**CXB Network on Protection from Sexual Exploitation and Abuse**

**Terms of Reference**

**I. Background**

As of 1 November 2017, more than 820,000 Rohingya are estimated to be living in Bangladesh, having fled violence and persecution in Myanmar. Violence which began on 25 August has triggered a massive and swift refugee influx across the border - over 610,000 people are estimated to have arrived between 25 August and the end of October. These refugees have joined more than 200,000 Rohingya who were already in Bangladesh following earlier waves of displacement. The Rohingya population in the Cox’s Bazar area is highly vulnerable, many having experienced severe trauma, and are now living in extremely difficult conditions.

The unprecedented volume of new arrivals coupled with the existing refugee population have put immense strain on infrastructure, services and the host population. Most who have arrived came with very few possessions and are now reliant on humanitarian assistance for food and other life-saving needs. Population movements remain highly fluid, with people settling into pre-existing makeshift and spontaneous sites before infrastructure and services have been established. Many sites are now alarmingly overcrowded, exacerbating risks to people’s security, safety and wellbeing. UN agencies, and international and Bangladeshi NGOs have responded to the crisis with a mass deployment of humanitarian workers with various degrees of training and capacity.

In contexts characterized by violence, gross power imbalance, mass displacement, restricted access, dismantled family and societal structures, and lack of protection, the risk of sexual exploitation and abuse is high. Large deployments of staff untrained in PSEA and lack of structures to report abuse dramatically increase this risk, both to the refugee and the host population.

Sexual exploitation and abuse (SEA) refers specifically to acts committed against members of the affected population by humanitarian actors, including international and national personnel of the United Nations (UN) and of non-government organizations (NGOs). SEA represents a failure on the part of humanitarian agencies to provide protection and care for communities, especially for the most vulnerable members of the population.

**II. Network Description**

The Cox’s Bazar Protection from Sexual Exploitation and Abuse (PSEA) Network (hereinafter called CXB PSEA Network or the network) functions under the auspices of the Resident Coordinator (RC) to implement international commitments on PSEA including the Secretary-General’s Bulletin (2003).[[1]](#footnote-1) The CXB PSEA Network will give regular reports to Heads of Office in Dhaka and to the RC, who will have ultimate oversight of the network and may delegate regular oversight to the Inter-Sector Coordination Group (ISCG) Senior Coordinator and Heads of sub-Office in CXB.

**III. Principles**

The humanitarian community in CXB affirms the Inter-Agency Standing Committee’s (IASC)[[2]](#footnote-2) commitment to promote and protect the rights enshrined in international humanitarian, human rights and refugee law, particularly the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination Against Women. The humanitarian community recognizes their responsibility, in fulfilling their mandates, to guard and protect vulnerable persons from sexual exploitation and abuse and to address such violations appropriately in their work. In particular, they must ensure their staff and partners do not abuse their power and influence to exploit and harm others.

**IV. Membership**

Network membership is open to all UN agencies, INGOs and NGOs operating in CXB that either 1) have an SEA complaint handling and response policy in place, or 2) commit to developing an internal complaint handling and response procedure. Each of these organizations will be represented in the network by one PSEA Focal Point, and preferably an alternate. Focal Points will coordinate the implementation of PSEA activities within their agency/organization and participate in network activities. These include, for example, PSEA trainings, site monitoring, and the establishment and ongoing maintenance of community-based complaint mechanisms for SEA. All PSEA Focal Points must be able to make decisions on behalf of their agencies in an inter-agency forum.

Participation as an observer in the CXB PSEA Network is open to all UN agencies, INGOs and NGOs operating in CXB regardless of their internal PSEA procedures, as well as Sector Coordinators who are encouraged to attend network meetings. Observer organizations may transition to full network membership, including voting privileges, by committing to develop complaint handling procedures for SEA. Sector Coordinators will provide two-way coordination between their sector and the network. Participation in the CXB PSEA Network will be reviewed to potentially include Government representation.

The Network will engage in outreach with non-member, non-observer organizations as part of ongoing activities. At a minimum all organizations in CXB should be aware of the inter-agency PSEA complaint referral system and be able to receive complaints against their own staff, regardless of their relationship to the Network. The Network will advocate for the strengthening and/or establishment of internal complaint handling systems for all organizations operating in CXB, and will offer support as needed where such systems are not in place.

