

Global Synthesis Report

IASC Review of Protection from Sexual Exploitation and Abuse by UN, NGO, IOM and IFRC Personnel

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Contents

Acronyms	4
Acknowledgements	6
Executive Summary	7
1. Introduction	12
1.1 Background to the current review	12
1.2 Management of the review	13
1.3 Scope of the review	14
1.4 Methodology	14
1.5 Constraints and caveats	16
1.6 Terminology	17
2. Institutionalising PSEA within agencies	18
2.1 Background	18
2.2 Implications of PSEA policy for managers, personnel and others	18
2.3 Peacekeeping experience	20
2.4 The need for leadership	21
2.5 Conclusion	22
3. Current inter-agency PSEA architecture, outputs and activities	23
3.1 Task Force mandate	23
3.2 Task Force structure	24
3.3 Task Force outputs	25
3.4 Interviewees' comments on PSEA architecture and resources, reporting lines, resourcing and high-level representation	26
4. HQ setting of policy and guidance to the field	30
4.1 Pillar 1: Management and coordination	30
4.2 Pillar 2: Engagement with and support of the local population	35
4.3 Pillar 3: Prevention	37
4.4 Pillar 4: Response	40
5. Progress under the four pillars at field level	44

5.1	Management and coordination	44
5.2	Community engagement	49
5.3	Prevention.....	51
5.4	Response.....	53
6.	Conclusions and recommendations	56
6.1	Conclusions.....	56
6.2	Recommendations	59
	Annex 1 PSEA Review Terms of Reference	62
	Annex 2 Secretary-General’s Bulletin.....	71
	Annex 3 Entity Self-Assessment Questionnaire	75
	Annex 4 Minimum Operating Standards (MOS-PSEA)	114
	Annex 5 Persons consulted.....	119
	Annex 6 Bibliography	126
	Annex 7 Country Reports and Case Studies.....	127

Acronyms

CAP	Consolidated Appeals Process
CDT	Conduct and Discipline Team
CDU	Conduct and Discipline Unit
CRS	Catholic Relief Services
DFS	Department of Field Support
DOCO	UN Development Operations Coordination Office
DPKO	Department of Peacekeeping Operations
DRC	Democratic Republic of the Congo
ECHA	Executive Committee on Humanitarian Affairs
ECPS	Executive Committee on Peace and Security
FP	Focal point
HAP	Humanitarian Accountability Partnership
HC	Humanitarian Coordinator
HCT	Humanitarian Country Team
HCLM	High-Level Committee on Management
HCLP	High-Level Committee on Programmes
HQ	Headquarters
IASC	Inter-Agency Standing Committee
IFRC	International Federation of Red Cross and Red Crescent Societies
IGO	Inter-governmental organisation
IOM	International Organisation for Migration
IRC	International Rescue Committee
MINUSTAH	United Nations Stabilisation Mission in Haiti
MONUC	Mission of the United Nations Organisation in the Democratic Republic of the Congo
MOS	Minimum Operating Standards
OCHA	Office for the Coordination of Humanitarian Affairs
OHCHR	Office of the High Commissioner for Human Rights
NGO	Non-governmental organisation

PSEA	Protection from sexual exploitation and abuse
RC	Resident Coordinator
SC	Steering Committee
SEA	Sexual exploitation and abuse
SGB	Secretary-General's Bulletin
SGBV	Sexual and gender-based violence
SRSG	Special Representative of the Secretary-General
TOR	Terms of reference
UN	United Nations
UNFPA	United Nations Population Fund
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
VA	Victim assistance
WFP	World Food Programme
WHO	World Health Organization

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Note for this edition:

This report will be published with formal layout and a note written by Special Advisor Carolyn McAskie.

Executive summary

This review was commissioned by the Inter-Agency Standing Committee Working Group in July 2009, following seven years of collective work by humanitarian agencies to ensure protection from sexual exploitation and abuse (PSEA) of vulnerable people by those associated with humanitarian agencies.

This PSEA effort was initiated subsequent to the 2002 report by the United Nations High Commissioner for Refugees (UNHCR) and Save the Children UK on the prevalence of sexual exploitation and abuse (SEA) in West Africa, which documented allegations against 40 agencies.

Underpinning this inter-agency PSEA effort has been the 2003 Secretary-General's Bulletin 'Special Measures for Protection from Sexual Exploitation and Sexual Abuse' (ST/SGB/2003/13) (SGB), which was issued to ensure that all UN staff and others under UN contract were aware of the core principles of PSEA and the consequent obligations upon them.

This review was overseen by a Steering Committee of nine agencies, one umbrella organisation and one Resident Coordinator/Humanitarian Coordinator (RC/HC) who provided guidance to the review. A Special Advisor provided expert advice and support throughout the review.

The review was tasked with identifying the extent to which PSEA policies have been implemented – together with the constraints that exist – and with making recommendations for any future action to ensure the effective implementation of PSEA obligations.

The review was not tasked with identifying the scale of any misconduct. This, together with the issue of chronic under-reporting of SEA and the factors that inhibit reports from vulnerable people, has previously been well documented in reports by HAP and Save the Children UK. These reports state that the mechanisms for complaint need to be made accessible and that the security of complainants needs to be guaranteed in order for individuals to take the (perceived) risk of reporting incidents.

The review found that, while progress has been made on the establishment of PSEA policy, this has not translated into managerial and staff understanding and acceptance of these policies. The policies and technical guidance have not been communicated to the field with sufficient authority or clear direction and the guidance, in itself, has not been accessible. With the exception of three of 14 agencies considered (by means of a self-assessment exercise), implementation is either patchy, poor or non-existent. The review found that the most critical gap in organisational support to PSEA is that of visible senior management leadership to actively promote PSEA policies and to proactively support PSEA activity, while holding field managers accountable for implementation.

The review facilitator worked together with 14 agencies (13 of which are either part of the IASC or members of consortia which are part of the IASC), which conducted a self-assessment of their own policies and guidance and the extent of their directives and support to the field. Field implementation levels were examined through field research in the Democratic Republic of Congo and in Nepal, as well as through desk research on Kenya, Liberia, Somalia, South Sudan, Thailand and Yemen with a focus upon those same fourteen self assessment agencies. Every attempt was made after the field missions to retrospectively triangulate the information given by field teams with regard to their knowledge of their own agencies' policies and procedures.

It was found that, with a few exceptions, HQs are not giving clear directives on PSEA to the field or supporting directives given with adequate guidance and training; managers are not being held accountable; PSEA focal points are not being effectively supported; effective personnel awareness-raising and complaints mechanisms are not in place; and monitoring of activity or sharing of good practice is not happening.

Furthermore, with a few exceptions, community-level awareness-raising and complaints mechanisms are not in place. Without these, vulnerable individuals will not make complaints.

In fact, very low levels of complaint are currently being received. If appropriate awareness-raising and complaints mechanisms are put in place, then complaint levels may rise sharply. Based on current capacity ascribed to PSEA, agencies are unlikely to have the resources to respond appropriately in this scenario. This will require additional capacity-building within agencies and consideration of inter-agency mechanisms wherever possible to maximise resources.

Resourcing for the implementation of these fundamental PSEA instruments should be considered from now on by adding PSEA components to every CAP and to Flash Appeals and through pooled funding to support inter-agency PSEA work. Advocacy to institutional donors should be considered.

There is a need to relaunch the current SGB, which is not sufficiently well known and understood at field level. This should be done in tandem with the Interpretation Guide that is currently being prepared by the Task Force. This relaunch must be undertaken using multiple methods to ensure the highest possible visibility. The campaign should be reinforced by the prominent participation of senior humanitarians and leaders of agencies. A Special Representative should be appointed during the period of the relaunch. In addition, the current SGB should be reviewed to remove the current (perceived) ambiguity of language, require field-based inter-agency cooperation and compliance with minimum standards and ensure enhanced reporting, including on victim assistance.

While the review asserts that the fundamental responsibility for ensuring that PSEA obligations are met must remain at the individual agency level, the review has concluded that the advancement of PSEA in the humanitarian community would be best served if the IASC were to resume its leadership on the issue. This is due to the need to address the high risk of SEA in humanitarian contexts; the lack of progress within the humanitarian sector compared with the peacekeeping sector; the need to focus the humanitarian community on improving implementation of the SGB; and the need to engage humanitarian leaders at the highest level – which is argued throughout this report as the most critical factor in securing progress in PSEA. Also critical are the accountability of UN agencies, IGOs, NGOs and the IFRC to the IASC and the direction of current work to ensure the enhanced utilisation of IASC outputs from which PSEA experts could benefit.

While institutionalisation of PSEA must remain the responsibility of agencies, the need for agencies to scale up their PSEA activity is so acute that six-monthly progress reports from agencies on scale-up and outcomes will be needed until the IASC is satisfied that PSEA has been institutionalised within agencies.

In addition to the necessary scale-up at individual agency level, this review proposes a pilot in five selected locations. The pilot would ensure intensified PSEA activity over a period of 18 months of both individual and collective agency work to put PSEA mechanisms in place and to monitor the outcomes. This is necessary both to test the mechanisms themselves and to understand the implications of having effective PSEA mechanisms in place in locations where there is a substantial humanitarian community. This inter-agency approach will allow individual agencies to contribute their own good practice and experience where this exists. Resources will be required to ensure additional capacity to support PSEA networks and initiatives.

Recommendations

Agencies at HQ level should:	
1.	Move from a passive approach to SEA, such as the signing of codes of conduct, the SGB and other contracts, to a more active approach that involves discussion, explanation, training and higher visibility for the issue, which will offer greater protection for vulnerable people.
2.	Ensure that agency heads play a visible leadership role, including making communications to ensure that the necessary cultural change takes place in order to support enhanced PSEA activity.
3.	Appoint high-level focal points to monitor and receive reports on enhanced activity and outcomes, and ensure that these reports are shared at senior management team/board level.
4.	Make public declarations on PSEA activity and outcomes as part of their accountability mechanisms, eg. in annual reports or on agency website.
5.	Require senior field managers to ensure that PSEA obligations are met, and support them to achieve this.
6.	Hold managers accountable as to whether or not they ensure that PSEA obligations are met by including PSEA accountability within performance reviews.
7.	Communicate (mandatory) policy and guidance to those who have obligations to implement these at field level. Technical personnel must ensure that field staff are supported through applied tools that can be absorbed at field level, the establishment of a rapid support mechanism to answer questions and deployments of technical staff to either lead or support on PSEA at field level.
8.	Evaluate personnel time made available to PSEA currently, assess if it is adequate for present needs and determine what additional personnel time might be needed if the IASC were to require scaled-up PSEA activity. Take advice from the CDU on appropriate staffing levels.
9.	During recruitment processes, ensure that background checks are undertaken for any history of SEA.
10.	Once scaled-up activity has been established, embed SEA within other conduct issues and regular policies and procedures to ensure that it becomes part of the wider organisational accountability framework. This should include incorporation within corporate risk management procedures and should include appropriate costing and resourcing of PSEA activity.
11.	Empower PSEA technical staff and responsible managers to share information on SEA prevalence, learning and good practice. The current insistence on confidentiality is inhibiting peer-to-peer learning. If the self-assessment process is to be repeated, then the facilitator should be empowered to support such peer-to-peer learning.
The IASC should:	
1.	Accept leadership on PSEA and ensure that IASC member agencies are working both as individual agencies and collectively to see PSEA institutionalised within the humanitarian sector.
2.	Require agencies to report six-monthly on global progress in fulfilling PSEA obligations, until the IASC is satisfied that PSEA has been institutionalised within agencies and that sufficient change has occurred at field level across all humanitarian contexts. It should also require the current PSEA Task

Force to develop a reporting format for endorsement by the IASC Working Group prior to the Task Force disbanding.
3. Implement five inter-agency pilots in selected locations over an 18-month period in order to test PSEA mechanisms and standards and to determine to what extent levels of SEA misconduct exist and the capacity needed by agencies to respond to the misconduct. These pilots should be supported by inter-agency PSEA networks and the placing of PSEA Coordinators in HC/RC offices. Donors and individual agencies should be asked to support these pilots.
4. Advocate for additional funding for regular in-country PSEA activity. Consider inclusion in CAPs and Flash Appeals, lobby for pooled funding and ensure that inter-agency PSEA mechanisms are used wherever possible to better use resources. Dialogue with donors regarding PSEA conditionality and funding is critical.
5. Convene a new taskforce to a) offer support to the general scale-up in all humanitarian locations and to support the PSEA Coordinators in the pilot projects, and b) coordinate reporting to the IASC. Formalised links between the new taskforce and PSEA networks at field level should be established to ensure direct support and response from the taskforce to the field e.g. help desks or the issuing of new field-friendly guidance and tools. The new taskforce should ensure that tools and guidance supplied to the field are in line with the findings of the recent 'Review of IASC Products' report.
6. Clarify the role of the Cluster system in institutionalising PSEA and ensure that PSEA is incorporated into emergency planning.
7. Ensure that learning can be taken from achievements on PSEA in the peacekeeping sector and can be incorporated into the humanitarian sector. DFS should be invited to participate when the IASC receives reports on PSEA progress and to participate in any inter-agency group or taskforce that is convened.
8. Replicate the self-assessment process in 18 months' time (at the end of the pilot period) in order to monitor progress and identify areas where agencies collectively are finding difficulty in making the necessary progress. Lessons should be learned from the process just completed, and the HAP Standard Benchmarks should be used to inform a revised questionnaire.
The UN, in partnership with NGOs, IOM and the Red Cross/Red Crescent movement, should:
1. Design and run a communications campaign to relaunch the current SGB in tandem with the Interpretation Guide that is currently being prepared by the Task Force. This relaunch must be undertaken using multiple methods to ensure the highest possible visibility. The campaign should be reinforced by the prominent participation of senior humanitarians and leaders of agencies. A Special Representative should be appointed during the period of the relaunch to act as a focal point.
2. Ensure that the Interpretation Guide to the SGB currently being drafted is concise and clear and that it uses examples to demonstrate the intent of the SGB.
3. Review the SGB to remove the current (perceived) ambiguity of language, require field-based inter-agency cooperation and compliance with minimum standards and ensure enhanced reporting, including on victim assistance.
4. Require the current Task Force to make a report on its activities and achievements during the past five years to both ECHA and ECPS as well as the HLCM. The objective of this report and presentation should be to determine the added value of an internal UN inter-agency taskforce and the most appropriate parent organisation to ensure enhanced institutionalisation and accountability for future PSEA activity within the UN. The critical need for cross-agency leadership should be

<p>clearly outlined within the presentation. Clarity should also be sought on what is required to ensure that guidance currently in draft form can be formalised. The report should be presented to ECHA and ECPS by the Co-Chairs of the current PSEA Task Force and the Special Adviser to this review.</p>
<p>5. Further clarify the responsibilities of RCs/HCs to highlight PSEA policy. RCs should continue to hold overall responsibility including ensuring that PSEA is on the agenda of the UN Country Team, while HCs should be responsible for promoting the engagement of the humanitarian community and for coordination and leadership in humanitarian forums (such as the Humanitarian Country Team). These latter points should be considered when the next revision of the HC's job description takes place.</p>
<p>6. Ensure that there is dedicated coordination support during the set-up and establishment phase of PSEA Networks.</p>
<p>7. Where there is a UN mission, ensure that PSEA networks are at the very least jointly chaired by the CDT and a humanitarian agency.</p>
<p>8. Within PSEA networks, establish inter-agency victim assistance programmes in order to maximise resources.</p>
<p>Agencies at field level should:</p>
<p>1. Expect managers at field level to speak publicly about PSEA and ensure that the agency's intent with regard to PSEA policy is understood by personnel, while actively supporting PSEA work.</p>
<p>2. Table the issue of PSEA at country-level management meetings and include reporting on PSEA activity and outcomes in such meetings.</p>
<p>3. Ensure clear guidance is provided to focal points (FPs) in a form that they can absorb. Allocate adequate time and resources to FPs to enable them to undertake their roles with respect to their own institutional responsibilities and also with regard to their active participation in PSEA networks. FPs must be known by other staff members. They must have their FP role included within their job descriptions and their performance on PSEA must be appraised.</p>
<p>4. Appoint an FP from programming in addition to a FP from HR to ensure that there is a stronger understanding of SEA amongst programme staff, that strengthened community engagement takes place and that programmes are designed in order to mitigate the risks of SEA.</p>
<p>5. As a priority activity, establish complaints systems, together with effective awareness-raising at the community level. Wherever possible, inter-agency mechanisms should be established as a) one joint mechanism will be easier for communities to understand, and b) will also maximise resources and be easier to maintain.</p>
<p>6. Ensure that feedback on follow-up action is given to complainants.</p>
<p>7. Implement increased SEA awareness activity for personnel that is regularly repeated, such as code of conduct workshops.</p>

1. Introduction

1,1 Background to the current review

- 1 Any sexual exploitation and abuse (SEA)¹ committed by UN and NGO workers is a fundamental violation of protection principles and of the reason that these individuals are in the field alongside vulnerable people. While any misconduct or abuse of power is the responsibility of the individual, the deploying agency also has a responsibility to ensure that effective mechanisms are in place to prevent and address misconduct on the part of its personnel.
- 2 The 2002 report by the United Nations High Commissioner for Refugees (UNHCR) and Save the Children UK on the prevalence of SEA of beneficiaries by humanitarian aid workers and peacekeeping military personnel in West Africa highlighted the need for enhanced action by agencies.² The report, which documented allegations against 40 agencies and 67 individuals, attracted global media coverage to the issue of SEA and prompted both the UN and NGOs to step up their activities to embed policies, guidelines, standards and tools designed to prevent and respond to cases of SEA involving their own and related personnel.
- 3 From 2002 to 2004, proactive work was undertaken under the auspices of the Inter-Agency Standing Committee (IASC) Task Force on Protection from Sexual Exploitation and Abuse. The goal of this taskforce was to provide a consistent and effective approach across all agencies. During this period, the Plan of Action on Protection from Sexual Exploitation and Abuse in Humanitarian Crisis (2002) established the six core principles to be incorporated into the codes of conduct and staff rules and regulations of member organisations of the IASC.³ In 2003, the United Nations Secretary-General's Bulletin on 'Special Measures for Protection from Sexual Exploitation and Sexual Abuse' (ST/SGB/2003/13) was issued to ensure that all UN staff and others under UN contract were aware of these core principles and obligations and also aware that the consequences of any such misconduct extended to dismissal.
- 4 Every year since 2003, the Secretary-General has issued a report containing updates on the scope of the problem and on the prevention and response measures taken by the UN. This report details the incidence of allegations and the outcome of the allegations. It also details activity by the Task Force on Protection from Sexual Exploitation and Abuse and the Department of Field Support Conduct and Discipline Unit and Teams. The report does not consider the implementation level of PSEA mechanisms at country level, or the mechanisms through which managers are obliged to implement PSEA.
- 5 In 2004, the IASC Task Force concluded its work, while noting that the matter needed to remain a priority. It recommended annual reporting within the IASC on the implementation of tools and mechanisms; regular reporting to the General Assembly; addressing and supporting the role of Resident Coordinators (RCs) and Humanitarian Coordinators (HCs); and the nomination of focal points (FPs) at headquarters (HQ) level to ensure ongoing HQ-level monitoring and reporting. It

¹ As defined in the Secretary-General's Bulletin on Protection from Sexual Exploitation and Abuse, the term 'sexual exploitation' means 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. Similarly, the term 'sexual abuse' means an actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

² 'Protecting Children from the Protectors: Lessons from West Africa', Asmita Naik, Forced Migration Review 15, October 2002.

³ The six principles are:

- Sexual exploitation constitutes gross misconduct and is grounds for dismissal;
- Sexual activity with persons under 18 is prohibited;
- Exchange of money, employment, goods or services for sex is prohibited;
- Sexual relationships between humanitarian workers and beneficiaries are strongly discouraged;
- There is an obligation to report concerns about possible abuses by co-workers;
- An environment which prevents sexual exploitation must be created, and managers have particular responsibilities to support and develop systems which maintain this environment.

was emphasised that the challenge now lay with ensuring field implementation and with the need to focus on the role of the RC/HC, the reporting responsibility of managers and the importance of background reference checks on staff. However, there is no record that reporting on these matters or on protection from sexual exploitation and abuse (PSEA) generally within the IASC has subsequently taken place.

- 6 Also in 2004, the Building Safer Organisations (BSO) project (now part of the Humanitarian Accountability Partnership, HAP) was begun to help NGOs apply mechanisms for PSEA.
- 7 Following the IASC Task Force's completion report, the UN's Executive Committees on Humanitarian Affairs and Peace and Security (ECHA and ECPS) met in 2005 to discuss how best to ensure enhanced implementation of the tools and guidance which then existed. It was agreed that key priorities included strengthening the UN's investigative capacity; strengthening and harmonising assistance to victims; improving training for all staff and managers, including military personnel; ensuring accountability on the part of both organisations and individuals; publicly differentiating between the disciplinary procedures to which civilian and military personnel are subject; and working with troop-contributing countries to obtain their 'buy-in' to a more active response to this problem, including reinforcing their obligations to inform the UN of any actions taken.
- 8 A working-level follow-up group was established and this group became the ECHA/ECPS UN and NGO Task Force on Protection from Sexual Exploitation and Abuse, which has worked on this issue since then (and is referred to in this report as the Task Force). Despite the fact that the Task Force was established by internal UN committees, its 30 members include non-UN agencies. Information on the functioning of the Task Force and its outputs in the past five years is detailed in section 3 of this report.
- 9 At a global meeting of PSEA experts held in 2008, it was agreed that work to address SEA would be collectively organised under four pillars. These four pillars are management and coordination; engagement with and support of local populations; prevention; and response. The four pillars have been used to frame subsequent policy and guidance, and have also been used to structure much of the research undertaken for this review.
- 10 Despite considerable activity over the past decade to put in place policies, tools and mechanisms for dealing with SEA, reports published by HAP and Save the Children UK in 2006 and 2008 document how challenging it has been to establish the practice of PSEA.⁴ They also document how difficult it has been to change attitudes to SEA and to encourage humanitarian and development actors, as well as local communities, to report abuse when it occurs. This awareness led in July 2009 to the IASC initiating a review of efforts undertaken by agencies on PSEA.

1.2 Management of the review

- 11 The IASC initiated the current inter-agency review to examine the extent to which the UN, international non-governmental organisations (INGOs) and inter-governmental organisations (IGOs) have implemented policies to prevent and respond to SEA, by their own personnel and by those of partners.

⁴ 'To Complain or Not to Complain: Still the Question', Kirsti Lattu, Humanitarian Accountability Partnership, 2008; 'No One to Turn To', Corinna Casky, Save the Children UK, 2008; 'From Camp to Community: Liberia study on exploitation of children', Save the Children UK, 2006.

- 12 In July 2009 the IASC Working Group approved the Terms of Reference (TOR) for the review, which were later revised by the inter-agency PSEA Review Steering Committee (SC) in October 2009.⁵ OCHA acted as the Managing Agency for the review while the SC was responsible for oversight and for all strategic decisions, as well as for commenting on drafts of the report.
- 13 A Special Adviser was appointed who contributed her experience in working at senior level in humanitarian and peacekeeping environments and who also advised on the internal functioning of UN/NGO systems. The review was undertaken by an independent consultant (known as the External Review Facilitator).
- 14 This final synthesis report has been prepared for the IASC Working Group meeting in July 2010.

1.3 Scope of the review

- 15 This review is not a formal evaluation but rather is a stocktaking exercise and needs analysis, covering achievements and constraints and making recommendations for future action. Furthermore, its purpose was not to measure the extent of the problem of SEA; as already mentioned, this has been documented by others (see footnote 4.)
- 16 The TOR (see Annex 1) stated that, as there was 'currently a strong PSEA policy foundation and sufficient tools to operationalise [it], the focus of the Review should be upon the level and type of implementation and coordination strategies/mechanisms currently used to engage with local populations; prevent and respond to SEA; and to ensure management accountability and compliance'.⁶ The expectation was that the review should seek to reveal the extent to which PSEA policies have been implemented, together with the constraints, and that it would make recommendations for future action to ensure the effective implementation of PSEA obligations.
- 17 In addition, the TOR stated that the review should consider the current PSEA coordination architecture and make recommendations to improve it.

1.4 Methodology

- 18 The methods to be used for the review were set out in the TOR and were approved by the Steering Committee. The methods chosen related to the scope of the review, in that the approaches chosen should allow tracking of implementation and coordination mechanisms from agency HQ level to the beneficiary level. This would allow verification at each stage of how directives had been given, followed and supported. Where possible, both qualitative and quantitative data have been sought and utilised.
- 19 It was agreed that all information received during the course of the review should be confidential; therefore, opinions given within the review are not attributed to individuals or specific agencies.⁷ Agencies are identified only to the extent that they are referred to as UN, NGO or IGO.

⁵ The Steering Committee consists of representatives from OCHA (Chair), DOCO, HAP, InterAction, IRC, OHCHR, UNDP, UNFPA, UNICEF and WFP, and the RC/HC for Nepal.

⁶ In fact, it proved impossible for the review not to reflect upon the tools available and whether these are adequate. Provision of appropriate tools is crucial to ensure effective implementation.

