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| Information Sharing Protocol & Reporting Allegations of Sexual Exploitation and Abuse (SEA) **…………………………………………………………………**  **MINUSCA, UN Agencies, International NGOs and Local Partners** |

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**Protocol for Information Sharing & Reporting Allegations of Sexual Exploitation and Abuse (SEA) between MINUSCA, UN Agencies, International NGOs and Local Partners[[1]](#footnote-1)**

**1. Purpose**

The **purpose** of this document is to clarify **(1)** the process of reporting allegations of sexual exploitation and abuse[[2]](#footnote-2) (SEA) against UN personnel and UN associated personnel, contractors[[3]](#footnote-3), against foreign military forces operating under the authorization of the Security Council but not under UN command (non-UN International Security Forces), against personnel from INGOs and national NGOs in the Central African Republic, and **(2)** how to share essential information throughout the reporting and response process. **The aim** is to improve collaboration and to ensure the responsible collecting, referring and handling of SEA allegations.

This protocol applies to situations in which one of the entities signatory receives allegation of SEA against a staff member or former staff member or person otherwise working for, or having worked for, whether paid or unpaid, temporary or permanently, another signatory to this protocol.

The intention is to work within the scope of existing coordination and information-sharing processes. These include the following coordination mechanisms on SEA: The PSEA Focal Point Network, the humanitarian PSEA Task force, the MINUSCA high-level strategic task force, the monitoring and reporting mechanism on grave violations committed against children (MRM) and the monitoring, analysis, and reporting arrangements on conflict-related sexual violence (MARA). The terms of interaction and collaboration between the Gender-Based Violence Information Management System (GBVIMS) and the humanitarian PSEA Task Force are being discussed at the GBVIMS Steering Committee level in view of developing global guidance. Until these discussions are concluded, field actors and GBVIMS Data Gathering Organizations (DGOs) will collaborate strictly respecting the GBVIMS Information Sharing Protocol (ISP), survivor-centered approach criteria and WHO guidelines on reporting on GBV in Emergencies. Once the discussions are concluded, global guidance will be applied.

**2.Definitions:**

Sexual Exploitation and Abuse (SEA): Sexual abuse is the actual act or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. Sexual exploitation is 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.

Complaints Mechanism: Channel that gives users access to safe means of voicing feedback or complaints on areas relevant to and within the control of the agency.

Reporting entity: entity signatory to this protocol that receives information about an allegation of SEA involving another entity signatory to this protocol.

Concerned entity: entity signatory to this protocol for which the staff member or former staff member or person concerned by the allegation of SEA is otherwise working for, or has worked for, whether paid or unpaid, temporary or permanently.

**3.Key objectives and principles**

A common understanding of the reporting and information-sharing procedures and cooperation among all UN and non-UN entities involved in the response to SEA is essential. The following key objectives and principles need to be upheld in responding to allegations of SEA:

1. An effective response to allegations of SEA committed by staff members or former staff members or persons otherwise working for, or having worked for, whether paid or unpaid, temporary or permanently, signatories to the protocol, in the Central African Republic, requires the engagement and collaboration by all UN and non-UN actors.
2. Alleged perpetrators of SEA need to be investigated, and if proven guilty, held accountable, while respecting due process and confidentiality.
3. The right to confidentiality is equally applicable to the victim, his/her family and his/her community and to the alleged perpetrator, his/her family and his/her work environment, and witnesses. Confidential information about the victim and witnesses is only to be shared with the entities involved in the investigation and the follow-up of the individual case, on the condition that written informed consent has been given using the Consent Form (Annex III). In particular, the names of the victims, which will only be shared after informed consent is provided, witnesses and alleged perpetrators (if known), together with all other identifying information relating to SEA allegations and investigations, need to be treated as strictly confidential. Information related to the victim will be encoded on the Alert Form and shared only following the mechanism specified below in the subsection “Reporting allegations”. Moreover, all materials, in whatever form, relating to SEA cases, are to be kept in a secure, locked and confidential location.

