

ANNEX V

TERMS OF REFERENCE, REGIONAL NETWORK ON PROTECTION FROM SEXUAL EXPLOITATION AND ABUSE BY HUMANITARIAN PERSONNEL IN THE AMERICAS REGION (AUGUST 2017)

I. MEMBERSHIP

The Network on Protection from Sexual Exploitation and Abuse (PSEA) will function under the auspices of the Director of the Americas Bureau of UNHCR. Membership normally includes Focal Points on Protection from Sexual Exploitation and Abuse officially designated by regional, national and field offices who manage the provision of humanitarian aid to refugees, asylum-seekers, returnees, internally displaced and stateless people, and other people in need of international protection (hereinafter UNHCR's persons of concern) within the context of the Americas Region.

II. RESPONSIBILITIES

The Network on Protection from Sexual Exploitation and Abuse (PSEA) will serve as the primary body for awareness, prevention, and protection from sexual exploitation and abuse by international and national personnel of operations providing humanitarian services to UNHCR's persons of concern. The Network is **NOT** responsible for investigation or adjudication of complaints, or for dealing directly with them. These functions rest exclusively with the Inspector General's Office (IGO) and the dedicated investigative bodies of individual entities (e.g. Partners, NGOs). Doubts regarding potential cases could be referred from partners to designated UNHCR PSEA focal points for advice and guidance. The Protection Unit of the Americas Bureau will act as Regional PSEA Advisor to support field operations as needed. (i.e. should an investigation be conducted in consultation with IGO and the relevant protection services, the necessary measures for the protection and support of survivors and their families will be implemented, following the principles of confidentiality and a survivor-centered approach).

III. GUIDING PRINCIPLES

1. The Regional Network will work closely with other units and coordination bodies at national, regional and global levels, including the Regional Safe Spaces Network, the Regional Inter-Agency Coordination for the Venezuelan Situation, the United Nations Development Group for Latin America and the Caribbean (UNDGLAC GIG) and relevant bodies of Humanitarian Coordination such as the Inter-Agency Standing Committee (IASC) Working Group on PSEA & Accountability, Global Protection Working Group, Global Child Protection Working Group, and Gender-Based Violence Area of Responsibility (AoR).
2. The Regional Network meetings should provide a supporting environment to discuss potentially sensitive challenges faced by operations with regards to PSEA. The information shared during the meetings should be confidential, particularly with regard to potential individual cases of SEA. Moreover, information related to the elaboration of protocols may determine its public character.

3. In order to ensure that the Regional Network has a strong membership and representation at decision-making levels, operations and partners are encouraged to nominate two staff members (the focal point and the alternate) to participate in the Regional Network. The appointment of such persons as PSEA Focal points will be officially conducted by each operation in accordance with the profiles and structures of the respective operation.
4. The information that identifies the alleged victims, witnesses or perpetrators will never be shared during the meetings nor recorded in its minutes. Additional procedures for eventual discussions or potential collection and systematization of individual cases shall respect the principles of confidentiality following the requirements of the investigation as indicated by the relevant investigative entity.

IV. MAJOR TASKS

The main tasks of the Regional Network are indicated below as part of the four pillars of the Protection from Sexual Exploitation and Abuse:

ENGAGEMENT WITH AND SUPPORT OF REFUGEES, ASYLUM-SEEKERS, RETURNEES, INTERNALLY DISPLACED AND STATELESS PEOPLE, AND OTHER PERSONS IN NEED OF INTERNATIONAL PROTECTION.

- In cooperation with communities affected by forced displacement at international or internal level, or by statelessness or the risk of becoming stateless, **establish coordinated (not necessarily common) complaints mechanisms in each community**. Such mechanisms should be safe, accessible, and confidential (i.e. on a need-to-know basis) and tailored to the needs of each geographical area. The Regional Network will support the development of adequate mechanisms for the coordination of complaints mechanisms, i.e. referral to competent services.
- **Facilitate awareness** raising of the obligations established under humanitarian Code of Conduct for staff of partner services providers, as well as their dissemination in communities receiving such services, including PSEA, complaint mechanisms, available services and referral pathways.
- **Identify potential risk factors** as well as areas of concern of operations, partner agencies, and target populations.

PREVENTION

- Ensure and, as necessary, coordinate the provision of **awareness raising on SEA for all humanitarian personnel and volunteers in each of the countries where there is an active operation of UNHCR**, 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).
- Share and analyze information about **potential risk factors and areas of concern and develop strategies** to minimize them within the protection response.
- **Advocate with Senior Managers and relevant national, regional and international actors** to ensure that PSEA strategies are adequately implemented.
- Share good practices to improve the organizations' procedures for vetting staff and reduce hiring of individuals who may have established criminal records for having committed serious misconduct, especially in relation to sexual exploitation and abuse. This would include engagement with Community-Based Organizations (CBOs) and volunteers.

RESPONSE SYSTEMS

- **Support the implementation of Standard Operating Procedures (SOP)**, including safe, confidential and efficient cross-referral mechanisms of the Regional Safe Spaces Network to ensure the timely access of victims to protective solutions. In this process, and in consultation with the corresponding investigative services, the necessary efforts will be made for the preservation of the evidence with due respect to the confidentiality, and informed consent of the alleged victims.
- In accordance with the guiding principles and the agreed upon SOP, the persons designated as Focal Points of the PSEA Regional Network will provide technical advice to offices and partner agencies on referral pathways and investigation mechanisms. The Protection Unit of the Americas Bureau will provide support operations as needed.
- Suspicion and Allegation of SEA will be submitted to PSEA focal points and relevant Investigation Bodies following the updated Inter-Agency Complaint Referral Mechanism (at regional and national levels)
- When any of the formally designated Focal Points receives information of unspecified/generic (“in-the-air”) allegations of sexual exploitation or abuse affecting refugees (i.e. where the institutional affiliation of the alleged perpetrator(s) is uncertain or unknown), the PSEA Focal Points Network **will alert the Relevant Country Representative and the Regional Director of the UNHCR’s Americas Bureau, and Regional Refugee and Migrant Coordinators** to ensure an adequate response to potential protection needs of the allegedly affected population in consultation with investigative services. In the event of suspicions of cases of SEA committed by UNHCR staff, they must be presented to the IGO.
- **Support the implementation of minimum standard procedures** for reporting SEA, in order to protect whistle-blowers and to take appropriate action against malicious reports.

MANAGEMENT AND COORDINATION

- Hold **regular meetings** every two months, write the minutes and share them with all members of the Regional Network. **Ad hoc meetings** may be called as required.
- **UNHCR’s Americas Bureau will coordinate** the PSEA Network. Co-chairing by other organizations operations could be explored if deemed necessary.
- **Assess gaps** in protection from SEA, and develop and implement action plans to fill any deficiencies and strengthen operations.
- **Coordinate trainings** for designated Focal Points on their PSEA roles and responsibilities.
- **Share information** on achievements, best practices and/or effective mechanisms in addressing SEA and develop an action plan and monitoring mechanism of its implementation.
- **Support operations** to adhere to applicable monitoring and compliance mechanisms.
- **Report annually** to the Director of the Bureau on the implementation of the Regional Network action plan.
- **Review this** ToR and other coordination documents, such as SOP, on an annual basis and as required.