⁷ With a few exceptions, e.g. where there has been one only interview within a country and confidentiality has therefore been impossible. In these cases permission has been sought.

19.3.1 Document and tools orientation

20 The External Review Facilitator received a set of documentation and tools from the Managing Agency and from other stakeholders during the course of the review, which were used to focus the self-assessment questionnaire, the analysis of PSEA architecture and accountability and the field missions. During the course of the review, the PSEA website went live, making additional resources available.⁸ Particularly valuable were some secondary sources, including the past reviews and studies undertaken by Save the Children UK and HAP, which examined patterns of misconduct related to SEA through country studies and beneficiary-based consultations. These studies stated clearly that the vast majority of beneficiaries consulted said that they would not complain about misconduct.

20.3.1 Self-assessment questionnaire

21 Fourteen individual agencies⁹ completed a confidential self-assessment questionnaire, which sought to understand what had been put in place at HQ level to set a PSEA framework for policy and implementation within that agency.

22 Agencies were asked to answer a series of questions and then to grade their progress against the four PSEA pillars. These individual agency assessments were then ranked by the External Review Facilitator against a set of indicators that had previously been commented upon by all the participating agencies. The information from the 14 self-assessments was compiled for this synthesis report; both quantitative and qualitative data have been used, without identifying the agency concerned.

23 The contents of the questionnaires were not shared with the Steering Committee or with the Managing Agency, and were seen only by the External Review Facilitator. Each agency received a confidential individual feedback report on conclusion of the review.

23.3.1 Field missions

24 Field missions were undertaken to two countries: the Democratic Republic of the Congo in March 2010 and Nepal in April 2010. The intention of the Steering Committee had been to undertake field research in three countries, which had been chosen according to a pre-agreed set of criteria. However, the field mission to the third country – Haiti – was stood down following the earthquake of January 2010.

25 In both the countries visited, interviews and focus group discussions were conducted in the capital city and in one field location. The interviews were conducted with both heads and SEA focal points (FPs) of agencies and used pre-agreed, semi-structured interview questions. Focus group discussions were held with groups of agency personnel, groups from local NGOs and civil society representatives and communities. In addition, workshops were undertaken with PSEA networks comprising the FPs of agencies in the country.

26 The field missions were conducted by the External Review Facilitator, by a consultant sub-contracted by the External Facilitator (in the case of DRC) and by representatives seconded by SC member agencies.

27 The (Draft) Minimum Operating Standards (MOS-PSEA – attached as Annex 4) developed by some members of the Task Force were used to provide a framework for the field section of the synthesis report.¹⁰ They were chosen for this purpose because they are based on the three

⁸ <http://www.un.org/en/pseataskforce>

⁹ DFS, IFRC, IOM, IRC, OCHA, Oxfam GB, Save the Children UK, UNDP, UNFPA, UNHCR, UNICEF, WFP, WHO, World Vision International.

¹⁰ MOS-PSEA version as of 3 February 2009.

documents or mandates that have governed the PSEA agenda (and that of the Task Force) in recent years¹¹ and because they outline the minimum that these Task Force members considered essential at field level. The MOS-PSEA give two minimum standards for each pillar, with each minimum standard supported by key indicators. Findings from the field missions are measured against these minimum standards. That the MOS-PSEA remain in draft form allows for some revision of them following this review, and some suggestions for this revision have been made.

1.4.4 Desk studies and country case studies

- 28 In response to the challenges of choosing field missions that could represent all the criteria agreed by the Steering Committee, it was agreed that a desk study would be undertaken on Liberia, which was the only country felt to represent good practice with regard to inter-agency activity on PSEA. This was done through document review and telephone interviews using pre-agreed, semi-structured interview questions.
- 29 The Steering Committee also decided that case studies of practice, demonstrating challenges and innovation, should be collected from a further six countries (Kenya, Indonesia, Somalia, South Sudan, Thailand and Yemen) through document review and telephone interviews. These methods were utilised and six case studies were produced. This approach, however, was dependent upon the responses of the interviewees and, while it yielded two case studies from Thailand, it was not possible to produce a case study from Indonesia. In addition, the case studies represent examples of good practice and innovation, rather than challenges that remain unaddressed, based on the information provided by informants.
- 30 The Liberia Desk Study and the six country case studies are available on the PSEA website (www.un.org/pseataaskforce). A one-line summary of each is provided in Annex 7 of this synthesis report.

1.4.5 Headquarters interviews

- 31 A series of confidential HQ interviews was conducted, using face-to-face interviews and telephone interviews at both leadership and working levels.¹² These interviews focused mainly upon the inter-agency architecture and possibilities for improving its effectiveness; how to better ensure institutionalisation of PSEA; and how to improve accountability for implementation of PSEA policy. The interviews were conducted using a list of semi-structured interview questions.

1.5 Constraints and caveats

- 32 For a number of reasons, including the demands of the Haiti earthquake response, some agencies were not able to submit their self-assessments until after the field missions had taken place. As the guarantees given with regard to processing the self-assessments included an assurance that all the questionnaires would be processed at the same time – to ensure that there was no bias in the process and that the perception of the External Review Facilitator with regard to ranking would not alter over time – it was not possible to analyse the self-assessments prior to

¹¹ The three documents or mandates are:

- The Statement of Commitment, which calls on signatories to undertake a set of PSEA actions, and therefore obliges all signatories to comply with the PSEA compliance mechanism;
- The Secretary-General's Bulletin, which obliges UN staff and related personnel to undertake a specific set of actions; and
- The General Assembly resolution on victim assistance, which provides further mandate language that obliges United Nations entities to comply with the mechanism.

¹² The leadership-level interviews were conducted by the Special Adviser and the working-level interviews by the External Review Facilitator.

the field missions. Every attempt was made after the field missions to retrospectively triangulate the information given by field teams with regard to their knowledge of their own agencies' policies and procedures.

- 33 Although it is not within the scope of this review to evaluate the work of the PSEA Task Force, recommendations for a future PSEA architecture were required. During the course of this review, it became apparent that a prior evaluation of the Task Force would have been useful to understand how priorities were agreed and set, how consensus on tasks had been agreed in recent years and how guidance from senior levels had been delivered and received.
- 34 The time available in the field was the main constraint in terms of the collection of primary data. The DRC mission was of ten days' duration, of which four days consisted of travel and two days fell on a weekend, when it was difficult for agencies to offer a full schedule. The duration of the Nepal field mission was five working days. In both cases, the time available outside the capital (i.e. in the field) was two working days. Unfortunately, one of the working days (for agencies) in the DRC coincided with International Women's Day, which made it difficult to schedule appointments with some agencies in Goma.
- 35 Due to these time constraints, it was possible to interview only nine agencies in the DRC and eight in Nepal on a one-to-one basis at both leadership and focal point levels during the field missions. These agencies corresponded (with one exception) to the agencies which completed the self-assessment questionnaire. It is recognised that this is a small sample.
- 36 The TOR laid significant stress upon ensuring that the beneficiary perspective on the effectiveness of PSEA mechanisms featured within the report through the gathering of case studies. In neither field mission was this possible to undertake, due to time constraints which limited the ability of the review teams to work in an appropriately sensitive fashion. Also, there was no reason to attempt to undertake this work, as it became clear during interviews at capital level that there had been little or no activity directed at raising community awareness or at putting in place mechanisms at community level.
- 37 Furthermore, when consulted during the initial workshops, members of the PSEA network in each country were concerned about the potential implications or expectations that could be raised by attempts to compile such case studies, and advised against it. The concerns expressed by network members included their feeling that the time available for such work would not allow for sufficient contextualisation of discussions; that such consultations could potentially publicly identify the subjects of case studies and create a situation of insecurity for alleged victims or witnesses of abuse; and that it was unclear how any new information or allegations gathered through such a process would be addressed.

1.6 Terminology

- 38 The term 'agency' is used in this report to refer to individual UN entities, IGOs and NGOs. The term 'inter-agency' is used when discussing collective working of agencies.

2. Institutionalising PSEA within agencies

2.1 Background

'One of the challenges facing agencies promoting the prevention of sexual exploitation and abuse through awareness-raising with staff is how to give it prominence amongst many other priority issues. This can be particularly problematic for agencies with fewer staff and limited resources. It can also be difficult to profile it as an issue of relevance where staff are not in direct contact with the beneficiary, and where the issue of agency reputation may not appear as prominent. For example, in complex urban settings, such as Bangkok, the identity of a UN or NGO worker may not be visible out of office hours and to some extent staff can get 'lost' in big urban populations. In such circumstances it may be challenging to ensure that a zero tolerance policy is being promoted and adhered to by all personnel.'

Extract from 'Pooling resources in Thailand', a case study produced for this review, 2010

- 39 The attempt to embed PSEA within UN and non-UN agencies during the past nine years has required an immense cultural change, challenging perceptions of acceptable conduct for personnel both on- and off-duty, and requiring managers to proactively set out what they expect, both of their own personnel and of others acting on their behalf, concerning aspects of life that many individuals find difficult to discuss.
- 40 The reports published by HAP and Save the Children in 2006 and 2008, which document the low levels of implementation of PSEA mechanisms at field level, suggest that mechanisms for complaint need to be made accessible and that the security of complainants needs to be guaranteed in order for individuals to take the (perceived) risk of reporting incidents. The reports also clearly establish that under-reporting of SEA is chronic. This is due to multiple factors, including transactional sex being a coping strategy for vulnerable individuals and communities; fear of losing material assistance if complaints are made; fear of stigma or rejection by families or communities if complaints are known to have been made or sexual abuse is known to have taken place; fear of retribution or retaliation by those against whom complaints have been made; lack of knowledge about how to report or the existence of confusing reporting procedures; fear of not being believed or lack of access to adequately powerful people within the organisation to whom complaints could be made; and a sense that a complaint would not receive an adequate response.¹³
- 41 This research suggested that much still needed to be done to institutionalise community awareness, complaints mechanisms and security for complainants. Its assertions are supported by the findings of this review, particularly in the context of the field missions to the DRC and Nepal.

2.2 Implications of PSEA policy for managers, personnel and others

- 42 The implications of the Secretary-General's Bulletin (SGB) and of the Statement of Commitment on Eliminating Sexual Exploitation and Abuse by UN and Non-UN Personnel (2006) are far-reaching.

¹³ See note 4, section 1.1.

- 43 These documents oblige principals, leaders and managers to ensure that every staff member, contractor, consultant and volunteer of a UN agency is aware of the SGB and of the implications of what it contains. UN agencies are obliged to ensure that all partner agencies are contractually bound to observe the SGB, which means in turn that all staff, contractors, consultants and volunteers of partner agencies must also be aware of the SGB and of its implications.
- 44 Likewise, agencies are obliged to ensure that communities and beneficiaries are aware of the implications of the SGB for those who seek to serve and must also ensure that they know how to complain should misconduct take place. The SGB states that these principles apply for all UN personnel, regardless of local laws. For many non-UN agencies, these obligations are also contained within their own code of conduct or similar policy. This was the case for all of the non-UN agencies which participated in the review.
- 45 As many managers interviewed during the course of the review were at pains to explain, the line of responsibility that this entails means that they are obliged to ensure that a locally recruited employee of a partner organisation (perhaps only working on a daily rate) is aware of and understands the implications of the SGB for himself/herself. They are also obliged to ensure that he/she understands the agency's intent around responding to any complaints and its duty to ensure that there are consequences if a complaint is substantiated.
- 46 The practical implication of this can be that a manager is charged with ensuring that, for example, a refugee employed to supervise distributions, who is also resident in the refugee camp, is obliged to assume a form of behaviour potentially different from that of his/her peers. Managers interviewed said frequently that this is an unreasonable expectation on the part of HQ, and asked how they are meant to determine what makes a legitimate relationship in the eyes of the agency.
- 47 In many other cases, the managers interviewed were not aware of the obligations placed on them as a result of the SGB or by their own agency's code of conduct. For example, one manager explained during the interview that they had previously understood their own obligations with respect to their own behaviour but had not understood – and it had not been explained during recruitment, induction or subsequent supervision meetings – that they also had management responsibilities in this regard. Subsequent to the interview, this manager contacted HQ for advice on how to fulfil those responsibilities. The separation of individual and managerial responsibilities is a crucial distinction that is not currently being emphasised in policy documents and guidance, or by agencies.
- 48 During the two field missions there was repeated debate with agency personnel at all levels about the boundaries of the SGB, with individuals challenging its prohibitions and, in particular, arguing that the use of the phrase 'strongly discouraged' allowed individual judgement to prevail.¹⁴ The prohibitions on prostitution and the obligation to report fellow workers were not well understood and were also frequently challenged.
- 49 An already difficult and complicated issue is made considerably more difficult for managers by high levels of staff turnover (particularly in humanitarian contexts); national employment law, which can make it difficult to dismiss personnel; and concern for the rights of employees and the need to protect them from unfounded complaints, cumbersome investigation processes that can take years and initiative overload, in a context of limited resources and competing priorities. For many managers, this seems an impossible and unrealistic task. Several questioned whether 'zero tolerance' was truly the intent of the SGB and believed that, if it was, then it should be challenged. In truth, many of the field-based managers interviewed were not aware that the implications of the SGB were so far-reaching, applying to all staff and associates and including transactional sex.

¹⁴ 'Sexual relationships between United Nations staff and beneficiaries of assistance, since they are based on inherently unequal power dynamics, undermine the credibility and integrity of the work of the United Nations and are strongly discouraged.' Secretary-General's Bulletin, section 3.2 (d).

'As has surfaced in other humanitarian settings, the issue of how staff behave outside work hours and/or where they spend time has come to the fore. A constructive dialogue has emerged through staff training events on this issue along the borders, but it is clear that different opinions remain about what is acceptable behaviour in environments in which commercial sex and red-light establishments are highly prevalent. Included in this debate is the comparison of what is deemed acceptable in a humanitarian or emergency context and in a more developmental one.

'Furthermore, it also remains the case that large-scale urban contexts are difficult environments to police even if an 'out-of-bounds' list were to be established, and that to a large extent organisations rely on trust that their staff will adhere to their codes of conduct regarding the prohibition of commercial sexual transactions. However, the fact that it remains a significant source of discussion and debate suggests that this is not an easy topic on which to reach consensus and that a collective position, albeit necessary, may not be easy to achieve.'

Extract from 'Creating community dialogue on the Thai-Myanmar border' a case study produced for this review, 2010

- 50 In addition, managers also commonly said that they felt inhibited by actual or perceived cultural norms in tackling SEA openly and speaking about it directly, particularly when it pertained to national staff. In many cases too, managers feared being accused of interfering in the personal lives of their staff, and this deterred them from being proactive.
- 51 The current SGB does not have a monitoring plan, other than calling on the Department of Management to receive cases, and includes nothing on compliance to set up mechanisms such as complaints systems or awareness-raising campaigns. Also, as touched on above, the language of the current SGB allows for personnel to debate its meaning and to argue that the prohibitions are not absolute.
- 52 An Interpretation Guide for the SGB is currently in draft. It is hoped that this Interpretation Guide will be concise and will clarify through the use of examples the firm intent of the SGB. It is essential that, upon approval of the Interpretation Guide, the SGB is relaunched, together with an energetic communications campaign. Such a relaunch must be undertaken using multiple methods to ensure visibility, such as email messaging, peer-to-peer support, radio broadcasts, links on websites or instructions to managers to speak on it at staff meetings. Mechanisms such as interviews should be posted on commonly viewed sites such as ReliefWeb or disseminated through humanitarian media such as AlertNet, as well as being posted on the websites of individual agencies. Interviews should be conducted by senior humanitarians and leaders and should be used to drive home the principles of PSEA and the message of zero tolerance which has been adopted.
- 53 Consideration should be given to a review of the SGB to remove ambiguity and to consider compliance mechanisms. Initial feedback was that revision of the SGB would be extremely complicated and would take considerable time. However, the conclusion of this review is that the weaknesses of the current SGB, as illustrated above, require that a review should be conducted.

2.3 Peacekeeping experience

54 There have been significant successes within UN peacekeeping activities in the past decade, but considerable resources have also been devoted to ensuring that these changes happen and that managers are trained, supported and required to ensure that PSEA mechanisms are in place. A cultural change is apparent within senior leadership in peacekeeping missions, which ensures that those seeking to implement changes at field level are receiving support and guidance through the Conduct and Discipline Unit (CDU) officials deployed by the Department of Field Support (DFS).¹⁵ Leaders within UN peacekeeping missions are also aware that they will be held accountable through their performance management systems, should cases of SEA occur. From a technical point of view, the CDU has considerable learning to share with humanitarian agencies and must continue to engage with inter-agency work in the future.

2.4 The need for leadership

55 It is apparent that the cultural shift that has taken place at the highest levels within the peacekeeping sector has not yet fully occurred in the humanitarian world. The research undertaken for this review indicates that PSEA is not, as yet, receiving the level of senior management attention that it needs to ensure that field-based managers receive clear directives about their responsibilities. PSEA policies have been put in place within the humanitarian world, and this is a significant advance. However, they have not been supported by the leadership attention and resources needed to implement PSEA at scale and thereby protect vulnerable people from abuse.

56 Repeatedly, where PSEA activities have gained traction within the humanitarian world, key actors have identified the engagement and leadership senior management as a crucial success factor.¹⁶ This was reiterated during the fieldwork for this review and during preparation of the country case studies, and is perhaps most clearly stated in the Liberia desk study.

'... The visible commitment of the Government of Liberia and of the most senior levels of UN leadership to improving prevention of and response to GBV and SEA has been commonly identified as the single most important factor. This **leadership** has been consistently profiled as important, not least for the **vision** of change that it has promoted – a vision around which organisations could mobilise and work. This in turn has been supported by strong commitment by the majority of UN and NGO agencies and by other actors. This overarching leadership commitment has also manifested itself in a variety of ways, including support at the highest level by the President of Liberia for campaign initiatives; continuing to reiterate the zero tolerance message of the United Nations, year on year to all staff; and consistent attendance at policy forums and support to mobilising all actors to work collaboratively on common issues such as standard operating procedures.'

Extract from Liberia desk study

¹⁵ Based on HQ- and field-level interviews, documentation and observation during field missions.

¹⁶ For example, the Somalia GenCap Adviser now copies in all senior managers on all communications related to SEA, which has resulted in a remarkable improvement in attendance of meetings. This GenCap Adviser believes that the responsiveness of senior managers is related to training organised in 2008, where they were informed of their responsibilities and encouraged to show their commitment. In general, lessons learned and feedback received from trainings indicate that trainings for focal points are likely to be more beneficial if they are held in conjunction with trainings/awareness-raising sessions for senior management.

2.5 Conclusion

- 57 When interviewed for this review, a PSEA coordinator in Haiti concurred with the experiences detailed above, agreeing that there were gaps in knowledge and in awareness of obligations and responsibilities at all levels within humanitarian agencies in the country, extending to the most senior management.¹⁷
- 58 While acknowledging that there is still much to be done with regard to peacekeeping (particularly in relation to victim assistance), the issue of PSEA has been embedded within the culture of the Department of Peacekeeping Operations (DPKO) through leadership, the engagement of and monitoring by UN member states and the work of DFS. This has not proved to be the case in the humanitarian sector. Therefore, while noting that the ongoing engagement of DFS in inter-agency work will be critical to ensure that its learning is transferred, contextualised and absorbed, the remainder of this synthesis report will focus upon the humanitarian sector.¹⁸
- 59 The absence of leadership within the humanitarian sector in comparison with peacekeeping is notable. Cultural change of the kind described above cannot be delegated to a taskforce or to policy or technical personnel. The active engagement of high-level personnel within agencies is critical to ensure the necessary cultural change and the implementation of prevention and response mechanisms.
- 60 Agencies must properly inform their managers of their managerial responsibilities with regard to PSEA and must require them to carry out these responsibilities and to report both on PSEA activities and on outcomes resulting from such activities.
- 61 At an inter-agency level, the responsibilities of the RC/HC to visibly highlight the SEA policy and ensure PSEA implementation must be further clarified, and reporting on this should be required. The most appropriate arrangement seems to be that the RC should continue to hold overall responsibility, while the HC would be responsible for promoting the engagement of the humanitarian community and for coordination and leadership in humanitarian forums (such as the Humanitarian Country Team).
- 62 Any (perceived) ambiguity within the SGB, such as that discussed during the field missions conducted for this review, must be removed through a communications campaign in which senior humanitarians and managers restate the principles of the SGB, through a revision of the SGB and through its relaunch accompanied by the finalised Interpretation Guide.

¹⁷ Both the Managing Agency (OCHA) and DFS suggested that a PSEA coordinator for Haiti be interviewed, given this extremely relevant and current experience. The telephone interview took place in May 2010.

¹⁸ It is recognised that the TOR also referred to development organisations and development contexts. Many of the organisations consulted for this review are also engaged in development work in such contexts. It is expected that many of the conclusions of this report will 'read across' to development contexts, and it is also emphasised that effective PSEA work is important as part of comprehensive emergency preparedness. It was agreed, however, and recommended by the Managing Agency for this review, that humanitarian contexts and response should be central to this synthesis report and should be the focus of recommendations.

3. Current inter-agency PSEA architecture, outputs and activities

- 63 The Secretary-General's Bulletin, the Statement of Commitment on Eliminating Sexual Exploitation and Abuse by UN and Non-UN Personnel and the various other codes of conduct and policy statements on SEA require agencies (both UN and their non-UN partners) to work collectively on the development of high-quality tools and guidance to support PSEA activity. This section considers how this requirement has been fulfilled, the complicated nature of the architecture and some of the achievements and limitations in the approach adopted.
- 64 It should be noted that collective NGO work also exists within the Humanitarian Accountability Partnership (incorporating Building Safer Organisations), the InterAction Sub-Working Group on Sexual Exploitation and Abuse and the Keeping Children Safe Coalition.

3.1 Task Force mandate

- 65 As described in section 1.1, since 2005 the inter-agency (both UN and NGO) PSEA architecture at HQ level has taken the form of the UN and NGO Task Force on Protection from Sexual Exploitation and Abuse, which has sat under ECHA and ECPS. There is no record between 2005 and 2009 of any report on PSEA being made to the IASC. An ECHA/ECPS meeting note from 2005 stated that the Task Force had weighty policy matters on which to engage and that senior-level engagement would therefore be required.
- 66 The TOR of the Task Force stated that its main areas of focus should be:
- Managerial accountability
 - Creating a culture of responsibility
 - Developing mechanisms for accountability
 - Training
 - Organisational aspects of change
 - Investigative capacity
 - Roles and responsibility for action (including monitoring/discipline)
 - Field mechanisms and relationship to headquarters
 - Training
 - Responsibility to victims
 - Common communication strategy
 - Reporting as appropriate to further these objectives.

3.2 Task Force structure

- 67 The PSEA architecture currently comprises a number of different groups at different levels; what follows is a summary of the governance structure as of May 2009.
- 68 There are currently five Working Groups of the Task Force: 1: Field-Based Networks; 2: Reporting Mechanisms/Investigations/Case Follow-up/Accountability; 3: Managerial Compliance; 4: Victim Assistance; and 5: SGB Implementation Guidance. These Working Groups were tasked with meeting every two months to make decisions on technical issues relevant to their area and to develop work plans. The intention was that each Working Group should be co-chaired by one UN representative and one NGO representative. However, the managing agency for the review has advised that NGOs volunteered to co-chair only one of the Working Groups; it also reported that Working Groups rarely met and that, in the end, it was found to be more effective to address issues via the larger Working Level body in order to get broad engagement. Consideration is currently being given to closing down some of the Working Groups.
- 69 The five Working Groups report to the Task Force-wide Working Level, which comprises all Working Group participants, all Working Group co-chairs and the representatives. This body meets every two months and is tasked with focusing upon the technical work of the Task Force, agreeing the work plans of the Working Groups and submitting these for approval to the Principals of the Task Force. This body can also make recommendations for the strategic focus of the Task Force at the Principals Level.
- 70 Sitting alongside the Task Force Working Level structurally is the Advisory Group, which comprises the co-chairs of all the Working Groups and the Working Level representatives of the Task Force co-chairs. Its function is to focus on Task Force-wide issues, including developing recommendations for the agenda and strategic focus of the Task Force at Principals Level. It is also responsible for the Secretariat functions of all bodies of the Task Force.
- 71 The Advisory Group was originally tasked to meet every two months, although it has recently been recommended that meetings should be as needed. In practice, the Managing Agency has advised that this group did not add value and has therefore stopped meeting. This is partly because its focus has been unclear to members and participation has been limited to UN agencies that also engage in all the other groups, leading to much repetition of discussion. A further factor was that, during the past year, the Task Force's main project has been this current review, which has had a separate Steering Committee offering advisory support and strategic focus, thereby replacing the Advisory Group.
- 72 Both the Task Force-wide Working Level and the Advisory Group report to the Task Force-wide Principals' Level, which is co-chaired by DFS and OCHA. This body is supposed to meet three times a year. There is no form of regular reporting to ECHA and ECPS. Neither is there currently any direct connection between this HQ-level PSEA architecture and PSEA networks based in the field.
- 73 The architecture has been described by many at the working level as confusing, and for some agencies it has been difficult to understand the directions of different working groups and bodies. However, it is important to summarise the current PSEA architecture in order to emphasise the amount of commitment and energy that has been devoted to inter-agency PSEA activity over the past three years. In the absence of an evaluation or any formal reporting, it is difficult to assess the added value of many of these groups or bodies.

