
REGIONAL TOOLKIT

for PSEA/SH and Community-Based
Complaint and Referral Mechanism
in the Americas

TABLE OF CONTENTS

TOOL 1 Template Model Standard Operating Procedure (SOP) for PSEA/SH complaint handling mechanisms	61
TOOL 2 Guidance for consultations with concerned populations on PSEA and community-based complaint mechanisms	69
TOOL 3: Guidance for discussions with partner organisations on PSEA/SH and community-based complaint mechanisms	78
TOOL 4 Steps to set-up a community-based complaint mechanism	82
TOOL 5 Inter-Agency Complaints Referral Form (for sexual exploitation and abuse / sexual harassment)	92
TOOL 6 Visual Information Materials on PSEA/SH Reporting in the Americas	93
TOOL 7 PSEA/SH Self-Audit Checklist	95
TOOL 8 Risk Assessment and Strategies for Safe Operations and Programmes	99
TOOL 9 PSEA/SH Mapping Survey	102
TOOL 10 Example: Staff Code of Conduct for Prevention of Sexual Exploitation and Abuse (SEA) and Sexual Harassment (SH)	108
TOOL 11 Guidance on Sexual Harassment	110

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 Mechanism¹.

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

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.

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]**:

SEXUAL ABUSE

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

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.

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.

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 "Mechanism" 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 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.

TOOL 2

GUIDANCE FOR CONSULTATIONS WITH CONCERNED POPULATIONS ON PSEA AND COMMUNITY-BASED COMPLAINT MECHANISMS



NOTE

This guidance forms part of the PSEA/SH Project in the Americas region and should be used in coordination with **Tool 4: Steps to set-up a community-based complaint mechanism**. It is intended to be used as part of the process any service provider undertakes to set-up and monitor feedback and complaint mechanisms. This tool is designed for PSEA Focal Points and/or other personnel who have specific experience and expertise in protection of vulnerable persons as part of their role.

INTRODUCTION

Establishing accessible, safe and confidential complaint mechanisms is a key component of any system intended to protect, prevent and respond to exploitation and abuse, including sexual exploitation and abuse (SEA) by service providers, agencies and their personnel against concerned populations and communities.

Systems to address SEA should not stand-alone. It is important it fits within the existing feedback reporting, response and referral mechanisms provided by service providers and those within the local populations themselves. This can help ensure that each person's right to access protection and proper services is met. It is also good practice that complaint mechanisms are designed to handle complaints about different types of issues e.g. programme activities, protection, SEA or other misconduct related complaints, etc. This can better facilitate people coming forward and reporting serious incidents and is referred to as an 'integrated' complaint mechanism (**See Tool 4: Steps to set up a community-based complaint mechanism**).

PURPOSE OF THIS GUIDE

A feedback and complaint mechanism is most effective when it is based on and is appropriate to the needs of the concerned population and potential users of the mechanism, and takes into consideration the different age, gender and diverse characteristics of the individuals that form part of the specific group. It is therefore important when designing a mechanism to first consult with concerned populations to gain an understanding of their needs and risks, and the vulnerabilities and capacities of different groups. It is also necessary to conduct consultations and communicate with them throughout the duration of the mechanism to assure it remains appropriate and responsive to needs.

This guide comprises of 3 Tools (See Annex: Tools A, B and C) which are designed to support PSEA Focal Points and/or other personnel who have specific experience and knowledge of PSEA, and protection issues, to conduct consultations with concerned populations.

The tools can support personnel to better understand the perspectives of the concerned populations on issues of protection and SEA, of their preferred ways to discuss sensitive issues safely, their preferred ways to raise and resolve issues within their communities, and how they would want to report and communicate with service providers on such issues. This information can be used to put in place mechanisms that will be appropriate and therefore used, and be effective in addressing complaints, including on SEA.

OBJECTIVES

The objectives of conducting consultations with concerned populations are to:

- Raise awareness of the rights of concerned populations to submit a complaint to service providers and to receive a response
- Identify existing community-based and indigenous complaints systems
- Explore the most relevant complaints systems for different members of a concerned population group
- Identify appropriate procedures for submitting complaints and receiving feedback to concerned populations
- Identify barriers and risks to reporting within a concerned population group and to service providers
- Inform the design, set-up and management of community-based complaint mechanisms.

METHODOLOGY¹

The following are important considerations when preparing for and facilitating the consultations with different concerned population groups:



Be aware of the background of participants and consider how best to group people in order to discuss this specific subject matter. When grouping different people consider their specific needs and the potential risks that different grouping may be affected e.g. e.g. people with different religious, political or cultural beliefs, survivors of SGBV, children at risk, individuals with diverse sexual or gender identities (SOGI).

CONTEXTUALIZE

The introduction and questions below (See Annex: Tools A, B and C) need to be adapted to the operational context and the specific situation of the population groups being consulted. In some situations, the engagement of a respected member from the concerned population can help review and adapt the questionnaire and the methodology. This will ensure that information is gathered using appropriate terminology and language, and cultural and sociological aspects are respected e.g. 'denouncement' may be a relevant word to be used in some contexts whereas 'complaint' is best in others, likewise 'reporting' is not seen as encouraging to come forward by some individuals.

1. Please refer to the following tools for participatory assessments for further guidance:

<https://www.unhcr.org/publications/legal/450e963f2/unhcr-tool-participatory-assessment-operations.html>

<https://www.unhcr.org/protection/children/50f6d1259/listen-learn-participatory-assessment-children-adolescents.html>

GROUPINGS

Conduct an amount of consultations necessary to get a representative sample of the population group that the complaint mechanisms are intended for and based on the location and accessibility to the services being provided. Divide people into groups that represent the most appropriate demographic grouping within the specific context. Each group should have no more than ten participants.

Recommended groups include; women, girls, men, boys, older people, people with diverse capacities, people from different ethnic or indigenous groups, people with diverse SOGI if culturally appropriate. Regional pilot teams recommended an appropriate age grouping to be; adolescent girls, women aged 18 to 40, women over 40, adolescent boys, men aged 18-40, men over 40, girl and boy children groups.

Consider the different groupings and how this may affect people's participation and group them accordingly, and always assess potential risks for participants.



In meetings involving women, in consideration with the specific cultural context, female facilitators may be required. It is therefore recommended to ensure the availability of women to support the consultation.

If you intend to consult children, ensure that you **prepare them in an age appropriate manner on the issue of SEA**. Ideally have no more than 5 children with similar ages or instance group of children under 5 years, 5-8, 9-12, 13-17 years. Consider using different techniques (where the facilitators have experience of doing so) i.e. drawing, drama etc.

Consider conducting individual consultation meetings with key informants or people where one-to-one discussions are more appropriate i.e. community leaders, care takers, parents associations, someone who plays a pivotal role within the community, protection focal person etc.

FACILITATION

Consultations are best facilitated by personnel who are experienced at working directly with concerned populations and who are familiar with the specific population group being consulted. Due to the potential sensitivity of the discussions, it is important that facilitators have experience and knowledge of the type of issues that are likely to be raised, and of how these can be appropriately addressed in the specific context e.g. protection, gender, SEA, SGBV, child protection, feedback and complaint mechanisms. Assure confidentiality of the discussion from the outset, but explain mandatory reporting obligations in the case of disclosures.



Discussing and asking questions around the subject of sexual exploitation abuse and the personal risks and vulnerabilities they face must be done sensitively. These issues can bring up emotional experiences for people. Facilitators must be prepared and equipped with the necessary skills and information to limit the scope of the conversations so as to not open-up disclosures in this type of situation but be able to properly support participants in the event that this occurs.

The facilitators role is to guide the discussion and ask for feedback from participants based on the questions outlined below (See Annex: Tools A, B and C). Agree how the consultation will be managed between the facilitators, who will take notes, ask which questions etc. Facilitators must actively listen to responses and give appropriate feedback to questions that may arise during discussions about this topic (i.e. what should I do if I know of wrong-doing happening where I live now? How do we know that information is kept confidential? etc.).

IMPORTANT CONSIDERATIONS

The following points should be considered in the planning and facilitation for consultations:

- Ensure an appropriate gender (balance) of the facilitators for each consultation
- Prepare introduction and briefing on complaint mechanisms and SEA issues based on the context and relative to the demographic group
- Arrange a location for consultations which provides privacy, security and confidentiality for the discussion
- Create an environment for the consultations where people feel at ease and discussions can take place uninterrupted
- Understand and respect specific sensitivities and cultural dynamics about SEA in your context
- Set clear expectations on what the information collected from the tool will be used for
- Consider the potential for disclosure of SEA, SGBV, child protection or other risks during consultations and ensure that facilitators are well prepared with the most up to date and appropriate advice in such a situation
- When identifying SGBV and Child protection (CP) cases, set clear and safe referral pathways for such situations that require case management
- Ensure inclusion of diverse and vulnerable groups i.e. displaced populations, women, girls, men, boys and others of diverse backgrounds, Afro-American and indigenous populations, people with diverse capacities, people with diverse SOGI
- Use variety of participatory methodologies (group discussions, consultations, bilateral discussions with individuals, complaints cards, etc.)
- Be aware of how dynamics in the concerned population can affect peoples' ability to participate e.g. strong community leader or individuals dominating the discussion
- Record responses respecting confidentiality and do not take any photos of the discussions.

TOOLS FOR CONSULTATION MEETINGS:

TOOL B: QUESTION AND RESPONSE FORM – use one form per consultation group and note down the responses given for each question. This Form can be used electronically as it is, or the table can be adjusted to increase the response spaces and printed out to be filled in by hand during the consultation.

TOOL C: CONSOLIDATED FEEDBACK FORM - use this form to consolidate and present the findings from the consultations with communities.

TOOL A: INTRODUCTORY PARAGRAPH

** General guidance that should be contextualized and adapted to use as an introductory briefing for the consultation group.*

My name is _____ and this is my colleague _____. I work for _____ and she/he works for _____. [Introduce your role, your agency etc. if not known. Ask for names and any other basic information you would prefer].

We have invited you here today to ask for your feedback on how we can improve our services to you. We want to improve the ways we communication on important issues with you. And how we can set-up clear and confidential ways for you to raise any questions or concerns that you have about our work or about the way our personnel behave in their work and when delivering services.

There can sometimes be situations where personnel do not act in the way that is expected of them by their agency. Humanitarian workers, personnel and service providers have strict rules of behaviour which must be followed. [Using the IASC 6 Basic Standards for PSEA² clearly explain what the rules of behaviour/conduct are and what is prohibited by service providers. Explain that personnel are dismissed if they do no conduct in the right way or do wrong. This includes: any humiliating, degrading or exploitative behaviour; any form of exploitation and abuse (including sexual) of a member of the concerned population; sexual activity with children; any exchange of money, jobs, goods or services for sex or sexual favours; sexual relationships between personnel and concerned population. Explain that personnel are obliged to report any suspicions/incidents of wrong-doing by any personnel from any service provider. Explain rules of confidentiality are respected at all times].

We want to make sure that you have ways of communicating with service providers, which are best, safe and confidential for you. Your feedback is important to us, so that we set-up ways to communicate on these sensitive issues that will work best for you and in your situations. Our intention is to ensure that you can raise a concern or report incidents at any point to the most relevant personnel, and from any service provider, and that you receive a clear response safely and confidentially.

Your participation is completely voluntary and don't feel that you must answer questions that you are not happy to do so. We would like to have a general discussion and we will not ask for your specific stories or names. If at any time you would like to ask us something individually then please see either of us the end of the meeting.

Other than our discussion and the information that we will share with you regarding the issues we discuss, there are no other direct benefits related to this meeting.

We will keep this conversation confidential, and we will treat everything that you say today with respect, and we will only share the answers you give as general responses. We ask that you also keep everything confidential and private to this discussion in this space.

Is it ok if we take some notes to record the main points of our conversation?

We expect our discussion to last for at most an hour.

Do you have any questions before we begin?

2. <https://interagencystandingcommittee.org/principals/documents-public/iasc-six-core-principles-relating-sexual-exploitation-and-abuse-2002>

TOOL B: GUIDING QUESTIONS AND RESPONSE FORM

* Use form can be used to record feedback given during each consultation group.

