

Standard Protocols for Recording and Processing Complaints for IRAQ Network related to Sexual Exploitation and Abuse (SEA) by UN/NGO/INGO Personnel

Purpose:

1. These Standard Protocols are to guide and define steps and measures to be taken when there is a suspected or alleged sexual exploitation and abuse committed by UN Agency staff member or its partner INGO/NGO in Iraq. The purpose is to facilitate a consistent approach across all complaints received from each possible channel, implementing Secretary-General's Bulletin ST/SGB/2003/13, dated 9 October 2003, on "Special measures for protection from sexual exploitation and sexual abuse." This Standard Protocol is specifically applied to all UN agencies and their partner INGO/NGOs in the context when a formal complaint is made against an individual whose affiliation is known, but it can also help in scenarios when the affiliation of the alleged perpetrator is suspected to be UN or partner INGO/NGO, but not fully known.
2. Sexual harassment of staff members is not included in the scope of the Standard Protocols.
3. The Standard Protocols are to provide a consistency in the way the complaints are recorded, logged and referred to the individual agencies for investigation and the way victim assistance is provided. The final responsibility to address the complaint, and follow-up the investigation lies with individual agency, and the role of PSEA Task force is limited to receive, log, refer and follow-up with the concerned agency on investigation.

Minimum Requirements within Organizations (UN, INGO and NGO):

4. Each UN agency and INGO/NGO working in Iraq is obliged to create and maintain an environment that prevents sexual exploitation and sexual abuse. Managers at all levels have a particular responsibility to support and develop systems that maintain this environment, including but not limited to adoption of the Core Principles and Code of Conduct developed by the UN IASC task force, nomination of senior level PSEA focal person, setting up of internal protocols for investigation of cases, and taking disciplinary actions in case the offense is proven.

Procedures to be followed in making/receiving a complaint:

5. It is a collective responsibility of the staff members, and beneficiaries to report a concern/complaint via the process outlined in the complaint procedures as follows:
6. Complaint from beneficiaries can be received through UN IDP Call center as well as other available complaints receiving mechanisms¹, by submitting the SEA complaints form online or through paper. A UN staff member with minimum information available may submit this form in good faith, to raise first level of alert on behalf of beneficiary. In case, the staff of the organization does not feel comfortable in filling the form, the beneficiary is to be encouraged to make complaint directly through IDP Call center. It is suggested that the complaint should be recorded or should be written by a person who receive a complaint using a standard complaint referral form (Appendix 1- Complaints Protocol), which should be signed and dated by the person receiving the complaint. The one recording the complaint must ensure that the individual who makes a complaint is informed of the policy on confidentiality, and obtain consent from the complainant for the information to be made available to others within the Complaints Management System within PSEA Iraq Network.²

¹ Examples of complaint receiving channels include but not limited to cluster referrals, community focal points, suggestion box in camps, women centers, child centers, GBV referral mechanisms, etc.

² Complaints Management System in the case of call center consist of call center operator, call center manager, PSEA Iraq Network co-leads, concerned UN agency PSEA focal persons, and the head of concerned organization.

5. Each complaint received is tagged with priority level of high, medium or low by the one recording it, based on the nature of the accounts submitted.

6. The complaints are tagged; according to priority (high, medium and low) and PSEA co-leads are immediately alerted.

7. For all cases tagged as “ high” if accused person’s affiliation is known, PSEA co-leads have to refer the case to affiliated organization through the designated PSEA focal person within next 24 hours.

8. In case victim assistance is requested, PSEA co-leads may refer it to the trusted assistance providing mechanisms within 24 hours.

9. For all cases marked as high priority, but with insufficient information³, PSEA co-leads should suggest to conduct preliminary inquiry. The methodology for preliminary inquiry is to be shared and agreed with other three PSEA task force member agencies. The methodology of preliminary inquiry should be agreed among the five members within 36 hours of receiving the complaints.

10. Methodology of the preliminary inquiry is agreed upon and tailored according to the nature of the complaint. Contacted PSEA focal persons have obligation to respond back and cooperate promptly to the request of the PSEA co-leads, and as much as possible, contribute resources and technical expertise to conduct the preliminary inquiry of the complaint.

11. For conducting preliminary inquiry, preferably a team leader is designated, who is responsible to collect facts and submit the findings, after following the methodology within a week’s time. Everyone involved in the process should adhere strictly to the confidentiality of the complainant.

12. Preliminary inquiry is held only to collect basic missing information and should not step into the realm of investigation. The preliminary inquiry report should be submitted to PSEA co-leads, who may further refer it to the individual agency. PSEA co-leads may decide (based on the sensitivity of the complaint) to share the preliminary inquiry report with the PSEA Iraq Network.

13. Once a case is referred to the organization, PSEA focal person representing the organization is obliged to report to the PSEA Iraq Network on the investigation process taken within the organization⁴.

14. In the event when no substantial details are found about particular nature of an incident, complainant and/or accused person, such complaints does not warrant a referral or full investigation. The PSEA Network nonetheless may decide on steps to address concerns in other ways (for example,

Tips on selecting priority the complaints received:

High:

- When the incident had been recently happened, repeatedly happening or about to happen; and needs immediate intervention.
- Preferably victim and accused person’s affiliation is known but not necessary.
- When the victim has given consent to follow-up and investigation.
- When the victim hasn’t given consent to follow-up but serves as a precedence of severe nature for the rest of the community.
- Survivor’s assistance is immediately needed regardless of the consent being given or not to investigate and follow-up the case.

Medium:

- When the case happened sometime back and has no indication if it can happen again.
- Information regarding the perpetrators is unknown.
- If survivor has not given consent to follow-up and investigation of the case.
- When survivor’s assistance is not required.

Low:

- Neither the victim nor the perpetrator is known.
- Very little information is available when, where and what exactly has happened with whom.
- Very little information is available about exact incident, or incidents. (such cases are usually defined as “ up in the air” reports)

³ Insufficient information means that there is no clarity in received complaint regarding the accused person or affiliation.

⁴ Periodicity of submitting the report on the follow-up should be agreed upon with the PSEA focal person, at the time when the complaint is referred to the organization.

addressing matters of poor practice via training, a change in working arrangements or a change in procedures).

15. If the complaint involves staff of other government or military personnel or non-staff personnel, such agencies must be informed of the complaint via established mechanisms or a joint strategy meeting should be convened urgently to discuss the complaint and agree on a course of action. Consideration must be given to conducting a joint investigation in the interests of information and resource sharing, as well as limiting the number of interviews necessary.

16. Any complaints tagged as priority medium or low, PSEA co-leads may decide to either raise the priority level, or convene a strategy meeting to decide if the priority level of the complaint can be raised to “high”, to take further actions as suggested in 8, 9, 10, 11, 12, 13, 14 and 15⁵.

17. A complaint priority level is not static and can be changed under the circumstances. Complaints tagged, as medium or low, or fall under the conditions as specified in 14., should only be logged.

18. Staff members should be reassured that there will be no action taken against any member of staff who reports in good faith information indicating a violation of the UN Agency’s Rules and Regulations and applicable codes of conduct regarding sexual exploitation and abuse and which, following investigation, proves unfounded. However, if a staff member knowingly and willfully reports false or malicious information regarding another member of staff, such false report may lead to disciplinary action.

19. A detailed record of information gathered via the complaints protocol should be kept confidentially on file as it may be used in subsequent disciplinary or legal action. Every effort must be made to ensure the security of such files.

⁵ Preliminary findings are conducted only for a complaint marked or decided as “high” priority.

Pathway of receiving and referring complaints

