

**Uganda Protection Against Sexual Exploitation and Abuse (SEA)
Task Force: Inter Agency Standard Operating Procedures
(SOPs) for Receiving, Recording and Processing SEA Complaints**



**UNITED
NATIONS
UGANDA**



Table of Contents

Uganda Protection Against Sexual Exploitation and Abuse Task Force: Standard Operating Procedures (SOPs) for Receiving, Recording and Processing SEA Complaints	1
1. Purpose.....	3
2. Principles.....	3
3. Minimum Requirements within Organisations (UN, INGO and NGO)	5
4. Roles and Responsibilities with respect to SEA Complaints.....	5
5. Procedures to be followed in making a complaint, including duty of development workers to report.....	8
6. Procedures to be followed when receiving a complaint.....	8
7. Actions to be taken on complaints.....	9
8. Actions to be taken on complaints: preliminary inquiry.....	10
9. Action and updates on complaints received by the relevant organization, including feedback to the survivor	11
10. Complaints against government, military and other personnel.....	12
11. Whistle-blower protections	12
12. PSEA Taskforce reporting on SEA complaints . Error! Bookmark not defined.	

Purpose

- 1.1 The following Standard Operating Procedures (SOPs) are designed to guide and define steps and measures to be taken when there is a suspected or alleged sexual exploitation and abuse (SEA) case committed by a humanitarian, development or peace-keeping staff working for, or on behalf of the UN in Uganda.¹ The SOPs takes its' starting point from the Inter-agency Action Plan on the Prevention of Sexual Exploitation and Abuse, United Nations System in Uganda signed on 28 May 2018. Sexual harassment of staff members is not included in the scope of these SOPs.
- 1.2 The purpose of the SOPs is to enhance accountability of UN agencies and their implementing partners to facilitate a consistent approach across all potential SEA complaints received from all available channels, implementing the Secretary-General's Bulletin ST/SGB/2003/13, dated 9 October 2003, on "Special measures for protection from sexual exploitation and sexual abuse", the IASC plan for accelerating protection from sexual exploitation and abuse (PSEA) in humanitarian response at country-level, endorsed by IASC principals on 3 December 2018 and the UN Victim Assistance Protocol (2020).
- 1.3 The SOPs are designed to provide consistency and effectiveness in the way complaints are reported, recorded, logged, and referred to individual organizations for investigation and provision of victim-centered assistance when handling the cases.

Principles

- 2.1 Building on the IASC's Six Core Principles on Sexual Exploitation and Abuse, the work carried out by the Uganda PSEA Task Force under these SOPs is premised on the following principles:
 - 2.1.1 **Victim centered**²: All responses to SEA complaints and allegations will be developed in a manner that balances respect for due process with a victim-centered approach in which the victim's wishes, safety, and well-being will

¹ For the purposes of these Standard Operating Procedures, the term 'development and humanitarian aid worker' encompasses all persons involved in providing protection and/or assistance to affected populations and who have a contractual relationship with the participating organization/partners, including incentive workers from target communities. It refers to all staff of development/ humanitarian agencies and organizations, including UN agencies, IGOs, NGOs, implementing partners, and relevant CBOs including paid staff, volunteers, contractors, incentive workers, and anyone performing a task on behalf of any development, humanitarian agency or organization, regardless of the type or duration of their contract.

² 'Victim' is a term often used in the legal and medical sectors, while the term 'survivor' is generally preferred in the psychological and social support sectors to a person who has experienced sexual or gender-based violence because it implies resilience. See further the UN Glossary on SEA p. 11 (https://hr.un.org/sites/hr.un.org/files/SEA%20Glossary%20%20%5BSecond%20Edition%20-%202017%5D%20-%20English_0.pdf)

