

**ECHA/ECPS**

The Task Force on Protection from Sexual Exploitation and Abuse of the Executive Committees on Humanitarian Affairs and Peace and Security

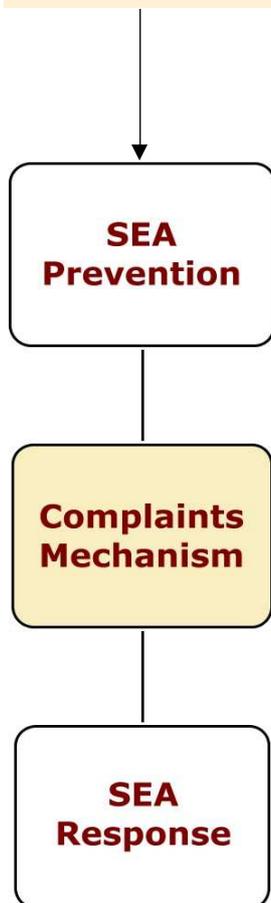
# Guidelines on Setting Up a Community Based Complaints Mechanism Regarding Sexual Exploitation and Abuse by UN and non-UN Personnel

A Complaints Mechanism is one element of our approach to SEA. Systems should also be in place for **prevention** (staff recruitment, training and awareness raising) and for **response** (investigating complaints and management follow-up).

The United Nations (UN) and its partners have pledged to care for the most vulnerable in our world. However, a key challenge is sexual exploitation and abuse (SEA) perpetrated by persons working for the UN and its partners. The UN has a zero-tolerance policy to SEA. The Secretary-General’s Bulletin on SEA outlines UN policy and specifies which behaviors are unacceptable. The communities with whom we work have a right to complain if staff or implementing partners breach this policy.

This document provides guidance to UN agencies and NGOs on how to set up a simple, safe and accessible Community Based Complaints Mechanism (CBCM) for SEA. Based on research which highlights the chronic under-reporting of SEA, and incorporating experts’ advice, the suggested recommendations are deemed essential for breaking the silence surrounding SEA.

A community based approach adds efficiency to the reporting mechanism by incorporating local solutions into the overall system. A successful complaints mechanism will ensure the full participation of the community, through integrating formal and/or informal community structures. These structures are fully accessible to community members and have authority, even though not always legally mandated. Capitalizing on their access and authority will bring the added value of reducing underreporting of SEA.



The following pages contain the **Ten Principles** that need to be considered when building a CBCM.

The document provides checklists for **Steps To Take When Setting Up a CBCM** and on what to do when **Receiving a Complaint**.

**Definitions** of some of the terms used, a **Toolkit with Further Resources** and **Referenced Materials** are listed for a more in depth understanding of the ways in which communities can be protected from SEA.

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## Ten Principles for a Community Based Complaints Mechanism

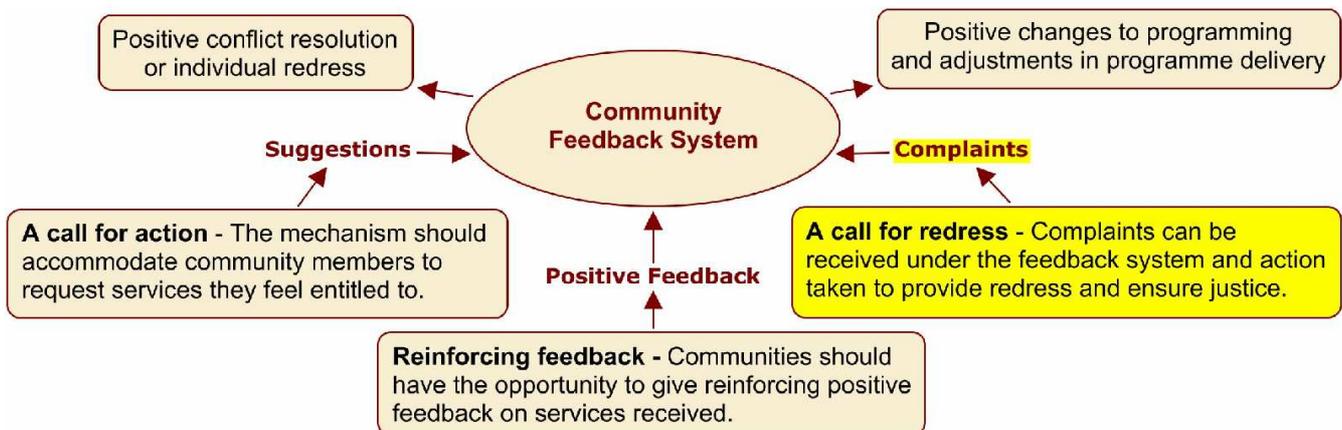
### 1. Integrated Complaints Mechanism

When setting up a CBCM on SEA, one must consider three levels of integration:

- SEA within the overall complaints system:** The growing trend among humanitarian agencies is not to set up a separate complaints system for SEA but to rather make it a part of an overall community complaints system, which in turn is part of a larger system of accountability to beneficiaries. However, SEA should be clearly established as a specific type of complaint that can be made.
- Community structures within the overall complaints system:** A key point for a CBCM is that any formal and informal existing indigenous complaints system must be identified and carefully assessed, built upon and linked to other systems as a subset of overall complaints/feedback mechanisms.
- Complaints within the overall feedback system (see diagram below):** Another important characteristic of an overall reporting mechanism is that it should accommodate both positive feedback and complaints. While using a more positive name such as Community Feedback System might be beneficial (see diagram below), it is important to distinguish between feedback, which relates to programme implementation issues that can be easily addressed, and complaints, which might require a management response or individual redress.

#### BIG IDEAS:

- Human beings all complain.** Find out how they do it and start from there.
- Simple is effective.** Systems work best when kept as simple as possible.
- There is no one “right way”.** There are many effective ways of setting up a CBCM depending upon the context of the communities, the level of literacy, the culture of dealing with grievances, and the approach of the offices and the agencies that are involved.



### 2. Participation, not just consultation

- Keep in mind that participation is only possible if the community members are properly informed. (see Point 3 on Awareness-Raising Campaigns).
  - For guidance on facilitation methods please see The UNHCR Tool for Participatory Assessment in Operations.
- Participation, not just consultation of community members in setting up complaints mechanisms, is of paramount importance to ensure their buy-in from the start of the project. Once they experience ownership of the project, they will more easily engage in designing a complaints mechanism with which they feel comfortable and trust. Their full participation will reveal any preferences and successful practices in the community that need to be linked in and built upon at the agency level.
- Particular attention should be given to unintended consequences of getting feedback from communities in societies where stigma and shame further victimize SEA survivors. There may be repercussions for reporting, and the participation of the community might endanger its members as opposed to empowering them.

## 2. Participation, not just consultation (continued)

### Ways to Enhance Participation

Systematically address all demographic groups using the most appropriate facilitation techniques:

- For the general population, conduct **semi-structured discussions** with different groups of men, women, boys and girls on what type of complaints mechanism works for them and use the feedback to inform the mechanism being developed.
- For groups with specific needs (single women, children, older persons, persons with disabilities), hold **focus groups** to understand their attitudes around revealing sexual abuse and to identify the environments and the situations in which they feel most comfortable reporting it. Focus groups are a great tool to reveal topics that are difficult to discuss. Participants will become more comfortable and open up, if these topics are addressed indirectly. The starting point for the conversation could be the ways in which an emergency situation has made people feel more vulnerable, their needs and the ways in which they can feel protected. Once an atmosphere of group trust is created, participants will find it easier to open up about individual and more delicate concerns of SEA. A moderator's guide should be developed to provide support on conducting focus groups that get the information in an indirect manner, while keeping focus on the goals. Keep in mind the cultural context (i.e. in some situations women do not feel comfortable speaking up in the presence of men or children do not speak out in front of older people).

## 3. Effective Community Awareness-Raising Campaigns

In order to be able to complain about sexual exploitation and abuse, staff and community members must know what it is, and that they have a right to complain and seek justice if it occurs. Once the mechanism has been established with the full participation of community members, the details of filing a complaint (by who, on what and how) should be well-publicized. UN staff, NGOs and communities should be made aware of the Secretary General's Bulletin on SEA. Let the community know that a valid complaint will be objectively addressed against a standard set of rules of the respective organization. The diagram on the next page depicts the flow of information of a thorough SEA awareness campaign.

