

Prevention of Sexual Exploitation and Abuse
United Nations – South Sudan
Standard Operating Procedure

June 2017

1. Introduction

Background: Sexual Exploitation and Abuse (SEA) by UN personnel directly contradicts the core values of the UN, and is a protection failure on the part of the aid and peace keeping community. SEA inflicts harm on those whom UN personnel are obligated to protect, as well as jeopardizes the credibility of all assistance agencies. The revelations of the extent of the problem in West Africa in 2002 led to a number of initiatives by the humanitarian community to address the matter, including the introduction of strict measures of prevention and response as elucidated in the UN Secretary-General's Special Bulletin: Special Measures for Protection from Sexual Exploitation and Sexual Abuse, (2003), which demanded zero tolerance for SEA perpetrators. UN personnel including peacekeepers and civilian UN personnel, and other humanitarian workers everywhere are expected to uphold the highest standards of personal and professional conduct at all times to protect beneficiaries of assistance.

As part of the measures to protect staff and beneficiaries of assistance and the populations of South Sudan, the UN in South Sudan decided to establish a Task Force on Prevention of Sexual Exploitation and Abuse (PSEA TF). Since its Establishment, the PSEA TF, developed a strategy on PSEA and conducted a mapping of agency specific Actions on PSEA. The PSEA TF has an agreed ToR. Furthermore, UN entities have been supporting Community Based Complaints Mechanisms (CBCMs). These SOPs address some of the objectives in the agreed PSEA strategy and some aspects of the functioning of the PSEA TF and the CBCMs.

Objectives: The SOPs aim to prevent and respond to SEA committed by UN personnel by establishing a common UN response system to ensure coordinated and effective responses to potential SEA cases. More specifically, it aims at facilitating joint efforts in response to protecting beneficiaries of Aid and those staff delivering Aid by enhancing collective capacity of agencies and affected population to prevent and respond to SEA.

It is important to note that the SOP is in no way intended to change or override the existing organizational specific internal policies on PSEA. Rather, they are procedures to supplement internal policies and reinforce common action to prevent and respond to SEA on a One UN basis.

Scope: This SOP covers and provides clarity on the following areas in the context of South Sudan:

- Roles and responsibilities of PSEA stakeholders;
- Key principles for complaint case management;
- A standardized method to receiving and assessing SEA complaints;
- A common procedure for responding to SEA allegations including referrals for (i) victim assistance provision and (ii) Investigations.

The SOP covers all UN entities in South Sudan, and their personnel. Non-UN aid agencies and NGOs in South Sudan are invited to endorse and implement the SOPs and to act according to its principles.

2. Definitions

Sexual Exploitation: Any actual or attempted abuse of a person in 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.

Sexual Abuse: The actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

Prevention of SEA (PSEA): Policies, guidelines, procedures, mechanisms and activities to reduce the risk of SEA and mitigate the effects caused by violations.

Sexual Harassment versus SEA: Sexual exploitation and abuse occurs against a beneficiary or vulnerable member of the community, while sexual harassment occurs when one employee makes continued, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, to another employee, against his or her wishes. It is important to note that sexual harassment is not covered by these SOPs. It is equally prohibited under UN policies. The distinction between the two is important so that agency policies and staff trainings can include specific instruction on the procedures to report each.

Locations with elevated risk: Specific locations in South Sudan determined by the PSEA Task Force to have elevated risk due to the presence of UN Personnel and local population as well as the type of interactions between them. The number of these locations is limited to ensure focused collective action and accountability.

Victims/survivors: Anyone who experiences an incident of sexual exploitation and sexual; abuse or someone who has experienced an attempt of SEA against him/her.

Perpetrator: A person (or group of persons) who commits an act of SEA or other type of crime or offence.

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

Subject of the Complaint (SOC): Person alleged to have perpetrated the misconduct in the complaint.

Whistle-blower: Any UN staff or related personnel who reports concerns of sexual exploitation or abuse. Whistle-blowers may be a type of complainant.

