

Terms of Reference for Sudan Network on Protection from Sexual Exploitation and Abuse by UN/NGO Personnel

Background

The humanitarian situation in Sudan is one of the most protracted and complex crises in the world. Humanitarian needs remain significant with some 2 million IDPs who require assistance, 1.2 million refugees, including over 400,000 South Sudanese refugees who have fled to Sudan since 2013, and approximately 386,000 returnees (both IDPs and refugees). At the same time, the current economic conditions since early 2018 are exacerbating the humanitarian situation and negatively impacting the most vulnerable. In such situations, the risk of sexual exploitation and abuse is high and women and girls of all age groups, particularly in the rural areas, refugee and IDP camps are at greater risk even as they engage in livelihood activities.

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

Network Description

The Sudan Protection from Sexual Exploitation and Abuse (PSEA) Network (hereinafter called Sudan PSEA Network) is the primary body for coordination and oversight on protection from sexual exploitation and abuse by international and national personnel of the UN, NGOs and IGOs in Sudan. It functions under the auspices of the Resident Coordinator (RC) / Humanitarian Coordinator (HC), to implement the Secretary-General's Bulletin on Special Measures for Protection from Sexual Exploitation and Sexual Abuse (ST/SGB/2003/13).¹

The Network will have sub-groups on thematic areas such as refugee protection or child protection and one informal group on learning. Accordingly, the Refugee Consultative Forum (RCF) and the Inter-agency Action Learning Group (IAALG; an informal group to facilitate cross learning and support on sensitive issues related to PSHEA. It includes INGOs, NGOs, UN agencies and Donors) are sub-groups of the Sudan PSEA Network.

The Network is NOT responsible for investigation or adjudication of complaints, or for dealing directly with complainants. These functions rest exclusively with individual entities.

Principles

The humanitarian and development community in Sudan affirms the Inter-Agency Standing Committee's (IASC)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 and development community recognize their responsibility, in fulfilling their mandates, to guard or 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 implementing partners do not abuse their power and influence to exploit and harm others.

The following principles will guide all efforts by the Sudan PSEA Network to protect against sexual abuse and exploitation:

- Humanitarian and development assistance and services are to be provided in a manner that protects against and prevents sexual exploitation and abuse.
- Humanitarian and development actors will seek to redress and not perpetuate the abusive environment from which people are seeking protection.

¹ <https://oios.un.org/resources/2015/01/ST-SGB-2003-13.pdf>

² The Inter-Agency Standing Committee (IASC) is comprised of both members (FAO, OCHA, UNDP, UNFPA, UNICEF, UNHCR, WFP, WHO) and standing invitees (ICRC, ICVA, IFRC, InterAction, IOM, SCHR, RSG/IDPs, UNHCHR, and the World Bank). All references to IASC members or staff in this document refer to both members and standing invitees and their staff.

- Humanitarian and development agencies reaffirm their accountability to the beneficiaries of humanitarian assistance for the actions undertaken on their behalf.
- Recognizing that sexual exploitation and abuse are grounded in gender inequality, humanitarian and development activities must be conducted in a gender-sensitive manner and that the needs of women and girls are adequately considered.
- Ensure clear, accessible and confidential avenues of complaints are established for the victims of, or persons aware of, attempted or actual sexual exploitation and abuse. It also includes providing the victims of sexual exploitation and abuse effective forms of redress and rehabilitation.
- To coordinate, UN agencies and organizations' management are accountable for implementing PSEA and for ensuring that organizational processes and procedures supporting PSEA are in place, work effectively and are monitored and reviewed.

In addition, the Sudan PSEA Network will ensure: a) division of labour, b) agencies/organizations to lead on thematic areas on behalf of all, c) effective maximization of resources, d) learning from good practices, and e) accountability.

Membership

The Network is headed by the Resident Coordinator (RC)/Humanitarian Coordinator (HC) and reports to him/her.

Membership includes senior representation from each HCT/UNCT agency/organization (they may appoint an alternative of commensurate seniority to serve in their absence), a focal point from INGOs, representation from the NGO community.

The network will engage periodically with the relevant government representative on information sharing, reporting and advocacy.

Responsibilities³

Under the 4 pillars of protection from sexual exploitation and abuse⁴, the Network should:

Management and Coordination

- The Network will meet every 6 to 8 weeks and minutes will be circulated to all members. Ad-hoc meetings may be called on an as needed basis.
- 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 annually, through the RC/HC, to the Headquarters-based ECHA/ECPS UN and NGO Task Force on Protection from Sexual Exploitation and Abuse on actions taken to prevent and respond to SEA. These reports will contribute to the annual report of the Secretary-General on Special Measures for Protection from Sexual Exploitation and Sexual Abuse.

Engagement with and Support of Local Populations

- In cooperation with the local communities, establish common community-based complaints mechanisms in each community where the UN and INGOs work. To be effective, such mechanisms should be safe,

³ The coordination of the network responsibilities may be shared between two Focal Points to ensure continuation in case of personnel rotation; it is recommended to pair up a national and international staff member of a UN and non-UN entity.

⁴ See IASC Principals' Statement on the Prevention of Sexual Exploitation and Abuse (11 December 2015) and IASC Minimum operation standards for protection from SEA at: https://interagencystandingcommittee.org/system/files/3_minimum_operating_standards_mos-psea.pdf

accessible, and confidential (i.e. on a need to know basis) and customized as per cultural and geographical requirements.

- Develop and oversee implementation of communications strategy framework for unified messaging on advocacy and awareness raising
- Support thematic sub-groups and/or member entities to disseminate awareness raising in local communities on their rights, the standards of conduct expected of personnel of the UN and NGOs and the various contacts with whom they can lodge complaints/discuss incidents.
- Lead advocacy with government and development partners on support to PSEA response.

Prevention

- Ensure and, as necessary, coordinate the provision of awareness raising on SEA for all personnel in the country, 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/ conducting risk assessment mapping.
- Establish and implement good hiring practices including procedures to prevent hiring of persons who have committed sexual exploitation or abuse, where known.

Response systems

- 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.
- Develop referral mechanisms between agencies, government? INGOs and NGOs.⁵
- Establish and coordinate the implementation of a victim assistance mechanism.⁶
- Develop centralized database for survivors to be hosted by the RC/HC's office; ensuring confidentiality and interface with entity level case-management databases
- Develop data and information-sharing protocol and ensure that all members commit and adhere to it.
- 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 (and SRSG if peacekeepers may be involved) a strategy for assessing the veracity of these allegations.

⁵ Including 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.

⁶ 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 Network should be referred to by a case number.