### Signs of Inefficiency

An overburdened complaints mechanism, incapable of providing feedback, may be a sign of an insufficient and inconsistent information campaign or of a mechanism not well adapted to the local context (see Section 9 Feedback to Individuals and Communities).

### BIG IDEAS:

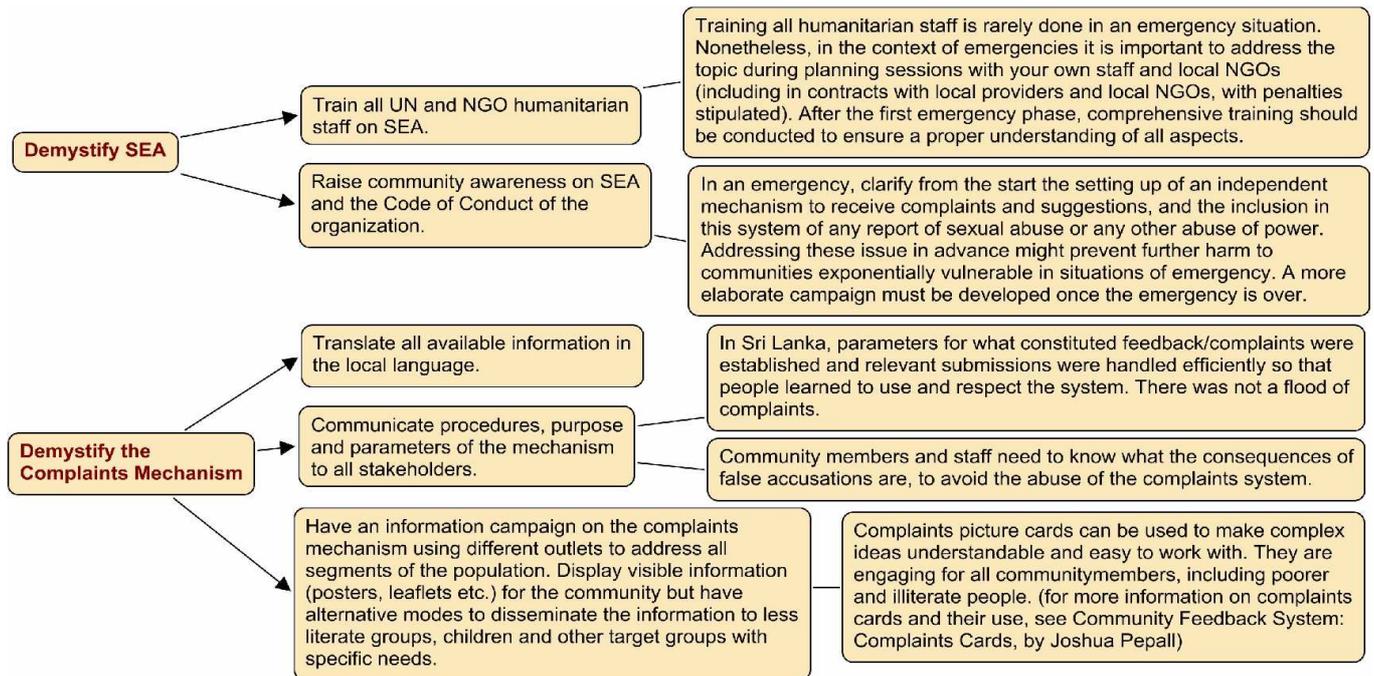
1. **A change in knowledge does not equal a change in behavior.** Promoting behavioral change among staff and communities is difficult. Training must be conducted, but it is necessary to go even further and analyze the determinant factors and address them through a strategy of behavioral change. (For further information on the cost of behavioral change strategies, see Point 10 on Resourcing the CBCM).

2. **Explain rights and entitlements.** Some people do not report on SEA out of fear of losing much-needed material assistance. Make sure everyone is aware of what they are entitled to receive and that their rights will not be affected by their complaints.

3. **Manage Expectations.** Beneficiaries will use a complaints mechanism to complain about all their unresolved issues, either because it may be the only opportunity to express their views or because they don't fully understand the concept of a complaints system. Therefore organizations run the risk of raising expectations that all wrongs will be addressed and then generating disappointment. One solution to this is to work closely with communities, address them in small groups and explain how the CBCM works, why some complaints can be addressed while others cannot, and why some services cannot be provided.

