



Executive Director's Circular

(Originating Divisions: Operations Department/ Policy, Strategy and Programme Support Division)

Date: 15/02/2005
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Revises:
Amends:
Supersedes:

Special Measures for Protection from Sexual Abuse and Exploitation in Humanitarian Crisis

- 1) Further to my circular dated 22 January 2004 on the implementation of the Secretary-General's Bulletin on Special Measures for Protection from Sexual Exploitation and Sexual Abuse, ST/SGB/2003/13, under overall purview of the Regional Directors, I would like to advise that WFP holds Country Directors directly responsible for:
 - a) creating and maintaining an environment that prevents sexual exploitation and sexual abuse, and to take the appropriate measures for this purpose.
 - b) ensuring that all staff (national and international) receive a copy of the SG's Bulletin on Special Measures for Protection from Sexual Exploitation and Sexual Abuse.
 - c) appointing a senior-level Focal Point (most senior staff present in the Country Office besides the Country Director, preferably at the P4 level) and Alternate on Sexual Exploitation and Abuse (SEA). In small country offices where there is no P-4 level staff, the senior most staff member, either national or international should be appointed as focal point. Either the Focal Point or the Alternate must be a female staff member. Managers also need to ensure that the Focal Points appoint field-level focal points at all field/sub-offices where WFP is in direct contact with beneficiaries. The Focal Point's role will be to receive complaints and reports on cases of sexual abuse and sexual exploitation and to take the lead in developing and implementing SEA preventive measures (see attached Annex 1: **TORs for In-Country Focal Points**).
 - d) taking appropriate action where there is reason to believe that the standards of conduct listed in the SG's Bulletin have been violated, or that other sexually abusive or sexually exploitive behavior has occurred.
 - e) informing non-UN entities such as cooperating partners of the standard of conduct contained in the SG's Bulletin when entering into cooperative arrangements with them, and ensuring that a written undertaking these standards are received and accepted.

- f) informing all staff of their responsibility to report all concerns or reasonable suspicions regarding sexual exploitation or sexual abuse by a fellow worker, whether in the same agency or not, via established reporting mechanisms.
- 2) Towards the implementation of the SG Bulletin it has also been decided that Representatives of the Secretary General (RSG) and Resident Coordinators (RC) are best positioned to ensure the coherent implementation of the SG Bulletin at country level. They therefore bear specific responsibility for the establishment and functioning of In-country Networks on Sexual Exploitation and Abuse. (Annex 2: **TORs for In-Country Networks**).
- 3) Under the auspices of the RC, the Network will be responsible for ensuring that the local community, including refugees and other beneficiaries of assistance, is properly informed of the existence and role of the SEA Focal Points and their field counterparts and how to contact them. All communications to staff and local populations about (a) prevention of and reporting on SEA (Annex 3: **Model Complaints Referral Form**); and (b) channels of recourse for victims of SEA (Annex 4: **Model Information Sheet for Local Communities**) should be issued in the local languages, by the in-country Network, in order to prevent local communities from being inundated with conflicting information about where to turn. In places where no such Network exists WFP Country Directors will have these forms translated and distributed directly to WFP assisted communities and staff.
- 4) Standardized tools for this implementation mentioned above have been reviewed and endorsed by the United Nations Office for Human Resource Management and are attached.

Thank you for your attention and prompt action towards the implementation of the above.

James T. Morris

ANNEX I

Terms of Reference for in-country Focal Points on Sexual Exploitation and Abuse

Competencies and Experience:

The in-country Focal Point for Sexual Exploitation and Abuse (SEA) and his/her Alternate shall be a staff member, normally appointed at a sufficiently senior level (P4 and above). Either the Focal Point or the Alternate shall be a female staff member.

The Focal Point and the Alternate shall have the following competencies and experience: Proven integrity, objectivity and professional competence; demonstrated sensitivity to cultural diversity and gender issues; fluent in relevant languages; demonstrated experience of working directly with local communities; proven communication skills. Upon appointment, the Focal Point and the Alternate shall undergo specific training on prevention of and protection from sexual exploitation and abuse, as soon as is feasible.

