

Literature Review:
Complaints Mechanisms and Handling of Exploitation and Abuse

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Acronyms

CRM- Complaints and Response Mechanisms

DRC- Danish Refugee Council

HAP- Humanitarian Accountability Partnership International

IASC- The Inter-Agency Standing Committee

M&E- Monitoring and Evaluation

NGO- Non-Governmental Organization

SEA- Sexual Exploitation and Abuse

SCUK- Save the Children United Kingdom

UN- United Nations

UNHCR- United Nations High Commissioner for Refugees

WHO- World Health Organization

Literature Review:

Exploitation and Abuse- Complaints Mechanisms and Handling

Introduction

This literature review is on the topic of complaints mechanisms and handling in the context of exploitation and abuse by aid workers, including sexual exploitation and abuse. The review focuses on existing practice and is not an exhaustive list of all resources, but rather, a summary of the most relevant and informative sources, with an eye towards highlighting emerging best practice and providing practical guidance on the use and effectiveness of complaints mechanisms. A focus is placed on lessons learnt and examining barriers to reporting. A review of eight case studies demonstrates the successes and challenges of complaints handling in sexual and non sexual contexts. By reviewing successes and failures of complaint mechanisms, it helps the reader better understand what components of effective mechanisms are, and what the direction of emerging good practice looks like. This review researched over 50 reports, training manuals, declarations, and guidance on issues of abuse and exploitation between 2002 and 2010 authored by Non-Governmental Organizations (NGOs) and various agencies of the United Nations. Recommendations related to complaints mechanisms by each of these entities are also outlined in the report.

Definitions

Following are definitions of abuse and exploitation in the non-sexual and sexual sense. Definitions of the term exploitation or abuse in the non sexual context were very limited in humanitarian literature. Aside from UNICEF's examples of types of exploitation and abuse of children and the World Health Organization's (WHO) definition of child abuse, I have included standard definitions and definitions used in national social service contexts to help consider dimensions of abuse and exploitation. This list of definitions is by no means exhaustive but an effort to lay out components of these terms. Definitions of sexual exploitation and abuse (SEA) in the humanitarian context have been well outlined including and following on the Secretary General's Bulletin. These and several NGO definitions have been included here.

Exploitation and abuse- violence, exploitation and abuse against children – including commercial sexual exploitation, trafficking, child labor and harmful traditional practices, such as female genital mutilation/cutting and child marriage.

UNICEF- Child protection information sheet.

Child abuse and neglect can take many forms. These include physical, sexual and emotional abuse, or the sexual exploitation of children for commercial gain. All forms have serious consequences for the health and development of the child. There are also wider ramifications that affect the welfare of the family, and of society as a whole. In some member states, child abuse and neglect is the subject of research, public debate and action; in others, there is little awareness of the problem, and disbelief or even denial that it exists at all.

World Health Organization (WHO)

Abuse means the infliction or allowing of physical injury, impairment of bodily function or disfigurement or the infliction of or allowing another person to cause serious emotional damage as evidenced by severe anxiety, depression, withdrawal or untoward aggressive behavior and which emotional damage is diagnosed by a medical doctor or psychologist pursuant which is caused by the acts or omissions of an individual having care, custody and control of a child. Abuse shall include inflicting or allowing sexual abuse, sexual conduct with a minor, sexual assault, and molestation of a child.

Arizona Department of Security/ Categories of Abuse and Neglect

Abuse means the infliction of injury, unreasonable confinement, intimidation or cruel punishment that causes or is likely to cause physical harm or pain or mental anguish; sexual abuse or sexual exploitation; or the intentional, knowing or reckless “phase” includes acts of omission deprivation of essential needs.

Maine Department of Health and Human Services

Abuse can refer to: Improper treatment or usage; application to a wrong or bad purpose; misuse; perversion; Physical or verbal maltreatment or injury; Sexual assault, violation, rape; An unjust, corrupt or wrongful practice or custom, offense, crime, fault; Coarse, insulting speech, abusive language.

Wikipedia

Exploitation means the illegal or improper use of a [insert vulnerable category] or that person’s resources for another's profit or advantage.

Maine Department of Health and Human Services

Exploitation- Taking unfair advantage of persons, their characteristics, or their situations. The difficulties are in specifying the nature of the unfairness of the advantage, and the ways in which the opportunity to take advantage arises in the first place, and/or is seized on a particular occasion. For these reasons, the analysis of exploitation is linked inextricably to understandings of power and (in)justice. What is distinctive about exploitation as a particular form of injustice has been controversial; so, too, have been the ways in which (if any) exploitation is a form of power, rather than a possible consequence of it. A particular problem is the identification of exploitative transactions within consensual exchanges, which for some theorists disguise the presence of a power relation, but for others guarantee its absence. It may well be that the underlying complaint is that persons who are exploited are treated merely as things, linking the two senses above, but there is no agreement on how this is to be elaborated.

Political Dictionary- Andrew Reeve

Exploitation- Originally the term has no moral connotations, referring simply to the use or development of resources. In moral and political philosophy it now applies specifically to the unjust economic and social relationships whereby one class can abuse the labor of others. To characterize a relationship as exploitative thus presupposes a negative moral verdict on its justice.

Philosophy Dictionary

Exploitation- The act of using something in an unjust or cruel manner. It is this meaning of *exploitation* which is discussed below. In political economy, economics, and sociology, exploitation involves a persistent social relationship in which certain persons are being mistreated or unfairly used for the benefit of others. This corresponds to one ethical conception of exploitation, that is, the treatment of human beings as mere means to an end—or as mere

"objects". In different terms, "exploitation" refers to the use of people as a resource, with little or no consideration of their well-being. This can take the following basic forms:

- Taking something off a person or group that rightfully belongs to them
- Short-changing people in trade
- Directly or indirectly forcing somebody to work
- Using somebody against his will, or without his consent or knowledge
- Imposing an arbitrary differential treatment of people to the advantage of some and the disadvantage of others (as in ascriptive discrimination)

Wikipedia

Definitions of Sexual Exploitation and Abuse (SEA)

Secretary General's Bulletin

Sexual exploitation- Any actual or attempted abuse of a position of vulnerability, differential power or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another

Sexual abuse- The actual or threatened physical intrusion of a sexual nature, whether by force or under equal or coercive conditions.