4. **Anybody can complain.** Community members and staff should be aware of the fact that they are all entitled to place a complaint, whether they are victims, witnesses, people who suspect and people who are aware of an abuse. Furthermore, staff that suspect or are aware of SEA occurrence, **MUST** report it as indicated in the SG Bulletin 2003.

### 3. Effective Community Awareness-Raising Campaigns (continued)



### 4. Multiple Channels Recommended

It is usually best to have multiple channels or entry points for making complaints. The goal is to make it **safe, simple and easy** for community members to complain or give feedback. Multiple channels should take into consideration specific needs based on age, gender and diversity, including disability. **Adapt and integrate existing systems** - Make an inventory and analyze the various ways in which your office has contact with the persons of concern. Explore how you can use these contact points as channels for receiving complaints about sexual exploitation and abuse, and any other types of abuse or problems.



Colombian Refugees / © UNHCR Panama

#### Informal Community Gatherings

Women working together on handicrafts (as seen in the above picture), weaving baskets in Colombia or making soap in Bangladesh, spend time together in activities that not only generate income, but also provide them with psycho-social support and a safe and trusted space to talk about their problems, to receive information and clarification, and to share stories of abuse and exploitation.

These gatherings are perfect opportunities to tap into and receive reports of SEA.

#### Make access to the complaints processes easy and as safe as possible

Consider:

- How will beneficiaries in remote locations be able to make complaints?
- Can complaints be received verbally or in writing?
- Is it possible to file a complaint on behalf of somebody else (owing to illiteracy, fears for their personal safety, inability to travel, etc.)?
- How can a complaint be made anonymously?

#### Examples of Channels

- Outreach to community – pay visits to informal community gatherings, engage with them instead of asking people to come to you.
- SEA focal point or code of conduct focal points - to be effective, these contact points must be known by both staff and communities.
- Web-based complaints addresses of the different organizations.
- Helpdesks at distribution sites
- Secure complaints/suggestions boxes, available for all type of complaints and suggestions (without writing on them a specific designation, for confidentiality reasons).
- Community members who have been trained on SEA.
- Participatory assessments with the community.
- “Open days” when individual community members meet with protection staff of the organization to present protection concerns.
- SGBV project staff or volunteers.

## 5. Trained Staff

In the early stages of the emergency deployment phase, the advance team should include a SGBV expert well trained on the UN policy on SEA with a thorough understanding of the complaints mechanism available.

Any persons receiving complaints should be properly trained to be sensitive to complainants, to handle any distress the complainants may be experiencing, and to refer the complainants to appropriate services. Where possible, the person receiving the complaints should be an expert in GBV, child abuse and, if possible, trained in forensic evidence gathering – such as special interviewing techniques for children. Only when this is not

possible should staff members without this expertise communicate with children and in that case, only with great sensitivity and gentleness.

Staff receiving the complaints should refer them to senior management who have the responsibility to evoke the necessary investigative mechanisms. Management needs to be ready to respond to complaints and make organizational changes accordingly. If the situation surpasses the capacity of the organization, there needs to be a plan for further referral and follow up.

Organizations need to be prepared to address the lack of legal services which many times deters people from reporting any abuse.

### BIG IDEAS:

- The in-country focal point network for SEA should be trained and should have the capacity to receive complaints.
- If trained staff is not available when a child lodges a complaint, only a few questions need to be asked in order to get enough facts: ask 'what, who, where & when' but not 'why'.
- If children are interviewed, it may be necessary to have present an appropriate adult and a legal or customary guardian, unless the child decides otherwise or if it is suspected that the guardian is involved in the abuse. It is important that the process be carefully monitored, so recordings of these interviews should be undertaken.
- For training resources on investigation, use the Building Safer Organizations Handbook.

## 6. Commit to Confidentiality

An analysis of the community and the ways in which complaints are made, will show that an essential characteristic is the trust and the safe/secure environment in which SEA is revealed. Due to the sensitive nature of SEA, confidentiality needs to be a primary consideration for an effective complaints mechanism.

All communications and complaints from the community are confidential with disclosure of the information on a strict need-to-know basis. Secure complaints/suggestion boxes without a specific designation, should be used for various complaints.