Duties and Responsibilities:

The Focal Point and the Alternate shall participate in the in-Country Network on SEA, focusing in particular on sharing and implementing best practice in SEA prevention and response, and coordinating induction briefings and training on SEA for all staff, including raising awareness among staff of their responsibilities to report all suspicions of sexual exploitation and abuse committed by colleagues, pursuant to ST/SGB/2003/13 section 3.2 (e).

The Focal Point/Alternate shall be responsible for making appropriate recommendations to management on enhancing prevention strategies especially in situations where the volume or type of complaints received indicate that patterns of sexual exploitation and abuse may exist. This could include collecting and analysing information on actual/potential risk factors for vulnerability to sexual exploitation and abuse and elaborating measures to address these. The Focal Point/Alternate shall prepare quarterly reports to management containing statistics and analysis of complaints received, follow up actions taken, and recommendations that flow from the analysis.

The Focal Point/Alternate shall receive, in complete confidence and in a conducive environment, complaints and questions about alleged acts of sexual exploitation and abuse committed by all categories of WFP's staff. (A complainant may choose which of the two s/he wishes to contact regarding his/her complaint.) Appropriate measures shall be taken to ensure safety and confidentiality for all visitors to the Focal Point/Alternate, whether staff members or members of the local community.

The Focal Point/Alternate shall also receive, if requested, complaints about alleged acts committed by national or international personnel from other organisations, or about alleged acts when the institutional affiliation of the perpetrator(s) is unknown or uncertain.

The Focal Point/Alternate shall maintain (to the extent feasible in view of security considerations) an "open door" policy with regard to members of the local

community, including refugees and other beneficiaries of assistance, national and international NGO personnel and all United Nations personnel, national and international.

The Focal Point/Alternate shall ensure the appointment of **field focal points** at all his/her

organisation's field/sub-offices with significant staff presence. The field focal points shall be trained and delegated to receive complaints on his/her behalf in field locations and to pass these on to the capital-level Focal Point/Alternate for action and follow up.

The Focal Point/Alternate shall ensure that all materials pertaining to complaints and referrals are held securely and handled strictly in line with applicable reporting and investigation procedures.

Upon receipt of a complaint, the Focal Point/Alternate (or his/her delegated field focal point) shall:

- a) Obtain the complainant's informed consent (on the attached Referral Form) to document the complaint and to pass on the data recorded to the relevant management authorities, as well as to the RC/HC. Agreement may be secured on a separate consent form for possible disclosure of information to other external entities, including the police.
- b) Record the details of the allegation on the attached *Model Complaints Referral Form* and in line with the guidelines in the *Model Complaints and Investigation Procedures and Guidance Related to Sexual Abuse and Sexual Exploitation*;
- c) Immediately attend to the safety, security, health and legal needs of the complainant (in line with the abovementioned guidelines), including by providing necessary referrals;

If the complaint implicates a staff member of the Focal Point's own organization:

- d) Forward the completed Complaints Referral Form and any other pertinent material(s) to the relevant management structures at Headquarters [Director, HR, and the Office of Inspector General) with recommendations for follow up action (e.g. an investigation, contact with local police, etc.);
- e) Act, if requested, as liaison between the complainant, including his/her family, and those persons conducting any subsequent investigation, ensuring at all stages that the safety, security, health and legal needs of the complainant are taken into consideration and that s/he is not subject to intimidation as a result of lodging the complaint.
- f) Be kept fully informed of the investigation's proceedings and outcome, and help complainants understand how the investigation and discipline processes work.
- g) Refer the complainant to local police, if appropriate and if s/he is interested in this option. (N.B. The Focal Point/Alternate should not get involved in acting as an advocate for complainants or victims with the local authorities).
- h) Refer complainant to relevant NGOs or support groups for victims of sexual violence.

If the complaint implicates a staff member of a different organization:

- i) Forward a copy of the completed form to Focal Point for sexual exploitation and abuse in the Accused person's organisation, as well as to the RC/HC, and meet up with the Focal Point to agree on responsibilities for follow up on the safety, security, health and legal needs.
- j) Refer the complainant to local police, if appropriate and if s/he is interested in this option. (N.B. The Focal Point/Alternate should not get involved in acting as an advocate for complainants or victims with the local authorities).
- k) Refer complainant to relevant NGOs or support groups for victims of sexual violence.