IASC Taskforce on preventing SEA

Sexual abuse is actual or threatened physical intrusion of a sexual nature, including inappropriate touching, by force or under unequal or coercive conditions.

Sexual exploitation is any abuse of a position of vulnerability, differential power or trust for sexual purposes; this includes profiting monetarily, socially or politically from the sexual exploitation of another.

Save the Children- **sexual exploitation** as the abuse of any position of vulnerability, differential power, or trust for sexual purposes against a child; this includes profiting or gaining monetarily, socially, politically or for personal pleasure from any sexual interaction with a child.

Plan International- **Sexual exploitation and abuse** comprises treating a child as a sexual and commercial object by an adult, and abused for remuneration in cash or kind to a child or third party.

Humanitarian Accountability Partnership (HAP)- literature provides context to the definition with the following statement. "**Sexual exploitation and abuse** is a predictable result of a failure of accountability to beneficiaries of humanitarian aid. The single most important reason for this 'humanitarian accountability deficit' is the asymmetrical principal-agent relations that characterize most 'humanitarian' transactions, that puts the users of humanitarian assistance at a structural disadvantage in their relationship with humanitarian aid providers." From the HAP report *To Complain or not to Complain*.

Complaint Mechanisms and Handling

From the review of over 50 reports, training manuals, declarations, and guidance on issues of abuse and exploitation between 2002 and 2010, it becomes apparent that having effective complaints mechanisms has gained momentum only in recent years as an important component of downward accountability. Whereas literature in 2002 occasionally acknowledged the

importance of complaints mechanisms in the context of sexual abuse and exploitation, there was a noticeable absence of references to, and recommendation regarding, the importance and use of complaints mechanisms at large. Numerous reports and training manuals that focused on reporting sexual abuses or offering guidance to stop them provided no specificity on what complaints mechanism were, how to create them, how to make them effective, how to create an environment conducive to reporting, or acknowledging barriers to using complaints mechanisms. The Save the Children's report "*No One to Turn to*" (2008) was the first document that explicitly explored this key obstacle to effective complaints mechanisms by focusing on under reporting and barriers to complaining.

Since 2006 and following Save the Children's Report *From Camp to Community: Liberia Study on Exploitation of Children*, there has been an overall increase in attention to the importance of effective complaints mechanisms not only for preventing and responding to SEA, but for reporting on all forms of abuse and exploitation, including corruption. An awareness of accountability to beneficiaries, rather than donors, appears to be the current growing edge of humanitarian thinking and dialogue. While the literature on accountability and complaints mechanisms has increased, so has the development of tools, training manuals, case studies, and guidance to help agencies move from rhetoric to practice.

The Humanitarian Accountability Partnership (*HAP*), has stood out as a leader in providing concrete guidance to organizations aspiring to improve accountability by developing and using effective complaints mechanisms. HAP has also been documenting NGO efforts to implement complaints mechanisms through numerous case studies and provides a variety of resources to its member and non-member agencies striving for overall improved accountability through the guidance of the *HAP Standard in Humanitarian Accountability and Quality Management*. The Danish Refugee Council also provides critical guidance with its 130 page *Complaint Mechanism Handbook* that walks organizations through every stage and consideration of setting up an effective complaints mechanism.

Various articles and institutions have contributed to the dialogue on accountability with some reference to the use of complaints mechanisms. Loyd, Robert and Lucy de las Cases wrote an article entitled *NGO Self-Regulation: Enforcing and Balancing Accountability (2006)*. The report emphasizes the importance of power dynamics between beneficiaries and NGOs and goes on to make the case that the lack of power by beneficiaries means they are least able to influence aid agencies and thereby least able to hold them accountable. "The majority of standards are therefore centered on setting standards that address the needs of, and clarify and strengthen accountability to, those stakeholders that have the ability to affect them the most— governments, donors and the general public. Beneficiaries, as relatively powerless stakeholders, do not exert the same pressure and thus often fail to receive the same level of attention." (p.4)

The report goes on to note that for there to be incentives to complain, there have to be consequences; enforcement procedures for abusers and perpetrators are often limited thereby also limiting the effectiveness of the complaints mechanism. At the end of the report, 35 codes of conduct are listed. Of these, only ten were linked with any complaints mechanisms, supporting the sense that complaints mechanisms are not yet a part of the standard practice of aid agencies. (p.6-8)

The Feinstein International Center, Transparency International, and Tufts University report entitled *Preventing Corruption in Humanitarian Assistance (2008)*, has only a brief mention of complaints mechanisms making a similar point as Loyd that it is important to put in place effective systems but more broadly emphasizing that for these mechanisms to work, they need

to be seen as having a positive impact on the beneficiaries by beneficiaries. Without this, there would be no incentive to take the risk of complaining and incur possible risk or harm to the complainant or their community. Without a positive result such as stopping corruption, increasing aid, or, one would imagine in the case of SEA, holding the perpetrator accountable, complaints mechanisms will be limited in their effectiveness.

Most literature reviewed agreed on several additional general points including:

- Importance of a Code of Conduct to make enforcement of complaints mechanisms effective.
- Importance of participation by the beneficiary community in designing complaints mechanism that are usable as part of any anti- corruption or prevention measures.
- Importance of building on existing complaint mechanisms to avoid making this an “outsider” or NGO owned system.
- Importance of taking care to adjust complaints mechanisms to the local cultural context including use of the term “complaints”, taboos on discussing sexual issues, and fears related to politicizing the use of the mechanisms.
- Importance of keeping the mechanism simple; clarity on how to complain and who to complain to.
- Importance of clarity with all stakeholders from humanitarian staff to community members regarding what the purpose of the complaints mechanism is and is not; what the consequences of violating the code are and are not.
- Importance of ensuring that the mechanism is accessible to vulnerable populations who may be illiterate, marginalized, or otherwise have difficulty accessing the mechanism.
- Importance of basic principles of anonymity, confidentiality, and safety and how to communicate and ensure these.