Whistle-blowing policy – an organizational policy which encourages staff members to report concerns or suspicions of misconduct by colleagues. The reports may concern people at other organizations and people at other levels in the organization.

In-the-air allegation refers to rumours or concerns of sexual exploitation and abuse (SEA) emanating within a particular setting but not necessarily directly reported by anyone, and where the institutional affiliation of the alleged perpetrator(s) is uncertain or unknown.

3. Principles

One UN: SEA is a collective responsibility of the UN under a common policy and a common set of guidelines. Each UN entity is responsible for maintaining and mainstreaming its own internal mechanisms and procedures in its programmatic, operational and human resource management activities.

Safety: To avoid any additional harm, the safety of SEA victims shall be ensured at all times, and the safety of all parties involved in PSEA must be fully considered.

Confidentiality: The confidentiality of complainants, victims and other relevant parties must be respected at all times. Obtaining consent of a whistleblower may not be required if his/her agency has a mandatory reporting policy.

Transparency: The functioning of reporting mechanisms shall remain transparent.

Accessibility: SEA reporting mechanisms must be available to anyone who may have reason to allege SEA incident, including local populations and UN personnel, as well as personnel of non-UN entities.

Accountability: UN entities in South Sudan are held accountable for their PSEA actions through regular reporting.

4. Roles and Responsibilities

UN entities in South Sudan: Individual UN entities are responsible for SEA investigations and sanctions against personnel found responsible for SEA according to their own policies and procedures. They participate in the work of the PSEA Task Force under its ToRs, comply fully with these SOPs and support joint PSEA action as agreed, including support for CBCMs. Entities are responsible for sharing relevant information with the PSEA Task Force according to these SOPs.

Co-chairs of the PSEA Task Force: Ensures that the Task Force works according to its ToRs, convene and lead meetings, report on activities to the UNCT and any other appropriate structures on a regular basis and advise and assist members as required.

Resident Coordinator's Office: Supports the Task Force with secretariat functions, including drafting of agendas, minutes, notes and reports.

PSEA Focal Points: The PSEA Task Force in consultation with HoAs may designate common PSEA Focal Points in locations with elevated risks. The Focal points lead common PSEA activities in these locations and report on progress and on specific cases to the Task Force as required. Agencies are encouraged to nominate their own PSEA Focal points in every field office location.

5. Procedures

Setting up CBCMs and designating Focal Points: The PSEA Task Force will ensure that joint CBCMs are established and focal points are designated in all locations with elevated risk. The names and contact information of the focal point must be disseminated to all UN entities with a presence in the location. The focal point organizes activities to raise awareness, and to enable and facilitate any allegation of SEA complaints in the location through CBCMs.

Receiving and assessing allegations/complaints through CBCMs: The primary concern when establishing SEA reporting channels for affected populations in communities in specific locations is that multiple entry points exist allowing different methods of reporting. For South Sudan, with inputs from community members in locations with elevated risks, SEA concerns or cases can be reported through a common telephone hotline, women and girls' friendly spaces, suggestion boxes, verbal complaints through CBCM focal points including trusted community leaders in the specific locations and any other locally agreed upon mechanism. Local CBCM Teams will put in place and manage and support local channels and procedures to receive allegations, assess, document cases using an incident report form, and refer for immediate assistance if needed. The CBCM team will refer all complaints for investigation through the PSEA co-chairs at the national level as required by these SOPs.

The PSEA Task Force will work with local level agency focal points to agree on members of the local interagency CBCM teams (maximum of 3).

Information will be made available to the community by the CBCM teams about whom they should report to and what assistance they can expect from the health, legal, psycho-social, security, and other sectors. All potential and actual SEA survivors will be fully informed of the status of their case handling, and the case handling process. All complainants and survivors have the right to receive feedback on the development and outcome of their cases.

Receiving and assessing allegations/complaints through internal agency mechanisms: SEA allegations received directly by agency staff will be dealt with according to internal agency procedures and policies.