3.3 Task Force outputs

- 74 The Task Force has been meticulously administered, with attention to detail of work plans and minutes. It has created a considerable number of products. For instance, the new PSEA website contains a tools repository with approximately 200 PSEA-related products from various sources.¹⁹ Approximately 30 of these are tools and guidelines that have been produced by the Task Force itself and signed off at every level. The Task Force's policy guidance is thorough and the tools and training materials are meticulous in their detail. There is also an additional body of guidance that is still in draft form, such as the (Draft) Minimum Operating Standards (MOS-PSEA). Despite discussion, it remains unclear to the External Review Facilitator why documents such as the MOS-PSEA remain in draft or what is required to institutionalise them. There is also a question concerning the utility of some of the detailed guidance at field level, where workers have little capacity to absorb detailed documents.
- 75 The PSEA website is an useful resource for personnel who have time and interest to search it, or for personnel who have been advised what documents will be of most use or interest to them. It was only initiated in 2010 and some form of feedback mechanism should be considered before future updates are undertaken. There are some examples of innovative awareness-raising tools on the website (T-shirts, bookmarks, posters, jingles) as well as access to the 'To Serve With Pride' DVD.²⁰ However, interviews conducted during the field missions suggested that the website is not yet well known and that the limited number of field workers who have accessed it had not come across these tools, suggesting that they may be buried too deeply within the website.
- 76 Two interviewees in Nepal commented that they had looked at the website after the review team had advised them of its existence, but had found it overwhelming. They were not inclined to download and read multiple documents in order to understand key messages. They wanted to see concise guidance, Q&As, checklists and minimum operating standards. Much of this material already exists, and has either been endorsed by the PSEA Task Force or is in draft form.²¹ These simplified tools should be tested and, if they communicate well to the field, should be promoted on the website and elsewhere.²² The CDU website profiles key information prominently.²³
- 77 Those leading the Task Force at the Working Level are aware of many of these issues, and it is their intention to reconsider the design of the website, to consider which tools to prioritise and to move towards the production of more succinct guidance.
- 78 In 2008 the Task Force Working Group 1 on Field-Based Networks conducted a survey to map existing resources, structures and needs in the field. As a result, a learning module was developed for senior managers, as well as a training module for PSEA focal points designated by agencies. Pilots took place in Kenya (for actors focused on Somalia), Libya and South Africa and in the past 15 months many learning events for senior managers and trainings for FPs have taken place in locations such as Indonesia, Nepal, Liberia and Cote d'Ivoire. Unfortunately, there is no definitive list of the training events that have taken place.

¹⁹ <http://www.un.org/en/pseataaskforce>

²⁰ The 20-minute film 'To Serve with Pride: Zero Tolerance for Sexual Exploitation and Abuse' was made to raise awareness among UN and related personnel about the impact of acts of sexual exploitation and abuse on individuals and communities. It provides clear information about the obligations of all people serving with the UN, as stated in the SGB.

²¹ For example, 'At a Glance: 8 Actions Each Agency Should Do on PSEA'.

²² InterAction is currently finalising a simplified guide to PSEA, in response to its members' stated desire to have simplified tools and training materials. The Task Force intends to review this guide as soon as possible to see if it can be adapted and adopted.

²³ <http://cdu.unlb.org/>

3.4 Interviewees' comments on PSEA architecture and resources, reporting lines, resourcing and high-level representation

- 79 Nevertheless, many interviewees at working level (of both UN and non-UN agencies) described themselves as unclear as to how the priorities of the Task Force were set and agreed. The Task Force bodies and working groups were repeatedly described (even by those participating in them) as complicated and difficult to understand. NGO representatives on working groups said that they were frequently unclear as to the purpose of the groups or the purpose of their intended outputs. Almost all of the NGO interviewees who had participated in the working groups or the Task Force stated that they did not feel that they had been able to influence the Task Force's agenda. Conversely, the Task Force leadership believes that, despite efforts being made to create a more NGO-inclusive governance structure, NGOs for the most part have not been able to play a full role.
- 80 One NGO interviewee felt that it was critical to continue to have a form of UN/NGO architecture that involved meeting on a regular basis to ensure that momentum continued, but she did not think that her own agency would be able to participate, due to lack of capacity. Another UN interviewee said that they found working in coordination with the Task Force challenging, given the multiple layers of working groups and the time that this demanded. There was a general feeling that, once current projects have been completed, there should be a consolidation, with future emphasis on direct support to operations and responding to operational requests. Almost all interviewees at working level stated that a rationalisation of the architecture was necessary to ensure better time management through fewer meetings and the production of outputs responding to field requests, based on a clearer strategy in terms of both purpose and objectives.
- 81 Recently, levels of agency engagement with the Task Force have decreased, with three or four agencies now making the most reliable contributions and producing the bulk of its outputs. This has placed a tremendous burden upon these few agencies, and limits how much the Task Force can achieve. There is also a perception from these central actors that once products are completed there is little sense of joint ownership, which consequently limits their use. The take-up of these products may of course increase now that the website makes them more easily available.
- 82 Key contributors to the Task Force at working level believe that much is still needed in terms of guidance on PSEA in order to meet the needs of field workers, and that it will be critical for the Task Force to continue in some shape or form in order to ensure that these tools are produced. These same key contributors, however, acknowledge that, for outputs of the Task Force to be better utilised, it is essential that it receives enhanced senior management support, to ensure that the field puts PSEA mechanisms in place to the standards it recommends.
- 83 Those same key actors in the Task Force are not able to describe in what way the Task Force is embedded at a meaningful level of senior management within the UN. The perception at the working level is that senior management at HQ level has not really been engaged until now.
- 84 Nevertheless, there is a sense that advocacy work undertaken over recent years may be starting to have results with regard to the engagement of senior management. Positive examples include the fact that, in the past year, specific functions with regard to PSEA have been incorporated into the generic job descriptions of Resident Coordinators (RCs) and that information channels are now being made available to advise RCs about the work of the Task Force, including via RC induction workshops. However, RCs consulted in the field were not aware that this was now an item on their (lengthy) job descriptions. In the DRC, in addition, the newly arrived deputy Special

Representative of the Secretary-General/RC/HC had not been briefed on the issue of PSEA or his consequent responsibilities.²⁴

- 85 To summarise, many of those interviewed at working level (both UN and non-UN actors) expressed a sense that the Task Force does not meet their own agency's priorities. In addition, there appears to be a sense that different groups (the PSEA Task Force, HAP, InterAction) do not currently have a shared understanding of what is being planned or executed. It seems that they are not effectively working together to share resources, ensure consistency of messaging and avoid duplication. This may simply reflect the magnitude and complexity of activities and workloads. NGO actors are, of course, under no obligation to report to the Task Force, and this synthesis report does not mean to suggest that they should. However, these findings strongly suggest that collective working on PSEA is not as strong as it should be. A facilitated meeting should be held to discuss why this has been the case and to promote stronger working relationships moving forwards.
- 86 The overall focus of PSEA activity from now on must be on how to communicate the excellent policy, training materials and guidance that exist to those who have obligations to implement them at field level. While it is clearly the responsibility of senior management within agencies to ensure that PSEA mechanisms are put in place, it is the responsibility of technical personnel at HQs to ensure that field staff are supported to do this, through applied tools that can be absorbed at field level, a rapid and supportive mechanism to answer questions and, where appropriate, deployments of technical staff to either lead or support on PSEA at field level.

3.4.1 Current (and future) reporting line for the Task Force

- 87 One major advantage of the current architecture – for the UN at least – is that it has allowed all UN agencies and NGOs (peacekeeping, humanitarian and development) to work together, combining resources and working towards a consistency of approach under the ECHA and ECPS umbrella. For non-UN agencies, the fact of working collectively still applies, but the reporting line under the ECHA and ECPS has been irrelevant. The Task Force should also have facilitated joint reporting on progress on PSEA, but such reporting has not been required to date. Should such reporting be required in future, a joint UN/NGO mechanism would be required to coordinate it.
- 88 However, participants at the working level have reported that working under the ECHA and ECPS umbrella has not enabled them to increase the traction of their work at the most senior level, to ensure enhanced institutionalisation of PSEA and better accountability. This may be because the Task Force has not made, or been required to make, any reports to ECHA/ECPS during the past five years and there is no protocol or arrangement for the ECHA Secretariat to be involved with the Task Force. It is unclear why this is the case, as generally when taskforces are established under ECHA and ECPS they are required to report back.
- 89 This notwithstanding, the point was well made by one UN agency that maintaining PSEA as a stand-alone issue does not appear to have been effective and that, over the medium to longer term, SEA needs to be included with other conduct issues and embedded within regular policies and procedures. It needs to be part and parcel of a larger accountability framework and must become a corporate issue, factored into corporate risk management processes and costed appropriately. This being so, internal UN institutionalisation and accountability would require presentation of the issues related to PSEA to the High-Level Committee on Management (HLCM) for potential consideration by the Chief Executive Board (CEB) or to the High-Level Committee on Programmes (HLCP) where appropriate.

²⁴ Despite this, he felt that he was well informed on the issue, as he had worked in West Africa previously at times when SEA had been a very high-profile issue. He did not say that he had received any orientation or training on PSEA, but he was very engaged during the interview and communicated a strong sense that he regarded this as a priority issue.

- 90 Consistently, NGO representatives interviewed for the review said that their preference would be for responsibility for PSEA to revert to sit under the IASC.²⁵ NGO representatives believe that reporting to the IASC would revitalise the issue of PSEA, enhance the NGO voice within the Task Force, ensure that NGO priorities were responded to and, most crucially, engage their own senior leaderships, who are required to engage with and respond to the IASC. A move to the IASC would also draw in the Secretariat of the IFRC, which to date has had little or no active engagement in inter-agency PSEA activity.
- 91 Some UN actors expressed concern that a move to report to the IASC would lead to the disengagement of some UN agencies²⁶ and would also make it difficult to ensure that internal UN reporting procedures could be met. This concern prompted a suggestion from some UN stakeholders that a UN-only body should continue in order to undertake PSEA efforts that are specific to the UN system.
- 92 The External Review Facilitator recommends that PSEA should revert to sit under the IASC. The IASC Secretariat has confirmed that agencies such as DFS and DPKO can be invited to participate, thus addressing concerns that they would disengage.
- 93 It is understood that this outcome would require the disbanding of the current PSEA Task Force and that the IASC would then need to create new subsidiary bodies (or taskforces) with new TOR if it felt that this was required. A future IASC taskforce should have a focus on proactive support to the field together with support for the reporting required by the IASC. This focus should be enhanced through formalised links to PSEA networks at field level and should ensure that tools and guidance supplied are in line with the findings of the recent 'Review of IASC Products' report.²⁷
- 94 It is recommended that the current Task Force makes a formal final report to both ECHA and ECPS as well as to the HLCM, and that this should include a frank discussion of the need for cross-agency leadership on the issue. This should be presented to a special meeting of ECHA/ECPS by the current Co-Chairs and by the Special Adviser to this review, and the added value of an internal UN inter-agency taskforce should be openly discussed, together with the most appropriate parent organisation for such a taskforce. A UN-only body should only be established if this body is to be accountable to the senior level.

3.4.2 *Resourcing of inter-agency PSEA activity*

- 95 Resourcing of the Task Force has been challenging. In 2009, it prepared for submission to member states a proposal that sought to focus on the establishment and operationalisation of in-country networks, as well as building capacity for leadership and response. In addition, the proposal sought a total of \$2.1 million in funding to support development in the areas of accountability, reporting, capacity development and institutionalisation over a two-year period. However, donors have yet to provide funds. Several of the actions recommended at the conclusion of this review for capacity development at field level have already been proposed and costed in the 2009 proposal, and should be reconsidered for inclusion in the Consolidated Appeals Process (CAP) or other mechanisms. Dialogue with donors regarding PSEA conditionality and funding to institutionalise PSEA (not to ensure that individual programmes have PSEA incorporated) must be undertaken.

²⁵ Responsibility for PSEA sat under the IASC until 2004.

²⁶ Particularly DFS which has been an active participant in the Task Force. However, both these agencies could be invited to participate in the IASC, should a move occur.

²⁷ 'Review of IASC Products', Silva Ferretti, December 2009.

96 It should also be noted that OCHA, which has supplied administrative support to the Task Force, will lose its sole full-time PSEA post at the end of July 2010, and may therefore not be able to continue to offer such a function to any future inter-agency work.

3.4.3 *Special representative for PSEA*

97 There is currently no special representative to act as a spokesperson or 'face' for PSEA, either within the UN system or across the humanitarian/development sectors. In 2004 Prince Zeid Ra'ad Al-Husseini was appointed by the UN Secretary-General as an Adviser on Sexual Exploitation and Abuse, with special emphasis on elimination of SEA in UN peacekeeping operations. This role was felt to have been very effective in raising the profile of SEA, and his report was considered instrumental in ensuring that doctrines were followed and internalised. While this review was being conducted, the UN appointed a special representative for sexual violence in conflict, but does not have a special representative or adviser for sexual exploitation and abuse of power by UN staff and partners – a matter which clearly is more directly within its control. Consideration of such a role is recommended.

4. HQ setting of policy and guidance to the field

98 As part of their contribution to the review, 14 individual agencies volunteered to complete a confidential self-assessment questionnaire. The process sought to understand what had been put in place at HQ level to implement PSEA policy, including guidance and directives for the field. The questionnaire was designed under the four pillars of PSEA, and is attached as Annex 3. What follows is a summary of the findings, by indicator. An analysis of the self-assessment process and suggestions for improvement should it be repeated are included at the end of Annex 3.

4.1 Pillar 1: Management and coordination

99 Work under this pillar is described as activating inter-agency focal point networks, strengthening management's fulfilment of its PSEA responsibilities, inserting SGB standards into contractual arrangements and adherence to monitoring/compliance mechanisms.²⁸

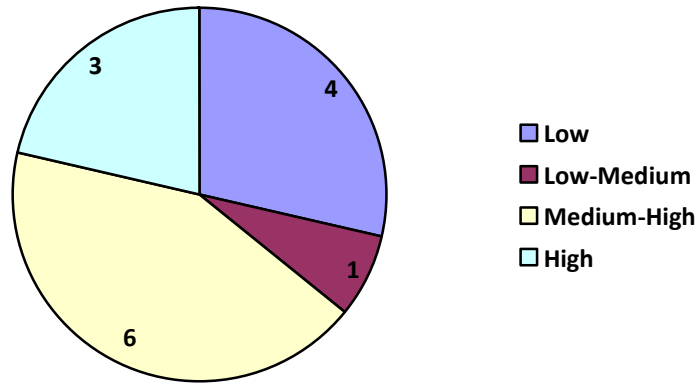
100 The overall finding for management and coordination is that performance is highly variable from agency to agency with respect to how directives have been communicated, the levels of capacity committed to PSEA and the oversight demonstrated by senior management.

4.1.1 Indicator 1.1: Effective policy implementation

Benchmark	Characteristics
Low	A policy to protect from SEA exists and has been signed off by senior management.
Low–Medium	A policy has been signed off by senior management and provided to current staff on a minimum of one occasion.
Medium–High	A policy has been signed off and has been provided to current staff on repeated occasions, and the implementation of the policy has been promoted.
High	A policy has been signed off and has been provided to current staff on repeated occasions, the implementation of the policy has been promoted, and the entity monitors implementation of the policy and is able to state its current level of implementation.

²⁸ The work described under the four pillars in this section has been taken from the notes of the global meeting of PSEA experts held in New York in 2008.

Indicator 1.1: Effective policy implementation



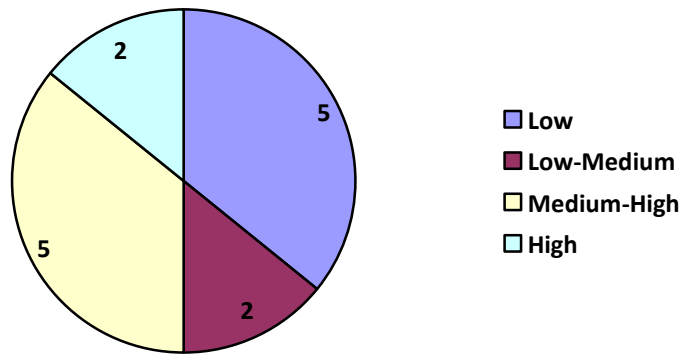
Good practice: staff awareness-raising

‘Initial information is provided upon recruitment with follow-up refresher sessions on an annual basis. Additional briefing may also be provided for specific deployments and emergency missions.’
 – *Comment from an agency with a high ranking against Indicator 1.1: Effective policy implementation*

4.1.2 Indicator 1.2: Adequate personnel time is explicitly committed to PSEA

Benchmark	Characteristics
Low	Personnel/departments have responsibility for the development and implementation of PSEA policy and activities.
Low–Medium	Individual personnel have explicit (formalised) responsibility for PSEA in their job description, performance appraisal or similar.
Medium–High	Individual personnel have explicit (formalised) responsibility for PSEA in their job description, performance appraisal or similar. Personnel working on PSEA have received systematised training in PSEA.
High	Individual personnel have explicit (formalised) responsibility for PSEA in their job description, performance appraisal or similar. Personnel working on PSEA have received systematised training in PSEA. The personnel time committed to PSEA is commensurate with the scale of implementation required at the current time.

Indicator 1.2: Adequate personnel time explicitly committed to PSEA



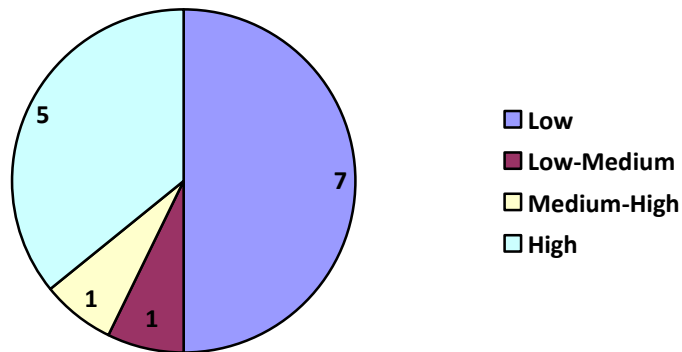
Good practice: allocating personnel resources

‘Staffing and capacity vary or keep changing based on programming, size of programmes and needs. Currently there is less staffing than before, reflecting staffing levels in the field.’ – *Comment from an agency with a high ranking against Indicator 1.2: Adequate personnel time is explicitly committed to PSEA*

4.1.3 *Indicator 1.3: Commitment and engagement of senior managers*

Benchmark	Characteristics
Low	There is a lack of clarity about how, and even whether, senior management should be informed about PSEA activities and issues.
Low–Medium	Reports on PSEA activities and issues are provided to senior management on an ad hoc and incident-related basis.
Medium–High	Scheduled reports on PSEA activities and issues are provided to senior management, and senior management responds with feedback and guidance.
High	In addition to scheduled reports on PSEA activities and issues being provided to senior management, and senior management responding with feedback and guidance, PSEA features as a regular reporting item on the agenda of the senior management team or at governance meetings.

Indicator 1.3: Commitment and engagement of senior managers



Good practice: reporting on performance

'We have a trustee who leads on behalf of the Board who receives six-monthly reports; these reports also go to the CEO and the Board of Directors. We report on the organisation's website on cases of breaches of the policy on an annual basis, as well as identifying the positive steps we are taking in order to prevent abuse and exploitation.' – *Comment from an agency which ranked high on Indicator 1.3: Commitment and engagement of senior managers*

4.1.4 Summary

101 While all 14 respondents to the self-assessment questionnaire do have PSEA policies in place, the dissemination of these policies and the monitoring of how they are implemented vary greatly. Three agencies, for example, have not yet even provided their PSEA policy to their current staff.

102 As only half of the agencies responding to the questionnaire had circulated their PSEA policy on more than one occasion, it is probable that many of their personnel would not be aware of the policy or would not remember it if the circulation was some time ago.

103 As only three agencies had circulated the policy using multiple means (e.g. inclusion with contract, discussion during induction, training or refreshers, placing on website/intranet, discussion during supervision or performance appraisal), this means that others are relying on their staff reading, correctly interpreting and retaining the information contained in the policy. Again, this seems improbable given the well-known overload at field level.

104 Indicator 1.2, on whether agencies ensure that adequate trained personnel time is currently explicitly committed to PSEA at HQ level, resulted in the finding that only two respondents feel that they have adequate numbers of trained personnel with allocated time to fulfil the functions that the agency deems necessary. Respondents provided a range of complex formulae setting out percentages of personnel time provided, but often were not clear as to whether this adequately fulfilled needs. The finding of this review (based on the self-assessment questionnaire, the field missions and interviews with HQ staff) is that there is a need across the humanitarian sector to increase PSEA activity. It is likely that a minimum of 12 of the 14 agencies responding to the questionnaire would need to increase the staff time currently committed to PSEA, should the findings of this review be accepted and its recommendations implemented.

105 When in the field, the review team found that in some agencies responsibility for PSEA had been split between HR and programmes with, in effect, two focal points. The review team found this to be a good model and feels that it may address a reluctance to give instruction to the field on what is perceived to be the field's core business.

106 As previous reports on PSEA have repeatedly stressed, the importance of visible commitment and engagement by senior management is key to implementation. Senior management (and governance mechanisms) must be known to monitor the implementation of PSEA policy and give management advice and direction. Seven agencies (half of the respondents) were found to have a lack of clarity as to how, and even whether, senior management should be informed about PSEA activities and issues, unless the issue was to discuss an allegation or investigation. In general, a pattern emerged in the questionnaires submitted, with those respondents that were able to demonstrate a high level of senior management engagement also scoring highly in the other pillars. This suggests that senior management engagement is highly influential in securing traction for PSEA institutionalisation.

107 In this section of the self-assessment questionnaire, agencies were also asked whether they make public declarations related to SEA (although as with some other information sourced during the questionnaire this was not the particular subject of an indicator). Three agencies indicated that they do make public declarations related to SEA, either in annual reports or on websites. This is excellent practice, although the External Review Facilitator did have to ask one focal point how exactly to find the SEA report on the website, which suggests that the information may not be prominently enough sited.

108 A number of respondents commented that the process of undertaking the self-assessment was valuable in that it required senior management engagement to complete or sign off the questionnaire, involved many people from different departments within the agency or resulted in the issue of PSEA being tabled at senior management meetings.

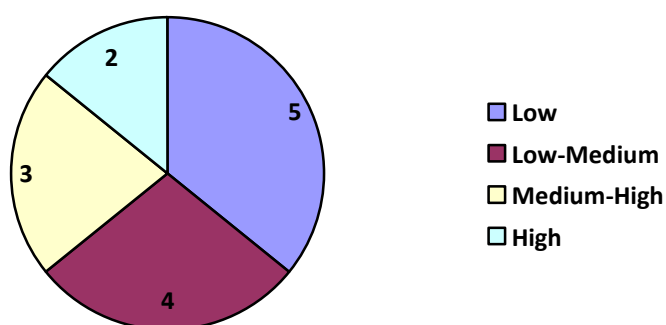
4.2 Pillar 2: Engagement with and support of the local population

109 Work under this pillar is described as raising awareness and building effective complaints mechanisms. Collective performance under this pillar was the weakest overall.

4.2.1 *Indicator 2.1: Effective and comprehensive communication from HQ to the field on what to do regarding raising beneficiary awareness of SEA*

Benchmark	Characteristics
Low	The HQ has not communicated explicitly on this issue.
Low–Medium	The HQ has communicated but without guidelines, detail or illustration.
Medium–High	The HQ has communicated in detail or with illustration such as trainings or guidelines.
High	The HQ has communicated in detail or with illustration such as trainings or guidelines. The HQ has been explicit that the field should raise beneficiary awareness through a variety of mechanisms and by involving various groups in the community in the design of these mechanisms.

Indicator 2.1: Effective and comprehensive communication from HQ to the field on what to do regarding raising beneficiary awareness of SEA



Good practice: community awareness-raising

'Wording on the back of ration cards about the expected behaviour of employees and how to complain.'

'Appropriate mechanisms are used after discussions with communities.'

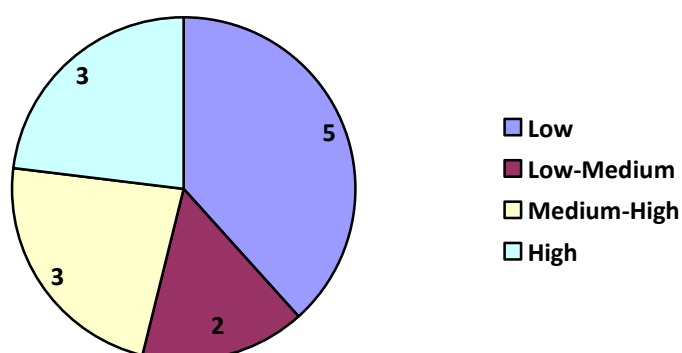
'We consider the issues of non-literate beneficiaries.'