Country: _____	Location of consultation: _____
Date: _____	Facilitators names: _____
Type of group/persons (i.e. women, girls, men, boys, others, older people, age, leaders, people with diverse capacities and SOGI etc.): _____	
Total Number of participants: women:____ men:____ girls:____ boys:____ others:____	
Status of people (i.e. indigenous, refugees, IDP): _____	

The following are guiding questions and facilitators may use different words adapted to the context and background of the population and community to discuss the different topics:

GUIDING QUESTIONS	RESPONSES
<p>First ask general questions to enquire about what service providers/agencies they have contact with and what services are being provided in their area. Ask a few general questions regarding they current situation to open up the conversation.</p>	
<p>Questions 1 - 11 relate to how people raise concerns or complaints about personnel to service providers:</p>	
<p>1. For you, what are the best / clearest ways that announcements are made, and information is shared with you by service providers about their work and the services? What works best and is clear for everyone? Examples: posters, face to face, radio, visual leaflets, through conversation etc.</p>	
<p>2. In what ways could communication materials /methods be made better, clearer for you in your current situation?</p>	
<p>3. In terms of the provision of services: What do you consider to be unfair/bad/not good provision of services in your experience? (explore what is expected from the services provided and of service providers)</p>	
<p>4. If you experience unfair/bad/not good service provision from a service provider, who would you raise a concern or submit a complaint to? (If people say that they wouldn't raise complaints it is important to explore a different word i.e. report, denouncement etc. that they relate to. You can use the next step of questions about how people raise issues within the community to facilitate a conversation on this)</p>	
<p>5. How do you expect service provider personnel to behave in their work with you and when providing services to you? (explore what behaviour is expected of personnel of service providers)</p>	

GUIDING QUESTIONS		RESPONSES
<p>6. If you experienced a situation where personnel of service providers did not behave in this way and you experienced misconduct from service providers, what can you do, who would you raise a concern or submit a complaint to?</p>		
<p>7. Do you consider these ways to submit complaints to be confidential? Do you prefer to submit complaints in an anonymous way? If so, why?</p>		
<p>8. How would you prefer to submit a complaint to service providers in your area? Examples: in writing (complaint box, letter); face-to-face discussions; by phone; through another family member; through community gatherings; online tools; social networks; e-mail; Other ways, please explain</p>		
<p>9. What would you expect to happen upon the submission of the complaint?</p>		
<p>10. What would prevent you, or other people you know, from submitting a complaint to a service provider?</p>		
<p>11. Are there any safety and security risks for you or other members of the community who submit a complaint? Which ones?</p>		
<p>12. How would you prefer to receive feedback from service providers about your complaint? Examples: in writing (complaint box, letter); face-to-face discussions; by phone; through another family member; through community gatherings; online tools; social networks; e-mail; Other ways, please explain</p>		
<p>13. Who would you prefer to provide feedback/respond to you about your complaint?</p>		
<p>14. What would you change in the current way that complaints are submitted and responded to by service providers?</p>		
<p>15. Are there any types of complaints that you would never recommend submitting to anybody?</p>	<p>If yes, which types of complaints and why?</p> <p>If yes, what do you think that should be changed so that this type of complaints can also be submitted and responded?</p>	

GUIDING QUESTIONS		RESPONSES
<p>15. Are there any types of complaints that you would never recommend submitting to anybody?</p>	How and to whom would you prefer to submit this type of complaint?	
	How and by whom would you prefer to receive feedback to this type of complaint?	
<p>16. If the person who receives the complaint is not able to help you, would you like your complaint to be referred to those who can deal with it upon your consent and with confidentiality? If yes, please explain why? If no, please explain why?</p>		
<p>17. In your view, what would be the best way to provide this referral?</p>		
<p>Question 18 - 22: these can be used to facilitate discussion about how people raise issues, concerns, complaints within their communities/groups</p>		
<p>18. Are there certain people within your group/ community/situation that you can best speak to or report issues you experience with service providers and personnel? Who are they, what is their role?</p>		
<p>19. How would they usually deal with these issues/reports made to them? What would you expect to happen?</p>		
<p>20. How do they normally give feedback to you about the issue or report made?</p>		
<p>21. Are there any barriers faced by people to raise issues and complaints about service providers within your community/group? If so, what are they? (Do they feel that it is confidential, how; do they feel that there would be retaliation, don't think anything would happen etc.)</p>		
<p>22. Are there ways that these barriers could be removed, so that people can more easily raise concerns or make a complaint about service providers and personnel?</p>		
<p>END</p> <ul style="list-style-type: none"> • Tie-up the discussion and thank participants for their time. • Explain again that their feedback is confidential and explain how you are to use the information given. 		

TOOL C: CONSOLIDATED FEEDBACK FORM FOR PILOT COUNTRY

** This form can be used to consolidate and summarize feedback received from all the consultations with concerned population groups, in order to facilitate the analysis of the information gathered.*

Country: _____ **Location of consultation:** _____

Number of groups consulted: _____ **Number of individuals:** _____

Total numbers: F _____ , M _____ , Girls _____ , Boys _____ , People with diverse SOGI _____
 People with diverse capacities _____ , Youth _____ , Older people _____ , Key informant _____

Status of concerned populations: _____

GUIDING QUESTIONS	RESPONSES
1. What are the common words used for 'complaint'?	
2. What are the common risks people face within their groups/communities?	
3. What common issues are faced by service providers and personnel?	
4. What barriers do people face to raise issues and what are the preferred ways to raise issues and deal with complaints in their communities?	
5. What ways/mechanisms are known to people to raise a complaint about service provision or personnel to service providers?	
6. What are the preferred ways to submit a complaint to service providers?	
7. What are the preferred ways to receive feedback from service providers about complaints?	
8. What are the preferred ways that referrals could be made between service providers?	
9. What are the main risks/barriers faced by people to making a complaint to service providers?	
10. What are preferred communication methods?	

TOOL 3

GUIDANCE FOR DISCUSSIONS WITH PARTNER ORGANISATIONS ON PSEA/SH AND COMMUNITY-BASED COMPLAINT MECHANISMS



NOTE

Use this tool in coordination with other tools in the Regional PSEA/SH Mechanism and Toolkit e.g. **Tool 7: PSEA Self-Audit Checklist; Tool 1: Template Model SOPs for PSEA and complaint handling mechanisms; and Tool 4: Steps to set-up a community-based complaint mechanism.**

It is intended that discussions with partners using this guidance is facilitated by personnel with a good knowledge of PSEA/SH and complaint mechanisms, and the programme context, and of the partnership.

INTRODUCTION

Establishing accessible, safe and confidential complaint mechanisms is a crucial component of any system intended to protect, prevent and respond to exploitation and abuse, including sexual exploitation and abuse (SEA) and sexual harassment (SH), by service providers and personnel against concerned populations. PSEA systems should not stand-alone and it is important that complaint mechanisms fit within any existing reporting and response and referral mechanisms to ensure each individual's right to access protection and proper services, at the agency and local level.

When working with partners to provide services it is important to include them in the design of any complaint mechanism. It is also important to support partners, where necessary to establish the required policies and procedures to assure a robust PSEA/SH system is established, and that concerned populations are sufficiently protected in all operational/programme areas.

This guide can form part of a service providers assessment process of partners, to identify any gaps in practices and to plan actions to address these within the partner agreement and proposed programme activities. Key areas where improvements are needed to ensure a PSEA/SH system is in place across the operational area and program can be collated and assessed based on the information gathered using the tools below.

OBJECTIVE OF DISCUSSIONS WITH PARTNERS

- Provide information to partners on PSEA/SH feedback, complaint handling mechanisms and the Regional Mechanism for inter-agency complaint referrals
- Discuss with partners shared commitments and obligations to PSEA/SH
- Raise awareness of the rights of concerned populations to submit a complaint to the partner and service providers, and to receive a response
- Raise awareness of partners' responsibilities to facilitate reporting and complaints
- Identify existing feedback and community-based complaints systems
- Explore which existing or suggested feedback and complaint mechanisms, reporting and referral procedures are most relevant for partners

- Discuss appropriate procedures for submitting complaints and providing feedback to concerned populations
- Understand barriers and risks to reporting within a community and to service providers
- Inform the design of the regional Community-Based Complaint Referral Mechanism (the “Mechanism”) and agency feedback and community-based complaint processes.

IMPORTANT CONSIDERATIONS

Discussions on PSEA/SH feedback and community-based complaint mechanisms with partners should consider the following:

- Highlight that the discussion and information gathered will be used to improve inter-agency systems in the region to ensure PSEA/SH and Accountability to Affected Population (AAP)
- Understand and respect the specific sensitivities and cultural dynamics about SEA/SH for partners in their context
- Acknowledge the different capacity, size, mandate and structure of each partner
- Recognise the trust that partners might have with concerned populations and within their communities.
- Ensure that the discussion is with personnel who are knowledgeable about the relevant PSEA/SH and AAP policies and procedures within their organisation
- Respect their ability to identify most relevant entry points for complaints from people and communities.
- Ensure the location and timeframe arranged for the meeting provides adequate confidentiality and time and for the discussion.

TOOLS FOR CONSULTATIONS WITH PARTNERS

Find below a Tool, which can be used to guide a discussion and consultation with partners regarding PSEA/SH feedback and community-based complaint mechanisms. This information can be used to support the development of an improvement plan and to develop the Regional inter-agency complaint referral Mechanism.

Please contextualize the questions where necessary to best reflect the partner, their operational activities and capacity.



This can be used electronically or printed to document the discussion and the partners’ responses. The questions should be used **to guide** the discussion.

TOOL: DISCUSSION GUIDE

Name of partner: _____

Partner representative(s) name and role: _____

Location and Date: _____

Relationship with other service providers: _____

Main activities implemented by partner: _____

GUIDING QUESTIONS	RESPONSES
<p>Make a brief introduction of the subject and make sure that all participating understand the purpose of the consultation and how the responses can be used. Please refer to the first section of this guidance note in preparation of the consultations.</p>	
<p>Question 1 - 10 relate to organisational policies and procedures for PSEA/SH and complaint procedures</p>	
<p>1. Does your organization have a Code of Conduct (CoC) that includes protection from sexual exploitation and abuse and sexual harassment (SEA/SH)?</p>	
<p>2. Does your organisation have a policy on prevention and protection from SEA/SH?</p>	
<p>3. Does your organization have clear procedures for handling complaints on SEA/SH (from staff or concerned people)?</p>	
<p>4. Does your organization have a SEA/SH investigation policy/procedure in place?</p>	
<p>5. Does your organisation have the capacity to initiate an investigation of a SEA/SH complaint within 72 hours of receipt? If not, what procedure would you follow in [name of site] _____ ?</p>	
<p>6. Does your organisation have assigned PSEA focal points, in [name of site] _____? Do they have clear TORs of their responsibilities?</p>	
<p>7. Has your staff given or received any training on PSEA/SH (within the last 12 months)?</p>	
<p>8. Are protection risks, for concerned populations assessed and well understood by your programmes and staff?</p>	
<p>9. Are risks of SEA of communities and concerned populations assessed and reviewed regularly in your programme activities?</p>	
<p>10. Does your organization participate in any coordination groups in relation to Protection, SGBV, PSEA in [programme / operational site] _____?</p>	

GUIDING QUESTIONS	RESPONSES
Questions 22 - 24 relate to awareness raising of PSEA feedback and community-based complaint mechanisms with communities / concerned populations	
<p>22. Has your organization informed people/ concerned persons of their rights regarding protection from SEA? If so, give details: methods, how many people reached etc.?</p>	
<p>23. Has your organisation informed people/ concerned persons of how they can raise a concern, provide feedback or make a complaint in [site]? If so, give details: methods, how many people reached etc.?</p>	
<p>24. In your area of operation does your organisation ensure that all concerned populations, from all back grounds and origins, women, girls, men and boys, people of all sexual orientations and gender identities, indigenous populations, people with functional diversity and others, can access, use and are informed about their rights and how to provide feedback and submit a complaint? Please give examples of how this is done, what methods have been used.</p>	
Questions 25 - 28 relate to organisational policies and procedures to prevent and protection personnel from sexual harassment (SH)	
<p>25. Does your organization have a clear staff policy on prevention of sexual harassment, bullying, abuse of power within the organization?</p>	
<p>26. Has your organisation informed its personnel on its anti-bullying, zero-tolerance of sexual harassment and any abuse of power in the workplace and in the field?</p>	
<p>27. Does your organization have clear policies and procedures on grievances and whistle-blowing for personnel? Are personnel made aware of this policy and of how to use it?</p>	
<p>28. Is an dedicated HR function exist in your organization to manage issues of sexual harassment, and other forms of harassment by personnel?</p>	
FINAL ROUND-UP QUESTIONS	
<p>29. What key challenges does your organization have to setting up PSEA/SH systems in your organisation? i.e. complaint mechanisms, reporting and referral systems, PSEA policies etc.</p>	
<p>30. Are there any questions or anything else that the partner wants to discuss in relation to the consultation?</p>	

TOOL 4

STEPS TO SET-UP A COMMUNITY-BASED COMPLAINT MECHANISM¹



NOTE

This guidance forms part of the PSEA/SH Project in the Americas region and should be used in conjunction with the Regional Inter-Agency Complaint Referral Mechanism and SOPs for Complaint Handling at national and operational levels. It is intended this tool be used as part of the process any service provider undertakes to set-up and monitor feedback and complaint mechanisms. This tool is designed for PSEA Focal Points and/or other personnel who have specific experience and expertise in protection of vulnerable persons as part of their role.

