

# TOOL 1

## TEMPLATE MODEL STANDARD OPERATING PROCEDURE (SOP) FOR PSEA/SH COMPLAINT HANDLING MECHANISMS



### NOTE

Tool 1: This is a template (based on IASC Global tools for PSEA) and should be developed and adapted by service providers in the Americas region, as part of the regional effort to establish robust and effective procedures for PSEA/SH and complaint handling.

This template can be used to develop a SOP for an individual service provider or as a collective of providers working jointly. This is also intended to be used with reference to the Regional Community-Based Complaint Referral Mechanism<sup>1</sup>.

**Insert NAME of service provider / agency [country, operation]**

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## 1. INTRODUCTION

Sexual exploitation and abuse (SEA) and sexual harassment (SH) must not be tolerated, they violate universally recognized international norms and standards and have always been unacceptable behaviour. SEA [and SH] represent **a breach of the fundamental rights of the those for whom support, services and protection are provided, and of the personnel of those agencies that provide such services**. SEA brings harm to concerned populations whom humanitarian service providers are responsible to protect and damages the credibility of any agency that provides services to them; it also jeopardizes the reputation of all service providers and their ability to provide support and protection. Humanitarian actors are expected to maintain the highest international standards of personal and professional conduct at all times as required by an agency's/ service provider's code of conduct, Charters and other relevant guidelines and standards that each subscribe to.

Sexual exploitation and abuse of [concerned populations and members of host communities – insert most appropriate terminology for context/operation] by humanitarian personnel [insert most appropriate language i.e. UN staff, community volunteers and collaborators, law enforcement and other actors responding in the North of Central America, the Venezuelan or the Nicaraguan situation] is unacceptable and constitutes serious human rights misconduct and requires appropriate intervention to ensure prevention of and response to such situations, particularly with the aim of establishing safe and accessible complaint mechanisms, providing adequate support to survivors and investigating reported cases for disciplinary action.

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1. Regional Inter-agency Community-based Complaint Referral Mechanism in the Americas (the “Mechanism”)

## 2. DEFINITIONS

For the purposes of this Standard Operating Procedure (SOP) the following definitions apply **[insert additional definitions as relevant to this SOP, and further additional definitions are included in the Regional Inter-agency Community-Based Complaint Referral Mechanism for reference]**:

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### SEXUAL ABUSE

Any physical intrusion committed or threatened physical intrusion of a sexual nature, whether by force, under conditions of inequality or coercion.

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### SEXUAL EXPLOITATION

Refers to any abuse committed or threatened in a situation of vulnerability, unequal relationship of power or trust, for sexual purposes, with the aim - but not exclusively limited to them - of taking material, social or political advantage of the sexual exploitation of another person.

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### DIFFERENCES BETWEEN SEXUAL HARASSMENT AND SEA

SEA occurs against a refugee, internally displaced person, returnee, stateless person, migrant or other person of the move or a vulnerable member of the local population. Sexual harassment occurs between personnel of an organization and involves any unwanted sexual advances, verbal or physical conduct of a sexual nature.

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### SEXUAL HARASSMENT VERSUS SEA

Sexual and gender-based violence is a general term for any act perpetrated against a person's will that is based on socially constructed markers of difference attributed to people based on the idea of femininity and masculinity, always marked by unequal power relations between perpetrators and survivors, both individually and socially. Acts that characterize situations of sexual and gender-based violence include physical, sexual and psychological violence and suffering, threats, deprivation of access to resources, deprivation of liberty, etc. SEA situations can be characterized as a form of sexual and gender-based violence as they relate to unequal conditions of power between humanitarian workers, people of interest and people from host communities.

## 3. PURPOSE AND SCOPE

This Standard Operating Procedure (SOP) provides guidance and direction on the procedures to be followed for the establishment and management of complaint channels, the follow-up of complaints filed in a confidential and efficient manner, and the care of survivors.

This Standard Operating Procedure (SOP) applies to **[insert all those whom are covered i.e. Agency names, personnel, volunteers, service contractors, interns, community mobilisers etc.]** in **[insert location to which this SOP applies i.e. name of country, region, operation]**.

In the event that a complaint is made against the personnel (or associated personnel) of a service provider other than their own, PSEA focal points have an obligation to: inform the PSEA focal point or Head of Office of the agency concerned following the referral procedures of the Regional Inter-agency Community-Based Complaint Referral Mechanism (the Mechanism); and to ensure that survivors have access to adequate support in line with the established referral pathways within the **[insert most relevant agency-level or inter-agency framework i.e. protection working group, SGBV sub-working group or similar] [insert link to referral pathway in an Annex and link to the Regional Safe Spaces Network online map of services]**.