Failures and Successes to Date

This review aims to look at literature on existing practice. Reports highlighting the prevalence of abuses provide an opportunity to examine why a complaints mechanism was not used or why it failed to be used effectively. A focus is placed on lessons to be learnt from and examining barriers to reporting. The review also examines eight case studies that demonstrated successful use of complaints handling, two of which are in the context of sexual exploitation and abuse.

Failures and Considerations for Improvement

Barriers to Complaining

It is generally agreed that existing efforts to create a culture of reporting abuses—sexual or non-sexual, are inadequate and that barriers to complaining are a key part of the failure to learn about abuses, and thereby respond to them, hold perpetrators accountable, and end abuse. Save the Children UK’s report “*From Camp to Community*” which focused on SEA in Liberia in 2006, noted the following reasons for not reporting cases of sexual exploitation of children:

- Beneficiaries did not know where to report SEA as the Camp Management Committee and block leaders were themselves involved in it.
- Beneficiaries did not want to report NGO staff, as they were concerned that the assistance provided by the NGO might be withdrawn if they did so.

- The girls who are being abused feel they are benefiting from the transaction and may be angry with anyone who reports the cases.
- Similarly, some parents also did not report as they were benefiting from their children's activities.

Although there was some awareness regarding who people should report abuses to, there was no clear focal point; some interviewees listed up to seven persons to report a complaint to. Despite this knowledge, the majority of people stated that they would not report cases.

Save the Children's next report "*No One to Turn To*" (2008) focused significant attention on the causes of under-reporting with an effort to explore barriers to complaining by children and adults. The report emphasizes the importance of creating an environment that allows for safe and effective reporting in order to not only stop and punish perpetrators and help the victim, but also to offer a clear picture on the extent of the problem and hold agencies accountable. Their research is one of the more detailed accounts outlining barriers to complaining based on actual interviews.

"Children and their families are not speaking out because of a mix of stigma, fear, ignorance and powerlessness. In addition, it appears that at the grassroots level international agencies are not yet perceived as responding effectively to allegations – with the consequence that victims and others cannot see the point of reporting abuse. Together, these two factors are a major impediment to stamping out this problem." (p. 1)

The report states three key problems in existing efforts to stop abuse and exploitation:

1. Communities – especially children and young people – are not being adequately supported and encouraged to speak out about the abuse against them.
2. There is a need for even stronger leadership on this issue in many parts of the international system – notably to ensure that good practices and new procedures are taken up and implemented.
3. There is an acute lack of investment in tackling the underlying causes of child sexual exploitation and abuse in communities – abuse not just by those working on behalf of the international community but by a whole range of local actors. (p.1)

The report provides examples from three countries where the study was conducted: Haiti, Southern Sudan, and Cote d'Ivoire. It is important to note that under reporting is context specific. Following are key reasons for under reporting based on interviews in these locations:

- Overall, beneficiaries fear losing aid, especially food aid, if they report abuses; this includes losing the opportunity to exchange sex for food (p.12)
- Girls in the Cote d'Ivoire study who agreed to exchange sex for aid did not want to report these cases for fear that the community would likely stigmatize them as "spoiled" and unmarried. These exchanges placed more culpability on the girls than did cases of forced sex which they were more likely to report. (p.13)
- In Southern Sudan the study showed that a girl who is revealed as having been abused will no longer merit a high dowry of cattle, reducing the family's expected income to nothing. Thus the negative economic impact of the abuse is great and therefore inhibits reporting. (p.13)

- In Haiti, one third of respondents said children who reported abuse feared physical reprisal, even death, by the perpetrator or his family, while others feared abuse by parents. (p.13)
- In some cases reporting did not happen because sexual abuse was seen as normal in an emergency while others reported that if they knew their rights, they might be more likely to report. (p.13)
- Beneficiaries did not know how to report abuses, although two-thirds of respondents said they would report abuses. Most of these said they would report to a family member with only a handful referencing an actual protection officer. No one mentioned talking to the SEA focal point in the camps, and both beneficiaries and staff were not clear what the roles were of various reporting procedures. (p.13)
- Participants from various countries noted that they felt powerless to report. Sometimes this was because they feared no one would believe them or that they would not report without the support of a parent or adult. In Haiti, it was more common to be concerned that discrimination based on race, ethnicity, and class would limit reporting.
- Beneficiaries wondered how they would reach managers to report abuse. (p.13)
- Beneficiaries also noted that they had no effective legal services to promote accountability. This may be particularly true in a post conflict or emergency setting. There was little faith in the police, and a general lack of faith in there being a response. This raised the questions of why take the risk to report abuses when there is no faith in a result, accountability, or positive impact?

Why abuses are not responded to properly will not be covered here. The above information on barriers provides important clues on what does need to be in place to support beneficiaries in coming forward on any type of complaint and what to consider in designing a complaints mechanism and communicating it to beneficiaries.

The Cambodia based report “*I Thought it Could Never Happen to Boys*” by Alastair Hilton (2008), also provides additional, context specific insight as to why boys who were sexually exploited failed to report their abuse. Boys noted a number of reasons they did not complain such as: shame, fear that authorities would favor or be paid off by the abusers; fear and belief that abusers of boys are not held accountable to the same extent as abusers of girls—whom authorities want to protect more; a sense that reporting will yield no consequences or improvement, that there is impunity for abusers; that authorities will blame them or discriminate against them—noting that trainings on abuse will not change the negative attitudes of authorities towards boys who have been abused.