KEY DEFINITIONS

SEXUAL EXPLOITATION AND ABUSE (SEA)

Particular forms of gender-based violence that have been reported in humanitarian contexts, specifically alleged against humanitarian workers/personnel.

Sexual Exploitation: *“Any actual or attempted abuse of 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.”*

SEXUAL HARASSMENT VERSUS SEA

SEA occurs against a refugee, migrant or other member of the community receiving services. Sexual harassment occurs between personnel and involves any unwelcome sexual advance or unwanted verbal or physical conduct of a sexual nature. Sexual harassment is not covered by these SOPs although agencies’ internal procedures for reporting sexual harassment allegations may be the same as for reporting SEA complaints. The distinction between the two is important so that agency policies and staff trainings can include specific instruction on the procedures to report each.

1. The Oxfam resource, “Setting up Community Feedback Systems in Oxfam Programmes” was used in developing the content for this guidance document .

PERSONNEL

For the purposes of this guide, “personnel” is a broad and inclusive term and refers to any person engaged by a participating agency to provide support, services and protection to concerned populations, whether internationally or nationally recruited, whether as an employee, volunteer, contractor or service provider, or formally or informally engaged from the community (e.g., community volunteers).

COMPLAINT

A complaint is an expression of dissatisfaction about the standards of service, actions or lack of action, or misconduct by the organisation or its staff, personnel, volunteers or anybody directly involved in the delivery of its work. It is a criticism that expects a reply and would like things to be change.

Serious misconduct includes (but is not limited to) the following: fraud and corruption; bullying and harassment; SEA/protection incidents; actual or potential harm or risk in programming.

FEEDBACK

Feedback is any positive or negative statement of opinion about someone or something – an opinion shared for information. It may be expressed formally or informally and may or may not require a response.

1. INTRODUCTION AND BACKGROUND

This guidance is part of a package of tools developed to support the delivery of commitments outlined in the Regional Inter-Agency Community-Based Complaint Referral Mechanism (the Mechanism) in the Americas. The Mechanism was developed as part of collective efforts in the region to ensure adequate safeguards and appropriate actions are established on protection from sexual exploitation and abuse (SEA) and sexual harassment (SH).

THE KEY AIMS OF THE MECHANISM ARE TO:

- improve prevention and reporting of sexual exploitation and abuse and sexual harassment;
- facilitate inter-agency referral of complaints at a regional and national level, i.e., within and across borders;
- increase transparency around these issues in the region.

To achieve this, it is essential that all agencies have robust community-based complaint mechanisms in place, and which are fully accessible to concerned populations in all locations.

2. PURPOSE OF THIS GUIDANCE

The purpose of this document is to support service providers to set-up community-based complaint mechanisms in their areas of operations. It covers the most important principles and steps required to ensure that complaint mechanisms are established and can fulfil their functions in a safe, effective and culturally appropriate way. TThis tool can support service providers to establish national and operational Standard Operating Procedures (SOPs) for PSEA/SH complaint handling mechanisms in conjunction with and to support the Regional CBCRM in the Americas and other tools in this Regional Toolkit (e.g. see **Tool 1: Template Model SOP for PSEA/SH complaint handling mechanisms**).

3. WHAT IS A COMMUNITY-BASED COMPLAINT MECHANISM?

The goal of a community-based complaint mechanism is to allow concerned populations to report issues to service providers in a safe, effective, and culturally appropriate manner. It should account for practical concerns, such as the local context, cultures, languages, and literacy levels, and must be accessible to all members of the concerned population. It should be based on the needs and priorities of concerned populations.

An Integrated system: A complaint mechanism should be set-up as an integrated system, whereby it can receive and manage programmatic complaints e.g. about the services, assistance, support provided, and sensitive issues and allegations against the behaviour of personnel e.g. PSEA/SH, fraud or corruption, serious misconduct by personnel. The complaint mechanism should be simple for people to understand and to access safely.

Individual or joint system: A complaint mechanism can be a system established by an individual service provider or it can be a joint effort involving multiple providers working together in one location. In either case, the design of the complaint mechanism should take account of the perspectives of all relevant stakeholders; concerned populations, service providers, agencies, implementing partners, local authorities and other community members.

Inter-agency referrals: Having an agreed way of receiving and referring complaints between different service providers provides a safer, more accessible and easily understood way for people to raise issues of concern or submit complaints. Referral mechanisms should be able to deal with all complaints, and not be solely focused on receiving allegations of SEA/SH. In being part of a wider system of complaint referral, a CBCM offers the complainant an option of reporting SEA/SH to an agency which does not itself employ the alleged perpetrator of the misconduct and may be in a different location from where an incident occurs. This can reduce the fears of reprisal and discrimination.

4. KEY CHARACTERISTICS OF AN EFFECTIVE COMPLAINT MECHANISM

At all stages of the process of setting up a community-based complaint mechanism it is important to follow and assure these essential points are met:

RIGHT TO COMPLAINT AND DUTY TO RESPOND

All parties need to be informed that they have a right to complain and that the organisation has a duty to respond.

CONFIDENTIALITY

Restricts access to, and sharing of information, ensuring that information is only available to a limited number of people as necessary or as authorised. This is particularly important in cases of PSEA/SH and fraud and corruption. Confidentiality helps create an environment in which people are more willing to raise complaints, recount their versions of events and it build trust in the system and service providers.

SAFETY

Considers the potential risks or dangers to all parties; incorporates ways to prevent injury or harm to people. Includes ensuring confidentiality, offering physical protection when possible and addressing the possibility of retaliation against all parties. Is considered in line with case management systems for SGBV and Child Protection.

ACCESSIBILITY

Can be used by as many people as possible, from as many groups as possible, in all locations

TRANSPARENCY

Members of concerned populations know it exists, have input into its development, and possess enough information on how to access it and ensure it is adhered to. Consultation with and participation by concerned populations will help ensure that your complaint mechanism is confidential, accessible, safe and transparent.

TIMELINESS

An effective mechanism will deal with complaint in a timely manner. The timeline for acknowledgment and response should be stated in the procedures.

REPORTING

The outcomes of an investigation should be reported to the relevant parties. Learning from complaints and investigations need to be integrated into adjusting programme activities, policies and practices.

5. VISION FOR EFFECTIVE COMPLAINT MECHANISMS

For complaint mechanisms to be effective and to be trusted by concerned populations, and personnel, complaints must be responded to and complainants should be kept informed of the outcome of action taken, within an appropriate timeframe. This is known as ‘closing-the-loop’ – if feedback is not provided, then the loop is not considered ‘closed’ and the system cannot be truly effective or accountable to all parties involved.



6. KEY STEPS IN ESTABLISHING A COMMUNITY-BASED COMPLAINT MECHANISM



CONSULTATIONS

Consult with the stakeholders of the mechanism to decide the most appropriate method to channel feedback and complaints.

CONSULT WITH CONCERNED POPULATIONS

A complaint mechanism is most effective when it is based on and is appropriate to the needs of the populations of concern, communities and users of the mechanism. It is important when designing a community-based complaint mechanism to first consult with concerned populations to gain an understanding of their needs and risks, and the vulnerabilities and capacities of different groups. It is important to gain their perspective: on their preferred ways to discuss sensitive issues safely, such as SEA, child protection, SGBV; of their preferred ways to raise and resolve issues of concern within their population group or community; and how they would want to report to and communicate with service providers and personnel on such issues. **(See Tool 2: Consultations with concerned populations and Tool 8: Risk Assessment template).**

Consultation with concerned populations will help ensure the complaint mechanism:

- Is appropriate for the needs and priorities of the local context
- Takes account of relevant safety and security issues
- Reduces the risk of building an overly complicated and bureaucratic system
- Facilitates identification of appropriate translation and terminology for the local context.

Aside from understanding issues related to the effective design and operation of the complaint mechanism consulting with concerned populations is also an opportunity to:

- Raise awareness about issues related to PSEA/SH
- Create understanding of the expected behaviors of personnel in accordance with their service provider Code of Conduct and helps reduce risk of SEA/SH
- Builds confidence and trust amongst the population and with service providers.

Consultation with concerned populations provides you with answers to specific questions about the design of the mechanism such as;

- How will highly mobile people/people on the move be able to give feedback/raise complaints?
- How will people in remote locations be able to give feedback/raise complaints?
- How will people with different disabilities and vulnerabilities be able to share their feedback?
- Can complaints be received verbally or only in writing?
- Can complaints be received through online platforms?
- Can anonymous complaints be received?
- Is it possible to give feedback / raise a complaint on behalf of somebody else (owing to their illiteracy, disability, fears for their personal safety, inability to travel, etc.)?
- How can the confidentiality/anonymity of a complainant or any other party involved i.e. witness, be protected when using the mechanism?

CONSULT WITH PERSONNEL AND PARTNERS

A complaint mechanism needs to be designed in consultation with personnel and partners, and anyone else, involved in the operation of a complaint mechanism to ensure that:

- All stakeholders understand the purpose and scope of the mechanisms (internal, inter-agency referrals)
- They are aware of their responsibilities, in relation to standards of behaviour (Code of Conduct) and mandatory reporting
- Can fulfil any specific responsibilities for the operation and administration of the mechanism
- They fully understand the key characteristics and know how to put these into practice in their day to day work
- They can offer ideas and suggestions that will increase the efficiency, effectiveness and sustainability of the complaint mechanism.

CONSULT WITH OTHER SERVICE PROVIDERS AND KEY STAKEHOLDERS E.G. LOCAL AUTHORITIES

Consultation with other service providers and stakeholders is important to ensure that:

- There is understanding and support for the complaint mechanism, its purpose and scope
- That the mechanism is designed in accordance with local laws and is aligned with existing support and services in the area e.g. local SGBV, child protection referral pathways
- That any service providers to whom the complainant may be referred for survivor/victim assistance can do so in accordance with requirements (e.g. members of the Regional Safe Spaces Network (RSSN))
- Contributes to transparency and openness

DESIGN THE SYSTEM FOR RECEIVING, HANDLING AND RESPONDING TO COMPLAINTS

Develop Standard Operating Procedures (SOPs) for the complaint mechanism using Tool 1: Template Model SOP for PSEA complaint handling mechanisms, for guidance (**See Tool 1: Template Model SOPs**). This guide can support you to operationalise the principles, processes, roles and responsibilities and the practical administration, processing, investigation and referral of complaints within your agency and operation / programme.

To get a baseline of the systems and processes that already being used by service providers a number of tools within the Regional Toolkit can be used (**See Tool 2: Guidance for discussion with partner organisations and Tool 7: PSEA/SH Self-Audit Checklist and Tool 9: PSEA/SH Mapping Survey**). These tools can be used at the agency and operational levels to gain a good picture of what systems are already in place and working, to receive, respond to and investigate complaints from concerned populations and service providers in each response area. Gaps can be identified through these processes and an action plan to address the gaps can be put in place.

In the design phase involve concerned population groups in designing and testing the system of receiving complaints. It is advisable to use more than one channel to ensure that different groups of the concerned population are being reached, including people with specific needs. Don't be afraid to try different approaches – not all of them will be successful, it will be a learning process. It may be necessary to try out different ideas until it is clear which channels are most effective and which ones concerned populations consider safe and accessible.