1. The protection and support of victims need to be ensured, including the protection of their dignity, safety and security, as well as their rights to assistance and to access to justice and remedy. All of the aforementioned must be done while respecting the principles of “do no harm” and the best interests of the victim or witness, strict confidentiality and informed consent. If the victim is a minor, a child-centred approach will be applied bearing in mind the best interests of the child in line with the core principles contained in the Convention on the Rights of the Child.

**4. Reporting allegations**

The prompt reporting of allegations of SEA is critical. Reporting has to be done responsibly and with the victim’s written informed consent, through an Alert form (Annex II) and a Consent Form (Annex III) that communicate the relevant information:

* **Who** is the victim and what is his/her profile: minor/adult, male/female, IDP/refugee/host community (names will be encoded on the Alert Form and shared only through secure communications and after receiving the written informed consent of the victim)
  + - Who is the alleged perpetrator and his/her profile, if available (name of contingent, organization, etc.)
    - Who/which organization reported the allegation?
  + **What** is the nature of the incident?
  + **When** did the alleged incident take place?
  + **Where** did the alleged incident take place?
  + **Has** the victim received emergency medical care, if required and the victim wishes to receive it? (If not, immediate referral for medical care shall be provided)

When an entity signatory to this protocol receives information concerning an allegation of SEA involving another entity signatory to this protocol (not MINUSCA or elements of the international forces), the person receiving the information within 48 hours contacts the focal point of his/her organization. This transmission of information can be done anonymously, if the person receiving the information so prefers.

1. If the reporting entity has a focal point in the location where the report was made, the focal point completes the Alert and Consent Forms (annexes II and III).
2. If the reporting entity does not have a focal point present in the location, the focal point of the reporting entity contacts a focal point of another entity signatory to this protocol who is present in the location and confidentially shares the information with him/her. The focal point present in the location then completes the Alert and Consent Forms and that entity becomes the reporting entity for the purposes of this protocol.
3. If no organization has a focal point present in the area, a focal point of the reporting entity travels to the location as soon as possible, but no later than within two weeks from the receipt of the information by the organization and completes the Alert and Consent Forms.

The focal point prepares copies of the completed forms. In two separate messages, the focal point of the reporting entity transmits scans/copies of the Alert Form and the Consent Form to the focal point of the concerned entity. This transmission is to be done using the focal points’ email addresses to which no one else has access and copying only the Coordinator of the Humanitarian PSEA Task Force. No one else is to be copied on these emails. If the allegation concerns the focal point of the concerned entity, the focal point of the reporting entity transmits the information only to the Coordinator of the Humanitarian PSEA Task Force.

If the allegation involves MINUSCA or elements of the international forces, the person receiving the information is to contact within 48 hours the Conduct and Discipline Team (in cases involving MINUSCA) or the Human Rights Section of MINUSCA (in cases involving elements of the international forces).

In any of the above-mentioned cases, if the victim does not give his/her informed consent to sharing the information with the concerned entity, the reporting entity is not allowed to share any information on the incident with the concerned entity.

Hard copies of all forms and copies have to be stored in secure, locked and confidential locations at all times. Electronic storage of scanned copies of all forms must be done in a password-protected file to which only the focal point has access. Completed Alert and Consent Forms must also be stored in separate locations.

In gathering the information related to the allegation, the dignity of the victim and strict confidentiality must be respected, in line with the principles outlined above. Unnecessary and repeated interviews with the victim are to be avoided, except to establish the basic facts on a need-to-know basis. To the extent possible, the number of interlocutors a victim is faced with shall be limited to the absolute minimum (e.g., having one case officer carry out all interactions with the victim).

The concerned entity should ensure that the complaint is a new complaint and not merely a duplication of an allegation already received.

The investigation process by the appropriate investigating body is to be conducted promptly and efficiently. The concerned entity is obliged to cooperate with the investigation towards the truthful and objective/independent establishment of the facts.

For a visual representation of the reporting process, see Diagram: Allegation Reporting in CAR (Annex IV).

**5.Sharing information on the response process**

The response process is based on a survivor-centred approach.

The reporting entity is to keep the victim informed of steps taken to follow up on the complaint. To this end, the concerned entity must keep the reporting entity and the Coordinator of the Humanitarian PSEA Task Force informed accordingly.

