
Terms of Reference for HCT PSEA Task Force Philippines

INTRODUCTION

The Secretary-General's Bulletin (ST/SGB/253), titled "Promotion of Equal Treatment of Men and Women in the Secretariat and Prevention of Sexual Harassment" provides the foundation for Protection from Sexual Exploitation and Abuse (PSEA). Sections 3 – 6 states the guiding principles of its implementation. The role of the Humanitarian Country Team (HCT) is to lead in the promulgation of these principles.

The organization of the PSEA Task Force (PSEA TF) is one of the HCT's core responsibilities. The designated PSEA Task Force Focal Persons and the HCT Agency Heads should work together to ensure that sexual exploitation and abuse is prevented. This is regardless of affiliation across the humanitarian realm.

The PSEA TF shall make reference to and shall at all time adhere to the six core principles relating to sexual exploitation and abuse as outlined in the IASC PSEA Global Standard Operating Procedures.

1. Sexual exploitation and abuse by humanitarian workers constitute acts of gross misconduct and are therefore grounds for termination of employment.
2. Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief regarding the age of a child is not a defense.
3. Exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behavior is prohibited. This includes exchange of assistance that is due to beneficiaries.
4. Sexual relationships between humanitarian workers and beneficiaries are strongly discouraged since they are based on inherently unequal power dynamics. Such relationships undermine the credibility and integrity of humanitarian aid work.
5. Where a humanitarian worker develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same agency or not, he or she must report such concerns via established agency reporting mechanisms.
6. Humanitarian workers are obliged to create and maintain an environment which prevents sexual exploitation and abuse and promotes the implementation of their code of conduct.

MEMBERSHIP AND COMPOSITION

The Task Force (TF) will function under the auspices of the Resident Coordinator (RC)/ Humanitarian Coordinator (HC) where appropriate and report to him/her. Each member agency should have a technical and a human resource focal person representative to the PSEA TF. The human resource focal person refers to a staff responsible for staff recruitment.

All current HCT agencies are de facto member of the PSEA TF. Membership shall be extended to other international humanitarian organizations with in-country presence or has established office and are willing to be a member of the PSEA TF as well as membership from other relevant Inter Governmental Organizations¹, International, National NGO's. (to avoid the Taskforce becoming unwieldy, the TF Chair should consult with the NGO community to ensure fair but manageable NGO representation).

¹ Inter Governmental Organizations includes but not limited to the Red Cross and Red Crescent Movement

Membership requirement(s)

Organizations/agencies/ institutions who are interested to be a member of the PSEA TF must inform the TF Chair through its secretariat by sending an email detailing the name and contact details of its nominated permanent and alternate representative. The email should indicate the organization/agency/institution's willingness to share information, (where possible), contribute and actively participate in the TF and Working Group activities.

RESPONSIBILITIES

The PSEA Task Force will serve as the primary body for coordination and oversight² on protection from sexual exploitation and abuse of members of the beneficiary population by international and national personnel of the UN, NGOs, Inter Governmental Organizations (IGOs) and other International Organizations. The Task Force is **NOT** responsible for the investigation or adjudication of complaints, or for dealing directly with complainants. These functions rest exclusively with individual entities.³

It shall appropriately inform the RC/HC or the HCT on the status of cases and major activities in its approved workplan. It shall prepare a written annual report to the RC/HC of its major achievements, challenges and recommendations. This report will contribute to the annual report of the RC/HC on Special Measures for Protection from Sexual Exploitation and Sexual Abuse.

The responsibilities of the groups are as follows:

- a. Technical Working Group
 - Serve as the pool of specialist for the capacity building of the PSEA TF
 - Provide technical assistance to all stakeholders
 - Lead and ensure that the four (4) Major Task of the PSEA TF are translated into annual work plans
 - Ensure that the referral pathway is operational at the appropriate levels (national and sub-national), functional and is reviewed yearly base on need and relevance.
- b. Human Resources Working Group
 - Nominate an agency to lead, convene, facilitate meetings and represent the HRWG in the PSEA TF
 - Focus on HR related actions and activities that will implement the PSEA TF commitment defined under the major task
 - Support the TWG in ensuring that the Major Task of the PSEA TF are executed and accomplished in the HR functions of each HCT member agency
 - Lead in the HR-related standards of the PSEA in all HR actions and activities as maybe necessary
 - Provide technical support and recommendations to the PSEA TF collectively on issues and concerns pertaining to human resource related matters
 - Develop an annual work plan aligned with the over-all PSEA TF annual work plan and submit reports on accomplishments for inclusion in the overall PSEA TF annual accomplishment report
 - Contribute in providing recommendations and identification of challenges, issues, initiatives on HR to the PSEA TF

² Information exchange, sharing, dissemination, promotion and roll-out of policies. Advocate for full compliance and promote related trainings.

³ Access to (<http://www.pseataskforce.org>) Terms of Reference for in-country Network on Protection from Sexual Exploitation and Abuse by UN/NGO/IGO Personnel

All member organizations/agencies/institutions shall be responsible in updating its representation (permanent and alternate) in the TF through the secretariat.