The following are ideas for ways to receive complaints which can be tested depending on the context:

- Help Desks / Designated information kiosks in key locations
- Dedicated telephone lines (preferably free)
- Online platforms
- SMS/WhatsApp
- Suggestion boxes
- Community meetings, committees
- Social media
- Face to face in service provider's office through PSEA or protection focal points.

Each of these may have certain advantages or disadvantages but through consultation and testing it will be possible to establish which are most effective for the context. It is preferable to have more than one route through which concerned populations can give feedback and raise complaints. It is equally important that the service provider is able to adequately manage, and resource whichever options are selected.

RAISE AWARENESS

It is important to continuously raise awareness about the complaint mechanisms to ensure concerned populations, and personnel, understand their purpose and know how to use them. Example templates and ideas (posters, leaflet) for use in the Americas region are included in the toolkit (**see Tool 6: Visual information Materials on PSEA/SH Reporting**).

It is important to highlight that: people have a right to raise a complaint and that service providers have a duty to respond; that there would be no retribution for complaints submitted; that complaints can be given/received anonymously; that confidentiality will be maintained; and that support will be provided for survivors/victims in need of services. It is essential to:

- Regularly tell concerned populations (through a variety of media) how they can complain and that it is their right to do so
- Communicate the behaviours concerned populations should and shouldn't expect from any personnel (e.g. representatives, staff, contractors, collaborators, mobilisers, etc.)
- Be clear about the scope of the complaint mechanism and that complaints can be referred to other agencies (through the Regional complaint referral Mechanism)
- Ensure procedures for dealing with complaints relating to SEA/SH are understood.

RECEIVE, ACKNOWLEDGE AND RECORD COMPLAINTS

It is important to provide the complainant with an acknowledgement of the receipt of a complaint (in line with the agreed SOP) and provide an indication of the next steps to be take, and when a response might be expected. Having and respecting set timeframes for responses for different categories (e.g. programme, sensitive, financial, misconduct etc.) of complaints and feedback is desirable.

- Ensure complaints are logged and processed according to agreed internal procedures (SOPs) or referred to other agencies for processing (in line with the regional Mechanism), as required
- Consider data security and who should have access to the complaint system and ensure data protection elements meet relevant standards and regulations
- Set standard timeframes for feedback on complaints e.g., ranging from immediate - 48 hours/72 hours [to be discussed and agreed] for straightforward issues, while longer may be required for more complicated cases such as SEA/SH complaints. It is important that complainants are fully aware of the timeframes.

RESPONSE AND CLOSE-THE-LOOP

Clear communication with complainants, and other parties e.g. witnesses as appropriate, is essential. In consideration of populations on the move and potentially crossing border, coordination and communication between service providers is key to being able to respond to complaints and 'close-the-loop' within reasonable timeframes. If this does not take place confidence in the system is lost.

Updates to the complainant on the process being followed, of how your agency will respond and of appropriate action being taken is important. Communication helps build trust amongst concerned populations, especially when populations are on-the-move, and shows they are being listened to, and that service providers are responding to them. Even in cases where no action is taken in response to a complaint, it is important and helpful to explain why. Make sure each complainant receives a response and/or appropriate action is taken:

- Be consistent: ensure similar complaints and feedback receive a similar response
- Where an issue affects more than one person, it may be worth giving aspects of the response in a public forum so that everyone is aware the issue has been managed.
- Sensitive referrals pathways for victim/survivor support, including SGBV and SEA/SH, should be handled according to agency specific guidance and standards, and in line with the regional SGBV and Child Protection Referral Pathways (see <https://www.arcgis.com/apps/MapSeries/index.html?appid=ae15aa2fe0c4469b83ea10f0925e8625>)

ANALYSE, REFLECT, AND LEARN FROM FEEDBACK AND COMPLAINTS

Analyzing complaint data, identifying statistics, tracking trends and collectively discussing these with other service providers, e.g. in within the Regional and National PSEA Network or the RSSN, helps identify ways to improve work, particularly in relation to PSEA/SH.

- Share analysis with relevant outside service providers and agencies i.e. including the Regional and National PSEA Networks and RSSN members
- If use of the complaint mechanism is limited, i.e. not many complaints are received over time, this should be analyzed to discover why people aren't using it (e.g. this could be due to a lack of understanding of its purpose, a feeling that it is not safe to use, it is not confidential etc.)
- Accept and acknowledge that complaints can be difficult, they may reveal problems which can be uncomfortable, time-consuming, and politically challenging to address. Avoid finger-pointing and placing blame; focus on improvement and next-steps, either internally or for other service providers.

ENGAGE AND ADAPT

To fulfil the objective of establishing adequate safeguards and appropriate actions on PSEA/SH it is essential that service providers constantly improve on the support, services and protection for concerned populations. Evidence (the nature of complaints, learnings from complaints received etc.) from the community-based complaint and referral mechanisms should influence the improvement to service provision for concerned populations, and personnel. Sharing reflections and learning from complaints, with concerned populations, and personnel, helps to validate the learnings, that can then be translated into action by adapting and improving support and services that affect them.

- Translate reflection and learning into action by adapting support, services and protection to meet needs of concerned populations
- Data analysis should be routinely shared and validated with the concerned populations, they will have ideas for solving any commonly raised issues
- Share information on complaints, learnings and statistical data with personnel to engage them in adapting and improving the provision of services.

7. REFERRING SEA/SH ALLEGATIONS FOR INVESTIGATION AND FOLLOW-UP

The process of referring SEA/SH allegations to the service provider employing the alleged offender for potential investigation and follow-up, is one of the most important roles of the complaint mechanism. Clear procedures for communication between personnel responsible to manage SEA/SH complaints within the agency and with the designated investigative body during referrals must be agreed upon and clearly outlined in the Standard Operating Procedures (SOPs) and in line with the Regional complaint referral Mechanism.

In the referral of complaints, the complaint mechanism must assure accountability to both the affected concerned population(s)/individual and the service providers engaged in the Regional inter-agency complaint referral Mechanism. This is because incomplete or mismanaged referrals will result in an ineffective system, leaving the concerned provider unable to fully investigate SEA/SH allegations against its own personnel, and the concerned parties of the complaint unable to receive an appropriate response. A strong referral system is necessary in order that all participating service providers can receive SEA/SH allegations so they can take appropriate action, and to strengthen collective accountability.

If a referral system is not in place:

- The concerned population(s) will lose faith in the system and cases will go unreported
- Reported cases/complaints will go unaddressed and no disciplinary/prevention action will be taken
- Service providers/agencies cannot be accountable to affected populations, or to each other.

After a complaint is referred it is the sole responsibility of the concerned service provider to carry out further action, including assessing the actionability of the complaint, investigating if warranted, and providing feedback to the survivor/complainant according to its internal policies.

- The Regional inter-agency referral Mechanism supports referrals and investigative capacity and should be referred to for further guidance. It may play a supportive role for the concerned provider, if requested, and may act as a liaison for continued communication with the complainant/survivor.
- The concerned provider will make the initial assessment to decide whether an investigation into the allegation is warranted and conduct such an investigation according to its own procedures or in-line with investigation procedures as outlined in the Regional Mechanism.

The service provider operating the complaint mechanism does not conduct investigations.

CRIMINAL OFFENCES:

When an incident of SEA/SH constitutes a criminal offense, it is the decision of the investigating agency to refer cases to the proper law enforcement authorities in conformity with the service provider's internal procedures. The decision of the provider to refer a case to the national authorities should take into account the consent of the survivor/complainant, who may not wish to involve the local authorities. However, in some instances, the state and local governments in which the complaint mechanism operates may also have mandatory reporting laws related to SEA/SH incidents. It is the responsibility of the PSEA focal points and protection personnel to be up to date on relevant national laws and to incorporate them into the complaint mechanism SOPs and in line with the Regional Mechanism.

HANDLING 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 sent to the service provider concerned in the complaint/allegation or to the most relevant and appropriate body e.g. in the Americas the UNCHR Country Representative, relevant Protection actor, UNHCR Regional PSEA Focal Point.

8. REFERRAL PATHWAYS FOR SURVIVOR SUPPORT

The design of any complaint mechanism must be linked to competent services to provide appropriate support for survivors, including survivors of SGBV, Child survivors and SEA/SH.

- Design of the community-based complaint mechanism should be coordinated with existing services for referral and support for survivors including, as appropriate, SGBV; child protection; mental health and psychosocial support; legal assistance.
- Design of the complaint mechanism should be carefully coordinated with existing efforts to address and mitigate sexual and gender-based violence (SGBV) and child protection risks.
- PSEA/SH is an important aspect of preventing SGBV and PSEA/SH efforts should link to SGBV and child protection expertise and programmes and to the SGBV and Protection Working Groups.
- Because SEA/SH is a form of SGBV, agencies establishing complaint mechanisms should promote a common understanding of the different responsibilities within the PSEA Network, SGBV coordination mechanisms and Regional Safe Spaces Network (RSSN) in the Americas.

<https://www.arcgis.com/apps/MapSeries/index.html?appid=ae15aa2fe0c4469b83ea10f0925e8625>

9. MANAGING AND TRANSFERRING NON-SEA/SH COMPLAINTS:

Within the mechanism procedures must be clear to respond to and refer complaints regarding programme delivery and services programme complaints to other service providers concerned. A system for transferring non-SEA/SH complaints to the relevant own internal programme or operations department or to another provider need to be in defined. The mechanism should expect to receive complaints on a wide variety of issues and from people not directly involved in the complaint or the operation. A response to these complaints, is still necessary and relevant.

TOOL 5

INTER-AGENCY COMPLAINTS REFERRAL FORM (FOR SEXUAL EXPLOITATION AND ABUSE / SEXUAL HARASSMENT)

* Information contained in this form is CONFIDENTIAL. All Forms must be PASSWORD PROTECTED.

 <https://enketo.unhcr.org/x/#psDGQsdd>

Name of Complainant: _____ Ethnic origin/Nationality: _____
Address: _____ Identity no: _____
Age: _____ Sex: _____
How does complainant prefer to be contacted (give details): _____

Name of survivor (if not the complainant): _____ Ethnic origin/Nationality: _____
Address/Contact details: _____ Identity no: _____
Sex: _____ Age: _____

Name(s) and address of parent/guardian, if under 18: _____
How does survivor prefer to be contacted (give details): _____
Has the survivor given consent to the completion of this form and referral?
 Yes No Don't know

Date of incident(s): _____ Time of incident(s): _____ Location of incident(s): _____

Brief description of incident(s) in the words of the survivor / complainant: _____

Name of accused person(s): _____ Position / Job title of person(s): _____

Service provider/agency accused person(s) works for: _____
Address or location where accused person(s) works: _____

AGENCY RECEIVING COMPLAINT

Name of PSEA Focal Point: _____ Name of person completing form: _____ Position / Job title: _____

Agency: _____ Signature: _____ Date completed: _____

REFERRAL TO AGENCY OF CONCERN PSEA FOCAL POINT

Name of agency/name of person (PSEA Focal Point) report forwarded to: _____

Name and position of person report forwarded to: _____

Date of referral: _____

ACKNOWLEDGMENT OF RECEIPT

Name: _____ Agency: _____ Position / Job title: _____

Signature: _____ Date received: _____

TOOL 6

VISUAL INFORMATION MATERIALS ON PSEA/SH REPORTING IN THE AMERICAS

Leaflet for concerned populations and communities

IF YOU HAVE EXPERIENCED SEXUAL EXPLOITATION OR ABUSE PLEASE REPORT IT TO US

WE WANT TO HEAR YOU

ALL service providers take reports of exploitation and sexual abuse very seriously. We will investigate them independently and confidentially and action will be taken to stop this happening again.

- ▶ You can report to a service provider in any country and they will listen to you and follow-up your complaint.
- ▶ Your safety will always be carefully considered when following up on a complaint or report.
- ▶ The person you tell will be able to help advise and help you with the support you need for assistance.
- ▶ Investigations will be conducted by an independent person and action will be taken against service providers if found guilty of inappropriate behaviour.



INDIVIDUALS WHO WORK FOR SERVICE PROVIDERS OF HUMANITARIAN ASSISTANCE must comply at all times to **HIGH STANDARDS OF BEHAVIOUR** in their personal and professional lives.