The victim should be offered counselling and support throughout the investigation; in particular, the victim must be made aware, to the extent possible, of options available to him/her, so that he/she take informed decisions in light of his/her own best interests, including whether the victim (or his/her caregiver, if the victim is a child) authorizes the disclosure of his/her statement or identity and whether he/she wishes to participate in any investigation or prosecution. This support is to be offered either directly by the concerned entity or through referral to other qualified service providers.

**6.Outcome of investigations of reported cases**

The victim has the right to know the outcome of his/her complaint. The reporting entity should directly inform the victim (or the caregiver, if the victim is a minor) about the outcome of the complaint (whether the conclusion was that the case was substantiated or unsubstantiated, any remedial action taken, any preventive measures established as a result etc.) within 6 months of the presentation of the complaint. To this end, the concerned entity must inform the reporting entity and the Coordinator of the Humanitarian PSEA Task Force accordingly.

**7.Responsibilities**

Concerned entities need to be promptly informed of EVERY allegation of SEA made against their staff members or former staff members or persons otherwise working for, or having worked for them, whether paid or unpaid, temporary or permanently. In this regard, if one signatory receives a complaint against another signatory, it is obliged to immediately inform the concerned entity.

At the same time, each signatory is obliged to inform the Coordinator of the humanitarian PSEA Task Force through an official email of any complaints received, whether from other signatories, the victim or through any other mechanisms.

Upon receipt of an allegation by the concerned entity, each concerned entity will deal with the allegation according to its internal investigation procedures. In case the concerned entity does not have internal investigation procedures in place or does not have the capacity to carry out internal investigations, the concerned entity can request assistance in this regard from the Humanitarian PSEA Task Force.

The following bodies are responsible for investigating and addressing SEA allegations:

**SEA Allegations against MINUSCA**

The MINUSCA Conduct and Discipline Team (CDT) in CAR is in charge of receiving and processing allegations of SEA by all personnel assigned with or providing services, or having been assigned with and provided services, to MINUSCA[[4]](#footnote-4).

With regard to allegations concerning foreign military forces operating under the authorization of the Security Council but not under MINUSCA command (non‑UN International Security Forces), the CDT can only receive, but not process allegations. In case such allegations are received by CDT, CDT forwards the allegation to OHCHR for processing (see below).

**SEA Allegations against UN agencies and offices**

Each UN agency or office designates a PSEA focal point. The Representative and/or the PSEA focal point is in charge of ensuring the internal investigation and of ensuring the provision of assistance to the victim. In addition, he/she is to maintain the humanitarian PSEA Task Force informed of the outcome of the internal investigation, without sharing information that would enable the identification of the victim.

**SEA Allegations against NGOs**

Each international or national NGO designates a PSEA focal point, the PSEA focal point is in charge of ensuring the internal investigation and of ensuring the provision of assistance to the victim. In addition, he/she is to maintain the humanitarian PSEA Task Force informed of the outcome of the internal investigation, without sharing information that would enable the identification of the victim.

In case of insufficient internal capacity to carry out these tasks, the NGO can address itself to the humanitarian PSEA Task Force for assistance.

**SEA allegations against International Security Forces**

OHCHR is the lead UN-system entity for allegations of SEA involving non‑UN International Security Forces.

**7.Victims assistance**

The initial assessment of the factual basis of the allegation is made upon receipt of the complaint and includes an assessment based on a survivor-centered approach. Following this assessment, and taking into consideration the wishes of the victim, assistance will be made available.

8.**ISP Expiration**

The ISP and related annexes will be applicable starting from the date of signature. An evaluation of the implementation of the ISP will be carried out by the humanitarian PSEA task Force after one year and necessary adjustments included in a revised version. If no adjustments are necessary the ISP will remains applicable.