## 4. PRINCIPLES OF IMPLEMENTATION

This Standard Operating Procedure is based on the following principles **[adapt and add as appropriate]**:

1. Cooperation
2. Participation
3. Survivor-centered approach
4. Non-discrimination
5. Security and Wellbeing
6. Child's best interest
7. Age, Gender and Diversity approach
8. Confidentiality
9. Transparency
10. Accessibility
11. Compulsory/Mandatory Reporting

## 5. PSEA FOCAL POINTS

PSEA Focal Points are officially designated by each service provider to represent it and participate in the implementation activities of the PSEA action plan in the **[insert the most relevant level to which the SOP applies and the PSEA Focal Point engages i.e. agency level, network, relevant working group e.g. Protection working group, SGBV working group, Regional Safe Space Network]**. For the implementation of this SOP and to ensure community liaison on PSEA issues, the **[insert relevant information on how your agency will work e.g. service provider will have PSEA Focal Points assigned at the main National office, field offices? How many Focal Points will be established and at what level(s) of the agency's work to ensure a robust system is in place to facilitate PSEA/SH measures]**. The agency shall ensure that PSEA focal points have a gender balance and have the necessary competencies and expertise to undertake the role. Please refer to the Regional "Mechanisms" Annexes V and VI for TORS for the Regional PSEA Network in the Americas and National Level PSEA Focal Point TORS.

PSEA focal points are responsible to:

- a. Ensure the implementation of this Standard Operating Procedure in the context of their **[work, office, operational area]**;
- b. Work with local teams and concerned populations and communities **[internally displaced, refugees, migrants, stateless people, people on the move, host communities]** to ensure knowledge of expected behaviors of personnel, their rights, of existing complaint channels, and provide people with information on issues related to PSEA/SH;
- c. Hold meetings and communicate with concerned populations to evaluate existing mechanisms and enable feedback, as well as assess the risks of SEA/SH in the operational area **(See Tool 8 - Risk Assessment and Strategies for Safe Operations and Programmes)**;
- d. Ensure that identified survivors have access to services in-line with **[insert relevant local/national SGBV, Child Protection, and other protection referral pathways]**;

- e. Document and forward complaints received by their agency and share information of the number of cases referred and dealt with as agreed - **[insert agreements made on complaint reporting within the agency and/or with other providers in the area and/or as part of the PSEA Focal Points or RSSN];**
- f. Work with other local actors (i.e. implementing partners, support services) within their operational area to ensure awareness of the agency's policies on PSEA issues, implementation of appropriate complaint mechanisms, and coordination within the established coordination mechanisms related to this SOP and PSEA agenda **[insert most relevant: i.e. Protection Working Groups, SGBV Sub-Working Group, Regional Safe Spaces Network (RSSN)].**
- g. Ensure that all personnel (including volunteers, contractors and any other person working with or in contact with concerned populations) are sensitized to PSEA/SH issues, and that they are aware of **[name of agency's]** policies on the issue, in particular the zero tolerance policy, Code of Conduct and existing complaint channels.

The focal points should be provided with regular training on PSEA/SH issues, particularly in relation to the confidential and safe handling of complaints, and care for survivors.

## 6. COMPLAINT AND FEEDBACK MECHANISMS

To facilitate concerned populations to submit feedback and complaints to service providers and ensure adequate response, a range of channels to report are established at different levels of the operation and project sites, in-line with their needs **(See Tool 2: Guidance for consultations for concerned populations on PSEA and community-based complaint mechanisms).**

**Integrated** complaint mechanisms are established to receive and address complaints regarding **programmatic** and **sensitive** issues i.e. fraud, security, SEA, protection, based on best practice **(See Link Tool 4: Guidance to set-up community-based complaint mechanisms).**

All personnel **ARE** made aware of the available complaint mechanisms, the process they should follow if they receive a complaint through any channel below, of PSEA/SH issues and how to directly report such cases in line with internal procedures, local service providers for survivor support and protection, and the regional referral Mechanism where relevant **(Refer to next section below on processing complaints).**

The channels available to the concerned population and local communities are: **[Insert list and describe the mechanisms that are provided under the following points. These mechanisms can be managed by a single service provider or jointly with a group of providers for the same user group or covering a specific operational area].**

### SUGGESTION BOXES

Suggestion boxes should not be used only for SEA issues, but for any type of complaint/request related to the performance of **[insert Agency(ies) name]** and its personnel.

Suggestion boxes are located **[insert which Agency(ies) offices, locations i.e. field sites, shelters, community centers, safe spaces etc. will have a suggestion box. It is suggested that each office of an agency has a suggestion box, and focal points should identify with concerned populations the locations where boxes would be best located].** Suggestion boxes are placed in easily accessible spaces where there is no visible reference to sexual exploitation and abuse, avoiding stigmatization and exposure of potential survivors, witnesses or complainants to protection risks.