Written complaints should be kept in locked filing cabinets in a safe location. The aim is to respect and protect the complainants, potential witnesses, alleged perpetrators and the offices and agencies involved.

Confidentiality cannot be guaranteed if allegations are going to be pursued to their logical conclusion (e.g. police involvement or legal action), so the need for confidentiality must be balanced against the need for transparency. Any disclosure must be made in consultation and with the permission of the complainant.



Complaint boxes should NOT have a specific designation written on them. People will not use them if they can be easily associated with SEA out of fear of stigma, shame, retribution and/or retaliation.

### YES

You may share statistical information to inform the programs and the community.

### NO

Do not share names of individuals, organizations and/or other identifiable information unless otherwise agreed by the concerned.

## 7. Safety of the Complainant and of the Staff

SEA is a sensitive issue to all parties involved. Transparency and awareness about the complaints mechanisms must be balanced with confidentiality, so that people are not exposed. A complaints mechanism may endanger those it was supposed to benefit and protect because of retaliation. Community members might be unwilling to report SEA for fear of retribution or retaliation. Staff might be reticent to report on other staff members on whom they might depend for their own protection in insecure places. Finally, the accused must also be protected from any harm while the situation is properly investigated and appropriate action taken.

### Safety plan for those at heightened risk of retaliation

It is extremely important that the office has a plan in place for dealing with immediate protection needs of the persons involved in the SEA case. A certain level of assistance should be provided as soon as an allegation is made, without awaiting the outcome of an investigation, such as:

- immediate medical assistance.
- immediate intervention to ensure physical security of the victim if they can reasonably be regarded as being at risk, or if they feel they are at risk.
- refer all children to an agency with child protection expertise.

Protection concerns for both the alleged victim and witnesses should continue to be considered throughout and after an investigation.

### Whistleblower Protection Policy

Throughout the UN system, the "whistleblower protection policy" covers staff, in general those with a direct contractual link with an agency, in cases where they have either reported misconduct, or participated with a designated authority, and have been threatened or retaliated against because of this. While community complainants are not therefore covered under these policies, there are other protection mechanisms available to ensure that persons of concern are not retaliated against because they report misconduct. Field offices/operations should ensure that they have developed and implemented appropriate mechanisms accordingly to assist and protect beneficiaries who have suffered or could suffer retaliation due to reporting misconduct.

## 8. SEA Complaints Clearinghouse

The Complaints Clearinghouse is the central point for receiving and coordinating complaints within the UN and NGO system which may be collected from shared mechanism ventures. Each office of any organization should be able to receive complaints from the community regardless of which agency is accused - on a commonly agreed standard form - ensuring a cross-organizational system and creating the need for a clearinghouse. The Complaints Clearinghouse is composed of senior staff members from different agencies and helps in establishing standards for responding to and tracking complaints to measure the responsiveness and to identify trends or issues as they relate to complaints.

The role of the Clearinghouse is to facilitate receiving complaints, recording complaints, clarifying complaints (SEA or other). It does not get involved in investigating the complaints, but has to make appropriate referrals. The Clearinghouse will also be involved in making an initial acknowledgement to the SEA complainant that the complaint was received and that it has been forwarded to the appropriate entity.

**Types of Complaints:** A difference must be made between confidential/sensitive complaints relating to SEA, fraud and staff misconduct and non-confidential/non-sensitive complaints as feedback on programme delivery. Deal immediately with simple non-contentious and non-sensitive issues by providing information and taking action. The office will not get overburdened by too many complaints needing investigations and the system will be freed up to ensure quick responses to SEA complaints, which are usually sensitive in nature since they constitute an accusation.



Processes complaints that have been received.  
 Records all information/complaints received in a manner that promotes transparency and accountability.  
 Determines the nature of complaints i.e. SEA or other, complaint or feedback.  
 Forwards all actionable complaints to the appropriate entity/ investigative mechanism for follow up.  
 Tracks and shares statistical patterns from the data which may help to inform system wide changes.

## 9. Feedback to Communities and Individuals

It is vital that individuals and communities know the procedure of what happens with complaints so that they trust the system. Acknowledgement of receipt of the feedback should be made and then coupled with follow up to ensure that the complainant understands the feedback.