– *Examples given by one of the two agencies which ranked as high against indicator 2.1: Effective and comprehensive communication from HQ to the field on what to do regarding raising beneficiary awareness of SEA*

4.2.2 Indicator 2.2: Effective community complaints mechanisms

Benchmark	Characteristics
Low	The HQ has not made the establishment of complaints mechanisms mandatory for every field office.
Low–Medium	The HQ has made the establishment of complaints mechanisms mandatory for every field office and this has been communicated to field offices, but without guidelines, detail or illustration.
Medium–High	The HQ has made establishment of complaints mechanisms mandatory for every field office and this has been communicated in detail or with illustration such as training or guidelines. There is provision for the complaints mechanism to be adapted to the cultural context and this is done with community participation.
High	The HQ has made establishment of complaints mechanisms mandatory for every field office and this has been communicated in detail or with illustration such as training or guidelines. There is provision for the complaints mechanism to be adapted to the cultural context and this is done with community participation. There is provision to ensure the confidentiality of the complaints mechanism. There is a mechanism for monitoring and review of the complaints mechanism.

Indicator 2.2: Effective Community Complaints Mechanisms (total 13 respondents)



Good practice: complaints handling mechanisms

‘In Zimbabwe there is a children’s complaints table as there are a lot of child-headed households. In Malawi they wanted complaints referred to the police first. In the Philippines complaints are made by text message as mobile phones are widely used.’ – *Comment from an agency which ranked high against Indicator 2.2: Effective community complaints mechanisms*

4.2.3 Summary

110As already stated, collective performance under this pillar is poor overall in terms of provision of directives and support from HQ to the field and in terms of the detail in directives actually sent. This indicates that field offices may not understand that they are expected to put community

awareness-raising and complaints mechanisms in place, working together with community representatives.

111 Ten of the 14 agencies had not told the field explicitly what constituted beneficiary awareness or what HQ's expectations were in terms of consultative practice on developing awareness mechanisms, what range of awareness mechanisms could be used, or about monitoring of awareness levels at community level. Some respondents commented that engagement and communication with beneficiaries was a normal part of the agency's activities, implying that it was considered unnecessary to provide such detail. It is the role of HQ to direct the field to undertake this work and to provide guidance on how best to do so, but this is not happening.

112 On community complaints systems, again collectively performance was weak, with six respondents either not making a community complaints system mandatory or failing to supply examples or support to the field on how complaints systems can be put in place.

113 The data for this pillar suggest that the level of engagement with, and support for, local populations required by HQ of their field offices varies widely. This supports assertions made by previous reports and studies that, in general, awareness-raising at the community level is not widespread and that access to any form of complaints mechanism is limited. This finding was also reinforced by the field missions for this review, which are discussed in section 5. This finding is unsurprising, given that many HQs have failed to require these mechanisms to be put in place or have offered little support or guidance to the field on undertaking this work.

114 According to some technical experts interviewed during the course of this review, the establishment of a complaints mechanism is perhaps the most important component of effective PSEA. Without this mechanism in place (coupled with effective awareness-raising), there will be no complaints received, regardless of whether or not SEA is being perpetrated. Therefore managers will not be able to say with any level of certainty whether their own agency is, or is not, effectively protecting vulnerable people from SEA. It is important to note that this review is not calling for complaints mechanisms that exist in order to receive complaints solely on SEA, but (in line with what the Task Force has been recommending) is calling for complaints mechanisms covering a broad range of issues to be in place and for care to be taken to ensure that communities and personnel are aware that these mechanisms also exist to receive complaints on SEA, through effective awareness-raising.

115 Further emphasising the lack of attention paid by respondents to community awareness, only one agency surveyed consistently monitors community awareness levels before and after SEA awareness activity takes place. This agency commonly works with settled populations, which may facilitate this type of monitoring. Without such monitoring, it is impossible to know whether the mechanisms chosen to disseminate information on SEA are effective.

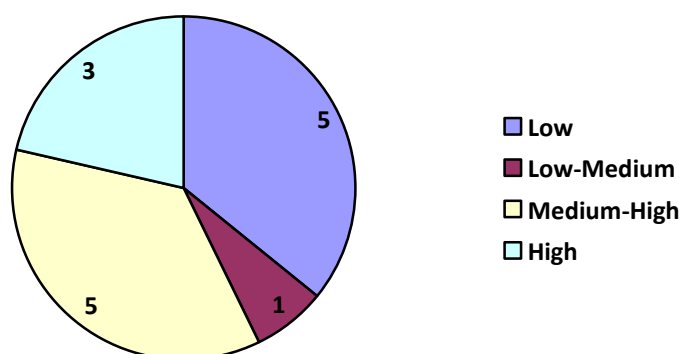
4.3 Pillar 3: Prevention

116 Work under this pillar is described as developing and implementing codes of conduct, training and raising awareness amongst personnel, establishing mechanisms to prevent hiring persons known to have committed SEA, and working with partners. Performance under this pillar varied greatly from agency to agency. This would allow for opportunities through peer-to-peer learning.

4.3.1 Indicator 3.1: Effective recruitment and performance management

Benchmark	Characteristics
Low	Introduction to the PSEA policy/code of conduct forms part of the recruitment process.
Low–Medium	Introduction to the PSEA policy/code of conduct forms part of the recruitment process. Training on SEA awareness forms part of the induction process.
Medium–High	Introduction to the PSEA policy/code of conduct forms part of the recruitment process. Training on SEA forms part of the induction process. The entity has a policy regarding reference-checking procedures for job candidates, including checking for any history of perpetrating SEA.
High	Introduction to the PSEA policy/code of conduct forms part of the recruitment process. Training on SEA forms part of the induction process. The entity has a policy regarding reference-checking procedures for job candidates, including checking for any history of perpetrating SEA. Supervision and performance appraisals include adherence to the PSEA policy/code of conduct.

Indicator 3.1: Effective Recruitment and Performance Management



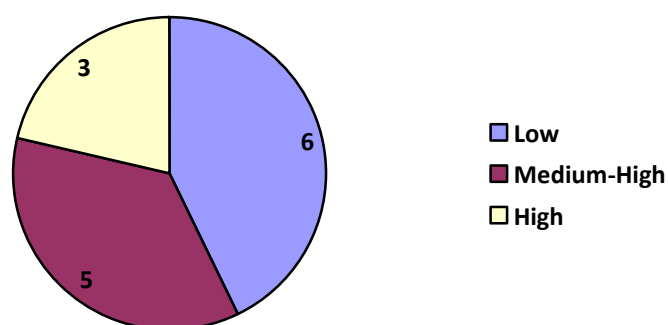
Good practice: staff background checks

‘We have a well-developed policy and practice on recruitment and selection and we have recently introduced an electronic database system which notifies recruiting managers if a candidate has previously been investigated for a complaint under our policy.’ – *Comment from an agency which ranked high against Indicator 3.1: Effective recruitment and performance management*

4.3.2 *Indicator 3.2: Effective and comprehensive mechanisms are established to ensure awareness-raising on SEA amongst HQ-based personnel*

Benchmark	Characteristics
Low	No standardised awareness-raising mechanism at HQ level.
Low–Medium	Standardised awareness-raising mechanisms exist.
Medium–High	Standardised awareness-raising mechanisms exist and cover the broad spectrum of relevant issues.
High	Standardised awareness-raising mechanisms exist and cover the broad spectrum of areas listed in the questionnaire (specifically those in question 4.b.3). A minimum of 51 per cent of HQ personnel have received this awareness-raising, and repeat awareness-raising takes place.

Indicator 3.2: Effective and comprehensive mechanisms established to ensure awareness raising on SEA amongst HQ based personnel



Good practice: training on PSEA

‘All staff recruited during an emergency are provided with an induction, including awareness of PSEA, and are required to sign the code of conduct. All staff undertake a code of conduct training shortly after recruitment and have regular refresher courses. During the regular emergency training sessions for staff, participants are sensitised to PSEA issues.’ – *Comment from an agency which ranked high against Indicator 3.2: Effective and comprehensive mechanisms are established to ensure awareness-raising on SEA amongst HQ-based personnel*

4.3.3 *Summary*

117 All 14 respondents claimed that an introduction to their PSEA policy forms part of their recruitment process. This contradicts information supplied in the response to Indicator 1.1 on effective policy implementation that two respondents have not yet disseminated their PSEA policy to personnel, although this may indicate that newly recruited personnel are now informed of the policy, while longer-term personnel may not have been.

118 Half of the respondents do not supplement provision of their PSEA policy with any form of discussion, orientation, training or other means of explanation. This means that, in some cases,

while agencies ask new recruits to sign an undertaking that they will adhere to the policy, there is no certainty that they know that personnel understand the implications of the policy. This may therefore be a passive though appropriate mechanism from a risk management perspective for the agency, but may not actually be effective as an active preventive measure.

119 Only three agencies undertake explicit checks for a history of SEA during recruitment. This is an area that the External Review Facilitator felt any future self-assessment process should take more time to consider. 'Preventing perpetrators of sexual exploitation and abuse from being (re-)hired or (re-) deployed' is required by the Statement of Commitment on Eliminating Sexual Exploitation and Abuse by UN and Non-UN Personnel, but it is unclear from some of the responses exactly how actively checks are undertaken.²⁹ In addition, other respondents have said that this is an issue on which it is impossible for them to request information, or for them to give information to other organisations, for legal reasons. Nevertheless, agencies which have good practice in this area should be actively sharing it with others. Five respondents do not supplement provision of the policy at the induction stage with any form of training on SEA awareness. Conversely, five high-ranking respondents do this by including adherence to the PSEA policy within supervision and performance management processes.

120 The responses to the questionnaire suggest that overall numbers of HQ-based personnel receiving standardised awareness-raising materials or training, even on a single occasion, are extremely low. Six of the respondents have no standardised awareness-raising mechanism in place at HQ, while eight have standardised awareness-raising mechanisms in place that cover the broad range of relevant issues (i.e. what is SEA, responsibility not to commit SEA, on- and off-duty responsibilities, obligations to report SEA and how, whistle-blower protection, entity investigation protection, entity reporting back protection, entity reporting back mechanisms and the obligations of those with cooperative arrangements/partners). Nevertheless, at only three of the agencies with such mechanisms in place is it estimated that at least 51 per cent of HQ personnel have undergone the training.

4.4 Pillar 4: Response

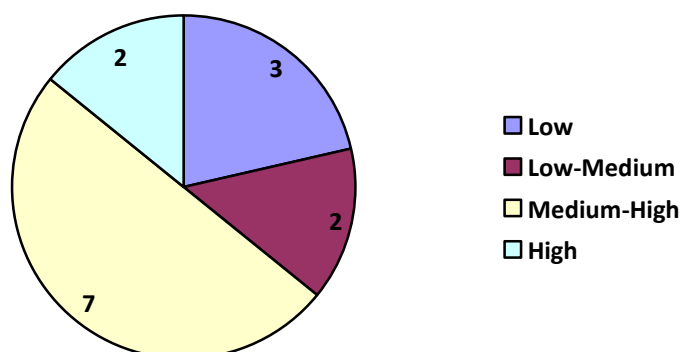
121 Work under this pillar is described as establishment of complaints procedures for staff and other personnel, strengthening of investigation procedures and capacity, institutionalisation of disciplinary action and sanctions and the development and operation of a victim assistance (VA) mechanism for each country. Overall progress under this pillar is comparatively positive in terms of having procedures in place.

²⁹ The fact that 'more attention needed to be paid to background reference checks of staff' was noted by the IASC 57th WG Meeting, 16–17 June 2004.

4.4.1 Indicator 4.1: Effective personnel complaints mechanisms are in place

Benchmark	Characteristics
Low	No written procedures on how complaints can be made are in place.
Low–Medium	Written procedures on how complaints can be made are in place.
Medium–High	Written procedures on how complaints can be made are in place and are monitored and reviewed for effectiveness.
High	Written procedures on how complaints can be made are in place and are monitored and reviewed for effectiveness. HQ has communicated to field offices how they should identify local cultural and contextual barriers to reporting SEA. HQ has procedures in place to advise field offices on how complaints received that refer to the personnel of another entity should be referred.

Indicator 4.1: Effective Personnel Complaints mechanisms are in place



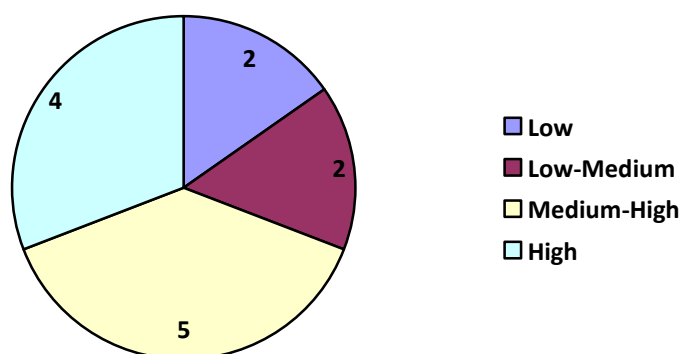
Good practice: communicating with other agencies

‘When a programme receives a complaint against staff of another UN, INGO or local NGO entity, a letter is prepared with all the information available and is forwarded to the appropriate contact person at the other entity.’ – *Comment from an agency which ranked high against Indicator 4.1: Effective personnel complaints mechanisms are in place*

4.4.2 Indicator 4.2: Effective field-based complaints handling and follow-up

Benchmark	Characteristics
Low	There is no standard operating procedure on what to do with complaints once received.
Low–Medium	There is a standard operating procedure on what do with complaints once received.
Medium–High	There is a standard operating procedure on what to do with complaints once received and it is explicit about confidentiality, who should receive complaints, timelines, communication of results and required HQ response. Training in the standard operating procedures has been carried out at an adequate level to ensure that trained investigators are available to field offices when required.
High	There is a standard operating procedure on what to do with complaints once received and it is explicit about confidentiality, who should receive complaints, timelines, communication of results and required HQ response. Training in the standard operating procedures has been carried out at an adequate level to ensure that trained investigators are available to field offices when required. Substantiated complaints have resulted in either disciplinary action or contractual consequences and, if not, the entity is able to justify why not.

Indicator 4.2: Effective field based complaints handling and follow up



Good practice: follow-up on complaints

'In one of the cases, disciplinary action could not be taken as the contract of the staff member had not been extended. However, the preliminary investigation report was shared with the former staff member, he was provided with the opportunity to comment and the report was included in his personnel file.' – *Comment from an agency which ranked high against Indicator 4.2: Effective field-based complaints handling and follow-up*

4.4.3 *Victim assistance*

122 A further indicator relating VA was drafted, but on receipt of the completed self-assessments it was clear that the responses were so varied that overall analysis would not be possible. It is possible to say that ten respondents have a policy on VA, but as nine of those are UN entities subject to the UN Victim Assistance Strategy (A/RES/62/214), this may not be very meaningful in terms of individual agency institutionalisation. Six of these agencies have disseminated their VA policy to field offices without guidance and detail (although the agencies did not specify in their responses, it is assumed on the part of UN agencies that this means that they have not circulated the Task Force's SEA Victim Assistance Guide). Two respondents, however, have disseminated VA policies together with guidance and detail.

4.4.4 *Summary*

123 It is one of the tenets of the Statement of Commitment on Eliminating Sexual Exploitation and Abuse by UN and Non-UN Personnel that complaints mechanisms should be in place, and that they should be accessible. Half (seven) of the agencies surveyed have established personnel complaints mechanisms, have instructed the field to put them in place and have offered support on how to do this. However, only two of these agencies have communicated these procedures to the field with some level of detail, have mechanisms for monitoring and reviewing procedures for effectiveness and are also able to advise field offices on how to deal with complaints received that refer to the personnel of other agencies.

124 As stated previously, technical experts interviewed for this review were insistent that the establishment of effective complaints mechanisms, together with appropriate protection for all parties while a complaint is being processed and proactive awareness-raising on the issue, is essential for an organisation to ensure that SEA is being prevented. An absence of complaints, when no effective complaints mechanism or awareness-raising exists, does not prove an absence of SEA.

125 Over half (eight) of the respondents believe that they have sufficient trained investigation capacity in place to respond to field needs. However, only three of these eight agencies have standard operating procedures in place that are explicit about the essential issues, believe that they have an adequate number of trained investigators and are also able to state that all substantiated complaints in the past five years have resulted in disciplinary action or contractual consequences, or that they were able to explain why this did not happen.

126 With regard to sufficient investigation capacity, however, as the self-assessment data demonstrate, agencies overall have not been insistent that the field puts in place awareness-raising and complaints mechanisms. In the absence of these mechanisms, it is likely that the demand for investigation of SEA complaints will be low. If establishing complaints mechanisms were to result in an increase in complaints, it is not clear whether there currently exists sufficient trained investigation capacity to respond to this increase.

127 A few agencies do not keep records on the outcome of investigations. Agencies were not asked to supply numbers of complaints or substantiated cases, as consultation prior to the circulation of the questionnaire indicated that they would be unlikely to respond. Several respondents indicated that their agency had recently, or was about to, put such systems in place for the future.

128 Only six of the 14 agencies have to date disseminated a VA policy to the field and only two have disseminated guidance. This may reflect the fact that complaints are not being received due in part to the absence of functioning complaints mechanisms, and may reflect a sense amongst agencies that establishment of a VA strategy should not therefore be a priority.

5. Progress under the four pillars at field level

129 The PSEA Task Force (Draft) Minimum Operating Standards (MOS-PSEA)³⁰ have been used to provide a framework for this section of the review report (and are attached as Annex 4). The MOS-PSEA have been selected to frame this section because they are based on the three documents or mandates which have governed the PSEA agenda (and the agenda of the Task Force) in recent years.³¹ There is no formalised lens through which field practice can be viewed. Some suggestions have also been made here for critical additions to the MOS-PSEA, based upon the field experience of the review team.

130 The MOS-PSEA give two minimum standards for each pillar, and each minimum standard is supported by key indicators. In this section of the report, findings from the field missions are measured against these standards and indicators.

131 The main focus of this section is upon the countries visited by the review team's field missions, the DRC and Nepal. However, reference is also made to the desk study on Liberia and to the six country case studies that were conducted.³² It should be noted that Liberia has seen perhaps the greatest levels of investment and resources committed to PSEA (including the deployment of a coordinator for the PSEA network) and that technical PSEA experts consider the country to provide the best example of practice.

5.1 Management and coordination

5.1.1 Standard: Focal points

Minimum Standard: PSEA focal point designated has appropriate qualifications and is adequately managed and supported.

Key Indicators: Agency nominates a Focal Point at the P4 level and an alternate focal point. (One of the two must be female). Focal Point provides monthly reports to management and is provided with monthly feedback and guidance. Performance as the Agency PSEA Focal Point is included in TOR and Personnel Appraisal.

132 The review team found that all agencies interviewed systematically at all levels,³³ and many other agencies with which they had contact, had designated a focal point (FP) for PSEA.³⁴ In some cases the FP was from the protection team, but mostly FPs were either from the gender team or from human resources (HR). In almost no agency had an alternative FP been designated (only one agency had done this, although in a slight majority of cases there was also a field-level focal point).

³⁰ MOS-PSEA version as of 3 February 2009.

³¹ The Statement of Commitment, the Secretary-General's Bulletin and the General Assembly resolution on victim assistance.

³² The desk study on Liberia and the six country case studies can be found on the PSEA website at: <http://www.un.org/en/pseataaskforce/>

³³ Nine agencies in the DRC and eight agencies in Nepal were interviewed at leadership and FP levels in the capital and, in the case of the DRC, also in the field location outside the capital. In the case of Nepal, many of the agencies were not present at field level. Two agencies interviewed in the DRC did not have their head offices in Kinshasa; their country managers were based in Goma and were interviewed there.

³⁴ An exception was the Conduct and Discipline Team in the DRC, which had a team engaged full-time on PSEA activities, and the Conduct and Discipline Team in Nepal, which had two people working on PSEA activities.

133 In three agencies, the FP role and responsibilities were shared between individuals in the HR and programmes teams. This was a model that the review team felt was excellent. As FP responsibilities include both HR and programme-related activities, individuals from both work areas should be involved to fully carry out the FP responsibilities. The review observed that, where this had happened, it appeared to lead to a stronger understanding of SEA amongst programme staff and increased community engagement. The review team felt that it should also lead to programmes designed to mitigate the risks of SEA, but was unable to verify whether this was actually the case, as there was no opportunity to observe programmes.

134 Fewer than half of the FPs had received any training for their role, and this was commonly cited as a constraint. When training had been received, FPs felt that it had been well done. It had been necessary for them to begin to put in place PSEA mechanisms and, crucially, to explain to programme managers and others why these mechanisms were necessary.

135 In Nepal, training (awareness training for managers and FP training) took place in Kathmandu 12 months before the review team's visit, when the PSEA network began in April 2009. However, the rotation of personnel in the country is such that only 50 per cent of FPs currently in the PSEA network had been in place and able to attend the training at the time. In the DRC, an orientation had been given by the Conduct and Discipline Team after the PSEA network was reactivated in 2009. However, the majority of FPs consulted felt that more orientation and training were required for them to feel comfortable in this role.

136 Given the problem of rotation and the numbers of FPs who need to be trained globally, the issue of how to train to scale was discussed in some detail in both field locations. There is no easy solution, but suggestions included training of trainers, cascade training (which the CDTs uses successfully in both Liberia and the DRC, training focal points and trainers who then return to their locations to deliver awareness-raising) and the development of online training. In Nepal there was a suggestion that training should be focused on national staff, as they were less likely to rotate, but there was no consensus on this amongst PSEA network members. One senior manager in Nepal recommended that a range of individuals should be trained at different levels of the organisation to act as FPs, given the difficulties that many people have in talking about SEA and the fact that it can be difficult to raise such matters with managers or with those with power. The review team felt that this was a valuable suggestion. However, if training is conducted to the necessary scale, there will be a cost implication. If online training is to be adopted, then it must be mandatory.

137 As well as attending inter-agency training, it is also necessary that PSEA FPs have an understanding of their own agency's systems and how to apply them. The FPs of all but two agencies interviewed in Nepal and the DRC had copies of policies and procedures issued by their HQs, although a few agencies were not prepared, or felt that they were not authorised, to show copies of these to the review team. However, it was often the case that FPs were not able to talk the review team through the procedures. One FP in the DRC stated clearly during the interview that the point where (s)he would seek to understand how the agency's procedures were to be followed would only be when a complaint was received.

138 As was found during the HQ self-assessment process, it is frequently the case that an agency may have communicated PSEA policy and directives to the field but has not provided any form of support or detailed guidance to those charged with implementing them. This has a direct limiting effect upon implementation. When interviewing staff in the field (i.e. outside the capital) in both the DRC and Nepal, the review team found that, as far as interviewees could remember, agencies had rarely circulated policies (including the Secretary-General's Bulletin). In the DRC, one head of office in Goma said that this was because he was still trying to find a copy of the policy in French and was clearly not aware that this was available online.

139 This contrasts strongly with the situation in Liberia, where there has been considerable activity in communicating policy directives through various approaches, to the point where one interviewee said that 'it is impossible for someone working for the UN or an NGO with a code of conduct to claim ignorance of the issue' (see Liberia desk study).

140 Almost no FP interviewed had their PSEA responsibilities included in their job description or had their FP performance discussed during personnel management or appraisal meetings, although one FP had had their PSEA tasks incorporated into the annual workplan.³⁵

141 In the DRC, FPs consistently spoke of the challenges of finding time to fulfil PSEA obligations while handling the rest of their workload. In Nepal, prior to the arrival of the PSEA review team, a survey had found that 35 per cent of the FPs could commit only one hour per month to PSEA, 24 per cent could commit only two hours per month and 28 per cent could commit three to four hours per month. This means that 35 per cent of the PSEA focal points in the network do not have time even to attend a monthly meeting.

142 In summary, FPs are in position but commonly do not have the appropriate qualifications or the confidence that training would give them to fulfil their roles. Many do not yet know what role they are expected to play. Their roles are most often not formalised (in terms of being included within their job descriptions) and adequate time is not allowed to fulfil these roles. These points were reinforced by the observations of a PSEA coordinator in Haiti during a telephone interview in May 2010.

5.1.2 Proposed standard: Senior management/leadership

Note: As has been discussed in sections 2 and 4 of this report and as is established clearly in the Liberia desk study, senior leadership and management is a critical issue for the institutionalisation and embedding of PSEA culture and mechanisms. Although the MOS-PSEA do not include a minimum standard on this, given the impact that strong or absent leadership and management have been found to have, the issue is also discussed in this field-level section. It is recommended that the next draft of the MOS-PSEA incorporates a standard on management/leadership.

143 When asked in interviews about management support, almost all FPs responded by saying that their line manager or senior management was extremely supportive. When asked what form this support took, however, responses were less clear.

144 Despite there being no direct minimum standard for managers, the MOS-PSEA require that the FP should provide a monthly report to management and that the FP in turn should be provided with monthly feedback and guidance. According to managers interviewed in both the DRC and Nepal, this does not happen. In Nepal, one senior manager interviewed (who was the line manager of the FP) was not aware of the current level of implementation of PSEA activities, or aware that the FP was a member of a PSEA network.