Referring allegations to other UN entities: All UN entities must convey all relevant information received about allegations involving other UN entities to the co-chairs, who will in turn refer to the UN entities that are subject to these allegations without delay (as fast as agency policies and procedures allow), including information from whistleblowers. The Task Force Co-chairs are encouraged to exchange similar information with non-UN entities as relevant, including NGOs. Once a case is referred to the relevant entity, PSEA Focal person representing this organization is obliged to report to the PSEA co-chairs on the investigation process taken within the organization for accountability and follow up purposes. Periodicity of submitting report on the follow-up should be agreed upon, at the time, the complaint is referred to the organization.

The co-chairs are responsible for referring specific cases to the entity with an email to the representative or executive director with a copy to the designated PSEA focal point in the concerned entity. All allegation and complaints concerning any UN entity or partners must be duly reported and considered by the entity that receives the allegation, according to its own rules and procedures. The entity is also obliged to inform the PSEA Task force Co- chairs for accountability and follow up purposes.

In the case that the SEA constitutes a criminal offense, it is the decision of the entity conducting the investigation to refer cases to the proper law enforcement authorities in conformity with their internal procedures and in consideration of the interests of the survivor. Given the gravity of SEA and the vulnerable nature of SEA survivors, the complaint mechanisms should refer complainants to legal, psychosocial assistance and other services, when appropriate (for instance through GBV sub-cluster members). In the event that a complaint does not warrant a referral or full investigation, the PSEA Task Force, nonetheless may decide on steps to address concerns in other ways, (for example, addressing matters of poor practice via training, a change in working arrangements or a change in procedures).

Anonymized information about case may be brought up in meetings of the PSEA Task Force as required.

Referring “in-the-air” allegations to the PSEA Task Force: All UN entities must convey all relevant information to the co-chairs of the PSEA Task Force about any allegations where it is not certain or where it is unknown, which UN entity may be responsible for the alleged violation. Furthermore, UN entities may also convey information about any allegations that are deemed significant in other ways, including information about non-UN entities. The PSEA Task Force co-chairs advise UN entities on follow-up and assist as required.

Informing the UN leadership in South Sudan: Any UN entity that is the subject of complaints or allegations or conducts SEA related investigations inform the UN leadership in South Sudan (DSRSG and SRSG/HOM) about this as required, and according to their own policies and procedures. The PSEA Task Force co-chairs must inform the UN leadership about all SEA cases and in-the-air allegations as well.

Rapid mutual support for victims of SEA:

- a. **Conducting preliminary assessment:** Any UN entity receiving a complaint or allegation of SEA should prioritize victim/survivor’s immediate protection needs and physical, emotional and social wellbeing. If they do not have the capacity to do so, an immediate request should be made to another relevant UN agency for assistance. UN entities with relevant staff capacity should respond positively to requests for assistance. All assessment of SEA victims/survivors should be done by someone trained or by a designated PSEA focal person, taking into account the need for safety, confidentiality, respect and non-discrimination.
- b. **Facilitating access to essential services:** Based on identified needs and the consent of victims/survivors of SEA, they should be referred for essential services including medical care, emotional support, safety and security or legal assistance. Where applicable, GBV programs and staff should serve as entry points for facilitating essential services for victims/survivors of SEA. If there is no GBV program or protection related staff in the location, SEA victims/survivors should be referred as appropriate to other locations to access essential services in a safe and confidential manner.

Investigating SEA Complaints: In line with internal complaint policies and procedures, every UN entity is responsible for conducting investigations of SEA concerns or allegations involving their own Personnel, contractors, consultants and volunteers, or the personnel of other UN entities as provided for under this SOP. All investigations of SEA should be carried out in a safe, confidential, transparent and timely manner. Although SEA complaint handling procedures vary, agencies must communicate their investigation status and findings and must provide basic information on each incident and consolidated cases on a quarterly basis under this SOP to the Task Force Co-chairs. After the investigation, has been completed, the investigating entity should alert the relevant parties including the co-chairs of the PSEA Task Force about the status of the investigation and action taken.