The Inter-Agency Standing Committee (IASC) Taskforce on Preventing SEA, in their document *Model Complaints and Investigation Procedures and Guidance Related to Sexual Abuse and Sexual Exploitation* outlined various barriers to making complaints including:

- Fear of reprisal
- Fear of not being taken seriously
- Respect for/fear of a senior officer and/or expatriate staff member
- Fear of ‘getting it wrong’
- Fear that source of income (maybe to sustain life) will be cut off
- Fear of losing job, status or prospects
- Cultural issues and norms - it is seen as acceptable practice in the country/ region
- Cultural issues and norms - it is not seen as acceptable to challenge those in

- authority
- Attitudes towards women and children
- A socio-economic or political context which might sustain a belief that sexual exploitation/ abuse is unimportant.
- Isolation, lack of management and support
- Age - children may be less likely to report
- Lack of knowledge concerning the reporting process, access to anyone with power or will to intervene
- Lack of awareness sexual exploitation and abuse is wrong.

These barriers to reporting provide helpful insight into the failures of complaints mechanisms and considerations for how to design and implement effective mechanisms.

Successes and Emerging Good Practice

Save the children UK, in their report “*No One To Turn To*” describes characteristics of a usable complaints mechanism including that services must be safe, confidential and straight forward, and ensure inclusivity of marginalized populations including street children, orphans, and others outside the mainstream system—humanitarian or otherwise. Some suggest that the mechanism be independent of the providing agency. It is also important that such services be sensitive to cultural norms and values (p. 20).

There is growing literature documenting how complaints mechanisms have been used, and what lessons have been learnt, with a much smaller percentage focused on child protection issues. Following are eight case studies on general complaints mechanisms in the humanitarian context including two on SEA. One of the best sources of information on practical application of the use and outcomes of complaints mechanisms exists with the Humanitarian Accountability Partnership International (HAP). HAP has documented numerous case studies showing how complaints mechanisms were implemented by aid agencies and received and used by beneficiary communities. The majority of the case studies listed here were documented through HAP and its member agencies.

Case Studies

Case Study: Protection Clubs in Southern Sudan

In the following case study Save the Children UK describes how they have created a space for children to feel safe to speak out while educating them and the community on their rights and on recognizing and reporting abuses, including sexual abuse. These children’s clubs provide training in children’s rights and encourage participation in decision making. “Children are made aware of the risks they face and how to prevent and respond to them. Girls and boys work together to explore the problems they encounter and try to come up with solutions” (p.19). They also provide a place for structured play and children’s activities in a safe place. According to some child participants these groups act as a deterrent to abuse. As part of their strategy for success, child welfare communities are formed with parents and key community members who are taught to recognize SEA and child protection problems and how to refer them. This effort brings together education of children, parents, community members, and the government; the latter are kept abreast of how this initiative is developed so that they can replicate it elsewhere. *Save the Children: No One To Turn To (2008)*

Case Study: Flooding/ Disaster Preparedness in Cambodia

Care set up a complaints mechanisms committee to design an appropriate mechanism. This was then discussed with “all stakeholders” and members of the village for approval over several workshops and presentations. Complaints can be made with the Committee for addressing complaints (CAC) and, depending on the complaint would be dealt with the committee at the appropriate local or district level. They could also be made through locked complaint boxes which were checked by designated members of the CAC on a weekly basis. Finally, people could complain by calling a phone number. One number was for Care staff and the other was for the counterpart for the Government District Committee for Disaster Management. Information about how the mechanism was developed, its purpose, and use were posted on village information boards and discussed in village meetings.

The extent to which this mechanism was used was not stated in the case study. However, a list of recommendations was given which are summarized here and include: keep the complaint box key with staff not villagers; put boxes in places far from authority where people can make complaints anonymously; let people make complaints without writing their name on the complaint; offer a variety of complaints mechanisms to maximize access; encourage staff to see complaints as opportunities for improvements; initiate complaints mechanisms early in the project and make them part of the communities’ project orientation; the best project feedback was gathered by staff who visit the village regularly to simply talk (and listen) to people; prioritize visiting isolated homes as these are likely to be more vulnerable and marginalized; assure communities and leaders that they should complain and that this will not affect the aid they received; and, explain the purpose of the complaints mechanism process. (Humanitarian Accountability Partnership - International)

Case Study: Minimizing the Risk of Sexual Exploitation and Abuse in Timor-Leste

Care outlined some of the key challenges it faced in setting up its complaints mechanism system with a focus on preventing sexual exploitation and abuse; specifically, challenges regarding staff perceptions, challenges regarding how the project interacted with the community, and what was done to repair negative perceptions of the project. Staff felt threatened by the mechanism and provided no support—even obstacles, to the staff person assigned to oversee the process. This was in part due to the fact that the complaints mechanism was introduced as an effort to prevent sexual exploitation and abuse and the title of the officer in charge was “sexual exploitation and abuse officer.” This put staff on edge that his job was to catch them acting inappropriately. There was also a lack of clarity that the complaints mechanism was for all staff misconduct including project oversight issues.

Community members were consulted about the purpose and use of the mechanism but would not discuss the possibility that staff might behave inappropriately in a public meeting. They stated that they would not use the mechanism for fear of losing aid, of upsetting relationships with the NGO staff, or for fear that the complaint would be taken to the police. They also did not like the use of the word complaint. In order to change community perceptions the “SEA officer” was renamed the “community liaison officer” and the “complaints mechanisms” renamed to focus on “feedback and sharing”. Communication from management with groups and individuals took place to clarify the exact role and purpose of the community liaison officer who oversaw the complaints mechanism and explained the exact purpose of the complaints mechanism to clarify existing misunderstandings.

The community was further involved in defining appropriate and inappropriate behaviors through discussions with staff. By discussing and agreeing on these behaviors together, the community felt more comfortable reporting misconduct. These discussions also served as an opportunity to discuss the rights and responsibilities of both staff and community members. Community members then identified ways they would like to provide feedback by using lock boxes, speaking with the project officer or, if they felt more comfortable, through a community leader who would pass on the information. The result was that feedback was provided, mainly on programming but also on staff behavior.