- remain a priority in all matters and procedures. The overarching approach, in line with best practice, will be to let the victim³ be in charge of their case, letting them decide what they want to do, what information they want to share, who they want to talk to and what help they want.
- 2.1.2 **Confidentiality:** victims and the complainant⁴ have a right to confidentiality. Access to/sharing of information will be restricted to people who are required to know (need to know basis) the information.
- 2.1.3 **Accessibility:** Multiple channels will be made available for complainants/victims and other persons to raise allegations, and concerns regarding potential SEA cases. These options will be available for as many people as possible in areas with development assistance, and communities will be informed on how to report SEA allegations. The strategy will ensure that the reporting mechanisms are easily accessible and trusted for the survivors and complainants to have confidence to report.
- 2.1.4 **Safety:** The safety of the victim and the persons directly affected will always be a primary consideration during reporting, investigation, and thereafter. All actions taken under these SOPs will consider potential dangers and risks to all parties, incorporate ways to prevent further injury and harm, address potential retaliation to survivors/complainants, and offer a safe space for reporting. It is essential that a risk assessment is conducted for each survivor, and that a security/protection plan is developed if necessary, based on individualized needs.
- 2.1.5 **Transparency:** Members of the affected community will be educated on how to raise complaints and allegations and will receive feedback on any complaint or allegation raised. Members may also offer input on how to improve complaint and allegation mechanisms and responses. This will be in a format that is accessible to all, regardless of age, literacy, language spoke or disability.
- 2.1.6 **Accountability:** Community members will be sensitized about their rights, including their rights to make and withdraw allegations. Complainants/victims will be kept informed about any next steps related to their case, including investigation and referral to GBV and child protection services, and will be

⁴ a person who brings an allegation of SEA to the attention of the UN in accordance with established procedures. This person may be a SEA survivor or another person who is aware of the wrongdoing.

provided information on any obligation for service providers to report to the police, to enable them to make informed decisions.

- 2.1.7 **Best interests of the child:** If a decision is taken on behalf of a child, the best interests of the child shall be the overriding guide in the case management.

Minimum Requirements within Organizations (UN, INGO and NGO)

2.2 Each UN entity and partners, including contractors, working in Uganda is obliged to create and maintain an **environment that prevents sexual exploitation and sexual abuse.**

2.3 **Managers at all levels have a responsibility** to support and develop systems that maintain this environment, including but not limited to:

2.3.1 adoption of the **Core Principles** and **Code of Conduct** developed by the IASC Task Force and adopted by UNSG on Protection from Sexual Exploitation and Abuse;

2.3.2 taking **action to prevent SEA**, including through awareness-raising, training and other measures; such as nomination of a **senior level PSEA focal point**;

2.3.3 setting up of **internal protocols for investigation, including measures for providing feedback to the victim/survivor on the status of investigation** of cases; and

2.3.4 **taking disciplinary actions** in case the offense is proven.

2.4 All members of the PSEA Stakeholder Network commit to **timely and expeditious action** to provide assistance to complainants/survivors, to prevent, referrals to services, investigate and penalize SEA, and to comply with all timelines for action laid out in these SOPs.

Roles and Responsibilities with respect to SEA Complaints

4.1 **Resident Coordinator (RC):** The RC bears the final responsibility for developing inter-agency complaints mechanisms, ensuring that victims have access to appropriate, immediate access to services and longer-term assistance, coordinating

inter-agency allegation referrals and reporting regularly to the UNCT as well as to the SG on PSEA in relation to development/ humanitarian operations.