Providing feedback on the status of the complaint: The complainant and the victim/survivor (if separate) have an interest in receiving feedback on the case, including from the Task Force Co-chairs. The subject of the complaint also has interest to know the status of the case filed against him or her. It is the responsibility of the investigating agency to provide this feedback and to determine what information is provided. The PSEA Task Force Co-chairs also provide feedback to the CBCM Team, who informs each of the concerned complainant.

Recording and tracking SEA cases: UN entities report the number and type of allegations, victims and alleged perpetrators to the PSEA Task Force on incident cases and consolidated report on a quarterly basis, including information about new as well as on-going cases that remain under investigation. The reporting on specific cases may include: when the complaint was received; when/whether investigation has commenced; when the investigation is concluded; and the outcome of the investigation. The Task Force may engage with UN entities to

jointly analyze occurrences, patterns and general challenges and develop prevention and mitigation strategies. The Task Force report to the UNCT and other relevant structures on a quarterly basis and to the HQ-based ECHA/ECPS UN and NGO Task Force on PSEA on an annual basis.



Flowchart for Management of SEA Complaints through CBCM in South Sudan

Policy and strategic Level

Quarterly update to UNCT/HCT/SMG

Investigation Complete and action taken (within 90 days)

Concerned agency instigate formal investigation

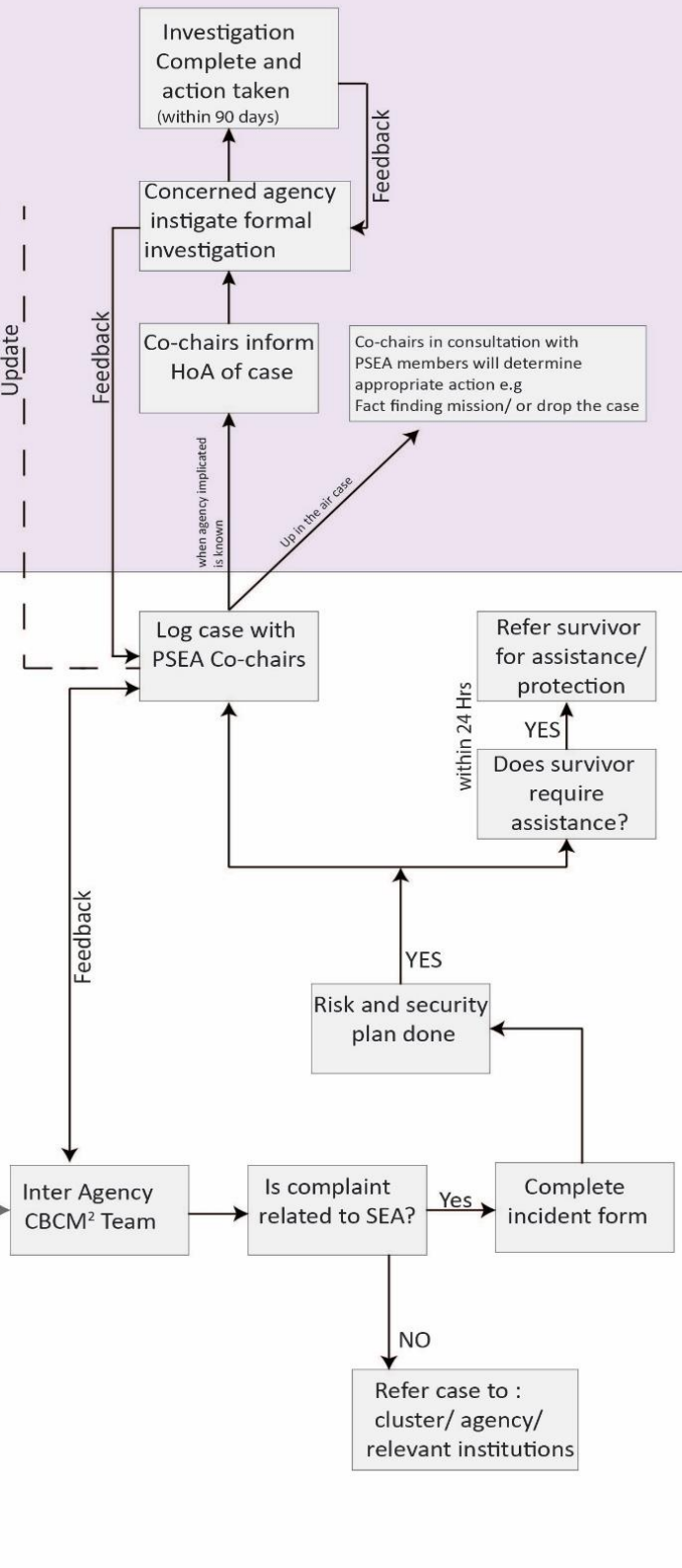
Co-chairs inform HoA of case

Co-chairs in consultation with PSEA members will determine appropriate action e.g Fact finding mission/ or drop the case