SEXUAL EXPLOITATION AND ABUSE of anyone from the local populations (including refugees, displaced population, and migrants and other populations receiving services). **WILL NOT BE TOLERATED**

REMEMBER,

ACTS OF SEXUAL EXPLOITATION AND ABUSE COMMITTED AGAINST YOU are **NOT YOUR FAULT**



REGIONAL SAFE SPACES NETWORK



IT IS NOT ALLOWED FOR ANY SERVICE PROVIDER TO ASK FOR OR FORCE YOU TO PROVIDE THEM WITH ANY SEXUAL FAVOUR OR ACT!

WHAT IS SEXUAL EXPLOITATION AND ABUSE?

Sexual exploitation is service providers accepting sexual relations or favours in exchange for assistance, services, money, shelter, food or other property.

Sexual abuse is the threat or use of force by a service provider to have sexual relations with another person.

ANY ACT OF SEXUAL EXPLOITATION OR SEXUAL ABUSE committed by a service provider (staff, volunteer, personnel) is serious misconduct and can be grounds for disciplinary action and termination of their contract. The following behaviours are prohibited by service providers:

- ▶ All sexual intercourse with children (under the age of 18) regardless of the age of majority or consent
- ▶ The offering of money, employment, goods or services in exchange for sex
- ▶ Offering assistance and services in exchange for sex
- ▶ Any sexual relationship maintained by force or by coercion or of a degrading nature.

YOU OR SOMEONE YOU KNOW:

- Where you forced or asked to exchange sex or do any action of a sexual nature for any assistance, food, shelter, money, or any other kind of support?
- Were you forced by anyone from a service provider to have sexual relations or any other act of a sexual nature?
- Were you threatened by anyone from a service provider to engage in sexual intercourse or any other act of a sexual nature?
- Do you know or are you a person under the age of 18 that has had or been asked for sexual relations, of any sort, with someone from a service provider?



HOW TO MAKE A COMPLAINT OR REPORT?

-  You have the right to make a report or a complaint in-person, anonymously or on behalf of someone else.
-  Reporting an incident or raising concerns will NOT prevent you from receiving assistance and support and will not stop the provision of services.
-  You can contact any trusted service provider in the Americas to raise an issue, regardless of which country the incident happened.
-  You can tell a trusted person that you want to make a complaint of sexual exploitation and abuse and an official will contact you to follow-up.
-  You can use a designated phone number in your country.
-  You can submit a complaint to a service providers office, complaint box.

YOU CAN ALSO DIRECTLY CONTACT THE UN HERE:

UN Office of Internal Oversight Services (OIOS)
Report online: <https://oios.un.org/content/contact-us>
Call: +1 212 963 1111 (24 hours)

UNHCR Inspector General's Office (IGO)
Report online: <https://www.unhcr.org/uk/making-complaint.html> | Call: +41 22 7398844
Email: inspector@unhcr.org





SEXUAL EXPLOITATION AND ABUSE
have no place in the work of humanitarian actors and service providers.

If any service provider worker attempts or has exchanged any assistance for sex or sexual favors, or money or goods, with you or someone you know, or forced you or any other person to have sex or any act of a sexual nature **REPORT THEM.**



You can make a report or complaint to any service provider, directly, anonymously or on behalf of someone else. Making a report of sexual exploitation or abuse will **NOT** prevent you from receiving assistance or cause service provision to stop.

HOW TO REPORT?

-  **Approach a staff member or go to an office of the service provider to make a complaint in person**
-  **Call or write a message to**
UN OFFICE OF INTERNAL OVERSIGHT SERVICES (OIOS)
Report online: <https://oios.un.org/content/contact-us> | Call: +1 212 963 1111 (24 hours)
UNHCR INSPECTOR GENERAL'S OFFICE (IGO)
Report online: <https://www.unhcr.org/uk/making-complaint.html> | Call: +41 22 7398844
Email: inspector@unhcr.org

YOUR COMPLAINT WILL BE LISTENED TO AND WE WILL TAKE ACTION TO MAKE SURE YOU ARE SAFE!

Poster for concerned populations and communities





SEXPLOITATION AND ABUSE, AND SEXUAL HARASSMENT are **NOT ACCEPTABLE** behaviour by humanitarian personnel.

WE ARE CLEAR THAT:

- We must respect the local population of concern with respect and dignity at all times
- Sexual exploitation and abuse threaten the lives of those we are here to serve and support.
- Asking for anything from concerned populations in exchange for providing services is prohibited.
- Asking for sexual favors, sex, money or goods from concerned populations are prohibited.
- Sexual exploitation and abuse constitute acts of gross misconduct and are therefore grounds for termination of employment.
- Any form of sexual harassment against a fellow colleague or service provider is unacceptable and will not be tolerated.

ALL PERSONNEL MUST ABIDE BY THESE RULES:

SEXUAL ACTIVITY WITH CHILDREN (PERSONS UNDER THE AGE OF 18) IS PROHIBITED regardless of the age of majority or age of consent locally. Mistaken belief regarding the age of a child is not a defense.

EXCHANGE OF MONEY, EMPLOYMENT, GOODS, OR SERVICES FOR SEX IS PROHIBITED, including sexual favors or other forms of humiliating, degrading or exploitative behaviour. This includes exchange of assistance that is due to beneficiaries and concerned populations.

ANY SEXUAL RELATIONSHIP BETWEEN THOSE PROVIDING HUMANITARIAN ASSISTANCE AND PROTECTION and a person benefitting from such humanitarian assistance and protection that involves improper use of rank or position is prohibited. Such relationships undermine the credibility and integrity of humanitarian aid work.

Where a humanitarian worker develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same agency or not, **THEY MUST REPORT** such concerns via established agency reporting mechanisms.

Humanitarian workers **ARE OBLIGED TO CREATE AND MAINTAIN AN ENVIRONMENT WHICH PREVENTS SEXUAL EXPLOITATION AND ABUSE AND PROMOTES THE IMPLEMENTATION OF THEIR CODE OF CONDUCT.** Managers at all levels have particular responsibilities to support and develop systems which maintain this environment.



ALL HUMANITARIAN PERSONNEL CAN REPORT ANY CONCERN OR SUSPICION TO A PSEA FOCAL POINT OF ANY SERVICE PROVIDER IN THE AMERICAS, REGARDLESS OF WHICH COUNTRY THE INCIDENT OCCURRED.

Poster for personnel and service providers

TOOL 7

PSEA/SH SELF-AUDIT CHECKLIST

 <https://enketo.unhcr.org/x/#H7Z8Xocn>

This self-auditing tool has been developed as part of the Americas Regional PSEA Network to support service providers (offices, agencies) to understand where they stand in relation to preventing sexual exploitation and abuse (SEA) and sexual harassment (SH). The self-audit process supports the identification of gaps and provides direction on the next steps you and your agency can take to strengthen ongoing work to protect those with whom we work.

As part of continuing efforts to strengthen the prevention of SEA/SH in the Americas, the results of the self-audit can be shared with the PSEA Network Focal Points. This can promote a collective response to PSEA/SH and can assist service providers to take specific measures to address and focus on identified weaknesses.

For the purposes of this checklist, the term 'Code of Conduct' refers to a service provider's own Code of Conduct for its personnel, as long as it makes explicit its commitment to PSEA/SH and incorporates the PSEA/SH principles.

For each statement, each box should be ticked:

A = fully in place; B = partially in place; C = not in place.

Grouping the results into Mostly As/Bs or Cs, will give an indication of your agency's progress. It should also be noted that boxes highlighted in yellow are considered to be essential and therefore a priority for PSEA/SH. If these are "B" or "C", then these would be critical areas to focus on.

1	RECRUITMENT AND INTERVIEWS	A	B	C
A	The service provider has a Gender Policy and monitors the gender-balance of staffing and strives to be gender-balanced, at all levels of responsibility, in both main and sub-offices and among nationally and internationally contracted staff and community workers.			
B	During the recruitment / interview process, the service provider discusses policies regarding relations between staff and concerned population and assesses interviewee's responses to Code of Conduct related questions.			
C	References are rigorously gathered and follow a specific format /checklist while respecting the principle of confidentiality. They should include questions about disciplinary actions.			
D	All personnel (e.g. staff, consultants, contractors, volunteers) contracts or templates include the main principles of the Code of Conduct or have the Code of Conduct attached, which should also be available in the language of the relevant country.			
E	All job advertisements reaffirm the provider's/agency's commitment to the Code of Conduct and PSEA/SH.			
F	Applicants must fill in job application forms, which require the applicant to give information about criminal convictions, reasons for leaving previous jobs and periods when no employer is listed.			

2	RECRUITMENT AND INTERVIEWS	A	B	C
A	There is an orientation/induction process for all personnel, including community volunteers, contractors etc., which includes administrative procedures and human resources as well as programmatic and operational issues.			
B	Guidance is provided to new employees on the cultural context, gender equality principles, and appropriate behaviour expected of personnel as well as complaint, investigation and disciplinary procedures and consequences.			
C	During the orientation process, personnel are taken through the Code of Conduct, which includes PSEA/SH principles, by a manager/supervisor to ensure they understand the issues and have their questions answered.			

3	MANAGEMENT	A	B	C
A	Senior management work to ensure an organizational culture which eliminates sexual exploitation and abuse, and sexual harassment. For example, PSEA/SH is included as part of the performance goals for managers and performance is rated in accordance with the implementation of these goals. Senior managers make regular announcements on these issues and personnel are reminded that the organization takes these issues seriously.			
B	The agency/office has developed and incorporated into personnel rules and regulations a Code of Conduct, which includes principles related to protection from sexual exploitation and abuse and protection from sexual harassment, as well as appropriate investigation and disciplinary procedures when violations of core principles occur.			
C	Senior managers are required, and are evaluated on their ability, to promote the standards outlined in the Code of Conduct internally to the agency to personnel, with other agencies/service providers, and among concerned populations.			

4	AWARENESS RAISING / TRAINING	A	B	C
A	The Code of Conduct including PSEA/SH principles (either a simplified or complete version) is displayed in all operational and office areas.			
B	The agency/office has distributed the Code of Conduct and PSEA/SH policies and guidelines, in English or translated versions, to all personnel.			
C	A manager is responsible for ensuring that a training strategy is being implemented to raise awareness of gender equality, SGBV, human rights, SEA/SH prevention and response, and the Code of Conduct among all personnel, in addition to procedures for reporting incidences, whether substantiated or not (including consultants, contractors, incentive staff, security guards, collaborators etc).			
D	Personnel who have direct contact with concerned populations receive more in depth training on causes and consequences of SGBV and SEA on a regular basis.			

5	REPORTING AND COMPLAINTS MECHANISMS	A	B	C
A	The agency/office has established, together with concerned populations, a confidential and safe SEA reporting system suitable for personnel and concerned populations.			
B	The agency/office has established policies, procedures and mechanisms to facilitate the reporting of SH by personnel, including, for example, a whistle blowing policy and staff grievance procedures.			
C	Mechanisms to facilitate anonymous SEA/SH complaints are available, e.g. complaints box / telephone hotline / email address.			
D	The agency/office raises awareness of its reporting, feedback and complaints mechanisms through public information campaigns			
E	Personnel who receive complaints are trained in how to handle complaints, including reception of feedback complaints and referrals to relevant response and support services, and other service providers of concern.			

F	SOPs for complaint mechanisms stress the importance of confidentiality and data protection and are known and applied by all personnel, including ICT and other technical staff.			
G	The agency/office has a clear, updated and documented guideline on reporting cases to the investigative service.			
H	The agency/office promotes a culture and environment in which women, girls, men and boys from diverse backgrounds and with specific needs, such as people with disabilities, older people, LGBTI and people with low literacy, are listened to and respected as individuals.			
I	The agency/office provides regular feedback on complaints to concerned populations ensuring the inclusion women, girls, men and boys from diverse backgrounds and with specific needs, such as people with disabilities, older people, people with disabilities LGBTI and illiterate people			

6	RESPONSE	A	B	C
A	The Agency/office promotes the development of a culture, which ensures that reported abuses are immediately reported upwards and acted upon, ensuring that all confidential information is channelled correctly and handled with the utmost discretion			
B	Responses are 'survivor-centred', keeping the needs of the survivor at the forefront of any investigation process.			
C	The agency/office responds to reported cases according to their internal standard guidelines on complaints and investigation procedures and guidance related to SEA/SH and consulting with the PSEA Network as required. Regional/Country operation Child Protection & SGBV SOPs and IASC guidelines are also taken into account.			
D	The agency/office will coordinate investigations with other agencies when and if appropriate, in accordance with the agreed referral pathways.			
E	The agency/office has / or has access to a team of personnel (female and male) with the skills and expertise to investigate SEA and SH cases.			
F	The agency/office ensures that all cases are properly documented and followed up to ensure that the survivor receives the optimum support required through appropriate referral processes, this also includes availability of counselling services for personnel in the event of an incident of sexual harassment.			
G	Coordination with the authorities is carefully assessed in consideration of a survivor-centred approach, the agency's HR and administrative procedures and the applicable national laws.			