- 4.2 **PSEA Stakeholder Network:** The PSEA Stakeholder Network is comprised of PSEA focal points from the UN, NGOs and the government. The PSEA Stakeholder Network is responsible for the update and harmonizing SEA cases in the country (national SEA repository only managed by the PSEA coordinator). This repository will form the basis for reporting to the RC of the status of all cases in the country on a quarterly basis. The PSEA Stakeholder Network also has a responsibility to ensure that victim assistance mechanisms are in place and known to the local PSEA Networks, and that are based on existing gender-based violence services and referral pathways in order to harmonize service provision and avoid creating parallel SEA-specific service structures.
- 4.3 **PSEA Coordinator:** The PSEA Coordinator is a person who has a dedicated post focused on PSEA, with a direct reporting line to the RC, that provides day-to-day technical support and expertise for the inter-agency PSEA Stakeholder Network. In the absence of a Field Victims' Rights Advocate (FVRA), the PSEA Coordinator acts as focal point for victims' rights and assistance. The Coordinator is also responsible for ensuring action is taken on allegations and complaints received by the PSEA Stakeholder Network. In the event that there is initially inadequate information for a referral to proceed, the PSEA Coordinator is responsible to launch a preliminary inquiry to determine whether, based on already available information (e.g. partners operational in a given area), it is possible to identify an organization for initial referral. The PSEA Coordinator should liaise with the HR working group to ensure systems are in place to prevent re-hiring of convicted SEA perpetrators
- 4.4 **The local PSEA Networks** are responsible for strengthening existing and/or establishing community-based complaints mechanisms (CBCMs). The CBCMs should be strengthened and developed along the lines of the IASC best practice guide on inter-agency CBCMs. When local PSEA network receive case, they need to closely liaise with the national PSEA focal point. Local PSEA focal points also have a role of ensuring victim assistance is provided via existing referral pathways, as per the individual organizations procedures on how to deal with SEA cases. Additionally, provide update to UNACs/PSEA coordinator on action taken on SEA allegation including status of investigation.
- 4.5 **UN Area Coordinators (UNACs):** The Local PSEA Networks are headed by a respective agency UNAC, with a specialised mandate in the operational area. Refugee operations Local PSEA Networks should be led by UNAC for UNHCR. The local PSEA network via UNACs will provide periodic updates to the National PSEA Stakeholder Network. UNACs have a role of ensuring that local CBCMs are established, that they are functional, and their capacity strengthened.

- 4.6 National PSEA Focal Points:** PSEA Focal Points are senior staff designated by each organization and are members of the PSEA Stakeholder Network. Under the SOPs, they have an obligation to receive and refer potential SEA complaints for action, including the status of the investigation, in accordance with their internal organizational procedures. They are also responsible for reporting complaints/allegations made against development/ humanitarian aid workers engaged by their organization, and to update the PSEA Stakeholder Network on progress in relation to complaints referred to their organization, including on the internal investigation.
- 4.7 Recipient of the complaint:** The recipient of the complaint will request consent from the complainant/victim to refer the complaint to the organization's PSEA Focal Point for action (if a specific organization is identified) and/or to the PSEA Coordinator (if no specific organization is identified). Note that the recipient of the complaint needs to clarify to the complainant/victim that it is compulsory to report SEA complaints, but that the consent is related to sharing the specific details of the survivor. The organization's PSEA Focal Point and/or PSEA Coordinator are obliged to log the report to the PSEA Stakeholder Network in accordance with a standard format as well as to abide by their internal processes. The PSEA Focal Point or PSEA Coordinator will provide the complainant/victim with information regarding how to access services.
- 4.8 Concerned Organization:** The final responsibility to address the complaint, and conduct the investigation, lies with the organization that employs the alleged perpetrator. This is the organization responsible for investigating allegations of SEA and taking appropriate follow-up action. The organization is also responsible to provide updates to the PSEA Stakeholder Network on the status of a referred case, including: when the complaint was received by the agency's investigative unit; when/whether investigation commenced or the complaint was determined on insufficient basis to proceed; when the investigation was concluded; the outcome of the investigation; and when/whether the outcome (or any information) was provided to the victim.
- 4.9 United Nations' role regarding Implementing Partners:** In line with the UN's Implementing Partners protocol on SEA and the Uganda Inter-agency Action Plan, it is the responsibility of implementing partners to promptly report allegations of SEA to the UN partner entity. The UN entity shall report to the Resident Coordinator and the PSEA Stakeholder Network and shall have the right to investigate SEA allegations involving development or humanitarian aid workers engaged by implementing partners, notwithstanding related investigations undertaken by the implementing partners or national authorities. If the Implementing Partner does not have the capacity to investigate the allegation, the alleged organization in

collaboration with the UN entity may hire external investigators or defer the investigation to the UN entity.