INSTITUTIONAL ARRANGEMENTS

On receiving and processing of complaints and or reports of incidents

- In circumstances that member organization receives complaints or incidents within its ranks, and when the organization has a functioning and in-place referral pathway and mechanisms to promulgate cases, the internal mechanism shall prevail.
- In circumstances that there are two or more organizations involved in a particular complain(s) or incident(s) received or reported, the mechanism to promulgate the case will be the TF agreed referral pathway.

On the review of the ToR and membership composition

- The TF shall review the ToR on the last meeting of the year to ensure its relevance to existing situations and or as requested by the RC/HC or the Global PSEA TF.
- The TF membership composition will be reviewed every year to ensure that Technical and Human Resource Focal Persons representatives are updated to make certain that information is shared and obtained for continuity of representation and actions.

On the leadership succession of the TF

- The leadership term shall be rotational among the members of the PSEA TF.
- The chair, co-chair and secretariat shall serve for a period of two years.
- The succession of leadership to include the secretariat shall be determined through a call for expression of interest from the members of the PSEA TF two months before the end of the term of the current chair, co-chair and secretariat.

MAJOR TASKS

Under the 4 pillars of protection from sexual exploitation and abuse, the PSEA Task Force should:

1. Engagement with and Support of Local Populations

- In coordination with existing accountability and protection mechanism and in cooperation with the local communities, establish common complaints mechanisms in each community where the UN, NGOs, IGOs and other international organization's work. To be effective, such mechanisms should be safe, accessible, inclusive and confidential (i.e. on a need to know basis) and tailored to the needs of each geographical area.
- Facilitate awareness raising in local communities on their rights, the standards of conduct expected of personnel of the UN, NGOs, IGOs, and other international organizations, and the various contacts with whom they can lodge complaints/discuss incidents.

2. Prevention

- Advocate for and, as necessary, coordinate the provision of awareness raising on SEA for, UN, NGOs, IGOs, and other international organizations including their responsibility to report all suspicions of sexual exploitation and abuse committed by colleagues (pursuant to ST/SGB/2003/13 section 3.2 (e) for UN staff and related personnel).
- Develop a system of identification of risk factors responding to the country-specific context.
- Share information about potential risk factors and areas of concern and develop strategies to minimize them.
- Advocate for the establishment and implementation of a PSEA-sensitive hiring practices including procedures to prevent hiring of persons who have committed sexual exploitation or abuse, where known.

3. Response systems

- Develop local mechanisms for what to do when complaints are received by an entity implicating personnel of another entity, personnel of multiple entities or personnel whose entity is uncertain or unknown.
- Where possible, 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), and upon the request of the RC/HC, develop and propose to the RC/HC a strategy for assessing the veracity of these allegations.
- Follow confidentiality and data protection. 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.
- Establish and coordinate the implementation of a victim assistance mechanism.

4. Management and Coordination

- Hold regular meetings, at least bi-monthly, and circulate the minutes to all members. Ad-hoc meetings may be called on a need basis.
- The Chair and Co-Chair with the support of the Secretariat and PSEA TF members shall coordinate the task and responsibilities of the PSEA TF.
- The Chair, Co-Chair and Secretariat shall have a maximum of two-year term.
- Assess gaps in protection from SEA and develop and implement action plans to fill them.
- 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 to the RC/HC, on actions taken to prevent and respond to SEA.
- Report to the RC/HC incidents of SEA and the subsequent actions taken.

ROLES AND RESPONSIBILITIES OF THE CHAIR, CO-CHAIR and SECRETARIAT

The Chair will have the following roles and responsibilities:

- Convene and facilitate the PSEA TF meetings
- Represent the PSEA TF in the HCT meetings when needed and provide updates to the RC/HC when appropriate
- Ensure that agreed activities or undertakings are guided by the major task as defined in the above 4 pillars of PSEA
- Represent the PSEA TF in all functions as needed and when invited
- Together with the Secretariat shall identify the agenda of the PSEA TF meetings
- Present PSEA TF recommendations to the HCT when needed or to the RC/HC on confidential issues relative to reports on cases/incidents received
- Update the PSEA TF on meeting results and other relevant information relative to the PSEA TF activities.

The Co-Chair will have the following roles and responsibilities:

- In the absence of the Chair, shall convene and facilitate the PSEA TF meetings.

- Provide support to the Chair when there is a need to present and update the HC and HCT in meetings and other relevant engagements.
- Lead in the monitoring and evaluation of the PSEA TF activities as defined in its work plan.
- Update the Chair and the PSEA TF members on a regular basis status of the work plan.

The Secretariat will have the following roles and responsibilities:

- Document meetings, circulate drafts and follow-up action points.
- Assist the Chair or Co-chair in convening and facilitating PSEA TF meetings.
- Serve as the record keeper of PSEA TF documents to include confidential documents.
- Assist the Co-chair in the development of the PSEA TF Work Plan.
- Ensure that timelines, agreements and commitments are acted and provide update to both the Chair and Co-Chair.

FREQUENCY OF MEETINGS

The PSEA Task Force shall meet bi-monthly on a regular basis every second Thursday of the month. Special meetings will be convened by the Chair when:

- there is a need to discuss reported incidents and provide immediate update to the RC/HC or HCT as maybe appropriate; and if
- there are reported cases needing immediate recommendation due to threat to life or immediate adjudication and institutional integrity repercussion.

The Technical Working Group and Human Resources Working Group shall convene its regular meetings prior the PSEA TF bi-monthly regular meeting.