Based on their experience in the set up phase alone, *Care* makes numerous recommendations including: carefully choose names of officers and projects relating to SEA or complaints mechanisms. Don't educate staff only about SEA but also about other non acceptable behaviors given the taboo on discussing sex and sexual matters in many cultures; likewise don't ask the community to report only on SEA but all issues of abuse and exploitation; be clear about the purpose of the project and carefully introduce officers related to the project to the community and staff while providing significant mentoring and support; consider where in the organization to locate the CRM-- putting it in Human Resources can further arouse suspicion and make staff feel threatened. (Humanitarian Accountability Partnership - International)

Case Study: Drought in Northern Kenya

Tearfund set up beneficiary reference groups (BRG) in northern Kenya to process and respond to complaints by the community and coordinate this with Tearfund. BRG's are made up of an independent group of individuals and focused on receiving verbal complaints with the aim that vulnerable populations could make their voice heard through this group. In order to ensure that more sensitive complaints could be heard, Tearfund's beneficiary accountability officer decided to explore alternatives. After consultations with the community members it was decided to set up locked complaint boxes. However, these would be called suggestion boxes as the term "complaint" had negative connotations and community members feared if they complained their aid might get cut off. Local leaders were involved in choosing locations of boxes. Boxes were checked roughly two times a month and reviewed by Tearfund staff and then discussed with the BRG's. Responses were posted publicly on a community notice board. An average of five complaints a month were made focusing on perceived corruption and nepotism in hiring workers or selecting beneficiaries. This allowed for Tearfund to investigate and explain the situation before it escalated.

Lessons learnt from this initiative include: to ensure safety and confidentiality, have only NGO staff keep a key to the suggestion box, and not the BRG's; different channels for complaining provide more opportunities for beneficiaries; ensure that verbal and written complaints receive the same attention through the use of a log book for verbal complaints; integrate verbal complaints into project planning and design; ensure clear documentation and understanding of the purpose and system of the complaints mechanism for all staff and as a baseline against which improvements are made; keep an eye on low complaints to ensure it is not because beneficiaries lack clarity or trust in the system; raise awareness with the community and BRG's on what people can complain about, including the staff and their behavior. Complaining to an agency that is providing free aid was seen as a foreign concept. (Humanitarian Accountability Partnership - International)

Case Study: Scholarships for Refugee Students in Senegal

Refugee students complained by letter to a local NGO (OFADEC) that they were not getting their full scholarship funds and suggested that the NGO was keeping the funds. The local NGO held a meeting with the students to explain that this was due to changes in the fiscal calendar. Following the meeting, students again sent a letter to state that the explanation for the change in payment was not sufficient. The NGO asked students to conduct their own investigation. Students formed a committee and the NGO gave them full access to student, financial, and banking records. Students investigated four years of records over a four day period and concluded that the funds had been spent appropriately. There was also a realization that the system for labeling some of the scholarship installments was marked according to the old calendar system, contributing to confusion. The local NGO continues the practice of making records open to any student who wants to review their folders. Trust between the students and the NGO was not only re established but strengthened. (Humanitarian Accountability Partnership - International.)

Case Study: Humanitarian Response in Aceh

The November 2005 HAP newsletter describes efforts made by Oxfam to increase information flow between the agency and its beneficiaries in Aceh province. In terms of increasing complaints mechanisms, OXFAM established information centers, village information boards, complaints boxes, assigned staff dedicated to receiving beneficiary feedback, and established complaints committees. Numerous challenges were identified including difficulty finding skilled staff to manage the centers, garnering cooperation from staff in general, and dealing with villagers who preferred to talk to a manager directly, rather than field staff. Successes included an increase in complaints filed, a better understanding by information officers about the meaning of accountability to beneficiaries, a positive image of Oxfam by government officials in regards to accountability, and availability of funding for accountability initiatives including staffing and supplies. (Humanitarian Accountability Partnership -International)

Case Study: Registration and Food Aid in Ingushetia and Chechnya

Information centers were set up where beneficiaries could speak with a Danish Refugee Council (DRC) manager or challenge their status on the beneficiary list through a formal written complaint using one of eight formats addressing standard status adjustments. Complaints are given a reference number and sent to headquarters where they arrive within two weeks. The families' status information is then printed, attached to the complaint and reviewed by a senior member of the registration team. If the complaint is judged worthy, a member of the registrar is sent to visit the family to verify the complaint and report back to the team leader verbally and in writing. These results are entered into a data base and saved on a CD-Rom and delivered to the information centers at least every two weeks where they are explained to families verbally, or if more complicated, sent in writing from headquarters.

As part of the evaluation Danish Refugee Council has identified ten characteristics of a well-functioning complaints mechanism:

1. People have knowledge of the procedure and easy physical access to it.
2. The procedure itself should be non-threatening.
3. There should be clear parameters in terms of what kinds of complaints are received (i.e. those directly related to the services that the given agency provides).
4. Complaints should be recorded and transmitted without changes made to the content.

5. Complainants should be given tangible (written) acknowledgment that the complaint has been received.
6. A time limit for the answer should be provided.
7. All complaints should be dealt with confidentially.
8. The complainant should receive a clear response, including reasons for the decision and an explanation of the process undertaken.
9. The complainant should acknowledge that he or she has understood the answer.
10. The complainant and staff should be informed of alternative grievance channels.

The report also called for attention to gender balance among registrar team members, clear performance standards and evaluation criteria for all staff working on the program, and better communication on how the complaints process works. (Humanitarian Accountability Partnership- International).

Case Study: Earthquake in Kashmir

Medair dedicated one hour a day to dealing with complaints at the main project base. A complainant could speak to the administrator or office manager to resolve complaints informally or to complete a complaints form. Most complaints came from earthquake survivors who had not received shelter. If a complaint was upheld, the beneficiary received assistance, depending on Medair's resources. Complaints were integrated into project planning. By the end of the emergency phase, Medair had dealt with approximately 1,600 complaints, which amounted to 70 percent of all those it had received. Of the complaints investigated 18 per cent were upheld. Complaints about staff led to dismissal of three staff who had given preferential treatment to their tribal or family members. The complaints mechanism saved Medair teams time in the field and office in identifying gaps in coverage. By using this mechanism Medair helped 290 families whose needs would have been overlooked. By the end of the project, communities would contact Medair about any discrepancy they saw in its distributions, confident that the agency would take appropriate action. (Taken verbatim from *The Good Enough Guide*, 2007.)