145 The most consistent point made by previous reports and by FPs interviewed in the field – and echoed in the Liberia desk study and in the country case studies – is the importance of leaders and managers actively supporting PSEA work. Approximately 75 per cent of senior managers interviewed were not able to describe their own agency's complaints or investigation procedures in any level of detail. In the DRC, slightly more than half of the country managers interviewed felt that they themselves were not sufficiently well informed on PSEA to be able to speak publicly about the issue to their staff, and had never done so.

³⁵ In Nepal, FPs did have copies of the generic TORs for FPs developed by the ECHA/ECPS Task Force, which had been distributed by the PSEA network.

146 One country manager said that he often spoke to his staff about the importance of financial probity and the penalties for not adhering to the agency's directives on this issue, but not SEA. He said that his HQ had made it clear that he was expected to take a strong public line on corruption, but that he had received no comparable directives on SEA. Repeatedly during interviews, managers said that they had not received any directives on PSEA (apart from it being included in email circulations of policies) and that the issue had not been discussed during their inductions or supervisions. One manager interviewed said that he had been with his agency for almost ten years and that this was the likely reason why he had not been briefed on PSEA, as all the provisions relating to it had been put in place after he had joined.

147 Therefore, based on senior management interviews at field level and the results of the HQ self-assessments, it is evident that there is a pattern of a lack of direction from HQs to field managers regarding PSEA. HQs are not telling senior managers that PSEA is a priority issue for them and are not ensuring that they understand their obligations. With a few exceptions, there is no requirement to report to HQ on measures taken relating to conduct in general, let alone PSEA-specific activities.

148 In the DRC, two groups provided the only exceptions to this pattern of low prioritisation. These were leaders and managers in MONUC, as well as leaders and managers (from the Special Representative of the Secretary-General down) who had previously worked in Liberia and who were familiar with the culture there. They understood clearly that implementation of SEA was their responsibility and that they would be held accountable if there were SEA problems.

149 In summary, almost all of the managers and leaders interviewed were aware of the PSEA policies of their agency. There was less awareness when they were asked to outline their obligations relating to PSEA as managers. PSEA is not routinely discussed at management meetings (and not tabled at UNCT meetings in the DRC and Nepal for regular discussion, although there may have been briefings in the past), and managers are not required to report to HQ on measures taken. Most organisations said that PSEA would be discussed at management meetings if there was a problem. It is discussed regularly at MONUC leadership meetings, and the SRSG in the DRC has a regular meeting with his staff and the CDT to discuss conduct issues, including PSEA. Interestingly, two humanitarian organisations are invited to participate in the SRSG meetings as advisers. PSEA in humanitarian agencies was not the subject of discussion during the meeting that the review team observed, however.

150 Given the critical nature of the leadership role, it is essential that HQ reinforces this role to the point of holding managers accountable for implementation of PSEA; that managers are briefed more effectively (the concept of sessions in Nepal and Liberia where managers received awareness training and had time for discussion were highly praised, although regular refreshers were thought to be necessary); and that the MOS-PSEA are reviewed to include standards and indicators related to management.

Minimum Standard: Agency Focal Points regularly contribute to In-country Networks for PSEA.

Key Indicator: Each Agency Focal Point participates regularly in the PSEA Network meetings and contributes to the implementation of the PSEA Network annual action plan.

5.1.3 *Standard: PSEA networks*

151 PSEA networks serve as the primary body for coordination and oversight on protection from sexual exploitation and abuse by international and national personnel of the UN, NGOs and IGOs. Their functions include the establishment of inter-agency complaints mechanisms; facilitation of awareness-raising within local communities; establishment of processes for the harmonising of reporting of SEA by personnel; establishment and coordination of victim assistance (VA)

mechanisms; assessing gaps in PSEA and developing action plans to respond; coordination of training for FPs; and annual reporting to the RC/HC, which will inform the annual report of the Secretary-General on Special Measures for Protection from Sexual Exploitation and Sexual Abuse. The network is not responsible for investigation or adjudication of complaints, or for dealing directly with complainants. These functions rest exclusively with individual entities.³⁶

- 152 The PSEA networks appear to function in isolation, with no links to other groups or bodies. In neither the DRC nor Nepal did PSEA feature on the workplan of any cluster, nor was it part of inter-agency emergency preparedness planning.
- 153 In both countries, the networks in the capital city had been active for less than one year at the time of the field missions. In Goma, the meeting in which the review team participated was only the second network meeting that had been held. A previous network had existed in Kinshasa but had stopped functioning; the new PSEA network had been initiated by the CDT in 2009. Within agencies, institutional memory was weak, as was collective memory about previous work undertaken, including knowledge of the 2008 'Review of Mechanisms Put in Place by the International Community in DRC to Eliminate Sexual Exploitation and Abuse by Humanitarian Aid Personnel'.³⁷
- 154 In both cases the networks were being actively coordinated, meetings were being scheduled and draft plans of action were in place. However, also in both locations, there appeared to be a lack of consensus on the purpose and priorities of the networks. This was exemplified by the fact that, in both cases, the plan of action remains in draft form, even after being circulated several times with requests for inputs, with both coordinators still requiring input from members and agreement on dividing up tasks. In both cases, concrete progress against the action plans will require considerably more coordination and individual agency time than is currently available.
- 155 In Nepal, network members saw the network as a potential form of mutual support, although they wished for more practical outcomes of meetings, such as the sharing of good practice.
- 156 In the DRC, French-speaking network members told the review team that they did not feel ownership of the network, and that this was exacerbated by documents being provided only in English and by meetings being held partly in English and partly in French. The review team agreed that there were some practical problems,³⁸ but also felt that there was a lack of shared understanding between the CDT (which was coordinating the network and which had the priority aim of ensuring that effective VA packages were put in place) and the humanitarian agencies, many of which had very little internal support and very little or no PSEA mechanisms in place. CDT staff should not be expected to understand the architecture or the differences in mandate, services and funding of different humanitarian agencies, or to engage and coordinate humanitarian agencies without at the very least being provided with briefings on their institutional norms and culture. Networks where there is a UN mission should, at the very least, be co-chaired by the CDT and a humanitarian agency.
- 157 Ideally, PSEA networks should have dedicated support for coordination, at least during their set-up phase and during the time when agencies are establishing their own systems. FPs may require additional support. In Liberia, where the PSEA coordination mechanisms have received high praise, many interviewees highlighted the importance of the dedicated coordination position that has sat within the RC's office. This post is currently funded by all 16 of the UN agencies involved. It is also within the mandate of the IASC Gender Capacity Standby Project (GenCap) to

³⁶ See Terms of Reference for in-country Network on Protection from Sexual Exploitation and Abuse by UN/NGO/IGO Personnel.

³⁷ By Ester Dingemans, commissioned by UNICEF with support from OCHA.

³⁸ The issue of documentation in English was a problem, but there was no funding to support translation and no member of the network was offering to assist the Coordinator with translation.

respond to this need for up to six months at a time. Given the competing priorities and initiative overload experienced by all agencies from management level down, it is difficult to see how a PSEA network can be established without dedicated capacity.

158 In Nepal, the network members and coordinators reported that they had hoped to benefit from the experience of established networks. However, information and support of this nature had been difficult to source, despite requests to UN HQ. Mutual inter-country support mechanisms could be put in place (e.g. email groups, Yahoo groups, video conferencing, sharing of good practice, visits) and this could be done without too much formality.

159 In summary, the PSEA networks observed by the review teams, despite the evident will and commitment of the coordinators and members, were not yet achieving against their (draft) action plans. Consideration should be given to providing dedicated coordination resources during the first year of existence of any new PSEA network.

5.2 Community engagement

160 When analysing the data provided in the self-assessments, this was the pillar where agencies were found to be weakest in terms of HQ policy provision and directives and guidance to the field. It is therefore unsurprising that the review team found that agencies visited at field level have made extremely limited progress in the area of engagement with and support of local communities (referred to in the MOS-PSEA as 'community engagement').

5.2.1 Standard: Complaints mechanism

Minimum Standard: All sections of the affected population have been engaged in the development of an effective complaints mechanism, understand how to access the mechanism, and know how to report any problems through the mechanism.

Key Indicators: The community is fully involved in designing and carrying out PSEA complaints mechanism and training of community is undertaken quarterly. Number and record of complaints are lodged by the community and follow up recorded. Feedback mechanisms to community established and number of reports monitored.

161 With the exception of two agencies in the DRC and three in Nepal, the review team did not find that complaints mechanisms were in place at community level in either country, and those mechanisms that did exist were not being promoted as channels to receive complaints on SEA (those that existed – e.g. telephone hotlines – were promoted as being for reporting other issues such as corruption). The review team believes that standalone SEA complaints mechanisms are not required and that SEA should be part of a general field-based complaints mechanism covering a broad range of issues. Nevertheless, given the particular inhibitors that deter complaints about SEA, awareness-raising to ensure that communities are aware that they can complain about SEA through these mechanisms is required. However, this had not taken place in either location.

162 The requirements of the first MOS-PSEA standard on community engagement relate to how community-level complaints mechanisms should function, and how they should do so in cooperation with the community, with transparency. However, as complaints mechanisms that

specifically included SEA were not in place in either country, none of the other provisions for this MOS-PSEA standard and key indicator were being met.

163 The review team was repeatedly told by interviewees in the DRC and Nepal that no complaints with regard to SEA had been received. Senior interviewees at HQ level also said that they were not hearing about complaints and that, without complaints, it was difficult to know how serious (or not) the issue of SEA was within their agencies or within the humanitarian community. Given the practical and cultural challenges that beneficiaries face in complaining,³⁹ if no effective complaints system is in place, complaints will simply not be received.

5.2.2 Standard: Community awareness of SEA

Minimum Standard: All sections of the affected population have received adequate awareness-raising to ensure they are fully aware of SEA issues, and know what they are entitled to.

Key Indicators: Affected community involved in designing community awareness messages (e.g. local media, teachers, community leaders, midwives, clergy etc.). Number and type of communication mechanism used (bulletin boards, camp meetings, flyers etc.) and materials translated in local languages.

164 In both the DRC and Nepal, agencies are scaling up their existing community awareness-raising mechanisms on sexual and gender-based violence (SGBV) and domestic violence. However, based on consultations with agencies and with communities at field level, there appears to have been no awareness-raising in either location with communities on their rights with regard to SEA, the obligations of workers employed by humanitarian agencies or appropriate complaints mechanisms.⁴⁰

165 The team was in Goma, DRC on International Women's Day, when many organisations were taking the opportunity to communicate messages at scale to women on their rights. However, as far as the review team could ascertain, no communications on SEA were planned.

166 In Nepal, the review team was shown creative visual messages on SGBV for use in a camp setting. In no case was the perpetrator identified as a humanitarian worker. Agencies must be prepared to acknowledge to communities that a humanitarian worker may commit SEA and to send a message that the agency will listen if a complaint is made. Without this, it may simply not occur to a victim that this is something that can be complained about or that a complaint would be responded to. The country case study on Yemen illustrates this point well by discussing how a showing of the DVD 'To Serve with Pride' was used to raise community awareness about what agencies judged to be misconduct.

³⁹ See Liberia Desk Study, p.18 and also 'To Complain or Not to Complain: Still the Question', Kirsti Lattu, Humanitarian Accountability Partnership, 2008; 'No One to Turn To', Corinna Casky, Save the Children UK, 2008; and 'From Camp to Community: Liberia study on exploitation of children', Save the Children UK, 2006.

⁴⁰ PSEA experts have noted a continued confusion between SGBV and SEA. SEA is a form of SGBV. SGBV should be embedded in national law and dealt with by the national authorities. Some SEA is criminal while some is not. All SEA committed by a humanitarian worker can be dealt with by the agency and disciplinary action can be taken. A legal complaint may also be made, however.]

Good practice: community awareness-raising, Yemen

'The DVD 'To Serve With Pride' was shown to the community as an entry point to discuss with them the potential threats to them of sexual exploitation and abuse. Although the DVD was designed for staff (and it may be better to have a more tailored film to show beneficiaries in the future), it did raise awareness amongst the Somalian refugee population of the issue. This was demonstrated by the fact that after initial reactions were voiced (some refugees wondered if this meant they could never trust UN staff, an issue they needed to be reassured over), a more in-depth discussion was possible, in which the refugees were able to identify a range of occasions where they had been propositioned for a 'favour' in one form or another by implementing partners. What was evident from this conversation was that people had not identified these requests as inappropriate or exploitative until they saw the video and had the discussion. This underlines the importance of awareness-raising and sensitisation at the community level, but within a context where follow-up dialogue is possible, particularly where the context is quite closed, and discussions of this nature generally limited and difficult to hold.'

Extract from 'Finding the Entry Points in Yemen', a case study produced for this review, 2010

167 Even in Liberia, where considerable communication and community-level engagement on SEA takes place, the desk study found that the majority of this appears to consist of consultation rather than true participation that engages a range of community representatives in design and planning, and there is a general agreement that the involvement of the community is insufficient to date.⁴¹

168 In summary, the vast majority of humanitarian agencies observed in the field do not have any complaints mechanisms in place, and such generalised complaints mechanisms as do exist are not utilised for SEA. Therefore, communities have not been involved in designing complaints mechanisms or awareness campaigns. Communities are not being informed about their rights, or the obligations of agency personnel, with respect to SEA. Without complaints mechanisms in place, given the inhibitors that beneficiaries routinely experience in complaining, complaints are unlikely to be received.

5.3 Prevention

Minimum Standard: Personnel have received a copy of the Secretary General's Bulletin (SGB), know how to contact PSEA Focal Points and are made aware of the obligations required of them in the SGB.

Key Indicators: Staff are informed of PSEA Focal Points annually (e.g. done via memos to staff, informed verbally through various management mechanisms (e.g. staff meetings) and/or posted on bulletin boards etc.). MOS-PSEA report of each agency shared internally with staff. Staff receive awareness training on PSEA annually and re-sign the Code of Conduct. All newly recruited staff sign the Code of Conduct and participate in an orientation session on SEA. Whistle-blower protection measures are in place, and all staff are aware of the importance in reporting.

5.3.1 Standard: Staff awareness

169 The majority of FPs interviewed in the field had been in their roles for a very short time. It was unclear in the majority of cases how staff would be reminded of who was fulfilling the FP role. With the exception of the CDT in the DRC, the review team saw no literature, flyers or posters in any office promoting the work of the FPs, introducing them or giving contact details.

⁴¹ Liberia desk study, p.21.

170 One agency does ensure that all staff participate in code of conduct refresher trainings annually and that they re-sign its code of conduct. This refresher training includes training on SEA. Other agencies either have more ad hoc procedures (for example, 'happy hour' discussions hosted by the gender team, where the organisation provides refreshments and the subject to be discussed changes every month), or do not provide awareness training. UN staff frequently referred to online training when asked what SEA awareness training they had received. However, there is currently no specific online SEA awareness training. In Nepal there was a widespread awareness of the DVD 'To Serve with Pride' among staff in Kathmandu, who are currently in the process of having it translated into Nepali, but in the DRC this tool was not referred to by non-FP staff.

171 In Liberia, the desk study noted a range of staff awareness-raising activities besides the formal training that takes place. This includes staff meetings, field programme visits (including by senior managers who make themselves available to staff and communities who may wish to complain) and annual radio broadcasts by the SRSG and agency heads, reminding staff of the zero tolerance policy and the behaviour code.⁴² While the review team was in the DRC, the SRSG was preparing to make the first such radio broadcast, which was to be to the public rather than directed solely at staff.

Good practice: staff awareness-raising, DRC

One agency in the DRC ensures that all staff participate in code of conduct refresher trainings annually and that they re-sign its code of conduct. This refresher training includes training on SEA; in 2010, SEA is the agency's global refresher theme. Its HQ charts which offices have conducted the session and it then shares this information with senior management. The sessions are promoted through emails to all staff from the Director of Human Resources and the agency's regional offices.

Source: DRC field mission

172 In Nepal there was a widespread distribution of the SGB to UN agencies in Kathmandu shortly before the PSEA review team visited. In the DRC patterns of awareness were more varied, with one senior manager claiming that he had never received the SGB in seven years in the UN. Debates about the actual meaning of the prohibitions contained in the SGB were frequent in both locations but particularly in the DRC.

173 All agencies that participated in the self-assessment exercise have a policy on SEA and require that staff sign this policy along with their contracts.⁴³ Less than half of those agencies interviewed at field level ensure understanding of the policy through face-to-face staff induction or internal training.

174 Over three-quarters of the agencies interviewed had whistle-blowing procedures in place, but interviewees and discussion groups of staff frequently expressed a lack of trust in these procedures and a sense that they would not, in fact, be protected if they were to report an incident. In addition, staff in general did not appear to understand their obligation to report; this was one of the repeated issues of debate with regard to the SGB.

⁴² Liberia Desk Study, p.14.

⁴³ For some agencies the policy must be signed along with every new contract, but others only require that it is signed alongside the original contract. 'Signed' can also mean something different depending on the agency. For some, this means actually signing a sheet of paper to acknowledge receipt of the policy and agreeing to adhere to it; for others, it means that the policy accompanies the contract; while for others there will be a reference to the policy in the contract that is signed.

5.3.2 Standard: Cooperative arrangements

Minimum Standard: Procedures are in place to receive written agreement from non-UN entities or individuals entering into cooperative arrangements with the UN that they are aware of and will abide by the standards of the SGB.

Key Indicators: Agency record system collects written agreements that the individuals or organisations will abide by the SGB. SGB and respective codes of conduct are disseminated to those in contract to UN/NGO. Staff of contractual organisations undergo SEA training annually.

175 When agencies do have their implementing partners sign the policy, apart from at one agency interviewed, there is no mechanism to ensure that signatories actually understand and implement it. In Nepal, the review team was made aware that, even if implementing partners sign contracts that include the policy or have references to PSEA, their implementing offices in the field are unlikely to have sight of the contracts or know that they are committed to this principle. In such a case, signing of this provision in the contract becomes an effective risk or reputational management tool for the UN or contracting NGO, but is unlikely to have a preventive effect.

176 In summary, staff awareness of the totality of prohibitions on SEA and of PSEA response is mixed. Delivery of awareness training varies agency by agency, but in the vast majority of cases little is being done. Whether the signing of the policy is a meaningful action is, overall, questionable. Personnel express a low level of trust in the protection offered by whistle-blowing procedures. Not all agencies are obliging partners, contractors or consultants to sign written agreements that they will adhere to PSEA policies. Without either obliging partners and others to inform themselves of the implication of the PSEA policy that they are signing or monitoring to establish whether they are adhering to it, the value of this as a preventive measure must be questioned.

5.4 Response

Minimum Standard: Procedures for investigations into cases of SEA are in place by the agency including prompt reporting of cases to appropriate HQ authority.

Key Indicator: SOP [Standard Operating Procedure] or equivalent issued and used to guide practice. Investigations undertaken by experienced and qualified professionals in the field of SEA.

5.4.1 Standard: Investigations

177 The representative of one agency in Nepal suggested that a specific SEA case would be required to really galvanise PSEA activity, as at present the majority of agencies do not have robust systems in place to properly receive and then investigate allegations. This point is supported by the findings of the Liberia desk study, which states that 'the degree to which the agency investigation system is clear to personnel appears to correlate with how frequently complaints are received and to what extent the complaints are followed through internally or through an external investigation capacity'.⁴⁴

⁴⁴ Liberia Desk Study, p.18.

178 In the absence of complaints about the personnel of humanitarian agencies in the DRC and Nepal, these are untried systems. Only five of the eight FPs interviewed in the DRC stated that their agency's investigation procedures were known to them, and another FP was somewhat familiar with the procedures. In Nepal, during interviews it became apparent that a minority of FPs and managers were unfamiliar with the investigation process when asked to describe it (particularly with regard to what would happen if a complaint was referred to HQ). This was not true of all agencies and some were extremely clear on the process, including on the point of whether a pre-investigation at country level would be required to gather enough information to refer upwards.

179 In Liberia there has been some innovative practice on investigations, including 'a draft protocol for the network on inter-agency referral that allows agencies to retain their autonomy for investigation whilst standardising referral between agencies'.⁴⁵ The importance of this is that it should address some of the potential confusion for communities that have to deal with different agencies.

5.4.2 *Standard: Victim assistance*

Minimum Standard: Agency has written guidance on the provision of victim assistance.

Key Indicators: Agency implements fully the Victim Assistance programme in country. All agency staff trained on Victim Assistance.

180 Ten of the 14 agencies that completed the self-assessment questionnaire have distributed victim assistance (VA) policies to the field. Two have distributed VA policies together with guidance. At this point levels of implementation are extremely low, and agencies are focused on discussing how VA programmes can be made to happen and how they can be resourced.

181 The VA policy, and the directive to the CDT in the DRC to lead on its implementation, is a source of some tension in the PSEA network. The CDT wishes to work with agencies to put services in place for victims as an inter-agency approach is required by the UN's victim assistance policy, while most humanitarian agencies have extremely little capacity set aside for establishing their own fundamental PSEA mechanisms to establish complaints systems and receive complaints.

182 In Nepal, little has been done as yet to respond to the UN Victim Assistance Strategy, although this has been distributed by the network and slightly over half of the FPs interviewed knew about it. Nevertheless, VA is being provided. Three UN agencies are working together to provide services when required to victims of SGBV and say that they would use the same mechanism for any SEA complainants, while two child-focused NGOs have specific policies and procedures in place to provide support to children.

183 In Liberia, a referral pathway has been agreed to provide systematic support to complainants and victims. This is demonstrated on a poster which is discussed with communities in community meetings, so that together they can map where service providers are located. The poster advertises people's rights to free assistance and where they can go if they need to make a complaint. It also emphasises to service providers what their obligations are.

184 An important issue is the extent to which complainants are kept informed about the progress of their complaint through the system, and of its outcome. The vast majority of agencies responding to the self-assessment questionnaire said that they had a policy that complainants should be told about the outcome. In Nepal, given the absence of complaints, it was impossible to test this. Similarly in the DRC few complaints have been directed to humanitarian agencies, but one

⁴⁵ Ibid., p.19.

agency that had experienced complaints was not sure what the process would be for feeding back information on outcomes. In Liberia the desk study found that ‘the outcome of the investigation is likely to remain confidential in all cases to the agency and the alleged perpetrator’. This is obviously an extremely complicated issue, but without feedback to the complainant it is difficult to know how trust in complaints systems – and in agencies – regarding effective response to SEA can be established.

185 In summary, it is too early to say how well agencies will be able to respond to and resource the demands of the VA policy. The content of the policy and guide are not yet well known or understood. Agencies in the DRC were extremely worried about the potential resource implications, whereas in Nepal there was not the same level of concern. This is likely because in the DRC there is an awareness coming from knowledge of complaints received by the UN Mission that the burden could be heavy.

6. Conclusions and recommendations

6.1 Conclusions

'In the aftermath of the 2002 global media coverage on sexual exploitation, several NGOs worked alongside UN entities to scrutinize their responses to complaints against staff. Some of the findings included inadequate and inconsistent complaints mechanisms, insufficient numbers of in-house investigators and a lack of awareness of sexual exploitation and abuse amongst managers. Accordingly, the international community agreed to create standardized resources for promoting complaints mechanisms training investigators and sensitizing managers to the issue.'

Excerpt from the 'Major Achievements' page, Protection from Sexual Exploitation and Abuse website (<http://www.un.org/en/pseataaskforce/achievements.shtml>)

186 In 2004, when the IASC agreed to the closure of the IASC Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crisis, it was stated that the challenge now lay with field implementation. The reporting responsibility of managers and the need to pay more attention to background checks on staff references were also noted. As this report has noted, the same challenges exist today.

187 While progress has been made since the early part of the decade, with all the agencies focused upon in this review having a PSEA policy in place and most agencies having developed guidance to support their PSEA policy, this review has found that there has not been adequate traction at field level. Personnel and managers within agencies have, during the course of this review, shown an inconsistent understanding of the obligations that PSEA policies place upon them.

188 The review concludes that, with a few exceptions, HQs are not giving clear directives on PSEA to the field or supporting these directives with guidance and training; are not charging and supporting managers to fulfil their PSEA obligations and holding them accountable to these obligations; are not ensuring that PSEA focal points are effectively supported in their roles and have adequate time to allow them to fulfil them; are not ensuring that effective personnel SEA awareness-raising and personnel complaint mechanisms are in place; are not monitoring progress of PSEA activities and outcomes; and are not effectively sharing good practice.

189 Probably the most critical need yet to be met is for leadership by senior managers to actively promote PSEA policies and to visibly support PSEA activity. In cases examined during this review, this has been repeatedly identified as the most critical factor in ensuring change in PSEA awareness levels and the cultural change necessary to accept and support PSEA mechanisms. The PSEA message now needs to be reinforced by the leadership of agencies through a high-visibility approach and increased institutionalisation of PSEA. Such conclusions have been reached in previous years with consequent investment in technical resources and guidance. This has not resulted in the necessary incremental change at field level, and now leadership at individual agency level and inter-agency monitoring is required to ensure that the needed step change takes place.

