power** refers to authority or the decisive ability to materially affect various forms of rights, entitlements or relationships. Power arises most crucially from, among others, position, rank, influence, status or control of resources.

**Unequal power relationships** provide among the most critical settings for sexual exploitation

**Sexual Abuse** is actual or threatened physical intrusion of a sexual nature, by force or under unequal or coercive conditions, and includes inappropriate touching.

**Sexual Exploitation** means any **actual or attempted** abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another. It includes all situations where a person in a position of power, authority or in control of resources seeks or accepts to provide protection, assistance or service in exchange for sexual acts or favours.

**Sexual Exploitation and Abuse:** Irrespective of authority, position, influence or trust, SEA can also occur through pressure, force or manipulation. Survivors who may appear to have consented to these acts have still been exploited if they were led to believe that they had no other choice than to comply.

**Implementation and adherence:** The head of agencies undertake to prevail upon their respective staff, according to formats that they may develop accordingly, to a) personally sign the Code, thereby signifying their personal commitment to adhere to its provisions b) disseminate the Code publicly and in the local languages understood by the respective target audiences, above all the beneficiaries. c) monitor the implementation of and adherence to the

provisions of the Code within their respective agencies, and particularly by their workers d) ensure that in every reported breach of the provisions of the Code, the necessary investigative, administrative and disciplinary measures within their respective agencies are taken decisively and without undue delay in accordance with the respective rules, regulations and guidelines of the individual agencies.

**Sexual Harassment** unwelcome sexual behaviour or abuse between or among staff. **SEA** is exploitative and abusive behaviour between staff and beneficiary.

**Humanitarian and development staff** includes all workers engaged by agency, whether internationally or nationally recruited, or formally or informally retained from the beneficiary community, to conduct the activities assigned by agency. Many of these workers are drawn from the beneficiary communities themselves. This may sometimes blur the distinction between what constitutes professional and private relationships with other members of the beneficiary community. However, as far as this Code is concerned, by accepting employment in these situations, all such workers accordingly also assume the special duty of humanitarian care and ethical conduct that goes with their responsibilities.

**Beneficiary** means a person to whom agencies and contractors provide one or another form of protection, assistance, service or other intervention as well as vulnerable members of affected/host community.

**Sexual relations with beneficiaries:** Humanitarian workers occupy positions of authority, power and control of resources and services. There should be concern over sexual relationships between them and beneficiaries, including even those which may be said to be proper and consensual. There should be no room at all for even the perception that abusive and exploitative relations could be taking place.

Sexual relations between beneficiaries and other categories of humanitarian workers, particularly international staff, are, as a minimum, strongly discouraged. They are strongly exhorted to conduct themselves as if such relationships are prohibited. Any humanitarian worker who finds himself/herself involved in a relationship with a beneficiary, even if confident that it is consensual and proper, shall advise his/her head of agency, supervisor or senior staff of the relationship.

**Endorsed by UNCT in (Month) 2017**

### Annex 6: Case Management System for reported cases

[illegible]

Feedback Received
Feedback Pending
Deadline Passed

## At a Glance: 8 Actions Each Agency Should Take at Country Level on PSEA

Actions	Date Completed
<p><b><u>1. Senior managers raise SEA with personnel and issue code of conduct</u></b></p> <ul style="list-style-type: none"> <li>• The agency's senior managers express, at least annually, to their personnel the importance of complying with SEA prohibitions and reporting incidents</li> <li>• A code of conduct or SGB is signed by all personnel and posted in prominent places</li> </ul>	
<p><b><u>2. Designate and support PSEA focal point(s)</u></b></p> <ul style="list-style-type: none"> <li>• Give them direct line to the head of office concerning their focal point role</li> <li>• Ensure both human resources and operational sides of the agency are engaged in PSEA</li> <li>• Ensure designated focal point actively engages in the inter-agency PSEA Network</li> <li>• Incorporate PSEA responsibilities into their performance appraisals</li> </ul>	
<p><b><u>3. Require adherence to the standards in the PSEA policy in all cooperative arrangements</u></b></p> <ul style="list-style-type: none"> <li>• Ensure all contracts issued to implementing partners include clauses on SEA (SGB Section 6)</li> </ul>	
<p><b><u>4. Conduct awareness raising</u></b></p> <ul style="list-style-type: none"> <li>• Provide awareness training to agency personnel</li> <li>• Raise awareness among beneficiaries / local populations. They need to know that they don't need to exchange sexual favours for humanitarian or development assistance as it is free, how to protect themselves, and how to complain if SEA occurs</li> </ul>	
<p><b><u>5. Establish complaints mechanisms</u></b></p> <ul style="list-style-type: none"> <li>• Establish and publicize how agency personnel can report concerns or suspicions of SEA</li> <li>• Together with the PSEA network and local populations, establish how beneficiaries / local populations can report SEA. Important: these complaints mechanisms should be joint for all agencies in a given location, rather than have different means of reporting depending on the agency; they should allow for complaints on a variety of issues, rather than only SEA, so as to promote use and avoid stigmatization</li> <li>• Establish clear procedures for how to handle and direct complaints</li> </ul>	
<p><b><u>6. Ensure investigation procedures and capacity in place</u></b></p> <ul style="list-style-type: none"> <li>• Ensure there is clarity on the role of the office in investigating allegations and directing them to headquarters</li> </ul>	
<p><b><u>7. Ensure recruitment procedures check background of prospective employees</u></b></p> <ul style="list-style-type: none"> <li>• Check references and files of possible new hires to ensure no background of SEA</li> </ul>	
<p><b><u>8. Provide assistance to victims</u></b></p> <ul style="list-style-type: none"> <li>• Together with the PSEA network, develop a victim assistance mechanism</li> </ul>	