Considerations from Malaysia

Although complaints mechanisms may be developed at the headquarters, it is important to adapt them at the field level to the local culture. Complaints mechanisms can be a western concept and as such need to be tailored to local contexts. In many cultures complaints mechanisms may be misunderstood or feared. Begin by looking at the culture of complaints that already exists and pay attention to how the word complaint is really translated into the local language. Also consider how literate the population is and how likely it is that they will have access to phone communication. This will influence what types of response mechanisms an agency will decide to use. Pay special attention to how vulnerable populations in particular can access complaints mechanisms and how to minimize the politicization of CRMs. (Humanitarian Accountability Partnership-International: *Adapting CRM to Local Context and Culture*.)

Not yet a Case Study: Haiti

Although it is too early to tell how prevention of SEA in the Haiti emergency will be implemented, the UN Taskforce on SEA had issued an immediate two page document that listed clear and easy steps for informing agencies on how to prevent SEA. On the issue of complaints handling the handout noted the following: "Humanitarian aid is free! Beneficiaries should never need to exchange sexual favors to obtain assistance. Beneficiaries have the right to complain." On the issue of how and where to complain it noted that humanitarian agencies in Haiti need to work

together to identify how and where beneficiaries can report SEA and spread this information to beneficiaries. It asked that this information be disseminated via Radio, flyers, and posters at distribution points. (*UN Taskforce on SEA: Preventing Sexual Exploitation and Abuse by Agency personnel during the Haiti Emergency.*)

Existing Recommendations

Following are recommendations made by UN agencies and NGOs on issues regarding complaints and response mechanisms. The majority of such recommendations have been made in the context of preventing sexual exploitation and abuse. While some language has been taken directly from the recommendations, other recommendations have been summarized, when doing so would not change the preciseness of the intended message.

Report of the Inter-Agency Standing Committee Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises IASC taskforce on PSEA, 2002

“Further, these principles and standards should be incorporated into agency codes of conduct and staff rules and regulations. Mechanisms to ensure that these standards and principles are promoted, disseminated and integrated into personnel requirements, administrative standards and agreements with partners and contractors must also be established. In addition, mechanisms for reporting complaints, investigative procedures and disciplinary processes should be established. Clear definitions of management responsibility and accountability are vital....

Specifically: c) The creation of an environment that is conducive to the prevention and elimination of sexual exploitation and abuse is essential. Such an environment will include, at a minimum, enhanced beneficiary participation in all aspects of humanitarian programming and camp governance, improved delivery mechanisms to reduce their potential for exploitation, and dissemination of information on beneficiary rights, entitlements, responsibilities and complaints procedures. Accountability to beneficiaries is a necessary step towards creating an environment that discourages sexual exploitation and abuse.”

Conclusion on PSAE by UNHCR, October 2003 calls upon States and UNHCR to:

- Ensuring that easily accessible and confidential complaint and redress mechanisms are in place for victims of sexual abuse and exploitation, and that they appropriately apply sanctions to perpetrators and ensure that such mechanisms respect due process rights of the accused, and safeguard the security and rights of the victim or witnesses.

TOR for In Country Network on SEA of the IASC Taskforce on Preventing SEA, 2004

- Establish such local policies, procedures and/or inter-agency arrangements as are necessary to ensure that adequate prevention measures are in place, and that robust complaints and investigation mechanisms are implemented and operated effectively by all relevant agencies.

IASC Taskforce on PSEA: Model Complaints and Investigation Procedures and Guidance Related to Sexual Abuse and Sexual Exploitation, March 2004

This document outlines various barriers to making complaints and goes on to provide a detailed account of considerations in making and receiving complaints. It begins by emphasizing that trust in the agency to both take a complaint seriously and be able and willing to protect those who report from reprisal is key. It also stresses the importance of leadership in creating an environment that supports trust between local and international staff (p. 19). It goes on to outline how to establish clear reporting, referral and monitoring mechanisms for beneficiaries, good practice in receiving and documenting complaints, how to support staff in making complaints and outlines the core principles of a proper complaint mechanism (confidentiality, anonymity and safety/ welfare needs). It continues by discussing victim needs and proper investigation procedures.

IASC Taskforce on Preventing SEA (n.d- 2004?)

As part of an effort to ensure that beneficiaries know their rights and understand what is expected of aid workers and their conduct, the IASC Taskforce on Preventing SEA came up with an information sheet for beneficiaries which includes sections specific to explaining complaint mechanisms:

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

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

Can I make a complaint on behalf of another person

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

High Level Conference on PSEA, December 2006

The following recommendations were made specific to complaints mechanisms:

- Consultation with stakeholders: managers should consult all stakeholders in developing appropriate country-level responses i.e. holding participatory discussions with communities. This will also help in developing inter-agency, rather than overlapping complaints mechanisms.
- Complaints should be victim-centered, i.e. respecting the confidentiality, safety, security, health and other needs and rights of victims.
- Managers need to ensure oversight and coordination at the country-level so that perpetrators are brought to justice and that information is brought back to victims about the status of their case. Follow-up to complaints should include discussions with the victims/complainants and their families, should they so request, so that victims are informed about the status of their cases.

Statement of Commitment on Eliminating Sexual Exploitation and Abuse by UN and Non-UN Personnel. December 2006

The following recommendations were made with relevance to complaints mechanisms:

- Ensure that complaint mechanisms for reporting sexual exploitation and abuse are accessible and that focal points for receiving complaints understand how to discharge their duties.
- Take appropriate action to the best of our abilities to protect persons from retaliation where allegations of sexual exploitation and abuse are reported involving our personnel.
- Regularly inform our personnel and communities on measures taken to prevent and respond to sexual exploitation and abuse. Such information should be developed and disseminated in-country in cooperation with other relevant agencies and should include details on complaints mechanisms, the status and outcome of investigations in general terms, feedback on actions taken against perpetrators and follow-up measures taken as well as assistance available to complainants and victims.