Specific follow-up on individual complaints should be communicated to all involved parties with clear respect for confidentiality. Feedback to the individual complainant is based on a particular incident reported, on a case by case basis. It is confidential and detailed, and it addresses the personal concerns of each party involved.

The community should be informed if complaints result in the organization making changes to the programme affecting the community at large. Feedback to communities is likely to be periodic, based on aggregate complaints and their influence on the system. A major element of feedback is communication on what is being done so that SEA does not happen in the future.

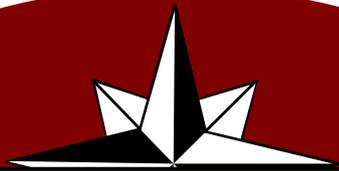


Let the community know how their contributions informed the final complaints mechanism and create opportunities for them to give you feedback on how the mechanism is working.

## 10. Resourcing the CBCM

A complaints mechanism is a mandatory step to ensure accountability as outlined in the 2003 UN Secretary General's Bulletin on SEA and a routine feature of many organizations for quality assurance. Allocating resources for establishing a complaints mechanism (such as staff time, staff training, awareness materials) is an investment in accountability and quality.

A properly established CBCM can in many humanitarian contexts constitute a separate fundable project. From a cost-benefit perspective, a CBCM can be cost-effective as it constitutes an organized system for interaction with persons/beneficiaries. The integration of indigenous methods of revealing information renders the system even more efficient, and its benefits will show in the ability of organizations to better handle their resources and fulfill their mandate.



### Warning

In many institutions, the task of sifting through the complaints often falls to someone rather junior and perhaps not well trained in the confidentiality systems that need to be in place, depending on the nature and severity of the complaint received. In such a context, SEA complaints will not get the special, immediate response that is required. Under a complaint mechanism system that will receive the totality of concerns, SEA reporting might join the queue behind those who want to complain about the quality of food distributed or who prefer rice over maize. Organizations need to dedicate senior and trained staff to receive SEA complaints.

### Big Ideas

#### Costs for the Organization

Designing and implementing a CBCM requires investment in staff training, awareness raising and other complex and time consuming activities (such as consulting with the community, receiving the actual complaints and referring the complaints). However, investing in the quality of the CBCM is the most important way of reducing further operational costs.

#### Costs for the Community

It is important to consider how much it costs to make a complaint (in terms of money for phone calls or time spent away from other duties) and in what ways organizations can offer support to complainants.

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## Steps to Take When Setting Up a CBCM

### Consult with the community.

Find out how the community complains. What are the existing methods that they already use? How do they see those methods used together with the system that your organization has in place or is about to set up?

Use the most appropriate facilitation technique when approaching different members of the community. There are many guidelines available on community consultation, such as *The UNHCR Tool for Participatory Assessment*.

### Design the mechanism.

Using the information gathered from the community, and in consultation with other organizations, you can start the design of the mechanism. You will need to identify the barriers to complaining and to find ways to overcome them.

Such barriers can be:

- physical: people are not allowed in an agency office or they have no access due to disability,
- cultural: complaining might not be acceptable in certain cultures,
- personal: people may fear retribution or stigmatization as a result of complaining,
- marginalization: some groups might be excluded from the process.

### Conduct an awareness raising campaign.

Once the mechanism is in place, people need to be informed about it. The awareness campaign must reach all members of the community. People need to know that they have a right to complain and how they can do so. They need to know what their rights are and what the mandate of each organization is. Be clear on what your organization can and cannot deal with - this will help manage community expectations.

### Receive the complaint. (see page 9 for details)

Your agency must have in place the mechanisms necessary to deal with a complaint as soon as one is made. Reporting SEA is a big decision, and the complainant is investing trust in your agency for follow up. The reputation of your agency and the safety of the people involved in the complaint might be endangered if follow up is not properly ensured.

### Give feedback.

Feeding back to the community on how you have followed up on a complaint is recommended. However, in the case of SEA complaints, it is often not possible to do so for confidentiality reasons. As a minimum, the complainant should be informed that the complaint has been received and dealt with in accordance to your agency's policies.

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## Receiving a Complaint

It is common to have an increase in the number of complaints once you have set up the CBCM. It's a sign that the mechanism is working. However, some of the complaints may be outside your remit, so you must clearly communicate to the community what types of complaints you can deal with, in order to build an efficient mechanism. Complaints tend to reduce once people are familiar with the system.