Procedures to be followed in making a complaint, including duty of development workers to report

5.1 **Complaints can be received via any Complaint and Feedback Mechanism.**

Complaint and Feedback mechanisms may include call centers, such as the Feedback, Referral and Resolution Mechanism (FRRM), SMS platforms, agency-specific or coordinated hotlines, cluster referrals, community focal points, suggestion boxes in settlement areas, women's centers, child-friendly spaces, gender-based violence referral mechanisms, PSEA Focal Points and others. Complaints may be submitted online or through paper, voice message, text message or in-person. When the organization that employs the subject of the complaint is known, the complaint should be referred to the organization's PSEA Focal Point or to the Head of Office as per the established procedure of each organization. When the organization is not known the complaint should be referred to the PSEA Coordinator.

5.2 **Development or Humanitarian aid workers have a duty to report any concern, doubt, or allegation of SEA in accordance with the internal policies and procedures of their agency,** whether or not the subject of complaint is from the same agency. For United Nations staff, the Secretary-General's Bulletin on SEA (2003) and many agency policies make reporting concerns or suspicions of SEA via "established reporting mechanisms" a mandatory requirement of staff. In line with this mandatory reporting requirement, agency protection for whistle-blowers needs to be robust so that staff are not harmed for fulfilling their duties. All implementing partners are expected to uphold the same requirements.

Procedures to be followed when receiving a complaint

6.1 When a complaint is **received through any established complaint mechanism,** the complainant/victim should be referred immediately to the PSEA Focal Point of the relevant organization (if a specific organization is identified) or to the PSEA Coordinator/UNAC (if no specific organization is identified) to record the case using the standard complaint referral form, see Annex I.

6.2 The PSEA Focal Point, the PSEA Coordinator or UNAC who receives the case should immediately conduct a **risk assessment for the complaint/victim,** and develop a protection plan if necessary, based on individualized needs.

6.3 The person recording the complaint **must ensure that the individual who makes the complaint is informed of the policy on confidentiality, victim**

centered approach and obtain consent from the complainant for the information to be made available to others within the Uganda PSEA Stakeholder Network, which shall include PSEA Coordinator , concerned UN agency PSEA focal point, and the head of the concerned organization. If the recipient of the complaint is a UN staff member, the staff member must inform the survivor of the UN’s mandatory reporting policy and explain who the complaint will be reported to.

6.4 The person recording the complaint must **provide immediate advice on available victim assistance** , facilitate the provision of services **within 24 hours**, inform the complainant/victim about his/her rights, and info provide clear information on any legal reporting requirements for support services, so as to enable the complainant/ victim to make an informed decision, without waiting for the outcome of the complaint. The Uganda PSEA Stakeholder Network will work with gender-based violence (GBV) and child protection coordination mechanisms to ensure that the SEA survivor access services. All actions taken must be with the full informed consent of the survivor.

6.5 The person recording the complaint should **identify whether the complainant/victim consents to be contacted for follow up** and if so how and at what time and day of the week. If possible, an alternative contact channel should be gathered and shared with the PSEA Focal Point of the Concerned Organization, the PSEA Coordinator or the UNAC (where the Concerned Organization is not readily identifiable). The right to say no is paramount.

Actions to be taken on complaints

7.1 Each SEA complaint received must be **treated as a matter of the highest priority** by the person recording it.

7.2 For all cases where the **subject of the complaint’s organizational affiliation is known**:

7.2.1 The case should be immediately referred to the Concerned Organization through the designated PSEA Focal Point, for follow-up within the next 24 hours. If no focal point has been designated for that organization, the case will be referred to the Country Director and/or Human Resources Department;

7.2.2 The PSEA Focal Point should identify whether the victim has received assistance through trusted assistance mechanisms, preferably via pre-established referral pathways, within 24 hours, and follow-up to resolve any challenges in case assistance has not yet been provided.