Taskforce on Protection from SEA, Meeting Report May, 2008

In the section regarding “actions resulting from meeting” there was a guidance note on how to develop a complaints mechanism with representatives of communities so that it will be effective in the local context. This guidance also includes advice on the establishment of in-country networks (ICN) and on awareness-raising for local communities on their rights and benefits.

Following are recommendations relating to complaints mechanisms:

Effective complaints mechanisms for receiving reports of SEA

- Establish an in-country interagency working group composed of members of the UN Country Team, members of the INGO community, local partners and community representatives (of women, men, youth, children advocates, health professionals, etc.) to design, pilot and implement locally contextualized reporting or complaint-receiving procedures. This process should be informed by members of the community including children. It should be accountable to senior management from the UN and NGOs

- Establish a reporting route or complaint mechanism with the help of the community that is accessible, safe and confidential. It should be informed by or based on international standards and function using existing national structures.
- Proactive and systematic monitoring should take place to ensure that gaps and vulnerabilities to abuse and exploitation are minimized. These systems should be mainstreamed by incorporating PSEA into M&E programmatic frameworks and risk assessments.
- Identify and address the multiple barriers to reporting within communities. One way to address this is to have common messaging to communities about international standards (beneficiaries' rights and SGB prohibited conduct) and to look for ways to improve the livelihood of vulnerable groups so that they will not need to remain silent about abuse and exploitation. It would also be necessary to identify and address the barriers that prevent reporting within an organization or between organizations. An agreed-upon protocol between organizations about how they will report allegations to each other might facilitate this process.
- Operationalize or implement the standards in the UN's code of conduct. Efforts should be made to be consistent with all actors and organizations working in the humanitarian, peacekeeping, and development context. Seek funding to provide dedicated staff to coordinate and implement PSEA activities within the community. This might include the development of a joint code of conduct and mainstreaming of protection.

Given the close link between an effective complaint mechanism and response mechanism, the guidance also offers a series of recommendations on effective investigation mechanisms for responding to reports of SEA.

Humanitarian Accountability Partnership: Guide to the Standard in Humanitarian Accountability and Quality Management

Suggestions for Good Practice:

Establishing a complaints-handling mechanism

Ideally, a complaints procedure should be set up at the start of all programs and should run throughout the project. Although many programs will have been set up without such procedures, it is still better to set them up later than not at all. One of the main fears of many practitioners when thinking about setting up a complaints mechanism is that they will be inundated with complaints that they are unable to address, because they concern issues outside the agency's remit or responsibility. In practice, a more common problem is the under-utilization of complaints handling procedures.

Design of procedures

Complaints procedures can be simple, although they need to be carefully planned and need to follow certain key principles. A badly designed or managed complaints procedure can be harmful. Mechanisms to handle complaints should consider the following:

- Staff should understand, appreciate, and accept the agency's commitment to a complaints-handling policy.
- Prior to setting up a complaints-handling mechanism, a thorough analysis of the context should take place, incorporating the needs of the specific program/sector.

For example, a complaints handling mechanism for a health program will require a different emphasis to one for a non-food distribution program.

- Beneficiaries should have the right to complain about anything linked to the agency's work and commitments, e.g. humanitarian accountability framework commitments, humanitarian plans, quality of delivery of the services/assistance, behavior of staff. Where national or international law has been broken, a clear referral system should be in place.
- All allegations of staff misconduct received from beneficiaries or other staff must be investigated according to the official investigation procedures of the agency. Agencies should have formal investigation procedures that adhere to the principles of confidentiality, independence, and respect. Investigations must be conducted in a thorough, professional manner and must meet legal standards. The *Building Safer Organizations* guidelines on receiving and investigating allegations of sexual abuse and exploitation by humanitarian workers provide details of the investigation process (see references below).
- Although complaints may have common features, each one is unique and should be dealt with as such.
- Information systems and complaints mechanisms are linked; often complaints may arise because of a lack of information.
- Agencies should actively solicit complaints from beneficiaries. Soliciting complaints makes it clear that the agency is willing to provide redress, when it is justified.
- The procedures and parameters of the complaints system should be clearly understood by all potential users. Particular effort is needed to communicate these to marginalised groups.
- Beneficiaries should be told about the complaints-handling mechanism and should have the confidence to use it, knowing that their concerns will be answered. This will only be the case if there is mutual trust.
- No complaint should be ignored.

Working with humanitarian partners

Complaints-handling procedures for agencies working through humanitarian partners require special consideration. The procedure will need to allow beneficiaries to complain to the humanitarian partner and to the agency itself, and must also enable the humanitarian partner to complain to the agency about any concerns it has. The agency should develop a complaints-handling procedure to be adopted and used by humanitarian partners which:

- outlines the process by which the humanitarian partner can complain to the agency, and vice versa
- is based on consultation with partners, so that appropriate methods are used in handling complaints
- is documented, accessible, and understandable to partners, and includes:
 - the rights of beneficiaries to make a complaint
 - the purpose, parameters, and limitations of the procedure
 - details on how to submit a complaint
 - the steps to be followed once the complaint is submitted
 - assurances of confidentiality and non-retaliation (particularly for complaints relating to gender-based violence and sexual exploitation and abuse, given the social stigma associated with these and the very real danger that women/ children reporting such abuse could face from perpetrators, or from their own families and communities)

- a commitment to refer complaints that the humanitarian partner and agency are unable to handle
- a commitment by the humanitarian partner and agency to give a response
- the right of beneficiaries to complain directly to the agency instead of going through the humanitarian partner (contact details of the agency should be given on all information
- materials concerning the complaints-handling procedure).

Humanitarian Accountability Partnership- International: To Complain or Not to Complain

This report featured a key set of recommendations noting the importance of “Creating an environment of trust and partnership that solicits complaints and feedback” (p.9).