Describe how the boxes will be managed and by whom in the agency [Best practice is that each box has two locks and a copy of each key must be in the hands of different persons, which guarantees a joint opening, and that this takes place at least every fifteen days, in a manner that is witnessed by others].

Identified complaints and grievances should be processed expediently, always ensuring notification of receipt of the complaint to the complainant and prioritizing the determination of the immediate protection and assistance needs of survivors or complainants.

## DIRECT LINE

**[Insert relevant information about direct lines that are set-up in your area of operation for receiving complaints and which are available to concerned populations].**

[E.g. A direct line for complaints is operated by the UNHCR National Office. The line is managed by the protection team, which receives and routes complaints to the Office of the Inspector General Office (IGO) and ensures - through the consent of complainants and survivors - liaison with field offices to determine immediate protection and assistance needs]

## ELECTRONIC MAIL

**[Insert relevant information about dedicated email addresses that are designed to receive complaints, and which are available to concerned populations. Describe who will manage the email mailbox and how different categories of complaints will be processed and referred either within your agency or to another provider. It is advisable to have a singular, centrally managed e-mail mailbox as opposed to multiple email channels, which can appear confusing for users].**

[E.g. The National Office of UNFPA handles an e-mail for SEA/SH complaints. The mail is managed by the protection team, which receives and forwards complaints to the Office of Internal Oversight Services and ensures - through the consent of complainants and survivors - liaison with field offices to determine immediate protection and assistance needs.]

## DIRECT APPROACH TO PERSONNEL

The concerned population and community members **are** able to approach the offices and any personnel in the field and project sites i.e. shelters, transit, to make complaints. Persons receiving complaints should - first - ensure the well-being and safety of survivors and complainants. **[Insert: information related to how personnel in person must behave or the process they must follow if in direct receipt of a complaint that raises a concern of SEA/SH /SGBV/Protection issues. Link to local services for survivor support – SGBV, Child protection, Protection, RSSN Referral Pathways]**

## SENSITIZED COMMUNITY MEMBERS

Specific members of the concerned population and host communities **are** identified by relevant service providers to be sensitized on SEA/SH issues and the complaint processes available. This is so that they can receive complaints in their communities, communicate these directly to PSEA focal points, and raise awareness about the existing complaint mechanisms and SEA-related issues. PSEA focal points should maintain regular contact and support to such persons.

## 7. PROCEDURE FOR RECEIVING AND PROCESSING COMPLAINTS

### IDENTIFICATION AND RECEIPT OF COMPLAINTS

SEA/SH complaints may be received through any of the complaint mechanisms listed above in written and verbal form. Complaints may be made directly by persons, or by third parties, such as a family member, friend or witnesses.

In line with the zero-tolerance policy, whenever personnel have concerns or suspicions about a SEA/SH situation involving a co-worker either from their own or another service provider, they should communicate their concern immediately to their PSEA focal point and/or their established investigative body i.e. UNHR Inspector General's office (IGO), UN Office of Internal Oversight Services (OIOS).

Whenever personnel receive or identify a complaint, they should - if there is no risk to the survivor and it is appropriate - direct the complaint to the local SEA focal point to make contact with the survivor to notify them of the receipt of the complaint and to inform them of available protection services. With informed consent of the survivor, they should facilitate survivors' access to protection teams to assess their support and protection needs. When necessary immediate assistance should be provided in-line with established referral pathways for specialized services for survivors of sexual and gender-based violence and other required protection services **(See Regional "Mechanism" referral pathways and follow <https://www.arcgis.com/apps/MapSeries/index.html?appid=ae15aa2fe0c4469b83ea10f0925e8625>)**

PSEA Focal Points should complete a Complaint Report Form with the information collected **(See Tool 5 – Sample Complaint Referral Form for SEA/SH)**

Upon receiving a complaint in person, personnel should inform individuals of the organization's zero tolerance policy regarding SEA/SH, and - also - the **mandatory / obligation to report** SEA/SH incidents before filling out the complaint form. This avoids conflicts between the right to confidentiality of survivors and the **obligation to report** that falls on all service providers.

### PROCESSING OF COMPLAINTS

Upon receipt of a complaint, PSEA focal points shall:

- Inform survivors/ whistleblowers about the complaints process, including information about the mandatory/obligation to report
- Assess the support and protection needs of survivors whenever possible, and provide assistance when informed consent is available
- Fill out the Complaint Form and/or Complaint Referral Form **(See Tool 5 - Sample Complaint Referral Form for SEA/SH complaints)**
- Transmit the complaint to the established investigative body [e.g. for UNHCR and all implementing partners this is the UNHCR Inspector General's Office (IGO)]

Complaints should be forwarded immediately to the investigative body (i.e. IGO), sharing the Complaint Form and informing if there is an immediate threat or danger.