- 7.3 For all cases where there is **no clarity regarding the identity of the accused person or their organizational affiliation**, the person who receives the complaint should refer the case immediately to the PSEA Coordinator or UNAC who will review the case within 24 hours, and also ensure the victim is referred for assistance (medical, psychosocial, legal, safety) and may **recommend a preliminary inquiry**.
- 7.4 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.

Actions to be taken on complaints: preliminary inquiry

- 8.1 If required, a preliminary inquiry should **take place within 72 hours** of receiving the complaint and should be tailored according to the nature of the complaint.
- 8.2 The **aim of the preliminary inquiry** will be to gather **additional, readily available, information, that may help determine which organization a case should be referred to**. This could include, for example, gathering information on the available GBV referral pathway in the particular area.
- 8.3 **A preliminary inquiry is held only to collect basic missing information** and must not step into the realm of investigation.
- 8.4 The following **steps** will be **taken during a preliminary inquiry**:
- 8.4.1 PSEA Coordinator/UNAC will contact 2-3 PSEA Focal Points to participate; and
 - 8.4.2 PSEA Coordinator/UNAC will designate a team leader, who is responsible for collecting and sharing findings, **within 72 hours**.
- 8.5 PSEA Focal Points contacted by the PSEA Coordinator/UNAC to participate in the preliminary inquiry have an **obligation to respond rapidly and cooperate promptly** and, as much as possible, contribute resources and technical expertise to conduct the preliminary inquiry of the complaint. Everyone involved in the process should adhere strictly to the confidentiality of the complainant. The list of PSEA Focal Points should include alternatives to allow for quick activation of a preliminary inquiry regardless of whether the primary is in country/in the office.
- 8.6 The preliminary inquiry report should be submitted to the PSEA Coordinator **within one week**, who may either:

- 8.6.1 **refer it to an individual organization**, if enough information is available to do so; OR
- 8.6.2 where no organization can be identified for referral, decide (depending on the sensitivity of the complaint) to **share the preliminary inquiry report with the PSEA Stakeholder Network**, to discuss the information available and determine whether there is an avenue via which the complaint can be taken forward. In addition, the PSEA Coordinator/UNAC should **follow-up with the complainant/victim** to update them on the status of the case as well as to check on the status of services received and whether any further assistance is required.

Action and updates on complaints received by the relevant organization, including feedback to the victim

- 9.1 The final responsibility to address the complaint, and follow-up the investigation, lies with **the individual organization** that employs the Subject of Complaint. However, in cases of SEA committed by development or humanitarian aid workers engaged by UN **implementing partners**, the UN entity shall have the right to investigate SEA allegations, notwithstanding related investigations undertaken by the implementing partner or national authorities. Where the investigation is not conducted by a UN entity directly, the UN partner entity will seek all relevant information to determine whether the implementing partner has taken appropriate investigative and corrective action.
- 9.2 Where the organization that employs the Subject of Complaint **does not have the capacity** to appropriately follow-up on the complaint, the PSEA Stakeholder Network, with support from the UNCT, should utilize available resources and expertise to support rapid action by the organization.
- 9.3 Where appropriate and warranted, consideration should be given to conducting **joint investigations** in the interests of information and resource sharing, as well as limiting the number of interviews necessary.
- 9.4 The investigating organization must **notify the complainant/victim in a safe and timely manner of the status and outcome** of their investigation. Feedback to complainants/victim is a two-fold responsibility: it is part of the required outcome of agency investigations under international commitments, and it is part of the victim assistance package. Ideally, feedback should be given in writing to avoid confusion and/or differing interpretations of the feedback.
- 9.5 The PSEA Focal Point for the investigating organization is also obliged to **update the Uganda PSEA Stakeholder Network**– with due respect for confidentiality of victim and the subject of the complaint - on the progress of the investigation

process taken by the organization, as well as services provided to the victim/survivor /complainant.