190 There is a need to relaunch the current Secretary-General's Bulletin (SGB), which is not sufficiently well known and understood at field level. This should be done in tandem with the Interpretation Guide that is currently being prepared by the Task Force. This relaunch must be undertaken using multiple methods to ensure the highest possible visibility. The campaign should

be reinforced by the prominent participation of senior humanitarians and leaders of agencies. A Special Representative should be appointed during the period of the relaunch to act as a focal point. In addition, the current SGB should be reviewed to remove the current (perceived) ambiguity of language, require field-based inter-agency cooperation and compliance with minimum standards and ensure enhanced reporting, including on victim assistance.

191 At field level, agencies (again with a few exceptions) do not have in place community awareness-raising on SEA or community complaints mechanisms through which SEA complaints can be made. Without these mechanisms, complaints from those whom the humanitarian sector seeks to protect from abuse of power by those who have gained that power through employment by, or in association with, the humanitarian sector will not be made. Given the extent of the need for such mechanisms and the limited capacity available, their creation should be undertaken jointly among agencies, supported by or under the rubric of PSEA networks.

192 If, when such mechanisms are put in place, the number of complaints rises, it appears likely that many agencies will not have the capacity in place to respond appropriately. Given the likelihood of an increased number of complaints when awareness-raising and complaints mechanisms are applied (in light of evidence documenting that SEA has been occurring but going unreported, in part due to the absence of these measures⁴⁶), the capacity of organisations to respond should be tackled in advance.

193 PSEA is not included in the workplans of UN clusters in the countries visited, which is concerning given that PSEA should be considered an integral part of emergency preparedness. While there is clearly a leadership role for the Protection Cluster, PSEA should ideally be on the agenda of every cluster given that (i) programmes should be designed with PSEA in mind and (ii) all programme managers regardless of sector have responsibilities related to PSEA.

194 PSEA does not feature in inter-agency emergency preparedness planning or within inter-agency fundraising mechanisms such as the CAP or Flash Appeals. In Liberia, pooled funds were used to support the capacity needed by the PSEA network to function. Senior managers consulted have been supportive of such measures being further investigated. Following this review, the development of a strategy for advising donors of its outcome and advocating donor consideration of support to, and conditionality on, PSEA would be a useful activity.

195 Time and energy spent at an inter-agency level by PSEA experts to produce effective tools has ensured the production of rigorous policy and guidance documents and the availability of a myriad of training materials and innovative awareness-raising materials. Work is still required to finalise the tools currently under development; agree collectively on ways of working and priorities through a facilitated discussion; and ensure that all PSEA actors within the humanitarian sector are engaged in collective work at field level, as the best way of maximising limited resources. HQ inter-agency work should now focus upon supporting the facilitation of enhanced field-level implementation across the humanitarian sector. Consideration needs to be given to make the tools that have already been developed more user-friendly for field personnel through consultation with the field, and a redesign of the PSEA website should be considered to ensure that key documents are more accessible.

196 The review has concluded that the advancement of PSEA would be better served if it were to sit under the IASC, given the need to address the high risk of SEA in humanitarian contexts and the risk of under-reporting (both of which were documented by HAP and Save the Children UK in their 2006 and 2008 reports); the lack of progress within the humanitarian sector compared with the peacekeeping sector, and the need to focus the humanitarian community on improving implementation of the SGB and the Statement of Commitment; and the need to engage

⁴⁶ HAP (2006) and Save the Children UK (2008) reports.

humanitarian leaders at the highest level – which has been argued throughout this report as the most critical factor in securing progress in PSEA. There is also a need to clarify the role of HCs and clusters in PSEA work, the accountability of UN, IGOs, NGOs and the IFRC to the IASC, and the direction of current work to ensure the enhanced utilisation of IASC outputs from which PSEA experts could benefit.

197 While institutionalisation of PSEA must remain the responsibility of agencies (and specifically of the leadership of these agencies), the need for agencies to scale up their PSEA activities is so acute that six-monthly progress reports from agencies on scale-up and outcome are needed, until the IASC is satisfied that PSEA has been institutionalised within agencies. The Task Force could propose a reporting format for approval by the next IASC meeting in November 2010, before the Task Force disbands. The IASC may wish to consider the establishment of a new taskforce to work to support this reporting and to give functional support to the field. A repetition of the self-assessment questionnaire exercise in 18 months' time could assist in further monitoring progress and re-evaluating benchmarks.

198 In order to resolve the current lack of clarity on internal UN accountability and reporting requirements, the current Task Force should make a report to both ECHA and ECPS as well as to the HLCM on its work and achievements. This should include a frank discussion of the need for cross-agency leadership on the issue of PSEA. This should be presented to a special meeting of ECHA/ECPS by the current Task Force Co-Chairs and by the Special Adviser to this review, and the added value of an internal UN inter-agency taskforce should be openly discussed, together with the most appropriate parent organisation for such a taskforce.

199 Given the low levels of implementation of PSEA mechanisms at field level to date, and the ongoing debate about the extent of any SEA problem within the humanitarian sector, more needs to be done to trial the mechanisms that exist and the capacity of agencies to respond to increased levels of complaints.

200 Establishing the value of the PSEA mechanisms and the capacity of agencies to respond to complaints can only be done once PSEA mechanisms have been properly implemented. While it is recognised that the SGB and other policy instruments compel PSEA activity to be undertaken in every location where humanitarian, development and peacekeeping agencies are present, it is recommended that the IASC should implement a pilot exercise. Five locations should be identified as pilot areas for intensified PSEA activity over the next 18 months. Agencies based in these locations should work individually and collectively (within PSEA networks) to put PSEA mechanisms in place, and outcomes should be closely monitored. To support this process, agencies should support the development of PSEA networks and facilitate monitoring and reporting to the IASC, and PSEA coordinators should be placed in RC or RC/HCs' offices. Should the IASC wish to convene a new taskforce, then this body could offer technical support to both the individual agencies and to the PSEA coordinators engaged in the pilots.

201 In the longer term, PSEA needs to become part of the accepted and established code and culture of good conduct and accepted ethical behaviour on the part of humanitarians, and to be embedded into existing policies and procedures that already address conduct-related issues. It must be dealt with as both a corporate issue and as a programme issue through the involvement of both HR and programme staff. Programmes need to be increasingly designed to be SEA-resistant. This aspect of response should be routinely monitored along with all other aspects of response.

6.2 Recommendations

Agencies at HQ level should:
1. Move from a passive approach to SEA, such as the signing of codes of conduct, the SGB and other contracts, to a more active approach that involves discussion, explanation, training and higher visibility for the issue, which will offer greater protection for vulnerable people.
2. Ensure that agency heads play a visible leadership role, including making communications, to ensure that the necessary cultural change takes place in order to support enhanced PSEA activity.
3. Appoint high-level focal points to monitor and receive reports on enhanced activity and outcomes, and ensure that these reports are shared at senior management team/board level.
4. Make public declarations on PSEA activity and outcomes as part of their accountability mechanisms eg. in annual reports or on agency website.
5. Require senior field managers to ensure that PSEA obligations are met, and support them to achieve this.
6. Hold managers accountable as to whether or not they ensure that PSEA obligations are met by including PSEA accountability within performance reviews.
7. Communicate (mandatory) policy and guidance to those who have obligations to implement these at field level. Technical personnel must ensure that field staff are supported through applied tools that can be absorbed at field level, the establishment of a rapid support mechanism to answer questions and deployments of technical staff to either lead or support on PSEA at field level.
8. Evaluate personnel time made available to PSEA currently, assess if it is adequate for present needs and determine what additional personnel time might be needed if the IASC were to require scaled-up PSEA activity. Take advice from the CDU on appropriate staffing levels.
9. During recruitment processes, ensure that background checks are undertaken for any history of SEA.
10. Once scaled-up activity has been established, embed SEA within other conduct issues and regular policies and procedures to ensure that it becomes part of the wider organisational accountability framework. This should include incorporation within corporate risk management procedures and should include appropriate costing and resourcing of PSEA activity.
11. Empower PSEA technical staff and responsible managers to share information on SEA prevalence, learning and good practice. The current insistence on confidentiality is inhibiting peer-to-peer learning. If the self-assessment process is to be repeated, then the facilitator should be empowered to support such peer-to-peer learning.
The IASC should:
1. Accept leadership on PSEA and ensure that IASC member agencies are working both as individual agencies and collectively to see PSEA institutionalised within the humanitarian sector.
2. Require agencies to report six-monthly on global progress in fulfilling PSEA obligations, until the IASC is satisfied that PSEA has been institutionalised within agencies and that sufficient change has occurred

at field level across all humanitarian contexts. It should also require the current PSEA Task Force to develop a reporting format for endorsement by the IASC Working Group prior to the Task Force disbanding.

3. Implement five inter-agency pilots in selected locations over an 18-month period in order to test PSEA mechanisms and standards and to determine to what extent levels of SEA misconduct exist and the capacity needed by agencies to respond to the misconduct. These pilots should be supported by inter-agency PSEA networks and the placing of PSEA Coordinators in HC/RC offices. Donors and individual agencies should be asked to support these pilots.

4. Advocate for additional funding for regular in-country PSEA activity. Consider inclusion in CAPs and Flash Appeals, lobby for pooled funding and ensure that inter-agency PSEA mechanisms are used wherever possible to better use resources. Dialogue with donors regarding PSEA conditionality and funding is critical.

5. Convene a new taskforce to a) offer support to the general scale-up in all humanitarian locations and to support the PSEA Coordinators in the pilot projects, and b) coordinate reporting to the IASC. Formalised links between the new taskforce and PSEA networks at field level should be established to ensure direct support and response from the taskforce to the field e.g. help desks or the issuing of new field-friendly guidance and tools. The new taskforce should ensure that tools and guidance supplied to the field are in line with the findings of the recent 'Review of IASC Products' report.

6. Clarify the role of the Cluster system in institutionalising PSEA and ensure that PSEA is incorporated into emergency planning.

7. Ensure that learning can be taken from achievements on PSEA in the peacekeeping sector and can be incorporated into the humanitarian sector. DFS should be invited to participate when the IASC receives reports on PSEA progress and to participate in any inter-agency group or taskforce that is convened.

8. Replicate the self-assessment process in 18 months' time (at the end of the pilot period) in order to monitor progress and identify areas where agencies collectively are finding difficulty in making the necessary progress. Lessons should be learned from the process just completed, and the HAP Standard Benchmarks should be used to inform a revised questionnaire.

The UN, in partnership with NGOs, IOM and the Red Cross/Red Crescent movement, should:

1. Design and run a communications campaign to relaunch the current SGB in tandem with the Interpretation Guide that is currently being prepared by the Task Force. This relaunch must be undertaken using multiple methods to ensure the highest possible visibility. The campaign should be reinforced by the prominent participation of senior humanitarians and leaders of agencies. A Special Representative should be appointed during the period of the relaunch to act as a focal point.

2. Ensure that the Interpretation Guide to the SGB currently being drafted is concise and clear and that it uses examples to demonstrate the intent of the SGB.

3. Review the SGB to remove the current (perceived) ambiguity of language, require field-based inter-agency cooperation and compliance with minimum standards and ensure enhanced reporting, including on victim assistance.

4. Require the current Task Force to make a report on its activities and achievements during the past five years to both ECHA and ECPS as well as the HLCM. The objective of this report and presentation should be to determine the added value of an internal UN inter-agency taskforce and the most appropriate parent organisation to ensure enhanced institutionalisation and accountability for future PSEA activity within the UN. The critical need for cross-agency leadership should be clearly outlined within the

presentation. Clarity should also be sought on what is required to ensure that any guidance currently in draft form can be formalised. The report should be presented to ECHA and ECPS by the Co-Chairs of the current PSEA Task Force and the Special Adviser to this review.

5. Further clarify the responsibilities of RCs/HCs to highlight PSEA policy. RCs should continue to hold overall responsibility including ensuring that PSEA is on the agenda of the UN Country Team, while HCs should be responsible for promoting the engagement of the humanitarian community and for coordination and leadership in humanitarian forums (such as the Humanitarian Country Team). These latter points should be considered when the next revision of the HC's job description takes place.

6. Ensure that there is dedicated coordination support during the set-up and establishment phase of PSEA Networks.

7. Where there is a UN mission, ensure that PSEA networks are at the very least jointly chaired by the CDT and a humanitarian agency.

8. Within PSEA networks, establish inter-agency victim assistance programmes in order to maximise resources.

Agencies at field level should:

1. Expect all managers at field level to speak publicly about PSEA and ensure that the agency's intent with regard to PSEA policy is understood by personnel, while actively supporting PSEA work.

2. Table the issue of PSEA at country-level management meetings and include reporting on PSEA activity and outcomes in such meetings.

3. Ensure clear guidance is provided to focal points (FPs) in a form that they can absorb. Allocate adequate time and resources to FPs to enable them to undertake their roles with respect to their own institutional responsibilities and also with regard to their active participation in PSEA networks. FPs must be known by other staff members. They must have their FP role included within their job descriptions and their performance on PSEA must be appraised.

4. Appoint an FP from programming in addition to a FP from HR to ensure that there is a stronger understanding of SEA amongst programme staff, that strengthened community engagement takes place and that programmes are designed in order to mitigate the risks of SEA.

5. As a priority activity, establish complaints systems, together with effective awareness-raising at the community level. Wherever possible, inter-agency mechanisms should be established as a) one joint mechanism will be easier for communities to understand, and b) will also maximise resources and be easier to maintain.

6. Ensure that feedback on follow-up action is given to complainants.

7. Implement increased SEA awareness activity for personnel that is regularly repeated, such as code of conduct workshops.

Annex 1

PSEA Review Terms of Reference

Approved by Inter-Agency Standing Committee 14 July 2009

Revised by the PSEA Review Steering Committee 5 October 2009

INTRODUCTION

The Inter-Agency Standing Committee (IASC) would initiate an inter-agency review of the extent to which the United Nations (UN), international nongovernmental organizations (NGOs) and inter-governmental organizations (IGOs) have implemented policies requiring organizations to address sexual exploitation and abuse by their personnel.

These terms of reference (TOR) were developed on behalf of the ECHA/ECPS UN and NGO Task Force on Protection from Sexual Exploitation and Abuse (hereafter "PSEA Task Force"), which has many of the same members as the IASC. Recognizing that the pace of implementation remains slow in the humanitarian community and is inconsistent across organizations and countries, PSEA Task Force principals are proposing that the IASC resume its leadership role on this issue in supporting a global review of the current status of PSEA implementation.

Toward this end, an external consultant was hired by OCHA to conduct a consultative process that would build consensus on a TOR for consideration by the IASC Working Group at its 74th meeting. Forty-six individuals from twelve IASC organizations as well as eight other organizations, two donors and one former beneficiary were consulted.

BACKGROUND

Since the release of the 2002 report by the United Nations High Commissioner for Refugees and Save the Children UK, which brought attention to the prevalence of sexual exploitation and abuse (SEA) of beneficiaries by humanitarian aid workers and peacekeepers in West Africa, humanitarian aid organizations have responded by developing and attempting to imbed policies, guidelines, standards and tools to prevent and respond to cases of sexual exploitation and abuse by their staff and related personnel.

For example, standards of behaviour have been established in the Six Core Principles of the IASC Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises, as well as in the United Nations (UN) *Secretary-General's Bulletin on Special Measures for Protection from Sexual Exploitation and Sexual Abuse* (2003) and the *Statement of Commitment on Eliminating Sexual Exploitation and Abuse by UN and Non-UN Personnel* (2006). The Building Safer Organizations project (2004)⁴⁷ has provided support to organizations to enhance their capacity to receive and

⁴⁷ Currently merged into the Humanitarian Accountability Partnership International.

investigate allegations of SEA. The “Prince Zeid Report”⁴⁸ (2005) set out strategies to eliminate future cases of SEA in the UN. The UN General Assembly resolution on assistance and support to victims of SEA (2008) and the accompanying implementation guide (2009) set out a framework for the UN system, together with nongovernmental organizations, to facilitate, coordinate and provide assistance to victims. Since 2002, the IASC Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises and subsequently a group of IASC members together with other organizations under the auspices of the ECHA/ECPS PSEA Task Force have been developing guidance and tools to combat the problem.

Yet implementation of such obligations, strategies and tools has been slow, particularly in the humanitarian community. Meanwhile, SEA persists. In 2008, Save the Children UK and the Humanitarian Accountability Project (HAP) International released reports⁴⁹ revealing that incidents of SEA still occur in significant numbers in humanitarian settings and are largely unreported.

It is clear that further steps are needed to enhance the global efforts to protect populations of concern from sexual exploitation and abuse. This review is envisioned as a first step toward that end in order to better understand the status of implementation and the blockages and obtain recommendations for a way forward.

OBJECTIVES AND USERS OF THE REVIEW

The purpose of the review is to assess the extent to which organizations and country teams have implemented their obligations to address sexual exploitation and abuse. This review is not intended to be a “naming and shaming” or “finger pointing” exercise nor is it a formal evaluation. Instead, it will be a stocktaking and needs analysis, covering achievements and constraints and make appropriate recommendations for future action. This process will also establish a baseline indicating where organizations stand on institutionalization of PSEA. The main objectives of the review are:

1. To promote accountability by providing a transparent baseline assessment of the extent to which PSEA obligations have been implemented and recommending how to strengthen accountability for implementation of such obligations in the future.
2. To promote learning by identifying key challenges/gaps/needs within and across agencies and developing recommendations on how to overcome them.
3. To develop benchmarks that can be used to assist organizations to track individual and collective progress in the future.
4. To assess how well the system as a whole (including the UN, NGOs, IGOs, Red Cross / Red Crescent Movement and so forth) is addressing PSEA and provide recommendations for improvement.

The primary users of the review will be the UN, NGOs and IGOs. Additional audiences may include UN member states, beneficiaries and the public. The latter group will have access only to the global synthesis report and its recommendations. This report will not identify specific organizations. The Self-Assessment reports will remain confidential.

⁴⁸ United Nations General Assembly, *A Comprehensive Strategy to Eliminate Future Sexual Exploitation and Abuse in United Nations Peacekeeping Operations (A/59/710)* 24 March 2005.

⁴⁹ Corrine Csaky, *No One to Turn To*, Save the Children UK, 2008 and Kirsti Lattu, *To Complain or Not To Complain, Still the Question*, Humanitarian Accountability Partnership, 2008.

SCOPE

As there is currently a strong PSEA policy foundation and sufficient tools to operationalize them, the focus of this review will be on the level and type of implementation and coordination strategies/ mechanisms currently used to engage with local populations; prevent and respond to SEA and ensure management accountability and compliance. The review will also consider the efficacy of existing PSEA coordination architecture (i.e. the ECHA/ECPS UN and NGO Task Force on Protection from Sexual Exploitation and Abuse) and make recommendations to improve it.

a) Geographic Coverage

The review's focus on implementation necessarily leads to a concentration on the field and ensuring that affected populations participate in the process with respect to uncovering the extent to which PSEA standards are currently being applied. As a result, field visits will be form an integral part of the review methodology. At least three countries will be visited during the course of the review. The countries selected will represent countries across the spectrum from emergency to transition to development and reflect as much as possible a reasonable balance of:

- 1 Conflict and post-conflict settings
- 2 Peacekeeping and non-peacekeeping countries
- 3 Geographic regions
- 4 Presence/absence of an In-Country or Field-Based Network
- 5 Stages of implementation of PSEA obligations
- 6 Presence of best practices (or examples of lack thereof)
- 7 Potential for positive change resulting from the missions
- 8 Total cost per country

The countries will be selected from the following list, which may be extended by the Steering Committee:

- Columbia
- DRC
- Haiti
- Ivory Coast
- Indonesia
- Liberia

- Myanmar
- Nepal
- Paraguay
- Sudan
- Sierra Leone
- Thailand
- Uganda

Country selection will be performed by the Steering Committee on the basis of country situation analysis conducted by the External Review Facilitator.

TIME FRAME

Given timely contribution of the needed financial and in-kind resources and recruitment of consultants as well as adherence to deadlines by participating organizations, the review is expected to be completed in 6 months, starting in November 2009.

DELIVERABLES

The following outputs are expected from the review process:

1. Brief (2-page) country situation analysis, as a basis for selection of countries for field visits.
2. A confidential organization-specific PSEA assessment report for each participating organization, which will assist them in determining required action to effectively move forward on PSEA implementation. (Available for each participating organization, January 2010).
3. An in-depth country-level PSEA report for each country visited, which will allow organizations to improve coordination, communication and coherence of interventions on PSEA in the target countries. These reports will contain suggested action plans for each country. (Available at the end of each in-country monitoring visit)
4. A series of case histories illustrating examples of individual beneficiary experiences with the PSEA system in each country visited. This may be helpful in providing further insights into how the system does or does not work and inform targeted future action. (Available at the end of each monitoring visit)
5. A global synthesis report which brings together the three levels of findings and provides recommendations. (Available at the end of the review period (May 2010)). This report will allow organizations to:
 - a. Measure how well “the system” is doing as a whole (including the UN, NGOs, IGOs, Red Cross / Red Crescent Movement and so forth) and see where they fit along the spectrum.
 - b. Determine how, where and with whom they can collaborate to improve implementation in the field.
 - c. Examine the effectiveness of the current PSEA coordination architecture (including the PSEA Task Force structure, priorities and outputs).

- d. Identify how to enhance accountability in future for the implementation of PSEA obligations.
- e. Establish a robust, time bound follow-up mechanism.

The Report will also examine how the system mobilizes and allocates resources for PSEA.

- 6. A budgeted dissemination strategy for the global synthesis report and its recommendations. (Available at the end of the review period (May 2010))

METHODOLOGY

Given the proposed scope of the review, the following hybrid methodology is suggested:

At Headquarters Level: a facilitated self-assessment process (by organization)

a consultative review process (PSEA Task Force)

At Country Level: joint country-level monitoring missions (countrywide)

Beneficiary Level: case histories

The review will be carried out through a mixed method of participatory data collection based on three levels of analysis. At each level both quantitative and qualitative disaggregated data will be collected. This three-pronged approach will allow for cross-validation of data collected from different sources and enhance the reliability of the review's findings.

The first unit of analysis is the organization. This portion of the review will be done at the headquarters level using an agency-by-agency approach. The methodology for this level will be a facilitated self-assessment process. Consultative review of the PSEA coordination architecture will also be conducted at this level.

The second unit of analysis will be the country and will focus on monitoring missions to a group of countries selected by the Steering Committee. This portion of the review will focus on the In-Country or Field-based Networks (where they exist), United Nations country teams or humanitarian country teams. Focus group discussions with affected populations will also take place at this level.

The third unit of analysis will be at the beneficiary level. The focus for this portion of the review will be case histories of a select number of beneficiaries in each country visited. These discrete stories will be anonymous and conducted in a manner to ensure the safety and privacy of the beneficiaries.

a) Data Collection

Desk Review

An external Review Facilitator will conduct a desk review and develop an overarching framework for the review. From this desk review, s/he will develop the tools for data collection such as:

1. The questions and indicators for the self-assessment tool.
2. Consultation questions for PSEA Task Force members and stakeholders.

3. The interview questions for staff and stakeholder meetings during the in-country monitoring missions,
4. The guidelines for the focus group discussions with beneficiaries.
5. Criteria for selection of beneficiaries to be highlighted in the case histories as well as the questions and guidelines for conducting the interviews.

In-country Monitoring Missions

The visits to the selected countries will be undertaken by a team led by the review facilitator, an external local consultant and staff member(s) from one or two of the participating organizations. The team will use the framework and tools developed by the external facilitator. Data collection methods will include interviews and focus group discussions with stakeholders, including implementing partners, government and beneficiaries. Where face-to-face meetings cannot take place, telephone calls and email exchanges will be utilized to collect data, which will be analyzed by the external review facilitator who drafts the country specific reports. After each mission the review facilitator will report to the Review Task Manager on the findings and any process issues that need to be addressed/avoided in future visits. The review process could be completed within three to four months depending on the number of countries involved.

Workshops

A pre-review workshop facilitated by the external review facilitator will be conducted at the beginning of each visit in every country to explain the review process, data collection framework and tools, answer any questions and deal with any outstanding issues. This will ensure uniformity in data collection, especially if the review team has to split up in-country to visit different locations outside the capital.

A maximum of two joint pre-assessment workshops will also be facilitated by the external review facilitator at the beginning of the facilitated self-assessment process to ensure that there is a common understanding and implementation of the self-assessment tool.

b) Data Analysis

Upon receipt of each participating organizations completed self assessments, the data from the in-country monitoring missions, desk review and other sources, the review facilitator will analyse and synthesis the information collected to produce the deliverables set out above.

c) Feedback Mechanisms

There will be vigorous feedback mechanisms to all review participants, especially affected populations. Part of this mechanism will include the post visit workshop to be held in each country at the end of each visit. Here, preliminary findings will be shared with stakeholders and their feedback can be obtained on both the findings and the process.

In addition, an executive summary of the synthesis report will be made available for distribution to affected communities that participated in the review process in their local languages.

d) Follow-up Mechanisms

A post-review learning workshop will be held once the process is complete and all outputs delivered. This will provide an opportunity for the follow-up mechanisms to be developed and organizations to take ownership for implementation of various recommendations. A joint time-bound action plan will be developed in this forum as it is an opportunity for organizations to feed into findings, conclusions, lessons and recommendations. The Steering Committee will ultimately agree on the intended use of the review results and the parties that are responsible for follow-up.