Operational Level

-  CBCM Focal Point (in-person reporting)
-  Safe space, Community members, Medical facility
-  Suggestion / complaint box
-  Hotline / SMS
-  E-mail

Complaint¹


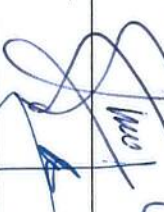
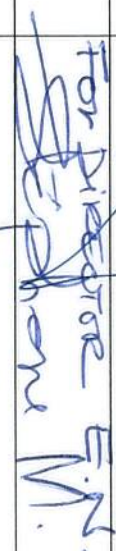

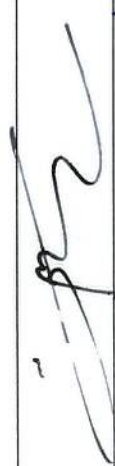






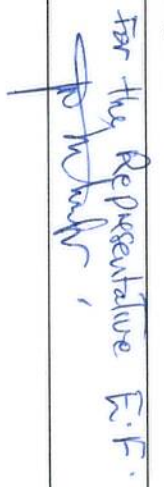


Key

¹Complainant may be community member, humanitarian worker, including UN staff and their contractors

²CBCM (Community Based Complaint Mechanism) team composition at a location will be inter-agency with maximum of 3 members (one of the 3 members should include a case worker from GBV/CP/ protection agencies)

ENDORSEMENT
STANDARD OPERATING PROCEDURE
PREVENTION OF SEXUAL EXPLOITATION AND ABUSE

Agency	Name	Designation	Signature
DSRSG/RC/HC/RR	Eugene Owusu	DSRSG/RC/HC/RR	
FAO	Serge Tissot	Representative	 FAO
IOM	William Barriga	Chief of Mission	 For Director E.N. Stéphane M.
OHCHR	Eugene Nindorera	Director	
UNAIDS	Mumtaz Mia	Officer in Charge	
UNDP	Kamil Kamaluddeen	Country Director	
UNDSS	Christoffel Du Toit	Chief Security Adviser	
UNESCO	Sardar Umar Alam	Head of Office	
UNEP	Arshad Khan	Officer in Charge (OIC)	

Agency	Name	Designation	Signature
UNFPA	Esperance Fundira	Country Representative	For the Representative E.F. 
UN HABITAT	Christian Okafor	Programme Manager	
UNHCR	Vincent Parker	ACTING REP Officer in Charge	
UNICEF	Mahimbo Mdoe	Representative	
UNIDO	Victor Cobby Baah	Technical Advisor and Officer in Charge	
UNMAS	Tim Lardner	Representative	
UNMISS	Paul Egunsoola	Chief of Staff	
UNOCHA	Ian Ridley	Head of Office	
UNOPS	Richard Schroeder	Officer in Charge	
UN WOMEN	Funmi Balogun	Country Representative	
WFP	Joyce Luma	Country Representative	
WHO	Dr. Abdulmumini Usman	Country Representative	