

Generic Terms of References

Focal Points for Protection from Sexual Exploitation and Abuse Philippines

I. Background

All forms of sexual exploitation and abuse (SEA) by United Nations (UN) and partner's (including CSOs, International and Local NGOs, Government Partners) staff and related personnel are a gross violation of human rights and abuse of a position of power over a vulnerable population. The Secretary-General's Bulletin on Special Measures for Protection from Sexual Exploitation and Sexual Abuse (ST/SGB/2003/13) states six (6) guiding principles on PSEA. The Humanitarian Country Team (HCT) plays the lead role in the promulgation of these principles. The organization of the PSEA Task Force is the Responsibility of the HCT¹. The PSEA Task Force is composed of PSEA Focal Persons from different Agencies.

The Philippines PSEA Task Force has been operational since 2016 with PSEA focal persons from different Organizations, CSOs and UN Agencies. It serves as the primary body for coordination and oversight 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 has been working based on well-defined Terms of References. The aim of elaborating specific Terms of References for PSEA Focal Persons is to shed more light on the roles and responsibilities of the PSEA Focal Persons especially within their respective organizations.

II. Role description

This TOR for PSEA Focal Persons is aimed at setting minimum agreed roles and responsibilities of PSEA Focal Persons across Organizations and Agencies adhering to the Philippines PSEA Task Force. Each Agency, depending on its needs and resources may want to modify the TOR and give more responsibilities to its specific Focal Person. The current TOR shall equally be useful to organizations that have not developed specific TORs for their PSEA Focal Persons.

Each Agency or Organization designates its PSEA Focal Person. The Focal Person designation is a role or "hat" that may be assigned to existing personnel or a full-time position depending on the resources, needs and size of the operation of an Agency/Organization.

The purpose of the PSEA focal person is to have a designated staff member who supports senior management in coordinating the development and implementation of PSEA policy and procedures. The PSEA Focal Person is a staff member of any given organization tasked with implementing PSEA in direct coordination with his/her Head of Office, both internally and as an active member of the Philippines PSEA Task Force. The nomination of a PSEA Focal Person does not relieve the Head of Office as ultimately responsible for PSEA in his/her office but supports the Head of Office to fulfil that responsibility. The Head of Office and Focal Points are mutually responsible for ensuring each are kept

¹ Cf IASC Standard TOR for Humanitarian Country Team 2017

up to date on collective and organizational PSEA developments for meaningful participation in the HCT/UNCT and PSEA Task Force, respectively.

Ideally, each Agency/Organization shall designate 2 PSEA focal persons (primary focal person and alternate), in order to allow for adequate time to spend on PSEA activities and for continuity when any one of them is on leave. Whenever possible, consideration should be given to technical (protection, GBV, CP, program) and human resource staff.

The role of the Focal Point is strictly limited to PSEA; issues related to Sexual Harassment in the workplace and other forms of staff misconduct are not part of this function unless s/he is equally designated as such.

Within his/her entity, the Focal Point shall actively promote the protection from sexual exploitation and abuse (SEA) by personnel (irrespective of grade, function, or contract modality) to potential and actual beneficiaries (direct or indirect) whether Filipino nationals or foreigners.

1. Engagement with the support of the local communities

PSEA Focal Persons have the responsibility within their agencies/organizations and in collaboration with the PSEA Task Force to facilitate awareness-raising in local communities on their rights, the fact that humanitarian aid is free and options for reporting sexual exploitation and abuse. They shall work in collaboration and share information with their Organization's PSEA Focal Person at National level.

Engagement with the local community should be shared with the PSEA Task Force to facilitate coordination. It should equally be shared with the AAP Task Force to avoid duplication and save resources. Precisely, PSEA Focal Points must:

- Map existing community engagement projects in their organisations/agencies and work with project leads to insert PSEA messages and/or gather community input where appropriate.
- Conduct regular consultations to learn community preferences in reporting sensitive information, their perspectives of aid workers' attitudes and behavior, and their input on how to speak about sexual issues in a culturally appropriate manner.
- Design awareness-raising tools and facilitate events for community members with emphasis on their rights, the fact that assistance is never to be conditioned on sexual favors, and options for reporting sensitive complaints including incidents of SEA.

2. Prevention

The PSEA Focal Point will support the Head of Office to establish and/or strengthen internal policies and procedures in line with global standards and good practice.

The PSEA Focal Person will ensure that their identity and contact is made widely available for consultation and reporting of allegations.

They shall support management to establish and ensure staff sign a Code of Conduct² that clearly prohibits SEA, obliges reporting of such acts, and enforces these clauses when breached. The Code should be accompanied by a Whistle-blower policy that meaningfully protects complainants and encourages safe reporting.