If the complaint is a rumour or the alleged perpetrator(s)' affiliation is unknown:

- l) Forward a copy of the completed form to the RC/HC and – where one exists, the SRSB. The RC/HC will immediately call for a meeting of the Focal Points' Network and ask it to develop a strategy for assessing the veracity of these rumours or allegations.
- m) The RC/HC or SRSB will then pursue the issue through the appropriate channels (if necessary launching a preliminary investigation) and also determine responsibilities for follow up and for responding to victims' needs.
- n) If the complaint implicates a member of the local community:
- o) Refer the complainant to local police, if appropriate and if s/he is interested in this option. (N.B. The Focal Point/Alternate should not get involved in acting as an advocate for complainants or victims with the local authorities).
- p) Refer complainant to relevant NGOs or support groups for victims of sexual violence.

Terms of Reference for in-country Network on Sexual Exploitation and Abuse

Membership:

The Network will function under the auspices of the Resident Coordinator (RC), or Humanitarian Coordinator (HC) where appropriate, and report to him/her. Membership shall include at least one Representative from each UN Agency present in the country concerned, including from any DPKO or DPA-managed peace operation, as well as representatives of the Red Cross/Red Crescent Movement and relevant International and National NGOs. (To avoid the Network becoming unwieldy, the RC/HC should consult with the NGO community to ensure fair but manageable NGO representation). In general, membership should be comprised of the designated Sexual Abuse and Exploitation Focal Points and Alternates.

Responsibilities:

The Network on Sexual Abuse and Sexual Exploitation (SEA) will serve as the primary body for coordination and oversight on prevention and response to sexual exploitation and abuse of members of the beneficiary population by international or national staff of the UN or affiliated organizations. The Network is **NOT** responsible for investigation or adjudication of complaints, or for dealing directly with complainants. These functions rest exclusively with individual organizations or agencies. Individuals serving in the networks should not investigate claims.

The Network should:

Training, sensitization and community information campaigns

- a. Develop a plan for training of all staff on the Secretary-General's Bulletin on Special Measures for Protection from Sexual Exploitation and Sexual Abuse (the SG's Bulletin), using generic SEA training modules (modules to be developed, building on existing resources, with support from UNDP and OHRM).
- b. Coordinate specialized training of all Focal Points and managers on handling complaints based on specific training modules developed for this purpose.
- c. Ensure widespread dissemination, through appropriate media, of materials explaining rights of beneficiaries, standards of conduct expected of personnel and channels of recourse (i.e. focal point system) for members of the local community, including refugees and other beneficiaries of assistance.

Sharing information on prevention and best practice

- d. Based on the Inter-Agency Standing Committee Plan of Action and other relevant reports (including those by police or local women's groups), assess gaps in prevention and response to SEA, share information on achievements, best practice and effective mechanisms in addressing SEA, and make recommendations to relevant agencies for action. Develop plan for monitoring implementation of recommended actions.
- e. Establish such local policies, procedures and/or inter-agency arrangements as are necessary to ensure that adequate prevention measures are in place, and that robust complaints and investigation mechanisms are implemented and operated effectively by all relevant agencies.
- f. Submit to the RC quarterly statistics and analysis of any complaints received (excluding names of complainants, victims or accused persons), follow up actions taken, and recommendations that flow from the analysis on enhancing prevention and protection.

Reporting to Headquarters on prevention and best practice

- g. In cases of ongoing humanitarian crisis, the Network should report annually, through the RC/HC, to the Inter-Agency Standing Committee Working Group on progress made toward

preventing and responding to sexual abuse and exploitation. OCHA will be responsible for producing a short analysis of all reports for consideration by the IASC WG. This analysis may also be considered by the Executive Committee for Humanitarian Affairs (ECHA).

- h. In cases of transitional/development situations, the Network should report annually, through the RC, to the United Nations Development Group Office on progress made toward preventing and responding to sexual abuse and exploitation. UNDGO should be responsible for producing a short analysis of all reports for consideration by UNDG.
- i. The lessons learned from these annual reports should be shared widely, so that adjustments to prevention and response strategies can be made, best practices shared, and the tools and guidelines adapted as appropriate. UNDP, OCHA, DPKO and UNICEF should be responsible for this effort.