MANAGEMENT STRUCTURE

a) Special Advisor

A senior prominent person will be engaged to lend support to the review process, report and the follow-up mechanisms established. The senior prominent person will lend support to the review process by bringing to it their experiences on PSEA and on the internal functioning of UN/NGO systems working in development, humanitarian and peacekeeping environments. The person will have enough cache with the users of the review to ensure system-wide consideration of the review recommendations.

The Senior Adviser will, in consultation with the External Review Facilitator:

- Contact/interview high-level informants and obtain information pertinent to the Review.
- Advise on the formulation of recommendations concerning institutionalization of PSEA and accountability frameworks for PSEA.
- Advise on the global synthesis report.
- Launch the review report and recommendations in a number of fora.

b) Steering Committee

An inter-agency Steering Committee will provide general oversight and strategic direction to the review process on behalf of the IASC membership. The Committee will be chaired by a senior manager of the Managing Agency and include senior managers in the UN, NGOs and IGOs, donor(s) and at least one Resident/Humanitarian Coordinator from the countries chosen as locations for the monitoring missions. Members of the Steering Committee must be senior enough to speak on behalf of their organization and have authority to make decisions. The duties of the Steering Committee would include:

1. Ensuring an inclusive process for finalisation of the Review TOR and Managing Agency TOR.
2. Approving the budget and mobilising in-kind and financial resources for the review process.
3. Reviewing and approving all tools developed for the review.
4. Selecting the locations for joint country-level monitoring missions.
5. Coordinating feedback to their agencies and staff of the review process; solidifying support and participation across all relevant departments (strategic, operational and programmes); ensuring field representatives are aware of, consulted and fully contribute toward the review.
6. Examining and commenting on interim findings and the various draft reports produced.

7. Deciding on follow-up measures for the review.

c) Managing Agency

In order to ensure coherence and coordination in overall management of the review, one agency will act as line manager for the overall review process. This organization will:

1. Provide secretariat support to the Steering Committee.
2. Receive and distribute funds as necessary for the smooth functioning of the review.
3. Hire (or second) and supervises the Review Task Manager.
4. Hire external review facilitator and any other external consultants required.
5. Facilitate communication between the Steering Committee and the Review Task Manager.

d) Review Task Manager

This person will ideally be placed within the lead agency and would be responsible for the day-to-day management of the review to ensure coherence among the 3 portions of the review process. This person will be responsible to:

- 1 Develop a detailed schedule for the entire review process with input from the external review facilitator and field staff in the selected countries.
- 2 Ensure that the review process remains on time and on budget.
- 3 Act as a clearing house for information.
- 4 Be focal point to address concerns and answer process and logistics questions from participating organizations and their staff.
- 5 Facilitate communication between the Managing Agency and External Review Facilitator.
- 6 Supervise the External Review Facilitator.

An external consultant could fulfill this role. However, it would reduce costs if a lead agency staff member who is qualified and available fulfilled these responsibilities.

e) External Review Facilitator

The first task will be to develop an approach paper.

For the facilitated self-assessment portion of the review, this person will be responsible for:

1. Conducting initial desk review.
2. Developing the review framework and associated data collection instruments.

3. Conducting one or two joint workshop(s) with participating agencies to ensure common application of the assessment tools across organizations.
4. Consult with staff and stakeholders at the headquarters level on data collection.
5. Analyze data received from each agency and draft a corresponding report.
6. Draft global synthesis report and budgeted dissemination strategy for the review.

For the joint in-country monitoring missions, this person will be responsible for:

1. Developing the review framework and associated data collection instruments.
2. Leading the review teams.
3. Conducting document review prior to each field visit.
4. Facilitating pre-review workshops in each country.
5. Interviewing staff, affected populations and other stakeholders (in conjunction with the review team).
6. Presenting findings in country and assisting in the development of an action plan.
7. Draft country specific reports and beneficiary case histories.

f) Joint Country-Level Monitoring Missions

These teams will be made up of the external review facilitator, one other external local consultant and one staff member from one or two of the participating organizations. The teams will be gender balanced, multidisciplinary and have good communication/facilitation skills. At least one member of the team must have experience interviewing children and victims of sexual violence. The same team will go to all selected countries and will visit at least two locations outside the capital. Duties will include: document review, interviewing staff, affected populations and stakeholders, collecting and organizing data.

FRAMEWORK FOR FEEDBACK AND FOLLOW-UP

Robust follow-up machinery with accountability mechanisms will be established for implementation of recommendations. It is anticipated that the involvement of organizations in the planning and implementation of the review will result in targeted recommendations and enhanced accountability for their implementation. A time bound action plan for implementation of the recommendations will be established, monitored and reported on at an agreed upon time in the future.

Annex 2

Secretary-General's Bulletin

United Nations Secretariat

ST/SGB/2003/13

9 October 2003

Special measures for protection from sexual exploitation and sexual abuse

The Secretary-General, for the purpose of preventing and addressing cases of sexual exploitation and sexual abuse, and taking into consideration General Assembly resolution 57/306 of 15 April 2003, "Investigation into sexual exploitation of refugees by aid workers in West Africa", promulgates the following in consultation with Executive Heads of separately administered organs and programmes of the United Nations:

Section 1

Definitions

For the purposes of the present bulletin, the term "sexual exploitation" means 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. Similarly, the term "sexual abuse" means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

Section 2

Scope of application

2.1 The present bulletin shall apply to all staff of the United Nations, including staff of separately administered organs and programmes of the United Nations. 2.2 United Nations forces conducting operations under United Nations command and control are prohibited from committing acts of sexual exploitation and sexual abuse, and have a particular duty of care towards women and children, pursuant to section 7 of Secretary-General's bulletin ST/SGB/1999/13, entitled "Observance by United Nations forces of international humanitarian law".

2.3 Secretary-General's bulletin ST/SGB/253, entitled "Promotion of equal treatment of men and women in the Secretariat and prevention of sexual harassment", and the related administrative instruction⁵⁰ set forth policies and procedures for handling cases of sexual harassment in the

⁵⁰ Currently ST/AI/379, entitled "Procedures for dealing with sexual harassment".

Secretariat of the United Nations. Separately administered organs and programmes of the United Nations have promulgated similar policies and procedures.

Section 3

Prohibition of sexual exploitation and sexual abuse

- 3.1 Sexual exploitation and sexual abuse violate universally recognized international legal norms and standards and have always been unacceptable behaviour and prohibited conduct for United Nations staff. Such conduct is prohibited by the United Nations Staff Regulations and Rules.
- 3.2 In order to further protect the most vulnerable populations, especially women and children, the following specific standards which reiterate existing general obligations under the United Nations Staff Regulations and Rules, are promulgated:
- (a) Sexual exploitation and sexual abuse constitute acts of serious misconduct and are therefore grounds for disciplinary measures, including summary dismissal;
 - (b) 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 in the age of a child is not a defence;
 - (c) Exchange of money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour, is prohibited. This includes any exchange of assistance that is due to beneficiaries of assistance;
 - (d) Sexual relationships between United Nations staff and beneficiaries of assistance, since they are based on inherently unequal power dynamics, undermine the credibility and integrity of the work of the United Nations and are strongly discouraged;
 - (e) Where a United Nations staff member develops concerns or suspicions regarding sexual exploitation or sexual abuse by a fellow worker, whether in the same agency or not and whether or not within the United Nations system, he or she must report such concerns via established reporting mechanisms;
 - (f) United Nations staff are obliged to create and maintain an environment that prevents sexual exploitation and sexual abuse. Managers at all levels have a particular responsibility to support and develop systems that maintain this environment.
- 3.3 The standards set out above are not intended to be an exhaustive list. Other types of sexually exploitive or sexually abusive behaviour may be grounds for administrative action or disciplinary measures, including summary dismissal, pursuant to the United Nations Staff Regulations and Rules.

Section 4

Duties of Heads of Departments, Offices and Missions

- 4.1 The Head of Department, Office or Mission, as appropriate, shall be responsible for creating and maintaining an environment that prevents sexual exploitation and sexual abuse, and shall take appropriate measures for this purpose. In particular, the Head of Department, Office or Mission

shall inform his or her staff of the contents of the present bulletin and ascertain that each staff member receives a copy thereof.

- 4.2 The Head of Department, Office or Mission shall be responsible for taking appropriate action in cases where there is reason to believe that any of the standards listed in section 3.2 above have been violated or any behaviour referred to in section 3.3 above has occurred. This action shall be taken in accordance with established rules and procedures for dealing with cases of staff misconduct.
- 4.3 The Head of Department, Office or Mission shall appoint an official, at a sufficiently high level, to serve as a focal point for receiving reports on cases of sexual exploitation and sexual abuse. With respect to Missions, the staff of the Mission and the local population shall be properly informed of the existence and role of the focal point and of how to contact him or her. All reports of sexual exploitation and sexual abuse shall be handled in a confidential manner in order to protect the rights of all involved. However, such reports may be used, where necessary, for action taken pursuant to section 4.2 above.
- 4.4 The Head of Department, Office or Mission shall not apply the standard prescribed in section 3.2 (b), where a staff member is legally married to someone under the age of 18 but over the age of majority or consent in their country of citizenship.
- 4.5 The Head of Department, Office or Mission may use his or her discretion in applying the standard prescribed in section 3.2 (d), where beneficiaries of assistance are over the age of 18 and the circumstances of the case justify an exception.
- 4.6 The Head of Department, Office or Mission shall promptly inform the Department of Management of its investigations into cases of sexual exploitation and sexual abuse, and the actions it has taken as a result of such investigations.

Section 5

Referral to national authorities

If, after proper investigation, there is evidence to support allegations of sexual exploitation or sexual abuse, these cases may, upon consultation with the Office of Legal Affairs, be referred to national authorities for criminal prosecution.

Section 6

Cooperative arrangements with non-United Nations entities or individuals

- 6.1 When entering into cooperative arrangements with non-United Nations entities or individuals, relevant United Nations officials shall inform those entities or individuals of the standards of conduct listed in section 3, and shall receive a written undertaking from those entities or individuals that they accept these standards.
- 6.2 The failure of those entities or individuals to take preventive measures against sexual exploitation or sexual abuse, to investigate allegations thereof, or to take corrective action when sexual exploitation or sexual abuse has occurred, shall constitute grounds for termination of any cooperative arrangement with the United Nations.

Section 7

Entry into force

The present bulletin shall enter into force on 15 October 2003.

(Signed) Kofi A. Annan

Secretary-General

Annex 3
IASC Review
of Protection from Sexual Exploitation and Abuse
by Staff and Related Personnel (PSEA Review):
Entity Self-Assessment Questionnaire

1. The questionnaire

This questionnaire contains:

Section A: Background Information for the Entity Focal Points

- Introduction
- Audience for this Information
- Timeline
- Contacts
- Follow Up
- Resources Used and Consultations
- Terminology
- Guidance on Completion of the Questionnaire

Section B: The Questionnaire

- The Entity
- Management and Coordination
- Engagement with and Support of Local Populations
- Prevention
- Response

Section A: Background Information for the Entity Focal Point

Reference documents accompanying the self assessment tool include the:

1. PSEA Review Terms of Reference (as revised by the PSEA Review Steering Committee 5 October 2009).
2. Secretary-General's Bulletin. Special measures for protection from sexual exploitation and sexual abuse. 9 October 2003. ST/SGB/2003/13.
3. Statement of Commitment on Eliminating Sexual Exploitation and Abuse by UN and Non-UN Personnel, December 2006.

Introduction

The IASC Review of Protection from Sexual Exploitation and Abuse (PSEA) by staff and related personnel taking place in 2009-10 will “assess the extent to which organisations and country teams have implemented their obligations to address sexual exploitation and abuse”.

The Review is not a formal evaluation of the individual entities participating. It is a stock-taking and a needs analysis, covering achievements and constraints, and will make recommendations for future action. The Review is concerned with the conduct of both core staff and related personnel with regard to sexual exploitation and abuse and their role in endeavouring to protect from sexual exploitation and abuse.

The Review will cover both headquarters (HQ) and field levels. However, the self assessment will focus only on measures taken by the HQ level to guide/direct field level implementation of the PSEA mandates. The purpose and objectives of the self assessment can be found in the revised PSEA Review Terms of Reference which accompanies this Questionnaire.

Should entities wish to include information about additional PSEA initiatives taken at field level please do so. This will then give an opportunity during the field portion of the Review to observe and discuss the implementation of both HQ-set expectations and system-wide policies and to identify key challenges/gaps/needs/barriers both within entities and also at inter-agency level. When in the field, the PSEA Review team will engage with both the self assessment entities and other entities and will work at beneficiary level to collect case studies where appropriate.

At HQ, in addition to the facilitated self-assessment process, interviews will also be conducted by the External Review Facilitator primarily to discuss the PSEA coordination architecture.

The questionnaire is framed around the four pillars of PSEA: management and coordination, community engagement, prevention and response.

Audience for this Information

Each participating entity should have identified a focal point. The focal points are the primary audience for the questionnaire and should attempt to participate in the video conference (see below). Information in this introductory section guides the focal points' work to undertake an entity self assessment considering the degree to which mandates on protection from sexual exploitation and

abuse (PSEA) have been implemented. In order for the focal point to deliver the completed questionnaire it is expected that s/he will have to consult widely within the entity.

Timeline

The entity self assessment will take place during January 2010. To begin the process, at least one representative (the focal point) from each participating entity should participate in a video conference to be facilitated by the External Review Facilitator. The video conference will take place on January 21st between 1400hrs and 1600hrs GMT (9-11am New York time, 1500hrs to 1700hrs Geneva time) and will be repeated on January 22nd between 1400hrs and 1600hrs GMT (9-11am New York time, 1500hrs to 1700hrs Geneva time) for any focal points who are unable to participate on the 21st. The video conference will give further information on the self assessment process, provide an opportunity to seek clarity on any points of difficulty or confusion in the self assessment and discuss the criteria for the section-end Overall Self Assessment Rankings. We will also discuss strategies for the collection of data, presentation of data and any other challenges. The External Review Facilitator will also be available to you (through email or weekly Skype clinic) should you have any questions during the self assessment process. The current deadline for the submission of the self assessment questionnaire is the 12th February. If focal points would value it, the External Review Facilitator is willing to arrange a debriefing conference call.

Contacts

All communications on the self-assessment should be sent to the External Review Facilitator at moiraareddick@yahoo.co.uk.

Follow Up

Completed entity self assessment forms should be sent to the External Facilitator (an independent consultant) and they will remain confidential. The completed forms will not be shared with the Review Task Manager or with any other entity.

Following the self assessment process, each participating entity will receive from the External Facilitator a confidential entity-specific report which may make suggestions on actions to allow them to move forward on PSEA implementation. The final report for the Review will draw on material from the self assessments but this will be anonymised thereby respecting confidentiality. The External Review Facilitator will ensure that the documents are destroyed following the completion of the Review.

Resources Used and Consultations

This Entity Self Assessment Questionnaire was drafted and then reviewed for clarity and purpose by 5 UN agencies and INGOs.

During its development, attempts were made to draw good practice from previous work. This includes the HAP *Sexual exploitation and abuse prevention & response organisational self assessment*, the Steering Committee for the Humanitarian Response of the IASC (SCHR) Peer Review process, the draft *Minimum Operating Standards (MOS-PSEA)* of the ECHA/ECPS UN and NGO Task Force on PSEA and the *HAP 2007 Standard in Humanitarian Accountability and Quality Management*.

Terminology

Complaints	For the purposes of this questionnaire, refers to complaints, allegations or reports that sexual exploitation or abuse has been committed.
Entity	For the purposes of this questionnaire, is used throughout instead of agency, organisation, or department.
HQ	Headquarters.
PSEA	Protection from sexual exploitation and abuse.
PSEA policy	For the purposes of this questionnaire, refers to any policy that includes prohibition of SEA. This could be a distinct policy or included in another policy, such as a code of conduct.
SEA	Sexual exploitation and abuse. For the purposes of this questionnaire, the definitions of sexual exploitation and sexual abuse are those given under Section 1 of the Secretary-General's Bulletin on <i>Special measures for protection from sexual exploitation and sexual abuse</i> , 9 October 2003 (ST/SGB/2003/13) a copy of which accompanies this questionnaire.
Personnel	For the purposes of this questionnaire, refers to those individuals paid and contracted by your entity to carry out its work. They could be on permanent or on temporary contracts. They could be consultants. They could be working full or part time. They could be volunteers - this includes United Nations Volunteers who are paid and contracted by a UN entity. They could be professional or support personnel. They could be national or international.

Guidance on Completion of the Questionnaire

The primary purpose of the workshop in January is to provide guidance on the completion of the questionnaire. The following however should be taken as general points of guidance:

- The self-assessment seeks to understand what has been done at an HQ level to set a PSEA framework for policy and implementation within the entity. For this reason answers should reflect current practice within the entity rather than plans or aspirations.
- The Review is collecting statistics where the presentation of quantitative data should be possible. However, it is recognised that this data may not at the end of the day be possible to present and also that the data may need to be contextualised by a narrative in order for it to be clearly understood. We would therefore ask that entities please give an explanation of any statistics that you might supply and/or contextualise them by giving examples.
- The questionnaire has been designed where possible to adopt a tick box approach to make response as straightforward as possible. If more than one box is applicable to the entity then

please highlight all your choices. If it is not possible to find the answer to a question then select the box 'don't know'. When you select the 'don't know' box please explain why in the comments section underneath.

- Every question is followed by a comment section. This is important in order to understand the context in which your entity's PSEA policy and implementation work is being carried out. .
- **When adding to the comments sections please position the cursor in the top left hand corner of the appropriate comments box. This is important to ensure your comments are correctly recorded and formatted.**
- You will see that every section (management and coordination, engagement with and support of local populations, prevention and response) concludes with an invitation to rank entity progress on that section out of 10 (with 1 being low and 10 being high). [We have also asked you to give an overall ranking for progress on 'Awareness of Local Populations' and 'Beneficiary and Community Complaints' as these are such important issues]. These rankings should be based on the answers given in the section above and will be helpful both when compiling the confidential feedback reports and also for the overarching final report. It is recognised that it will to some extent be a subjective ranking and therefore it is necessary to include a comment on why this ranking is appropriate. It may be that this is also useful when reporting to senior management about the findings of the self assessment and it may also be a useful summary for continuing internal discussion about PSEA. This will be discussed further at the video conferencing meeting in January to attempt to agree on some benchmarks.

Section B: The Self Assessment Questionnaire

1. The Entity

The entity being reported on works in:

- Humanitarian Assistance
- Development Assistance
- Both Humanitarian and Development Assistance
- Peacekeeping
- Other

Name of the entity

Name of the focal point responding to the self assessment questionnaire

Job title of the focal point

Contact details for the focal point

Department name of the focal point

Does the focal point work in PSEA?

Currently:

a. What is the annual budget of the entity?

b. What is the total number of HQ personnel?

c. What is the total number of field personnel both expatriate and national?

d. In how many countries is the entity active?

e. Does the entity implement through partner entities?

f. Do volunteers implement programmes at field level and have direct contact with beneficiaries?

In completing this questionnaire:

g. How many personnel were consulted?

h. Which departments were consulted?

i. Number and level of senior managers consulted?

j. Over what period of time has the entity proactively engaged in PSEA work?

2. Management and coordination

a. Entity Policy

1. Does the entity have a policy clearly prohibiting SEA?

- Yes
- No (go to 2b)

Comment: *if yes please attach a copy of the policy (except ST/SGB/2003/13)*

If yes:

2. How does the entity ensure that the personnel know about the existence and contents of this policy? (tick all that apply)

- Inductions/Briefings
- Responsibility of managers to inform
- Placing of the Policy on the intranet
- Trainings
- Other
- None

Comment: *please attach copies of all relevant documents*

3. How often have personnel been informed of the existence and contents of this policy?

- Once
- Annual
- Other

Comment:

4. How has the entity promoted implementation of the policy (*tick all that apply*)

- Guidelines
- Directives
- Information letters/emails
- Other
- None

Comment: if possible please provide copies of guidelines/directives/letters/emails etc

5. Does the entity monitor implementation of the PSEA policy?

- Yes
- No (*please explain why in comment box below and go to b1*)

Comment: *if answer is yes please outline the monitoring mechanism*

6. What is the current level of implementation of the policy?

- 0%

- 1-10%
- 11-25%
- 26-50%
- 51-70%
- 76-100%

Comment: *please outline which areas of work have/have not been implemented and why*

b. PSEA Plan of Action (if the answer to 2a was no continue from here)

1. Does the entity have a currently applicable plan of action on PSEA?

- Yes
- No (please explain why in the comment box below and go to b4)

Comment:

If yes:

2. What is the current level of implementation against the plan (if it is not possible to get the specific level please estimate and explain that this is the case)?

- 0%
- 1-10%
- 11-25%
- 26-50%
- 51-70%
- 76-100%

Comment: *please outline which areas of work have/have not been implemented and why*

3. Does the entity monitor implementation of the PSEA policy and/or plan of action?

Yes

No

Comment: *if answer is yes please outline the monitoring mechanism, if no please explain why not*

If the answer to b1 was no continue from here. If the answer to b1 was yes go to c1.

4. If the entity does not have a current plan of action (or similar) on PSEA but is still active on PSEA please describe how it monitors and evaluates progress on PSEA.

Comment:

c. Dedicated Personnel Time to PSEA

1. Does the entity have personnel with explicit (formalised) responsibility in their job description, performance appraisal or similar working on PSEA?

Yes

No *(please explain why not in comment box below and go to section 2d)*

Comment:

If yes:

2. How much personnel time is devoted overall to PSEA within HQ? (That is, please quantify how responsibility shared between personnel can be added up. For example, if there are four personnel members who have 25% of their time each devoted to PSEA that would equal 100%).

Comment:

3. How many personnel are currently working full time on PSEA at HQ?

Comment:

4. Where are personnel working full time on PSEA placed within the entity structure (e.g. human resources, programmes, ethics, protection, gender, community services)?

Comment:

5. Was more or less personnel time dedicated to PSEA in the past as compared to 2009?

More

Less

Comment: *please provide background information to your answer explaining why this is the case.*

6. What training have the personnel working on PSEA received to help them implement their PSEA responsibilities?

Comment:

d. Financing (if answer to c1 was no continue from here)

1. How is PSEA budgeted for within the entity? Please note if there is a distinct budget line at HQ.

Comment: *if there is no distinct budget line please explain how PSEA activities are funded.*

2. Would PSEA work be protected in times of budget crisis (is it part of the core budget or is it under extra-budgetary activities)?

Yes

No

Comment:

3. Do the entity's donors directly fund the entity's PSEA work or programmes?

Yes

No

Comment:

e. Reporting to Management and Public Accountability

1. What position at the most senior level is responsible and accountable for ensuring implementation of PSEA obligations?

Comment:

2. Do the PSEA personnel members provide scheduled reports on PSEA activities to the Senior Management within the entity?

Yes

No *(please explain why in comment box below and go to e4)*

Comment: *if yes please comment on how frequently this is required. If possible (allowing for institutional confidentiality) please attach a sample of this reporting.*

3. Does Senior Management formally respond with feedback and guidance on the content of the PSEA reporting?

Yes

No

Comment: *if possible (allowing for institutional confidentiality) please attach a copy of this feedback*

If answer to e2 was no continue from here

4. Does PSEA feature as a regular reporting item on the agenda of the Senior Management Team/Governance Meeting?

Yes

No

Comment:

5. Does the entity include reporting on progress on PSEA as part of its public accountability work e.g. annual report?

Yes

No

Comment: *if yes, please attach a sample of this reporting*

f. Contribution to Inter-Agency PSEA Efforts

1. Does the entity at HQ participate in inter-agency PSEA efforts?

Yes

No

Comment: *if no please explain why not*

2. What role does the entity play with regard to inter-agency PSEA efforts (*tick all that apply*)?

Participation in coordination bodies

Leadership roles taken

Projects undertaken

Research undertaken

Advocacy undertaken

Other

None

Comment:

3. Does your entity have a policy with regard to participation in field level inter-agency PSEA networks?

Yes

No

Comment: If yes, please attach a copy of the policy

Overall Self Assessment Ranking on Management and Coordination (*tick one box; 1 is poor and 10 is excellent*)

1

2

3

4

5

6

7

8

9

10

Comment:

3. Engagement with and support of local populations

a. Awareness of Local Populations

1. Has HQ communicated to field offices what is expected of them regarding raising beneficiary awareness concerning SEA?

Yes

No (please explain why in the comment box below and go to 3b)

Comment:

If yes:

2. How has HQ communicated the entity's expectation that field offices will raise beneficiary awareness concerning SEA (tick all that apply)?

Guidelines

Directives

Policy

Letters/emails

Training

Other

None of the above

Comment:

3. What mechanisms are field offices expected to use when engaging in awareness-raising for beneficiaries of entity policies and stance towards PSEA (*tick all that apply*)?