7	PREVENTION	A	B	C
A	The agency/office has its own Code of Conduct, which incorporates the six principles related to sexual exploitation and abuse ¹ and commits to a zero tolerance policy on sexual exploitation and abuse, and sexual harassment.			
B	The agency/office has an action plan in place for mainstreaming PSEA/SH in all sectors and programmes using a participatory approach.			
C	Clear policies/guidelines are in place for concrete measures to prevent increased vulnerability of concerned populations and to minimize the risk of malicious/false allegations against personnel (i.e., regulations around number of personnel present in one space).			
D	Clear policies/guidelines are in place for qualification criteria to prioritize vulnerable individuals in the provision of basic services, which are strictly monitored.			
E	Budgets include PSEA/SH funding lines for promotional materials/trainings etc.			
F	The agency/office promotes regular interaction between concerned populations and senior personnel.			

1. As per the Secretary-General's Bulletin, Special Measures for protection from sexual exploitation and abuse which can be accessed at <http://www.unhcr.org/405ac6614.html>

G	The agency/office ensures (or encourages) that all personnel complete* an on-line training on PSEA and SH, and that this is repeated on a regular basis.			
----------	--	--	--	--

8	MONITORING AND EVALUATION	A	B	C
A	The agency/office has established safe and confidential procedures for monitoring incidences, to better identify trends and improve the assessment of programme risks.			
B	Regular programmatic monitoring and evaluation incorporates PSEA as a standing item.			
C	Regular consultations with concerned populations on service provision and delivery of assistance (distribution of commodities, health services, education, etc.) take place.			
D	Senior managers regularly visit the field, project sites.			
E	Senior managers analyse trends and ensure reporting to relevant investigative bodies of SEA/SH incidents.			

9	COMMUNITY AWARENESS RAISING	A	B	C
A	The agency/office has strengthened the mass information systems to ensure that all members of concerned populations, regardless of sex, age and diversity, receive information in appropriate forms to inform them that goods and services are their entitlement and do not require payment of any kind.			
B	The agency/office has disseminated the Code of Conduct amongst concerned populations, and community leaders can advise their communities on the Code / expected behaviours of personnel and the reporting mechanisms.			
C	The agency/office ensures that copies of the Code of Conduct, translated into local languages, are freely available to concerned populations.			
D	Information on complaints mechanisms are displayed prominently at service deliver and provision sites and translated into local languages.			
E	The agency/office ensures that field staff have the ability to promote and encourage standards of accountability and their Code of Conduct to concerned populations in their programmes.			

10	COORDINATION	A	B	C
A	A focal point at a senior level, and an alternate, have been appointed within the agency for the implementation / follow up of PSEA/SH activities. The focal point and senior management are committed to implementing SEA/SH inter-agency referral pathways.			
B	The agency/office has strengthened collaboration and coordination among all sectors and partners in addressing SEA/SH with an emphasis on the needs of survivors, e.g. case management, advocacy and emotional support.			
C	The PSEA focal point or her/his alternate attends regular coordination meetings with all actors to ensure a concerted effort in prevention and response to sexual exploitation and abuse, and sexual harassment.			

11	EXTERNAL/IMPLEMENTING PARTNERS	A	B	C
A	All contracts with external implementing partners or service providers (including transporters, warehouse staff, guards etc.) incorporate the core principles of the Code of Conduct, which includes PSEA/SH, as part of the agreement			
B	It is written into the contract that any violation of the Code of Conduct by that implementing partner can result in termination of the contract.			
C	All implementing partners are aware that they are responsible for ensuring the Code of Conduct is made known to concerned populations with whom they are working.			
D	All community-based organisations, partners and government officials participate in SEA/SH trainings offered by the agency/office.			

TOOL 8

RISK ASSESSMENT AND STRATEGIES FOR SAFE OPERATIONS AND PROGRAMMES ¹



NOTE

This template forms part of the PSEA/SH Project in the Americas region and should be used in coordination with other tools e.g. **Tool 1: Model SOPs for PSEA and complaint handling mechanisms** and **Tool 4: Steps to set-up a community-based complaint mechanism**. This tool is intended to be used as part of the process any service provider undertakes to establish PSEA / SH systems and to be used by PSEA Focal Points and/or other personnel who have specific experience and expertise in protection of vulnerable persons as part of their role.

AREA	QUESTIONS TO CONSIDER FOR RISK ASSESSMENT	POSSIBLE MANAGEMENT STRATEGIES
PROFILE OF CONCERNED POPULATION	<ul style="list-style-type: none"> • What is the demographic profile of the population in the target areas (e.g. sex, age, education level, income level, household size, percentage of female- and child-headed households, marriage age, religion, ethnicity, migration status, etc.)? • What are some of their characteristics that may render them more susceptible to SEA? Which groups are particularly vulnerable?² 	<ul style="list-style-type: none"> • Adapt awareness-raising efforts on SEA and complaint mechanisms to meet specific needs of target concerned populations e.g. high visibility at borders, transit areas • Conduct targeted information campaigns for population groups that are highly susceptible to SEA e.g. LGBTI
PROFILE OF PERSONNEL	<ul style="list-style-type: none"> • Is there an adequate gender balance of personnel involved in provision of services and programming (i.e. at least 50% female), particularly of personnel directly engaging with affected women and children? • Have personnel been sufficiently vetted e.g. background checks, references? • Have personnel received a comprehensive induction on code of conduct, PSEA/SH and complaint mechanisms? 	<ul style="list-style-type: none"> • Re-adjust gender balance of personnel involved in service provision and direct work with concerned populations • Recruit additional female personnel involved in direct service provision and operations • Review HR files of personnel and conduct additional screening for previous misconduct where needed

1. This tool is adapted from UNICEF draft PSEA field toolkit piloted in 2019

2. For a list of at-risk groups, see pages 11-12 of the IASC, **Guidelines for Integrating GBV Interventions in Humanitarian Action**, September 2015. Also note that some individuals may have overlapping vulnerabilities (e.g. adolescent girls, mothers with disabilities).

<p>PROFILE OF PERSONNEL</p>	<ul style="list-style-type: none"> • Are all personnel regularly trained on PSEA/SH and complaint mechanisms? 	<ul style="list-style-type: none"> • Conduct (refresher) training on SEA/SH for all personnel on a regular basis, specifically focused on possible risks associated with the context and programme activities e.g. shelters, mobile population • Include training and capacity building on PSEA/SH for personnel in programme plans and budgets, and ensure personnel receive regular refresher trainings • Ensure that all personnel are informed and updated on PSEA/SH, complaint and referral mechanisms, inter-agency systems for referrals, PSEA focal points' names and contacts.
<p>OPERATIONAL/ PROGRAMME APPROACHES</p>	<ul style="list-style-type: none"> • In what ways could the operation/programme create or exacerbate existing imbalances between personnel and members of the concerned population? • How do personnel communicate, make themselves known, and share information (including on PSEA, complaint mechanisms) to concerned populations and host communities? • Does the operation/programme involve direct interaction between personnel and concerned populations, especially children? • How are personnel providing services (e.g. private/public, working in pairs/alone, gender-mixed)? • Are external visitors allowed to attend operation/programme activities unaccompanied? Who is in charge of making these decisions? 	<ul style="list-style-type: none"> • Have multi-disciplinary teams for assessments and monitoring e.g. include protection and PSEA focal points • Include assessment of language, literacy, communication preferences in needs assessments and monitoring and, based on this provide regular, accessible information (including on the agency, the programme deliverables, PSEA commitments, complaint mechanisms etc.) • Arrange periodic site visits by PSEA focal points or other independent observer, to assess potential risks and review solutions to actual negative effects reported or observed • Regularly assess the locations, timings of services provided to ensure they are safe for people to access, they ensure adequate privacy and create safe spaces for vulnerable groups • While in respect of the context and the need for discretion, protection and privacy for vulnerable populations, consider the visibility requirements of personnel to ensure that they are appropriately identifiable / accessible • Restrict access of external visitors to operations/programme activities, as needed. Ensure that external visitors have received security briefings, signed a Code of Conduct and are accompanied by personnel at all times

<p>OPERATIONAL/ PROGRAMME CONTEXT</p>	<ul style="list-style-type: none"> • Where are services provided (e.g. shelters, safe houses, camps, informal settlement, host community, rural/urban setting, etc.)? What are specific risks associated with the location (e.g. lack of availability of complaints mechanisms or service providers, insecurity, remoteness)? • What is the attitude of concerned populations towards SGBV concerns? How comfortable would they be to raise concerns and make complaints regarding SEA? • Are systems / mechanisms in place and functioning whereby concerned populations are facilitated to raise concerns and submit complaints to service providers in the operational/ programme area? • Are service providers coordinating and working together to ensure that concerned populations are protected from SEA/SH by all personnel operating in the area? 	<ul style="list-style-type: none"> • Create a more secure environment in operation/ programme locations (e.g. install lights, hire appropriate and trained night security guards) • Establish Standard Operating Procedures (SOPs) for community-based complaint mechanisms e.g. for individual service providers and/or jointly with a group of providers covering a specific operational area • Work with concerned populations to design, monitor and adapt feedback and communication channels, and complaints mechanisms to meet their needs • Agree and establish inter-agency complaint referral mechanisms and SOPs • Ensure referral pathways for SGBV, child protection, other services are established and are understood by relevant personnel e.g. field personnel, PSEA FPs • Report transparently (in respect of confidentiality) on statistics of complaints received, investigated, results.
--	---	---

TOOL 9

PSEA/SH MAPPING SURVEY

<https://enketo.unhcr.org/x/#sfoZlv2u>



NOTE

This survey can be used as an online survey (e.g. survey monkey) or through a questionnaire format, depending on how many offices, or personnel, it aims to cover. It should be compiled by the most relevant and appropriate representative, manager or PSEA Focal Points of the agency in consultation with relevant colleagues for specific areas of enquiry.

The objective of this survey can be used to update information and map-out the current measures that are in operation to prevent and respond to Sexual Exploitation and Abuse (SEA) against concerned populations, and Sexual Harassment (SH) in the workplace. The information gathered from the results of the survey can be used to support the development of an agency's systems and regional, country and operational community-based complaint mechanisms, and inter-agency and cross-border referral mechanisms in the Americas region.

Please take into consideration when completing this survey, the activities of your agency, office and partners you work with in your area of operation and programmes.