**Functions and responsibilities of respective entities:**

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| **CDT** | * Provide guidance and advice on processes and procedures relating to SEA and all forms of alleged misconduct. * Conduct prevention and awareness raising activities through outreach and the training of all UN personnel across the UN mission. * Assess cases related to alleged perpetrators working for/having worked for the mission as to credible and/or *prima facie* evidence, referring them to the SIU or OIOS and informing the UN Secretariat Department for Field Support for further action with respective permanent missions. CDT also proposes further action once an investigation has been completed |
| **OIOS** | * Have primary responsibility for investigations of misconduct, including sexual exploitation and abuse within the Secretariat as mandated by the General Assembly. * Delegate certain investigations; what OIOS will investigate is determined by OIOS itself, and is based on its categorization of offences. |
| **Strategic high-level SEA Task Force[[5]](#footnote-5)** | * Coordinate the activities of the Mission and the UN Country Team in CAR on prevention, outreach, victim assistance and response to allegations of SEA by UN personnel and by non‑UN International Security Forces in CAR. * Provide a forum for information sharing and strategic discussions between relevant UN-system entities involved in the response to SEA and ensure that prompt and appropriate follow-up action is taken by the responsible UN-system entities concerned while respecting the principles referred to above. * Share general information about trends, prevention and response efforts with Task-force members. It should be noted, however, that the SEA task force is **not** a forum to discuss individual cases. |
| **Humanitarian PSEA Network[[6]](#footnote-6)** | * Ensure that each entity has an effective and efficient internal investigation procedure * Ensure development of a common action plan to address SEA prevention and response including with respect to the provision of victim assistance. * Ensure that each entity has a Code of Conduct covering SEA * Organize outreach and awareness campaigns on SEA * Share general information about trends, prevention and response efforts with network members. It should be noted, however, that the SEA network is **not** a forum to discuss individual cases. |
| **Humanitarian PSEA Task Force[[7]](#footnote-7)** | * Ensure strategic and technical coordination of Humanitarian PSEA Network * Provide assistance and support to entities with regard to PSEA in case of low internal capacities * Provide regular trainings on PSEA to the humanitarian community * Provide 4 quarterly reports and an annual report on PSEA to the HC-HCT * Monitor ongoing complaints and outcomes * Regularly updated contact lists of PSEA focal points * It should be noted, however, that the Humanitarian PSEA Task Force is **not** a forum to discuss individual cases. |

1. The agencies and organizations part of this agreement are listed in Annex I (thereafter referred as “entities” or “signatories) [↑](#footnote-ref-1)
2. Definition of an “allegation of SEA”: an uncorroborated information pointing to the possible occurrence of an act or acts of sexual exploitation and abuse. [↑](#footnote-ref-2)
3. For the purposes of this Protocol, "UN personnel and UN associated personnel” means:

   (i) Persons engaged or deployed by the Secretary-General of the United Nations as members of the military, police or civilian components of a United Nations operation;

   (ii) Other officials and experts on mission of the United Nations or its specialized agencies who are present in an official capacity in the area where a United Nations operation is being conducted;

   (iii) Persons assigned by a Government or an intergovernmental organization with the agreement of the competent organ of the United Nations;

   (iv) Persons engaged by the Secretary-General of the United Nations or by a specialized agency

   (v) Persons deployed by a humanitarian non-governmental organization or agency under an agreement with the Secretary-General of the United Nations or with a specialized agency to carry out activities in support of the fulfilment of the mandate of a United Nations operation.

   (vi) Contactor’s employees providing services to UN [↑](#footnote-ref-3)
4. International and national staff members, United Nations Volunteers (UNV), all categories of MINUSCA military and police personnel, UN contractors and Consultants. [↑](#footnote-ref-4)
5. The Strategic high-levelSEA Task Force consists of senior representatives of the Mission and of the UN system organizations in country. It is chaired by the SRSG, or his/her designated representative, and meets as frequently as required. [↑](#footnote-ref-5)
6. Humanitarian PSEA network consists of UN Agencies, CDT, NGOs, Government Focal Points. This is an open forum. Its Terms of Reference are provided in Annex V. [↑](#footnote-ref-6)
7. Humanitarian PSEA Task Force consists in a restricted technical group: members are: UNFPA, UNHCR, UNICEF, OCHA, IOM, CDT/MINUSCA, IRC, DRC. Its TORs are provided in Annex VI. [↑](#footnote-ref-7)