Dealing with ‘In-the-air’ allegations

- j. At the request of the RC/HC, the Network should be convened when any of the Focal Points receives information of rumoured or ‘in-the-air’ allegations of sexual exploitation and abuse, particularly where the institutional affiliation of the alleged perpetrator(s) is not known or is uncertain. The Network should develop a proposal addressed to the RC/HC (and SRSG if peacekeepers may be involved) outlining a strategy for assessing the veracity of these rumours.
- k. On the basis of the Network's recommendations, the RC/HC (and/or SRSG) should then pursue the issue through the appropriate channels, including if necessary through launching a preliminary investigation. S/he should also determine responsibilities for follow-up and for responding to victims' needs. In the event of disagreement among members of the Network on responsibilities for following up on a case involving rumours or allegations involving perpetrators from multiple organizations the Special Representative of the Secretary-General (if peacekeeping personnel are involved) or the RC/HC will determine concrete follow-up procedures and allocate responsibilities among members of the Network as appropriate.

Procedure, confidentiality and other issues

- l. The Network should hold regular meetings at least every two months, whose minutes will be circulated to all members. Ad-hoc meetings may be called on an as needed basis.
- m. All minutes of the Network must be kept confidential and stored securely. Names of subjects and victims should never be recorded in minutes, nor shared during meetings. All cases discussed at the meetings of the Network should be referred to by a case number and no identifying information about victims or subjects should be shared with the group. All investigation processes must be kept separate from the work of the Network, to ensure confidentiality. Breaches of confidentiality may lead to members of the Network being relieved of their responsibilities.
- n. The Network should refer to relevant agencies and/or the RC/HC any issues of concern which arise during the course of its work (e.g. regarding discipline or misconduct), but which fall outside the direct scope of SEA prevention and response.
- o. The relevant members of the Network (i.e. the organization receiving the complaint and the organization(s) about which the complaint is made) should convene bilaterally when one organization receives a formal complaint about actions allegedly perpetrated by staff person(s) of another organization. At this stage, agreement should be reached on responsibilities among the involved organisations, including for responding to the victims' needs.

MODEL COMPLAINTS REFERRAL FORM (SEXUAL EXPLOITATION AND ABUSE)

Name of Complainant: _____ Ethnic origin/Nationality: _____
Address/Contact details: _____ Identity no: _____
Age: _____ Sex: _____

Name of Victim (if different from Complainant): _____ Ethnic origin/Nationality: _____
Address/Contact details: _____ Identity no: _____
Age: _____ Sex: _____
Name(s) and address of Parents, if under 18: _____
Has the Victim given consent to the completion of this form? YES NO

Date of Incident(s): _____ Time of Incident(s): _____ Location of Incident(s): _____
Physical & Emotional State of Victim (Describe any cuts, bruises, lacerations, behaviour, and mood): _____

Witnesses' Names and Contact Information: _____

Brief Description of Incident(s) (Attach extra pages if necessary): _____

Name of Accused person (s): _____ Job Title of Accused person(s): _____
Organization Accused person(s) Works For: _____
Address of Accused person(s) (if known): _____
Age: _____ Sex: _____
Physical Description of Accused person(s): _____

Have the police been contacted by the victim? YES NO If yes, what happened? _____

If no, does the victim want police assistance, and if not, why? _____

Has the victim been informed about available medical treatment? YES NO

If Yes, has the victim sought Medical Treatment for the incident? YES NO

If Yes, who provided treatment? What is the diagnosis and prognosis? _____

What immediate security measures have been undertaken for victim? _____

Who is responsible for ensuring safety plan (Name, Title, Organisation): _____

Any other pertinent information provided in interview (including contact made with other Organisations, if any): _____

Details of referrals and advice on health, psychosocial, legal needs of victim made by person completing report: _____

Report completed by: _____
Name Position/Organisation Date/Time/Location

Has the Complainant been informed about the Organisation's procedures for dealing with complaints? YES NO

Signature/thumb print of Complainant signaling consent for form to be shared with relevant management structure* and SRSG/RC/HC:

Complainant's consent for data to be shared with other entities (check any that apply): _____

Police Camp leader (name) _____ Community Services agency _____

Health Centre (name) _____ Other (Specify) _____

Date Report forwarded relevant management structure*: _____

Received by relevant management structure*: _____
Name Position Signature

(*Relevant management structure is the official(s) responsible for sexual exploitation and abuse issues in the Headquarters of the Organisation where the Accused person works)