Develop an internal PSEA Strategy and Work Plan to mainstream PSEA throughout their Agency's/organization's departments and programming

² For UN Staff, the 2003 SG Bulletin is applicable and binding even if code of conduct is not signed.

Support management to ensure that procedures to guard against hiring of persons who have a record misconduct including sexual exploitation and abuse offences are put in place and applied. Work with human resources personnel to include PSEA content in staff inductions, including all contractors, consultants, temporary staff, volunteers and casual labour.

Make appropriate recommendations to management on enhancing prevention strategies. This could include collecting and analyzing information on actual/potential risk factors for vulnerability to sexual exploitation and abuse and elaborating measures to address them.

Take the lead on planning, budgeting, implementing, and reporting on organization's PSEA activities under the Work Plan.

3. Response

The PSEA Focal Person must ensure the development of internal procedures for staff, other personnel and beneficiaries to report incidents of sexual exploitation and abuse; consistent with applicable entity/organization's rules and approved by the entity/organization headquarters Focal Point. The procedures shall cover the reporting of incidents implicating personnel of the entity, and multiple entities or where the entity of the alleged perpetrator is uncertain or unknown.

Ensure that the entity's/organisation's procedures and mechanisms for reporting allegations of SEA are known to all field personnel, partners, recipients of assistance, and local communities.

Work with the PSEA Network to establish and implement an inter-agency Community-Based Complaint Mechanism, incorporating their entity's/organisation's existing complaint and feedback mechanism, so that there are safe, accessible, and contextually appropriate channels for any member of the community to reporting complaints of SEA, and complaints reach the appropriate organization for follow up.

S/he shall receive complaints, reports and questions about alleged acts of sexual exploitation and abuse committed by personnel as well as the personnel of other entities wherever approached, including when the institutional affiliation of the alleged perpetrator(s) is unknown or uncertain. Ensure that all materials pertaining to complaints are handled with strict confidentiality and in line with applicable grievance and complaint handling procedures.

PSEA Focal person shall support Head of Office to put in place (where they do not exist) and strengthen investigation protocols including clear case handling responsibility in country. They shall support the capacitation of investigation staff in country and support the enactment of disciplinary measures. Or where required, they shall carry out clear referral to HQ for investigation and disciplinary measures.

Support Heads of Office to adopt victim assistance Protocol and referrals for assistance

S/he shall refer complaints/reports to the appropriate unit within her/his entity for investigation; Immediately and in consideration with confidentiality and consent procedures, refer victims for assistance (medical, legal, psychosocial, material and safety) in line with existing victim assistance protocol. Necessary actions shall equally be taken to ensure the protection of witnesses.

PSEA Focal Persons and their Heads of Offices shall share information with the PSEA Coordinator and the Humanitarian Coordinator/Resident Coordinator on allegations received and measures taken.

4. Management and coordination

The PSEA Focal Person shall consult with their management to have them endorse the TOR for PSEA Persons adopted by the Task Force or to tailor a specific TOR for them within their organizations that covers at the minimum requirements set out in the Task Force Focal Person's TOR.

The PSEA Focal person has the responsibility to assist the Head of Office/ Representative to fulfil his/her responsibilities in accordance ST/SGB/2003/13. Support the inclusion of SGB standards in contractual arrangements with all partnering/contracted entities and individuals, per ST/SGB/2003/13 Sec. 6.1.

Generally, assist the Head of Office to meet his/her senior leadership PSEA responsibilities.

Track all PSEA-related activities for the organization and ensure that all information on PSEA-related activities is shared with relevant persons in the organization.

Keep record on reported incidents for general reporting and further development of efforts to address SEA. Keep management up to date on PSEA measures taken and plans for future action.

Represent the organization in the PSEA Task Force meetings and actively participate in fulfilling the Task Force's Work Plan.

Report back to the Head of Office on Task Force progress and knowledge gained from working with the Task Force, as well as plans for future action.

Regularly train staff and partners on PSEA and organization's Code of Conduct, including appropriate conduct for humanitarian/development workers and how to submit and receive complaints under internal and inter-agency reporting systems.

Assist Human Resources to insert and the Head of Office to enforce PSEA clauses in partnership contracts that include a PSEA commitment by the partner and clarify SEA reporting and investigation responsibilities.

Share anonymized information with relevant persons and refer cases according to guidelines established in information sharing Protocol.

S/he represents his/her organisation in the Task Force and provides update on activities accomplished in organisation. Equally provides feedback to their organisation on the accomplishments of the Task Force.

Endorsed by HCT on 17th September 2020