Complaints against government, military and other personnel

10.1 If the complaint involves staff of government, military personnel or other personnel, the relevant entity must be informed of the complaint via established mechanisms through Resident Coordinators Office or a joint strategy meeting should be convened urgently by the PSEA Coordinator/UNAC with at least three members of the Taskforce to discuss the complaint and agree on a course of action. Where accusations are made in the context of a Government acting as an implementing partner for a United Nations entity, the relevant provisions apply (see above under 9.1).

Whistle-blower protections

11.1 **Whistle-blower is a type of complainant**, not the victim, who is a development or humanitarian aid worker making a report of SEA. Organizational whistleblowing policies encourage staff to report concerns or suspicions of misconduct by colleagues by offering protection from retaliation for reporting and clarify the rules and procedures for reporting and addressing such cases. The definition, scope, and protection measures may differ between organizations.

11.2 General principles (e.g. confidentiality) apply to whistle-blowers, as they would to any complainant, and internal agency policies shall protect whistle-blowers on SEA from retaliation, **so long as the report is made in good faith**⁵ and in compliance with internal agency policies.

⁵ Reporting in good faith refers to the person making the report has reasonable cause to believe is true and which is made without malice or consideration of personal benefit.

ANNEX II: INCIDENT REPORTING FORM (SEXUAL EXPLOITATION AND ABUSE)

Name of Complainant: _____ Ethnic origin/Nationality: _____ _____
Address/Contact details: _____ Identity No: _____ Age: _____ Sex: _____
Name of victim (If Different from Complainant): _____ Ethnic origin/Nationality: _____ Address/Contact Details: _____ Identity No: _____ Age: _____ Sex: _____ Name(s) and address of Parents/guardians if Under 18 _____ Has the victim given consent to the completion of this form? ... YES ... NO
Date of Incident(s): Time of Incident(s): Location of Incident(s): _____ _____ Physical & Emotional State of Victim (Describe any cuts, bruises, lacerations, behaviour, and mood): _____ _____ Witnesses' Names and Contact Information: _____ _____ _____ Brief Description of Incident(s) (Attach extra pages if necessary): _____ _____ _____ _____
Name of Accused person (s): Job Title of Accused person(s): _____ Organization Accused person(s) Works For: _____ Address of Accused person(s) (if known): _____ _____

Age:	Sex:
Physical Description of Accused person(s):	

Have the police been contacted by the victim? ... YES ... NO If yes, what happened?	

If no, does the victim want police assistance, and if not, why? _____	
Has the victim been informed about available medical treatment? ... YES ... NO	
If Yes, has the victim sought Medical Treatment for the incident? ... YES ... NO	
If Yes, who provided treatment? What is the diagnosis and prognosis?	

What immediate security measures have been undertaken for victim?	

Who is responsible for ensuring safety plan (Name, Title, Organisation):	

Any other pertinent information provided in interview (including contact made with other Organisations, if any): _____	

Details of referrals and advice on health, psychosocial, legal needs of victim made by person completing report: _____	

Report completed by: _____	
Name Position/Organisation Date/Time/Location _____	
Has the Complainant been informed about the Ogranisation's procedures for dealing with complaints? ... YES ... NO	

Has the complainant given consent to be followed up (if yes, state when)

Signature/thumb print of Complainant signalling consent for form to be shared with relevant management structure* and SRSG/RC/HC:

Complainant's consent for data to be shared with other entities (check any that apply): _____

Police ... Camp leader (name) ... _____ Community Services agency ... _____

Health Centre (name) ... _____ Other (Specify) ...

Date Report forwarded to relevant management structure*:

Received by relevant management structure*:

Name:

Position:

Signature _____

(*Relevant management structure is the official(s) responsible for sexual exploitation and abuse issues in the Headquarters of the Organisation where the Accused person works)