- Posters
- Meetings
- Drama
- Trainings
- Leaflets
- Display of entity policy and information in public areas
- Not specified
- Other

Comment: *it would be useful to have examples of innovative practice*

4. What areas is the awareness-raising for beneficiaries expected to cover (*tick all that apply*)?

- What is SEA
- Personnel members' responsibility not to commit SEA
- How to complain
- Entity investigation mechanisms
- Entity mechanisms to ensure that response is reported back to beneficiaries
- Not specified
- Other

Comment:

5. Which of the following groups are expected to be involved in planning awareness-raising campaigns for communities (*tick all that apply*)?

- Women (26-60)

- Children (0-17)
- Youth (aged 18-25)
- Men (26-60)
- Older People (60 +)
- HQ has not specified
- Other

Comment:

6. Are awareness-raising materials always expected to be translated into the local language(s)?

- Yes
- No

Comment:

7. Are field offices expected to engage in awareness-raising as an individual entity or as part of an inter-agency group or PSEA network?

- Individually
- Group or Network

Comment: *if individually please explain why this is preferred*

8. Are field personnel expected to monitor community awareness levels before and after SEA awareness activity takes place?

- Yes
- No

Comment: *if no please explain why not, if yes please describe the monitoring mechanism*

9. How often is repeat awareness-raising with beneficiaries expected to take place?

- Every month
- Every six months
- Every year
- One off process
- HQ has not specified

Comment: *please describe the basis for this decision*

Overall Self Assessment Ranking on Awareness of Local Populations (*tick one box, 1 is poor and 10 is excellent*)

- 1 2 3 4 5 6 7 8 9 10

Comment:

If the answer to a1 was no continue from here.

b. Beneficiary and Community Complaints Mechanisms

1. Does the entity have a complaints mechanism for reporting incidents of SEA?

- Yes
- No (*please explain why in comment box below and go b10*)

Comment:

If yes:

2. Is the establishment of the complaints mechanism mandatory in every field office?

Yes

No

Comment: *if no please explain why not*

3. How has the existence and functioning of the complaints mechanism been communicated to field offices?

Guidelines

Letters/email

Training

CDROM

Deployment of expert to establish mechanism

Other

Comment: please provide copies of any relevant documents/materials

4. Are field offices expected to adjust the complaints mechanism to local contexts?

Yes

No

Comment: *if yes please give examples of adjustments that have taken place, if no please explain why*

5. Is there provision for the complaints mechanism to be adapted with community participation?

Yes

No

Comment: *if yes please attach examples of adaptation*

6. Is there provision for the complaints mechanism to be adapted to the cultural context of the community?

Yes

No

Comment: *if yes please attach examples of adaptation*

7. Please describe how allegations are to be received under the complaints mechanism:

Comment:

8. Is there provision to ensure the confidentiality of the complaints mechanism?

Yes

No

Comment: *if no please explain why not*

9. Is the complaints mechanism monitored and reviewed for effectiveness?

Yes

No

Comment: *if yes please describe the monitoring mechanism, if no please explain why not*

If answered no to b1 continue from here.

10. Does the entity participate in inter-agency complaints mechanisms:

Always

Frequently

Sometimes

Rarely

Never

Don't know

Comment: *if 'sometimes', 'rarely' or 'never' please explain why not.*

Overall Self Assessment Ranking on Beneficiary and Community Complaints Mechanisms
(tick one box, 1 is poor and 10 is excellent)

1 2 3 4 5 6 7 8 9 10

Comment:

Investigations

11. Does the entity verify that all complaints are received and investigated according to policy and guidelines?

Yes

No

Comment:

12. Is there provision for an appeal process should a beneficiary be unhappy with the outcome of a process/investigation?

Yes

No

Comment:

Overall Self Assessment Ranking on Engagement with and support of local populations (*tick one box, 1 is poor and 10 is excellent*)

1 2 3 4 5 6 7 8 9 10

Comment:

4. Prevention

a. Recruitment and Performance Management

1. Does the entity have a policy regarding reference checking procedures for job candidates include checking of any history of perpetrating SEA?

Yes

No

Comment: *if yes please provide a copy of the policy, if no please explain why*

2. Is it entity practice that supervision meetings and performance appraisals include adherence to your entity's PSEA Policy/Code of Conduct?

Yes

No

Comment:

b. Awareness-raising amongst HQ based Personnel

1. Does the entity have standardised awareness-raising for HQ personnel on SEA?

Yes

No (*go to b6*)

Comment:

If yes:

2. How is awareness-raising delivered at HQ (*tick all that apply*)?

- In person
- Internet
- CD Rom
- Other

Comment:

3. Which of the following areas does the awareness-raising with HQ personnel cover (*tick all that apply*):

- What is SEA
- Personnel members responsibility not to commit SEA
- On and off duty responsibilities
- Personnel members obligations to report SEA
- How to report SEA
- Whistle blowing protection
- Entity investigation protection
- Entity reporting back mechanisms
- Obligations of those with cooperative arrangements/partners
- Other

Comment:

4. What percentage of current HQ personnel have received SEA awareness training?

- 0%
- 1-10%

- 11-25%
- 26-50%
- 51-75%
- 76-100%

Comment:

5. How frequently do current HQ personnel have awareness training repeated?

- Every six months
- Every year
- Other (*specify*)
- Never

Comment:

If answer to b1 was no continue from here

6. To the best of your knowledge, what percentage of your current field workforce has received SEA awareness training?

- 0%
- 1-10%
- 11-25%
- 26-50%
- 51-75%
- 76-100%
- Don't know

Comment:

7. In the event of a large emergency where the entity is rapidly taking on large numbers of new personnel is PSEA awareness training prioritised for induction/briefing? *[Note: it is recognised that this question may not be appropriate for development entities.]*

- Yes
- No
- Not applicable

Comment:

8. Does the entity have a policy on whether members of the entity should participate in inter-agency trainings or briefings on SEA at field level?

- Yes
- No

Comment: *if yes please attach*

c. Partners

1. Does your entity have a policy that requests that partners (that is those in cooperative agreement with your entity) are obliged to adhere to the entity's PSEA policy and guidelines? *[Note: for those in cooperative agreement with UN entities, explicit directives referring to this are contained in Section 6 of the Secretary-General's Bulletin on Special measures for protection from sexual exploitation and sexual abuse, 9 October 2003 (ST/SGB/2003/13) a copy of which accompanies this questionnaire.]*

- Yes
- No

Comment: *if yes please attach, if no please explain why not*

Overall Self Assessment Ranking on Prevention (*tick one box, 1 is poor and 10 is excellent*)

1 2 3 4 5 6 7 8 9 10

Comment

5. Response

a. Personnel Complaints Mechanisms

1. Does the entity have written procedures on how personnel can/should make complaints?

Yes

No

Comment: if no please explain why not, if yes please attach

If yes:

2. Are the entity's complaints procedures monitored and reviewed for effectiveness?

Always

Frequently

Sometimes

Rarely

Never

Comment: if 'sometimes', 'rarely' or 'never' please explain why not. If there is monitoring please describe the mechanism

3. What are field offices expected to do to identify and to recognise the differing cultural and contextual barriers to reporting incidents of sexual exploitation and abuse (*tick all that apply*)?

- Consultation with local personnel
- Consultation with beneficiary groups
- Research
- Other
- Not expected to do this

Comment:

b. Complaint referral

1. Does the entity have policies/procedures in place for referring complaints on SEA to other entities in the case that the complaint received has been made about personnel of that other entity?

- Yes
- No

Comment: *if yes please attach*

2. Does the entity have policies/procedures in place for referring complaints on SEA to local authorities in the case that the complaint received may constitute a crime under domestic law?

- Yes
- No

Comment: *if yes please attach*

c. Investigations

1. Does the entity have a standard operating procedure instructing field-based managers on what to do with complaints once received?

Yes

No

Comment: *if not please explain what guidance is given, if yes please attach*

2. Does the entity have provisions to ensure protection/confidentiality for personnel against whom allegations are brought until the investigation is finalised?

Yes

No

Comment: *if no please explain why not, if yes please either attach a policy/guideline or describe the provisions*

3. Does the entity have a policy or procedure stating the following:

i. which complaints should be investigated?

Yes

No

Comment: *if yes please attach*

ii. that investigations are not to be conducted by the person receiving the complaint unless designated with the responsibility to investigate?

Yes

No

Comment: *if no please explain why not, if yes please specify the training and skills that investigators are required to have and/or attach the policy*

iv. the timeline for the investigation of complaints?

Yes

No

Comment: *please explain the timeline and/or attach the policy.*

v. how the result of investigations should be communicated to management/HQ?

Yes

No

Comment:

vi. what form of response and guidance is required from management/HQ?

Yes

No

Comment:

vii. whether an investigation should still be conducted if the alleged perpetrator has left the country?

Yes

No

Comment:

viii. whether an investigation should still be conducted if the alleged perpetrator has left the entity?

Yes

No

Comment:

ix. whether an investigation should still be conducted if the complaint was made more than a year after the incident was alleged to have occurred?

Yes

No

Comment:

4. What percentage of complaints, made in the last five years, resulted in a formal investigation?

0%

1-10%

11-25%

26-50%

51-75%

76-100%

Comment:

5. What percentage of personnel have been trained by the entity to carry out investigations?

0%

1-10%

11-25%

26-50%

51-75%

76-100%

Comment:

6. Does the investigation training address interviewing children?

Yes

No

Not applicable

Comment:

7. What percentage of formal investigations initiated in the past five years have been concluded?

0%

1-10%

11-25%

26-50%

51-75%

76-100%

Comment:

d. Disciplinary Action

1. What percentage of substantiated complaints have resulted in disciplinary action over the past five years?

0%

1-10%

11-25%

26-50%

51-75%

76-100%

None

Comment:

2. What percentage of substantiated complaints have resulted in contractual consequences over the past five years?

0%

1-10%

11-25%

26-50%

51-75%

76-100%

None

Comment:

3. If any substantiated complaints did not result in disciplinary action/contractual consequences, please explain why.

Comment:

4. What forms of disciplinary action/contractual consequences has the entity undertaken as a result of substantiated complaints?

Comment:

5. What percentage of complaints substantiated during the past five years have resulted in dismissal of personnel?

- 0%
- 1-10%
- 11-25%
- 26-50%
- 51-75%
- 76-100%
- None

Comment:

6. Over the past five years, has the entity taken a consistent approach to disciplinary action taken as a result of substantiated PSEA complaints?

- Yes
- No

Comment: *if no, please explain why not*

e. Victim Assistance

For UN agencies only

1. How has the entity promoted implementation by its offices in the field of the UN's victim assistance strategy (A/RES/62/214) (*tick all that apply*)?

- Guidelines
- Directives
- Letters/emails
- Other
- None

Comment:

2. Has the entity disseminated to its field offices the UN's victim assistance strategy and the SEA Victim Assistance Guide (developed by the ECHA/ECPS UN and NGO Task Force on PSEA to support implementation of the victim assistance strategy)?

- Yes
- No

Comment:

For non-UN entities only

3. Are policies/procedures in place to ensure that assistance and support is made available to persons alleged or proven to be victims of SEA (victim assistance mechanisms)?

- Yes
- No (*go to e5*)

Comment:

If yes:

4. What sort of assistance does the entity require be made available (*tick all that apply*)?

- Provision of immediate shelter
- Money
- Counselling
- Legal
- Safety / Security
- Medical
- Other

Comment:

If answer to e3 was no continue from here

Both UN and non-UN

5. Are mechanisms in place to ensure that the entity reports back the findings of an investigation to:

i. the complainant?

- Yes
- No

Comment:

ii. the local community?

Yes

No

Comment:

Overall Self Assessment Ranking on Response (*tick one box, 1 is poor and 10 is excellent*)

1 2 3 4 5 6 7 8 9 10

Comment

Thank you for completing this questionnaire.

2. Comments on the self-assessment process

This is the first time that an inter-agency benchmarking process of this type has been attempted for PSEA. It was challenging to design a questionnaire for 14 different agencies with different mandates, structures, focuses and terminology. Despite the questionnaire being tested in advance of use, some of the questions will need to be refined if the exercise is repeated.

In retrospect, the External Review Facilitator believes that the benchmarks were set too low and were too generalised, making it difficult to always clearly delineate between the respondents' points of view (and comments given) and the actual current level of PSEA activity within the HQ of the agency. Where this was the case, the benefit of the doubt was given and the ranking was generous. The External Review Facilitator believes that, at present, a more searching process would lead overall to lower rankings across the body of respondents.

The value of this process will be increased if the exercise is regularly repeated, as this will allow monitoring of progress and identification of areas where agencies are collectively finding difficulty in making progress.

Should the exercise be repeated, as well as reviewing the questions it is recommended that the number of overall rankings is increased from four, allowing for a more subtle use of indicators, and that follow-up interviews are undertaken where clarification is required. Most importantly, there should be discussion about whether agencies are interested in learning from each other through the process. The current need for absolute confidentiality prohibits peer-to-peer learning or sharing of good practice. In future, it would be helpful if, at a minimum, the facilitator were empowered to put in contact agencies that could provide technical support to one other.

As already stated above, repetition of the self-assessment exercise – according to a schedule to be agreed – could be a part of a new inter-agency accountability mechanism. The External Review Facilitator believes that the first repetition should take place reasonably quickly (perhaps within 18 months) to ensure that the lessons learned from this review are incorporated. It is recommended that the skills and experience of an agency such as HAP should be considered to inform any future self-assessment, and that the HAP Standard Benchmarks are used to inform a review of the self-assessment process and the questionnaire.

Annex 4

Minimum Operating Standards (MOS-PSEA) Protection from Sexual Exploitation and Abuse by UN and NGO Personnel

Managerial Compliance for Protection from Sexual Exploitation and Abuse

In order to ensure that all efforts are made to provide protection from sexual exploitation and abuse (PSEA) by UN and NGO staff and related personnel, to respond to incidents and to provide support to victims, through in place and fully functioning systems, a Minimum Operating Standards for PSEA (MOS-PSEA) for use at country-level is required. This would be a standards-based managerial compliance mechanism. It is modelled after the well-known Minimum Operating Security Standards for Staff Safety or MOSS compliance mechanism, which is mandatory for UN at the country-level to ensure there is a common set of requirements that all agencies follow in order to ensure staff safety.

Questions and Answers on the MOS-PSEA

What is the MOS-PSEA compliance mechanism?

The compliance mechanism is a set of minimum measurable indicators. At a country level, each agency/organization will complete annual compliance reports that will then be submitted to the RC/HC for compilation into one country report. The reports from countries would be included in annual reports of the Secretary-General to the General Assembly.

What is the basis for the MOS-PSEA and how can we ensure that it is used once it is developed?

The PSEA managerial compliance mechanism will be based on the three documents or mandates that govern the PSEA agenda. These are:

1. The Statement of Commitment, which calls on signatories to undertake a set of PSEA actions. Therefore it obligates all signatories to comply with this PSEA compliance mechanism.
2. Secretary-General's Bulletin, which **obliges** UN staff and related personnel to undertake a specific set of actions.
3. The General Assembly resolution on victim assistance, which provides further mandate language that, obliges United Nations entities to comply with the mechanism.

Who would be required to report on their compliance to the PSEA standards?

- All UN entities
- UN related personnel/groups: contractual partners, peacekeepers (civilian component, troops and police)
- Signatories of the Statement of Commitment.

Other actors would be encouraged to be part of this effort.

How can we require agencies not obligated by the three mandates to take part the MOS-PSEA compliance mechanism?

- Contractually requiring partners to report on compliance with PSEA through the established managerial compliance mechanism.
- Asking donors to require their grantees to report on compliance through the PSEA mechanism

Where will the compliance mechanism be used?

The compliance mechanism is proposed for use at a country level under the auspices of the Resident/Humanitarian Coordinator (RC/HC) involving all UN, humanitarian and development actors who are either bound to or who would be willing to comply and report to this compliance mechanism. Where there are peacekeeping missions, the RC/HC is also the Deputy Special Representative of the Secretary General and as such would enforce the use of the compliance mechanism within the peacekeeping mission.

What are the key elements of a PSEA managerial compliance mechanism?

The four pillars of PSEA work provide the framework for the mechanism. These are:

1. **Community Engagement:** First and foremost the implementation of a functioning complaints or reporting mechanism will be at the heart of the managerial compliance mechanism. Aspects of how the community is involved in knowing their rights to benefit through awareness raising on PSEA will be measured.
2. **Prevention:** Awareness raising and training for staff.
3. **Response:** Investigations procedures (training and protocols), and victim assistance programmes.
4. **Management and coordination:** Appointment of agency focal points and fully functioning coordinated inter-agency focal point network.

How will the managerial compliance mechanism be used?

Options for conducting or using the managerial compliance mechanism include:

- A combination of self-assessment, community-based assessment, peer review with verification, and external/independent auditors.
- Incorporation of the annual compliance reporting process into the “Special Measures” report by the UN Secretary-General.
- Incorporation of the annual compliance mechanism into the reporting on the achievements of a country-wide PSEA action plan.
- Incorporation of the indicators of the annual compliance mechanism into the monitoring mechanism used by country-level PSEA focal point networks.
- If a “global watchdog” is developed, it could be instrumental in reporting on lack of compliance with standards for PSEA. It could also encourage agencies to sign up to the managerial compliance mechanism and provide support to organisations to meet PSEA standards.

	PSEA Minimum Standards	Key Indicators
Standards for Community Engagement in PSEA		
1	<p>Complaints Mechanism (SGB 4.3)</p> <p>All sections of the affected population have been engaged in the development of an effective complaints mechanism, understand how to access the mechanism, and know how to report any problems through the mechanism.</p>	<ul style="list-style-type: none"> • The community is fully involved in designing and carrying out PSEA complaints mechanism and training of community undertaken quarterly. • Number and record of complaints are lodged by the community and follow up recorded, • Feedback mechanism to community established and number of reports monitored.
2	<p>Community Awareness of SEA (SGB 4.3)</p> <p>All sections of the affected population have received adequate awareness-raising to ensure they are fully aware of SEA issues, and know what they are entitled to.</p>	<ul style="list-style-type: none"> • Affected community involved in designing community awareness messages (e.g local media, teachers, community leaders, midwives, clergy etc.). • Number and type of communication mechanism used (bulletin boards, camp meetings, flyers etc.) and materials translated in local languages.
Standards for SEA Prevention		
3	<p>Staff Awareness (SGB 4.1)</p> <p>Personnel have received a copy of the Secretary General's Bulletin (SGB), know how to contact PSEA Focal Points and are made aware of the obligations required of them in the SGB.</p>	<ul style="list-style-type: none"> • Staff are informed of PSEA Focal Points annually (e.g. done via memos to staff, informed verbally through various management mechanisms (e.g. staff meetings) and/or posted on bulletin boards etc). • MOS PSEA report of each agency shared internally with all staff. • Staff receive awareness training on PSEA annually and resign the Code of Conduct • All newly recruited staff sign the Code of Conduct and participate in an orientation session on SEA. • Whistle-blower protection measures are in place, and all staff are aware of the importance in reporting.
4	<p>Cooperative Arrangements (SGB 6.1)</p> <p>Procedures are in place to receive written agreement from non-UN entities or individuals entering into cooperative arrangements with the UN that they are</p>	<ul style="list-style-type: none"> • Agency record system collects written agreements that the individuals or organisations will abide by the SGB. • S.G's Bulletin and respective codes of

	aware of and will abide by the standards of the SGB.	<p>conduct are disseminated to those in contract to UN/NGO.</p> <ul style="list-style-type: none"> • Staff of contractual organisations undergo SEA training annually.
Standards for PSEA Response		
5	<p>Investigations (SGB 4.5)</p> <p>Procedures for investigations into cases of SEA are in place by the agency including prompt reporting of cases to appropriate HQ authority.</p>	<ul style="list-style-type: none"> • SOP or equivalent issued and used to guide practice. • Investigations undertaken by experienced and qualified professionals in the field of SEA.
6	<p>Victim's Assistance (GA Res 62/214)</p> <p>Agency has written guidance on the provision of victim assistance.</p>	<ul style="list-style-type: none"> • Agency implements fully the Victim Assistance programme in country. • All agency staff trained on VA.
Standards for Management and Coordination		
7	<p>PSEA Focal Point (SGB 4.2)</p> <p>PSEA Focal point designated has appropriate qualifications and is adequately managed and supported.</p>	<ul style="list-style-type: none"> • Agency nominates a Focal Point at the P4 level and an alternate focal point. (One of the two must be female). • Focal Point provides monthly reports to management and is provided with monthly feedback and guidance. • Performance as the Agency PSEA Focal Point is included in ToR and Personal Appraisal.
8	<p>PSEA Network</p> <p>Agency Focal Points regularly contribute to In-country Networks for PSEA.</p>	<ul style="list-style-type: none"> • Each Agency Focal Point participates regularly in the PSEA Network meetings and contributes to the implementation of the PSEA Network annual action plan.

The MOS-PSEA will be completed by each entity (UN and NGOs agreeing to participate) at a country level and compiled by the HC/RC into a single country (situation specific) MOS-PSEA report.

Annex 5

Persons consulted

Global level

Omar Abdi, Deputy Executive Director, UNICEF

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Annex 6

Bibliography

As well as the various UN documents referred to in this synthesis report, the following external reports were referenced:

HAP (2008) 'To Complain or Not to Complain: Still the Question', Kirsti Lattu, Humanitarian Accountability Partnership.

Save the Children UK (2006) 'From Camp to Community: Liberia study on exploitation of children'.

Save the Children UK (2008) 'No One to Turn To', Corinna Casky, Save the Children UK.

Annex 7

Country Reports and Case Studies

Two field missions were undertaken for this PSEA review, one to the Democratic Republic of the Congo (DRC) in March 2010 and one to Nepal in April 2010. A third mission was planned to Haiti, but this was stood down after the earthquake of January 2010. The purpose of the field missions was to track the receipt of HQ directives and guidance on PSEA, understand how this guidance was being understood and applied, and observe the extent of implementation at field level.

In addition, a desk study on Liberia and six country case studies (Kenya, Indonesia, Somalia, South Sudan, Thailand and Yemen) were undertaken by the review in order to capture, from practitioners, the widest possible examples both of good practice and of challenges. All were conducted through document review and telephone interviews. However, the approach was dependent upon the responses of interviewees and it did not prove possible to produce a case study from Indonesia, while two were produced from Thailand.

The DRC and Nepal Country Mission Reports, the Liberia Desk Study and all six Country Case Studies have informed this synthesis report and all can be downloaded from the PSEA website (www.un.org/pseataskforce). A short description of each follows below.

DRC Country Mission Report

The report found that, while FPs and a PSEA network were in place at capital city level, general levels of awareness amongst agency staff were low. There was a sense amongst managers (including some senior managers) that the SGB was unrealistic in its scope and in its language allowed for some flexibility. Agencies' dissemination of PSEA policies was not robust enough and implementation levels were low. Institutional memory of past PSEA activity was poor, and it is likely that additional capacity will be required to support the PSEA network to implement its workplan.

Nepal Country Mission Report

The report found that, while FPs and a PSEA network were in place at capital city level, general levels of awareness amongst agency staff were low and agencies' dissemination of PSEA policies was not robust enough. Despite trainings of both FPs and managers having taken place only a year before the mission, staff turnover meant that only 50 per cent of the FPs in the PSEA network had benefited from that training, and there had been no enhanced implementation either by individual agencies or collectively since that time. PSEA was not on the workplan of the Clusters or considered as part of inter-agency emergency preparedness planning.

'Liberia: A case study of progress on the prevention of, and response to, sexual exploitation and abuse'

The desk study on Liberia describes how progress has been made under all four pillars and the impact of committed leadership and vision by senior-level stakeholders. It acknowledges, however, that gaps remain and that community engagement remains the most challenging aspect of PSEA.

‘Appealing to people’s professionalism in Kenya – a case study on awareness-raising of aid workers’

The study on Kenya explores an approach taken that sought to provide workers with a framework to understand the process of SEA and the nature of the power relationship between aid workers and beneficiaries.

‘Creating community dialogue on the Thai–Myanmar border – a case study on working with beneficiary populations’

This study on Thailand details the collective steps taken by a group of NGOs working with refugee communities to prevent and respond to cases of SEA through developing a common code of conduct and inter-agency protocols for response.

‘Pooling resources in Thailand’

Discusses how smaller agencies and those based in urban locations where there is limited contact with beneficiaries can still work collectively to profile the issue of SEA and ensure that all aspects of a zero tolerance policy are understood.

‘Reaching communities through local NGOs in Somalia – a case study on building field-based networks’

Explores the challenges of working in settings where security limits field access and details the experience of establishing a field-based PSEA network of local and national NGOs.

‘Plain speaking in Southern Sudan – a case study on awareness-raising’

Discusses the challenges of awareness-raising over large geographical areas where there are logistical challenges and also where it is difficult to raise issues with communities when there is not sustained contact. Pilots were undertaken to identify messages that were then used in scaled-up programmes and through mass communication methods.

‘Finding the Entry Points in Yemen – a case study on challenging assumptions’

Explores how dialogue on SEA was initiated in a context which has strong cultural taboos against discussing such issues, but also where there have been limited humanitarian resources and the relevance of PSEA has not been immediately obvious.