### Receive the initial complaint.

Complaints can be received in multiple ways: verbally, by letter, by text etc. The staff member receiving the complaint should complete the form documenting the relevant details. The complaint should then immediately be referred to the relevant staff member.

It should be possible to receive anonymous complaints. Your agency should have an anonymous complaints procedure overseen by the clearinghouse.

It is possible that someone will report on exploitation and abuse committed by a person who is not staff (e.g. family member, teacher, etc). Make sure you have a referral plan to deal with such disclosures.

### Consider if there are immediate protection needs.

Immediate protection needs can be medical, psychological or related to physical safety. Please refer to Victim Assistance Guidelines for procedures on how to deal with these protection needs.

### Establish the nature of the complaint.

Decide on which policy breach the complaint alleges and direct it through the appropriate channels. If the complaint alleges a criminal activity, it might need to be referred to the relevant legal system. This decision must be taken considering any possible protection concerns.

### Decide who deals with the complaint.

Responsibility for SEA complaints lies with the management line, with the most senior staff member in the office. The staff member receiving the complaint can seek assistance - in accordance to the complaints mechanism in place - from other staff such as Human Resources Advisers, the Ethics Officer and PSEA Focal Points.

### Follow up the complaint.

The ensuing steps must be taken in accordance to the agency's policies and procedures. If the allegation needs to be further investigated, consult with investigation experts. Where possible, experienced staff should conduct the investigation.

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## Definitions:

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**Community Based Complaints Mechanism (CBCM)** = A reporting mechanism which integrates the role of formal and informal community structures in revealing SEA faced by community members, in an all-inclusive and culturally appropriate manner.

**Complaints Mechanism** = Channel that gives users access to safe means of voicing feedback or complaints on areas relevant to and within the control of the agency.

**Sexual Exploitation and Abuse (SEA)** = Sexual abuse is the actual act or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. Sexual exploitation is 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.

**UN Personnel** = Staff of the United Nations, including staff of separately administered organs and programmes of the United Nations.

**Non-UN Personnel** = Individuals or staff of entities entering into an agreement with UN agencies.

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## Toolkit of Further Resources:

- Detailed guidelines on how to develop a complaints mechanism based on The Danish Refugee Council's experience in various countries:  
**The Danish Refugee Council, Complaints Mechanism Handbook 2008.** Can be found at:  
<http://www.drc.dk/relief-work/humanitarian-accountability-framework/complaints-mechanism-handbook/>
  - As part of the Humanitarian Accountability Partnership, the Building Safer Organizations Project offers training on investigating SEA complaints and on establishing complaints mechanisms:  
**Building Safer Organizations Project. Breaking the Code: Building Capacity to Investigate Sexual Abuse and Exploitation by Humanitarian Workers, June 2006.** Can be found at:  
<http://hapinternational.org/projects/complaints-handling/building-safer-organizations.aspx>
  - Practical guidelines on how to conduct a range of activities, including developing a complaints mechanism and running focus group discussions:  
**The Good Enough Guide (2007), Impact Measurement and Accountability in Emergencies, Emergency Capacity Building Project.** Oxfam Publishing GB. Can be found at:  
<http://publications.oxfam.org.uk/oxfam/display.asp?isbn=0855985941>
  - Key principles for child protection, training materials and other resources:  
**Keeping Children Safe**  
<http://keepingchildrensafe.org.uk/>
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## Referenced Material:

- Secretary-General's Bulletin: *Special measures for protection from sexual exploitation and sexual abuse* (ST/SGB/2003/13), October 2003
- Policy Development and Evaluation Service, *Information Note on UNHCR's Participation in the SCHR Peer Review Process*, UNHCR Geneva 2009
- Humanitarian Accountability Partnership, *To Complain or Not to Complain: Still the Question*, Geneva 2008
- Steps for Conducting Participatory Assessment, *Methods of Inquiry, The UNHCR Tool for Participatory Assessment in Operations*, UNHCR Geneva (2006)
- Save the Children UK, *No One to Turn To—The under-reporting of child sexual exploitation and abuse by aid workers and peacekeepers*, London 2008
- Refugees International, *Must Boys Be Boys? Ending Sexual Exploitation & Abuse in UN Peacekeeping Missions*, October