1. Please insert the name of the office

2. Please enter the name of staff member completing survey information for your office

3. Please select the coordination groups that the office is a member of at the national level?

- Regional Interagency Coordination Platform for Refugees and Migrants
- PSEA Focal Point Network
- Regional Safe Spaces Network
- Protection Working Group
- Sexual and Gender-based violence sub-working group
- Child protection sub-working group
- Inter-Sector Working Group
- UNDGLAC: Gender Group
- UNDGLAC: Protection
- UNDGLAC: Youth
- UNDGLAC: SGDs
- Other, *please indicate.*

4. How many partners do you work with in your area of operation?

- 0-5 6-10 10+

List name of partners

* (Following Points I – IV are based on the IASC PSEA Pillars and SOPs AND the UNHCR Emergency Handbook on PSEA)

I. MANAGEMENT AND COORDINATION
Effective policy development and implementation
5. Have all staff been given a copy of the Secretary-General's Bulletin, especially new staff appointed in emergencies?
<input type="checkbox"/> YES <input type="checkbox"/> NO
6. Have all staff been given a copy of the IASC Six Core Principles related to PSEA/SH?
<input type="checkbox"/> YES <input type="checkbox"/> NO
7. Has any communication / refresher information / reaffirmation of your agency's Code of Conduct and PSEA / SH commitments been given to staff within the past year
<input type="checkbox"/> YES <input type="checkbox"/> NO
8. Have staff received any training on PSEA and SH in your office in the past year?
<input type="checkbox"/> YES <input type="checkbox"/> NO
9. Has your agency's relevant policies i.e. Policy on Discrimination, Harassment, Sexual Harassment and Abuse of Authority been disseminated to all staff?
<input type="checkbox"/> YES <input type="checkbox"/> NO
Cooperative Arrangements
10. Is your Code of Conduct, including PSEA / SH, written into all implementing/cooperative partner agreements?
<input type="checkbox"/> YES <input type="checkbox"/> NO
11. Are all partners made aware of your agency's commitments to PSEA/SH?
<input type="checkbox"/> YES <input type="checkbox"/> NO
12. When selecting suppliers/vendors does your agency ask for information on the standards of behaviour/conduct it expects from its personnel?
<input type="checkbox"/> YES <input type="checkbox"/> NO
13. When contracting suppliers/vendors in your operation is PSEA / SH included in contracts?
<input type="checkbox"/> YES <input type="checkbox"/> NO
A dedicated department/focal point is committed to PSEA among personnel
14. Does your office currently have an appointed PSEA Focal Point and Alternate?
<input type="checkbox"/> YES (<i>Names, title, email address, phone number</i>)
<input type="checkbox"/> NO
15. Do partners in your area of operation have PSEA Focal Points?
<input type="checkbox"/> YES <input type="checkbox"/> NO
16. Does your office have a PSEA action plan in place?
<input type="checkbox"/> YES <input type="checkbox"/> NO

17. Has the PSEA Focal Point, or an alternative staff member, conducted any PSEA / SH awareness-raising sessions with:

- Staff
- Partners
- Communities / concerned populations
- Government counterparts
- None

18. Has your office provided support to partners on establishing PSEA systems:

- Training on PSEA
- Training on setting up community-based complaint mechanisms
- Any other *please specify*

19. What specific challenges to establishing PSEA systems does your office have?

20. What specific challenges to establishing PSEA systems do partners have?

21. Have SEA / SH risks been analysed in your area of operation and activities?

- YES
- NO

II. ENGAGEMENT WITH AND SUPPORT OF LOCAL COMMUNITY POPULATION

Effective and comprehensive communication from head office to field offices on expectations regarding raising awareness on PSEA with concerned populations

22. Have any communication or awareness raising campaigns for concerned populations/ communities on PSEA been implemented in your area of operation (by you or partners)?

- YES *(please provide details)*
- NO

Effective community-based complaint mechanisms

23. Are complaint mechanisms available to concerned populations and communities in your operations / programmes?

- YES
- NO
- To some degree

24. Are these mechanisms functioning systematically?

- YES
- NO
- To some degree

25. What key challenges are faced in your operations to setting-up community -based complaint mechanisms?

26. Are the complaint mechanisms coordinated between your agency and other service providers, partners in your programme and operational area?

- YES *(please provide details)*
- NO *(please give reasons why)*

27. Are the complaint-mechanisms developed and implemented in consultation with concerned populations and communities?

- YES NO

28. Which of the complaint mechanisms below are operational in your programme and operational area?

- Programmatic/operational complaint mechanism
- SEA & misconduct complaint mechanism
- Integrated SEA/programmatic/operation related complaint mechanism
- Other, *please specify*

29. In which offices (head, field, sub offices) do you implement complaint mechanisms to receive programmatic/operational complaints?

30. Which of the below tools do you use to receive programmatic/operational complaints?

- Complaint box
- Hotline
- E-mail
- Community Volunteers/Focal Points
- Community Gatherings/Meetings with the community
- Protection monitoring
- Outreach
- Other, *please specify*

31. How do you provide feedback to concerned populations / communities on **programmatic/operational** complaints?

a. After processing the complaint in accordance to internal procedures:

- By phone
- By e-mail
- Individual counselling
- Through Community Volunteers/Focal Points
- Through Community Gatherings/meetings with the community
- During protection monitoring
- During outreach
- Other, *please specify*

b. On the spot:

- By phone
- By e-mail
- Individual counselling
- Through Community Volunteers/Focal Points
- Through Community Gatherings/meetings with the community
- During protection monitoring
- During outreach
- Other, *please specify*

32. In which field offices do you implement complaint mechanisms to receive SEA/misconduct?

33. Which of the below tools are used to receive SEA/misconduct complaints?

- Complaint box
- Hotline
- E-mail
- Community Volunteers/Focal Points
- Community Gatherings/Meetings with the community
- Protection monitoring
- Outreach
- Other, *please specify*

34. How do you provide feedback to concerned populations/communities on programmatic/operational complaints?

a. After processing the complaint in accordance to internal procedures:

- By phone
- By e-mail
- Individual counselling
- Through Community Volunteers/Focal Points
- Through Community Gatherings/meetings with the community
- During protection monitoring
- During outreach
- Other, *please specify*

b. On the spot:

- By phone
- By e-mail
- Individual counselling
- Through Community Volunteers/Focal Points
- Through Community Gatherings/meetings with the community
- During protection monitoring
- During outreach
- Other, *please specify*

35. Which methods are most used by concerned populations/communities to make programmatic/operational complaints?

36. Which methods are most used by concerned populations/communities to make SEA/misconduct complaints?

III. PREVENTION

Effective recruitment and performance management

37. Does your agency and office have appropriate recruitment and performance management systems in place to prevent SEA/SH?

YES NO

38. Does your agency have a Whistle Blowing policy, Sexual Harassment Policy and Grievance procedures in place?

YES
 NO, *describe gaps*

IV. RESPONSE

Internal complaints and investigation procedures are in place

39. Are all staff in your office/operation clear on mandatory reporting requirements, how to report incidents and what to expect?

YES
 NO, *please explain what is required?*

40. Are staff informed about how they can address grievances within the agency?

YES NO

41. Are there inter-agency complaint referral mechanisms being implemented for SEA/misconduct complaints?

YES NO

42. Do partners have programmatic/operational complaint-referrals investigation mechanisms?

YES *(please give examples)*

NO

43. Do partners have SEA/misconduct complaint-referrals investigation mechanisms?

YES *(please give examples)*

NO

TOOL 10

EXAMPLE: STAFF CODE OF CONDUCT FOR PREVENTION OF SEXUAL EXPLOITATION AND ABUSE (SEA) AND SEXUAL HARASSMENT (SH)

The highest standards of ethical and professional conduct are expected of all staff, representatives, contracted parties, volunteers working for the protection of and provision of services to concerned populations in the Americas Region.

This Code of Conduct applies to all [Name of service provider/agency] _____ staff/personnel and our partners, including all service providers, i.e., all people and organizations involved in the provisions of services including, contractors, sub-contractors, day laborers, and volunteers and all are expected to sign it. This Code of Conduct is based on the Secretary-General's Bulletins on 1. Special Measures for Protection from Sexual Exploitation and Abuse (ST/SGB/2003/13) and on 2. Prohibition of discrimination, harassment, including sexual harassment, and abuse of authority (ST/SGB/2008/15).

I, _____, understand that I have duty of care to beneficiaries and a responsibility to ensure that affected women, girls, boys, and men are treated with dignity and respect.

I understand that I have a responsibility to my colleagues and co-workers to ensure their right to be treated with dignity and respect and to be free from all forms of harassment in the workplace.

I commit to uphold the highest standards of professional and personal conduct, even when I am off duty or away from my duty station.

I understand that sexual exploitation and abuse and sexual harassment¹ are all unacceptable forms of behavior and jeopardize the credibility and reputation of all agencies and their staff/personnel in [SITE] _____.

In order to prevent **sexual exploitation and abuse**, I commit to respect the six core principles of PSEA:

- I. Sexual exploitation and abuse are **serious misconduct** and grounds for **disciplinary measures**, including summary dismissal.
- II. Sexual activity with **children** (persons under the age of 18) is **prohibited**, regardless of the age of majority or local age of consent. Mistaken belief in the age of the child is not a defense.
- III. Exchange of **money, employment, goods or services for sex**, including any humiliating, degrading, or exploitive behavior is **prohibited**.

1. **Sexual Exploitation** is 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 is the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

Sexual Harassment is any unwelcome sexual advance, request for sexual favour, verbal or physical conduct or gesture of a sexual nature, or any other behaviour of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation to another. Sexual harassment may occur when it interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive environment.

- IV. Any sexual relationship between those providing humanitarian assistance and protection and a person benefiting from such humanitarian assistance and protection that involves improper use of rank or position is **prohibited**. Such relationships undermine the credibility and integrity of humanitarian aid work.
- V. Service providers, personnel providing assistance to concerned populations are obliged to create and maintain an environment that prevents sexual exploitation and abuse. Managers at all levels have an additional responsibility to do so.
- VI. Where service provider or personnel has **concerns or suspicions** regarding sexual exploitation or abuse by a service provider, personnel he/she **must report** such concerns. In [SITE – add specificity of the site/operation] _____ , a confidential complaint can be made by or on behalf of a survivor by contacting:
 [Names, numbers, email etc. for complaint referral pathways].

In order to prevent **sexual harassment**, I commit to respect the following principles and conditions:

- I. Sexual harassment at the workplace, or in connection with work, constitutes unacceptable behaviour and will **not be tolerated**.
- II. Sexual harassment is a form of **sex discrimination** which negatively affects the working environment and adversely impacts the dignity and well-being of a person.
- III. Something can be considered sexual harassment even if the alleged harasser did not intend for it to be. It does not have to be intentionally directed at a specific person.
- IV. Failure to promote and maintain a respectful work environment may result in disciplinary action, including summary dismissal.
- V. All service providers and personnel are obliged to create and maintain an environment that **prevents sexual harassment**. Managers at all levels have an additional responsibility to do so.
- VI. Where an individual has concerns regarding an incident of sexual harassment, he/she should report such concerns. In [specific site/operation] _____ , a formal or informal process can be initiated by contacting:
 [Specificities of office/operation]

By signing this Code of Conduct, I hereby agree to uphold its principles to the best of my ability at all times.

Name and Signature: _____

Title: _____

Date: _____

TOOL 11

GUIDANCE ON SEXUAL HARASSMENT¹

WHAT IS SEXUAL HARASSMENT?

Sexual harassment is any unwelcome sexual advance, request for sexual favour, verbal or physical conduct or gesture of a sexual nature, or any other behaviour of a sexual nature that might be expected or be perceived to cause offence or humiliation to another, when such conduct interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment. Something can still be considered sexual harassment even if the alleged harasser didn't mean for it to be. It also doesn't have to be intentionally directed at a specific person.

It is important to remember that not all sexual harassment involves an abuse of a position of vulnerability, differential power or trust or the actual or threatened physical intrusion of a sexual nature. If it does, it also constitutes sexual exploitation or sexual abuse.

Experiencing sexual harassment can be an extremely difficult situation for personnel to meet.

All personnel are protected from sexual harassment in the workplace by organisational policies and procedures. This applies to one-off incidents and ongoing incidents. This protection comes from both employment laws and criminal laws, depending on the circumstances and countries involved.

WHO CAN IT HAPPEN TO?

Sexual harassment can happen to anyone at any time, in any place. This includes the workplace, guest houses, field offices, project site locations etc. However, there are many things an employer and its personnel can do to minimise the risks (**See Tool 8 – Risk Assessment and Strategies for Safe Operations & Programmes**).

Sexual harassment can come from a colleague and from someone in a position of power or influence. Sexual harassment can happen to all people, regardless of their gender and sexual orientation and can be perpetrated by someone of the same or opposite or different sex or gender. Personnel can experience sexual harassment from anyone, for example, a supervisor or manager; a team member or close colleague; someone from another agency or service provider; a supervisee; another member of staff in another location or office.

1. This tool has been developed in reference to: UNHCR "Fight against sexual misconduct review" (2018), <https://www.unhcr.org/5c51a5d34.pdf>; UNHCR Policy on Discrimination, harassment, Sexual Harassment and Abuse of Authority (2014); ACAS [acas.org.uk/bullying](https://www.acas.org.uk/bullying); Equality & Human Rights Commission (EHRC) [equalityhumanrights.com/en/how-fair-britain/tackling-challenge-identity-based-bullying](https://www.equalityhumanrights.com/en/how-fair-britain/tackling-challenge-identity-based-bullying); British Film Institute Anti-Bullying Guidelines.