In case of informed consent, survivors should be immediately referred to SGBV/Child protection services according to identified needs. **(Reference: <https://www.arcgis.com/apps/MapSeries/index.html?appid=ae15aa2fe0c4469b83ea10f0925e8625>)**

Within the limits of confidentiality, when there is an immediate risk, threat or danger to personnel, complainants, survivors and/or whistle-blowers, the PSEA Focal Point will seek support from relevant senior staff (i.e. PSEA Senior Focal Point, PSEA Network Coordinator/Chair,) to request information on immediate measures to be taken, based on the national laws of **[enter country]**.

### PROCESSING OF COMPLAINTS BY PERSONNEL OF ANOTHER SERVICE PROVIDER OR ANONYMOUS PERSONS

Within the framework of the Regional Community-Based Complaint Referral Mechanism (**see the “Mechanism” document**), whenever a complaint is received about personnel of another provider, the complaint should be forwarded to the National PSEA Focal Point of that service provider.

The survivor should be assisted equally by all service providers concerned or involved in referring a complaint, ensuring confidentiality, dignity and informed consent.

When complaints are received where the institutional affiliation of the alleged perpetrators is uncertain or unknown, the PSEA Coordinator, RSSN Coordinator, Refugee Response Coordinator, Refugees & Migrants Coordinator, the Humanitarian Coordinators, or the Resident Coordinator according to the context will be alerted and will ensure an adequate response in consultation with the relevant investigative services.

Anonymous complaints, where the complainant or survivor is not known or disclosed, these should be treated seriously and can be investigated, despite being more difficult to do. Likewise, anonymous complaints should be managed by the agency’s internal complaint procedures, and can be sent to the most relevant Response Coordinator (Refugee, IDP, Development, Migration, etc.), PSEA Coordinator, and RSSN Coordinator.

### DATA PROTECTION

Information about PSEA/SH incidents should not be handled in physical files. Incident information will be transmitted to the PSEA Senior Focal Point via an internal reporting form, while all protective actions and referrals will be recorded in accordance with SGBV and Child Protection incident recording SOPs **[insert specific information. E.g. proGres, V4, KoBo]**.

In the event that e-mails are shared about PSEA/SH incidents, all shared documents must be encrypted and password-protected, while the number of people copied must be limited to the people working directly on the case.

### INVESTIGATION OF COMPLAINTS

The investigation concerns an administrative investigation exercise and not a punitive undertaking. The purpose of an investigation is to determine whether the facts and prevalence of the available evidence points to the existence of misconduct. If the findings indicate that personnel have engaged in misconduct, the ultimate responsibility of the investigative body, e.g. the UNHCR IGO, UN OIOS is to prepare an Investigation Report for transmission to **[Insert the specific procedure followed by your agency for the implementation of the applicable measure, including possible applicable disciplinary measure]**.

In all cases, the IGO, OIOS or other Investigative Bodies retain the prerogative to determine whether the circumstances warrant a formal investigation and when the appropriate investigation process should be followed.

Personnel (including representation) or others should not take steps to investigate alleged misconduct without first consulting with the Investigative body on appropriate procedures and due process considerations. Staff members do not have to be certain of their suspicions or concerns, or have evidence before making a report, as long as the report is made in good faith.

The process shall respect the individual rights and obligations of staff and shall be conducted with strict respect for impartiality, the presumption of innocence and due process.

The decision to refer cases to national authorities for legal proceedings will be assessed and decided by Headquarters and the most senior staff of the operation with support from the Senior Focal Point of PSEA, and the relevant RSSN or Protection coordination groups.

## **PROTECTION AGAINST RETALIATION FOR REPORTING SEA/SH OR COOPERATING WITH INVESTIGATIONS**

Any person who has a direct contractual link with **[insert name of service provider]** who reports misconduct, provides information in good faith about alleged irregularities, cooperates or participates in an investigation, has the right to be protected by the service provider

Retaliation means any direct or indirect harmful action recommended, threatened or taken because an individual participates in an activity protected by the Whistleblower Policy **[Include link to your policy as Annex]**. When established, retaliation is itself misconduct.

E.g. For UNHCR personnel, the only agency established to receive reports of retaliation is the Ethics Office of UNHCR. Individuals who believe they have been subject to retaliation or a threat of retaliation because they participated in the activities listed above should inform the Ethics Office and share the information and documentation available to support their complaint.