- Together with the beneficiary community, build a feedback and reporting system of several entry points in order to build confidence to report on suspicions about and abuses perpetrated by all categories of NGO personnel.
- Ensure that proper mechanisms to maintain the confidentiality of complainants and witnesses in order to protect them from retribution are developed in partnership with beneficiaries; this includes a contingency/ witness protection plan when security is compromised. Work with in-country security coordinators to outline a sexual exploitation and abuse protection strategy for complainants and witnesses.
- Work with beneficiaries to find effective ways to assure complainant and victim safety and security. Enhanced safety is an essential component to building trust between humanitarian agencies and victims of sexual exploitation and abuse perpetrated by humanitarian agency staff.
- Include community leaders in the development of a clear framework to measure the impact of responses to sexual exploitation and abuse misconduct. Where community leaders are part of the agreed response framework, ensure that their actions are consistent with this framework.
- Have equal numbers of female and male peer educators to explain the complaints handling procedure from start to finish and be trained and available to receive them.

Save the Children UK: No One to Turn to.

Relevant recommendations:

- Effective local complaints mechanisms should be set up in-country to enable people to report abuses against them.
- A new global watchdog should be established to monitor and evaluate the efforts of international agencies to tackle this abuse and to champion more effective responses.
- Tackling the root causes or drivers of abuse should become a greater priority for governments, donors and others in the international community, including the development of stronger child protection systems at the national level.

Recommendations specific to setting up effective complaint mechanisms:

- The UN country teams should be responsible for setting up the system and involve all UN agencies (not just those responsible for protection) in its implementation. The national government, NGOs, and the Committee for the Red Cross should be involved in the design and implementation.

- The complaints mechanism would serve three main functions: 1, to ensure that local resources are available to effectively address the problem and consult with local communities to decide on how to do this; 2, ensure that appropriate (immediate and thorough) investigations take place; 3, ensure that the best possible victim support is provided and the perpetrator is held accountable.
- The complaints mechanism would not in itself respond to allegations, but rather monitor and pursue the actions of others to ensure that the response was timely and effective. Where the allegation concerned a representative of the international community, the mechanism would ensure action was taken both by the employer and, where it has jurisdiction, by the local judicial system. Where the abuse concerned an ordinary local citizen, it would actively pursue the allegation through local mechanisms. Because these will often be unavailable or ineffective in emergencies or conflict-affected settings, the international organizations present should take whatever steps are necessary to either create or strengthen a minimum protection response (including legal, medical and other services).
- These complaints mechanisms should be funded by donors. Bilateral and multilateral donors should earmark an additional percentage of all financing for peacekeeping and humanitarian work for this end.
- The local complaints mechanisms should adhere to the following key practice standards: They should be confidential and safe, recognizing the many risks associated with reporting allegations in situations of extreme vulnerability; They should handle any complaint of sexual exploitation and abuse against children and adults, regardless of whether the perpetrator is a representative of an international organization or from the local community; They should be available at the community level. They should be sensitive to the local context and should build upon positive local norms, values and structures; They should be easily accessible for children and young people, as well as reaching out to marginalized groups; Every effort should be made to collaborate with existing community and government structures; These mechanisms should also complement and build upon existing related monitoring bodies; associated with the international community.
- The precise form of this local mechanism should fit with the local context. For example, in some communities it might be appropriate to establish a permanent physical space where children and others in the community can come to discuss these issues and to report allegations to dedicated focal points (persons). In others, it might only be necessary to establish a listening point where representatives from local and international organizations can share information about allegations they have received individually. Similarly, the housing of the mechanism will vary depending on the capacity of existing in-country services. For example, in fragile states, with few or no fully functioning government structures, this mechanism might be housed within an international agency.
- The impact of this mechanism would be reflected in the quantity and quality of reporting services available at community level, as well as in the volume of people using them. We would also expect to see a rise in the number of allegations made immediately following the establishment of the mechanism, followed by a subsequent decrease to reflect a reduction in the level of abuse being committed. Annual progress reports should be compiled by each UN country team and submitted to UN Secretary-General Ban Ki-moon to form part of the UN Secretary-General's bulletin, *Measures for Protection from Sexual Exploitation and Sexual Abuse* as well as to the new global watchdog proposed in recommendation two of this report.

Conclusion

Based on the review of NGO and UN sources between 2002 and 2010, it is evident that there has been a significant increase in attention, effort, and practice to implement effective complaint mechanisms on exploitation and abuse. The majority of the humanitarian communities' response has been the result of an increase in awareness and profile of sexual exploitation and abuse of children by aid agencies. As such, the majority of documentation and guidance have been to prevent sexual exploitation and abuse with guidance on general complaint mechanisms coming in a distant second. Various organizations such as the Humanitarian Accountability Partnership International (HAP) have spearheaded efforts to integrate sexual exploitation and abuse into complaint mechanisms at large as part of a solid humanitarian accountability framework.

Literature over the last eight years has also graduated from more abstract declarations of intent to prevent exploitation and abuse to practical manuals on how to develop complaint mechanisms. As an example, the Danish Refugee Council's *Complaint Mechanisms Handbook* outlines a step by step process on how to develop an effective mechanism with staff and user buy in. This change in tone and focus is timely as agencies struggle to move from intent to practice. Current literature is beginning to grow richer in lessons learnt and case studies that demonstrate the practical challenges of implementing these mechanisms. By doing so, it allows agencies to learn from others' mistakes and successes and better adapt mechanisms to the local context in order to maximize their usage and benefit.

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WEBSITES

- Protection from Sexual Exploitation and Abuse (PSEA) website
(<http://www.un.org/pseataaskforce>)
- PSEA- Tools Repository (<http://www.un.org/en/pseataaskforce/tools.shtml>)
- UN Office of Internal Oversight Services (OIOS) Reporting Mechanisms
(http://www.un.org/Depts/oios/pages/id_rpt_mechanisms.html)
- Humanitarian Accountability Partnership (HAP) website
(<http://www.hapinternational.org/s>)
- HAP- Case Studies and Tools (<http://www.hapinternational.org/projects/field/case-studies.aspx#complaints>)
- Keeping Children Safe, www.keepingchildrensafe.org.uk
- Childwise, <http://www.childwisenet/choose-with-care.php>
- Building Safer Organisations Guidelines, www.icva.ch, www.reliefweb.com,
www.interaction.org