HOW DOES SEXUAL HARASSMENT HAPPEN?

Sexual harassment can take place in any number of ways, including:

- Emails, text messages, social media posts with content of a sexual nature
- written or verbal comments of a sexual nature, such as remarks about the appearance of a staff member, offensive jokes, or questions about their sexual orientation or sex life
- displaying pornographic or explicit images
- unwanted physical contact and touching
- sexual assault.

Service providers should make it clear to all personnel the sort of behaviour that is considered sexual harassment and ensure that personnel understand what is unacceptable. Accepted or expected behaviour and conduct of personnel and contracted parties should be outlined clearly in a Code of Conduct or Behaviour, that all personnel are aware of, accept and understand the consequences of not adhering to **(See Tool 10: Sample Code of Conduct for the prevention of PSEA /SH)**.

SEXUAL ASSAULT AND PHYSICAL THREATS

Some types of sexual harassment, such as sexual assault and other physical threats, constitute a criminal matter as well as an employment/contractual matter. Criminal matters should be reported to the police. It is important that advice is sought to understand the criminal proceedings in the country where you work. Where criminal cases are followed and investigated, an employer is need required to undertake a formal investigation of the matter and would follow the relevant disciplinary procedures of the agency regardless of the outcome of a criminal investigation or proceeding.

PROMOTE COMMITMENTS TO COMBAT SEXUAL HARASSMENT AND DON'T STAND BY

All agencies should make clear their commitment to global and agency commitments to combat sexual harassment. All personnel should sign-up to principles of to combat, prevent and protect people from sexual harassment. These can be in the form of an agency's staff Code of Conduct/behaviour, the IASC Six Core Principles. Agencies, and personnel, should make commitments visible and accessible to all personnel and colleagues, and visitors or others e.g. partners, in order to develop a culture where personnel are included, protected and respected. This could be through staff meetings, briefings, posters, leaflets, Sharepoint or internal systems, LinkedIn profiles etc.

All personnel across the organisation at all levels should make it clear that inappropriate behaviour and conduct is not acceptable, this can include workplace banter, jokes, gossip. Challenge comments that you hear and acts that you see that are inappropriate or not acceptable, or that make someone feel uncomfortable in any way. Don't encourage or laugh along with such behaviour. Doing nothing makes you complicit.

KNOW YOUR RIGHTS

Everyone has the right to work and carry out one's work activities in a workplace and environment free from harassment. This can also extend outside of official work hours, especially when personnel travel or are housed together. This is important when considering the situations

where humanitarian personnel work and live away from their normal places of residence or follow a formal 9-5 office work, and where personnel are considered to be “at-work” and under an agency’s codes of practice at all times whilst working in other countries or locations as to their common workplace. It is also unlawful and against global principles if anyone from an agency victimizes you for raising a complaint or reporting an incident of harassment.

DEALING WITH INAPPROPRIATE BEHAVIOUR

Recognize and challenge inappropriate behaviour immediately when you see or experience it. Intervene if you see others being treated inappropriately – challenging can give people the chance to change their behaviour. People can shy away from tackling behaviour because they are scared that it might disrupt the team. However, it is possible to challenge behaviour in a way that results in improved workplace conditions for all.

- Clearly describe the behaviour you find unacceptable.
- Use clear language such as ‘that is not appropriate’, ‘it makes me feel uncomfortable’, and ‘you didn’t have to speak to that person that way’.
- It might be useful to talk about effects of behaviour – i.e. rather than say ‘you are dismissive’, say ‘when you don’t let me speak, it makes me feel as if you aren’t interested in my point of view’.
- Offer colleagues practical advice and strategies about what to do when things go wrong, e.g. who they can report to. Encourage them to think about what they would like to happen in the future.
- If you see poor behaviour, and you are in the midst of a pressing deadline, without time to address the issue there and then, tell those involved that that behaviour is unacceptable, and that you want to meet with them to discuss it after the work is finished – show that bad behaviour is noted, has consequences, and will be dealt with.

MAKING A COMPLAINT OF SEXUAL HARASSMENT

Personnel who feel they have been sexually harassed, or who feel they have seen sexual harassment take place, should be able to make a complaint of sexual harassment.

Personnel should check their agency’s policies on sexual harassment and complaint handling or grievance procedures and be clear who they should make their complaint to. Many organisations will suggest complaints can be made by writing a grievance letter to appropriate supervisors or managers, but there might be others too, including a:

- member of Human Resources or Personnel with specialist training
- named personnel with specific responsibilities to support personnel to report incidents or receive external support from other services i.e. PSEA/SH Focal Points
- agency ombudsman, trade union representatives.

In cases where it doesn’t seem possible to follow internal procedures, for example if the power and influence limit this ability, personnel should seek advice and support. This could be from Regional PSEA Focal Points or Regional Safe Spaces Network Coordinator at the national or regional level in the Americas. For example, a complaint of harassment against a high-level representative in-country could be handled by the most relevant Protection actor or Investigative Body, as appropriate, or the Head Quarters of the organisation concerned.

HANDLING A COMPLAINT OF SEXUAL HARASSMENT

All complaints of sexual harassment should be taken very seriously and handled fairly and sensitively. It is often particularly emotional and distressing for personnel experiencing sexual harassment. Agencies should facilitate personnel to report such matters as simply as possible and in ways that do not cause further stress or difficulty for those involved.

It is advisable that, if wanted by the survivor, personnel can be accompanied by a work colleague or representative when meeting personnel and reporting allegations of sexual harassment. Likewise, it can be extremely stressful for those accused of sexual harassment, and they should be offered support and guidance throughout any investigative or disciplinary procedure.

All reports and complaints should be handled consistently in line with agency's existing grievance, whistleblowing and complaints policies and procedures.

HISTORIC ALLEGATIONS

Although it is advisable that sexual harassment complaints be reported within a short timeframe from the incident, employers should always take complaints and reports that are made at a later date seriously. The same complaint and investigation procedures should be followed and all those involved in the complaint e.g. witnesses, survivor, alleged perpetrator, should be treated fairly and sensitively. Circumstances can change for individuals and whereas they were not able to make a complaint or report an incident sooner, they want to report it at a later date, and also protect others from experiencing similar harassment.

Where complaints of sexual harassment include sexual assault or physical threats, they could be considered under criminal laws and this can involve different timeframes and processes. Personnel are advised to seek further advice and support here.

GUIDANCE FOR PERSONNEL

Be clear and understand your rights under the policies and procedures of your agency and global commitments relevant to your role and position. Understand the procedures that your agency has in place to promote and facilitate you to raise issues, concerns, complaint and reports of sexual harassment.

If you believe that you, or someone else, is being or has been harassed in any way by a colleague or fellow worker in the course of your work, the following guidance can support you in the next steps:

- Be clear on your rights and understand your agency's policies on what is and what is not acceptable behaviour, what is harassment at work
- Understand your agency's procedures for reporting and managing issues of harassment
- Consider what your concerns are and why you believe you are being, or have been, harassed (or bullied)
- Consider what you would like to see happen and how you would want the situation to be resolved
- Consider talking to the person you believe is harassing you and ask them to not do it, if you feel comfortable to do so
- Following your agency's procedures, report to the most relevant personnel that can take action and that you feel comfortable to report to e.g. your direct line manager, HR Manager or designated personnel within your agency

- It not possible for you to report harassment in-person to your agency or it is not clear to whom you should speak to, you can raise a complaint through your agency's formal complaint procedure, or you could directly contact the most relevant ombudsman or investigative body to which your agency is connected e.g. your agency's Union, OIOS or IGO for UN personnel, external staff welfare representative. You can also raise a complaint anonymously.
- It can be important that the process you take is documented and that a record is made of what is said, by whom to whom and when. This can then be referred to at any point in the process and to ensure that you are treated equitably and fairly. This can be crucial if formal action is taken at a later date. Take notes of what is reported and said.
- If there is any form of physical threat, abuse or criminal activity, it is advisable to contact the police, or seek local advice as to best way forward.

REPORT IT AND SEEK SUPPORT

If you see or experience bullying or harassment, find out how to report or make a complaint within your agency and approach the most relevant person e.g. line manager, heads of department or team leaders, the designated PSEA Focal Points, union officials, relevant Protection actor, UN IGO or OISO etc. Line managers and colleagues can offer support to those on the receiving end of inappropriate behaviour or conduct.

If you do not feel able to formally or informally challenge inappropriate behaviour when it happens, seek support or advice from your agency's Head Quarters or, relevant Protection actors in your area of operation, or PSEA Focal Points or employee union, investigative body. Where you or others, want to remain anonymous, a trusted intermediary can help to bring a complaint to the attention of employers, especially where they become aware of multiple complaints about the same individual.

GUIDANCE FOR MANAGERS

- Make your commitment to ensuring a positive and inclusive work environment and workplace culture visible and noticeable
- Organize regular dialogues with your staff and partners on safe work places, gender equality and non-discrimination.
- Recognize you have a duty of care for personnel of your agency and offer a process whereby personnel can escalate concerns and make complaints safely and confidentially
- Be open to receive feedback and give appropriate feedback to all personnel equally
- Be clear on and follow your agency procedures and take immediate action by responding to and investigating allegations as soon as possible, and in consideration of the wishes of the worker
- Respect confidentiality and support personnel to raise concerns or make a complaint, asking them how they wish to proceed and what they expect to happen
- Reassure personnel that incidents, reports, complaints will remain confidential, where possible, and information will be shared only with those necessary to conduct a fair and objective investigation of the matter i.e. on a need-to-know basis
- Offer the appropriate support to personnel e.g. psycho-social or medical support
- Tell personnel that each concern will be appropriately investigated in a timely manner and as thoroughly as possible. Work to the timescales outlined in your policy and procedures and give updates to those making a complaint or report. Deal with the complaint or report as quickly as possible
- Ensure that anyone reporting a case of harassment is treated equally, this includes consultants, volunteers, collaborators, full or part-time personnel

- Make clear to all personnel that your agency does not tolerate any form of intimidation, relationship or victimization of anyone who reports, makes a complaint, raises a concern or is witness to sexual harassment.
- All personnel, especially those raising the concern, should be aware that any report will be taken seriously, as long as it is made in good faith and without malicious intent.
- Personnel can remain anonymous, but they should be aware of how this might affect the ability of the agency to investigate the complaint, but it does not mean that a complaint is not investigated. Be clear on mandatory reporting laws and explain these to complainants in cases where relevant.
- Work with external agencies or bodies i.e. investigatory bodies, who have been contacted directly by personnel and whereby they are not able to come forward directly to your agency. Review why personnel might not be comfortable to raise complaints within the agency and consider how you, or your agency, can reassure or make the process more accessible and safer for people to raise concerns and make reports confidentially.

KNOW YOUR ROLE AND RESPONSIBILITIES, AND CONTEXTUAL ISSUES

Be clear on your responsibilities and expectations of you as a supervisor or manager, and those of your agency as employer. Take all reasonable steps to prevent bullying, harassment and discrimination in the workplace, office, field, project sites etc. Think about how you would like to be treated.

Understand the local laws, national level HR rules and procedures that are in place and followed by your agency in the location where you work. Participate in relevant coordination and protection groups to be aware of the contextual risks that are prevalent and can exacerbate risks of sexual harassment for personnel. Work with your relevant Protection, HR, PSEA Focal Point personnel to promote a positive working environment and to establish robust safeguards against sexual harassment and inappropriate behaviour.

BE CLEAR AND SHARE YOUR AGENCY'S POLICIES

- Your agency should have in place a policy that includes a set of principles, explicit statement of zero-tolerance of discrimination, bullying or harassment, definitions of these terms and specific examples, including harassment on social media or online e.g. Code of Conduct.
- A commitment to investigating complaints and agreed procedures with appropriate resources to manage fair and confidential investigations should be in place, with clear disciplinary procedures and responses to inappropriate behaviour and complaints. Make clear that raising issues of harassment or bullying will not lead to victimization or retaliation, and that everyone, regardless of seniority or position, will be treated equally.
- These policies should be understood and shared with all personnel transparently. Consider ways in which you can promote the principles, code of conduct and commitment to anti-bullying and harassment e.g. posters, leaflets, events.
- Ensure that personnel are trained, updated on relevant commitments and understand their rights.