**V. Responsibilities**

Senior management within each organization are accountable for PSEA, and for ensuring that organizational processes and procedures supporting PSEA are in place, working effectively and are monitored and reviewed.[[3]](#footnote-3) The CXB PSEA Network will serve as the primary body for coordination, support, and oversight of PSEA between its member organizations. Due to the fact that the risk of SEA, and responsibility for action, is shared across all sectors of the humanitarian response, the CXB PSEA Network will be established under the Inter Sector Coordination Group (ISCG), and will report on a regular basis to the ISCG coordinator and the UN Resident Coordinator for Bangladesh.

*The guiding Terms of Reference for the CXB PSEA Network are as follows:*

**1. Management and Coordination:** The network will be Co-Chaired by IOM and UNICEF. Responsibility for PSEA activities will be divided equally amongst network members, which the co-chairs will manage and coordinate by:

* Liaising with IASC Task Team on Accountability to Affected Populations and PSEA
* Establishing an effective PSEA action plan to be implemented by all actors engaged in the humanitarian response
* Ensuring a dedicated PSEA Focal Point is committed from each agency/organization
* Holding regular meetings of the CXB PSEA Network on the first Wednesday of every month, with ad hoc meetings as necessary and need reviewed quarterly

**2. Engagement with Government, INGO and NNGO partners:** The network will engage with Government and NGO partners by:

* Advocating effective engagement and commitment from INGOs, NGOs and Government entities to implement PSEA principles and action plan in CXB
* Ensuring communication and awareness raising of beneficiaries’ rights with UN and other humanitarian partners
* Increasing capacity of humanitarian actors, including UN Staff, INGOs, NGOs, and government counterparts on prevention, protection and reporting SEA

**3. Prevention & Protection:** The network will seek to prevent SEA and protect survivors of SEA by:

* Liaising with the GBV and Child Protection sub-Sectors to receive and refer victims of SEA for proper reporting and appropriate assistance services
* Working closely with assistance service providers in CXB to address the particular needs of victims of sexual exploitation and abuse and adopt appropriate procedures for providing redress. Network activities will follow a survivor-centered approach, and respect the principles of informed consent and the best interests of the survivor.
* Advocating for and supporting mandatory regular training of all humanitarian workers in CXB on PSEA and complaint procedures
* Advocating with network members and partners to strengthen systems to prevent SEA, e.g. Human Resource practices, Codes of Conduct that include PSEA, and including PSEA in all field level agreements.

**4. Response:** The network will ensure appropriate response to SEA complaints in CXB by:

* Ensuring that agencies have effective internal complaints and investigation procedures in place which adhere to principles of confidentiality
* Establishing a complaint referral mechanism between UN agencies, NGOs, and other relevant entities
* *Note*: The CXB PSEA Network is not responsible for investigating complaints. This function rests solely with the entity that employs the individual against whom a complaint has been alleged, in line with internal policies.

**5. Commitment to Action:** The network commits itself to implementation of the PSEA Action Plan, including:

* Establishing Standard Operating Procedures for complaint referral in CXB, covering comprehensive monitoring and evaluation of complaints, referral pathways and reporting lines, and follow-up procedures.
* Advocating for the rights, protection and well-being of people, in particular women and children as well as needs of adolescents, for the prevention of and response to sexual exploitation and abuse, as a priority throughout humanitarian programming.
* Collaborating on awareness-raising for the community on their rights, how to report abuse, and appropriate behavior of all humanitarian staff.

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*Endorsed by the CXB Heads of sub-Office and*

*the Senior Coordinator of the Inter Sector Coordination Group on 30 November 2017*

1. *Secretary-General’s Bulletin on Special Measures for Protection from Sexual Exploitation and Sexual Abuse* (ST/SGB/2003/13). Available at <https://oios.un.org/resources/2015/01/ST-SGB-2003-13.pdf>, accessed on 11 November 17. [↑](#footnote-ref-1)
2. The IASC is the UNGA-mandated body to coordinate humanitarian response. It is comprised of both members (FAO, IOM, OCHA, UNDP, UNFPA, UNICEF, UNHCR, WFP, WHO) and standing invitees (ICRC, ICVA, IFRC, InterAction, SCHR, RSG/IDPs, UNHCHR, and the World Bank). [↑](#footnote-ref-2)
3. *Secretary-General’s Bulletin*, as above n.1. [↑](#footnote-ref-3)