ALL INFORMATION MUST BE HELD SECURELY AND HANDLED STRICTLY IN LINE WITH APPLICABLE REPORTING AND INVESTIGATION PROCEDURES

SPECIAL MEASURES FOR PROTECTION FROM SEXUAL EXPLOITATION AND SEXUAL ABUSE

WHAT YOU NEED TO KNOW

- The United Nations and its partner organisations are present in [*insert location*] to help restore peace, security and human rights. [*For development situations, change to: help promote economic development and reconstruction*].
- Staff members of the United Nations and its partner organisations are expected to uphold the highest standards of personal and professional conduct at all times. Sexual exploitation and sexual abuse of members of the local population (including refugees and other beneficiaries of assistance) by such staff will not be tolerated.
- This leaflet explains what you should know on the issue of sexual exploitation and sexual abuse, including what conduct is prohibited and what you can do if you have a complaint or allegation on this matter.

What is sexual exploitation and sexual abuse?

- Exchanging money, shelter, food or other goods for sex or sexual favours from someone in a vulnerable position is sexual exploitation.
- Threatening or forcing someone to have sex or provide sexual favours under unequal or forced conditions is sexual abuse.

What kinds of sexual conduct are prohibited?

Any acts of sexual exploitation and sexual abuse by an international or national United Nations staff member and anyone working with the following organisations [list implementing partners and partner agencies participating in the in-country SEA prevention strategy] is serious misconduct and may lead to disciplinary measures. Specifically:

- a) Sexual activity with anyone under the age of 18 is prohibited, regardless of consent;
- b) Purchasing sexual acts with money, employment, goods or services is prohibited;
- c) Exchanging humanitarian assistance (e.g. food rations, shelter supplies) for sexual acts is prohibited;
- d) Any forced, coercive or degrading sexual acts are prohibited;

In addition, sexual relationships between staff and beneficiaries of assistance are strongly discouraged, because of the difference in power and the potential for this to be abused

Do these rules apply to UN peacekeeping forces and civilian police?

United Nations peacekeeping forces (military members of national contingents), UN Military Observers and UN civilian police must not commit acts of sexual exploitation and sexual abuse, and have a particular duty of care towards women and children. They are expected to uphold the same standards as civilian staff members.

What should I do if I have a complaint about sexual exploitation and abuse?

- If you are a victim of sexual exploitation and abuse, or if you are aware of someone who is, contact one of the Focal Points (see below). If you know the organisation that the accused person works for, you should try to contact the Focal Point within that organisation (e.g. the Peacekeeping Focal Point if your complaint is about a UN soldier, a UNICEF Focal Point if your complaint is about a UNICEF staff member).
- If you feel at all uncomfortable taking the complaint to the relevant organisation's Focal Point, you may contact any of the Focal Points, who will ensure your complaint is dealt with in a timely and sensitive manner.
- The person you report to will ask you for your consent, and then record your complaint and ask you to sign it. They will also be able to advise or assist you with any immediate safety, security, health and legal needs, by helping you (or the victim, if different) get in touch with the right services.
- Your complaint will be kept as confidential as possible. Only those people involved in investigating your complaint, the person you are complaining about and the Headquarters of the organisation where s/he works, will be informed about your complaint.
- Your safety and security will always be taken into account when following up on a complaint.
- Following your complaint, you will be contacted by the appropriate investigation team.
- The Focal Point will also try to keep you informed of the progress and outcomes of the investigation, and to explain investigation process will work.

Can I make a complaint on behalf of another person?

- Yes. If you suspect sexual exploitation is being committed by staff of any agency or organization listed above. You are encouraged to make a report.

**REMEMBER: ACTS OF SEXUAL EXPLOITATION
AND ABUSE COMMITTED AGAINST YOU
ARE NEVER YOUR FAULT.**

**PLEASE REPORT ANY SUSPICIONS OR CONCERNS
YOU HAVE ON THESE MATTERS
TO ONE OF THE FOCAL POINT(S) LISTED IN THE ATTACHED SHEET.**

List here the in-country Focal Points and Alternates or the field-level focal points if this leaflet is to be used in a field location: