

Resources and opportunities to enhance investigation capacity into allegations of sexual exploitation and abuse

Ukraine refugee response

Thematic Brief, June 2023



Regional Refugee Response
for the Ukraine Situation

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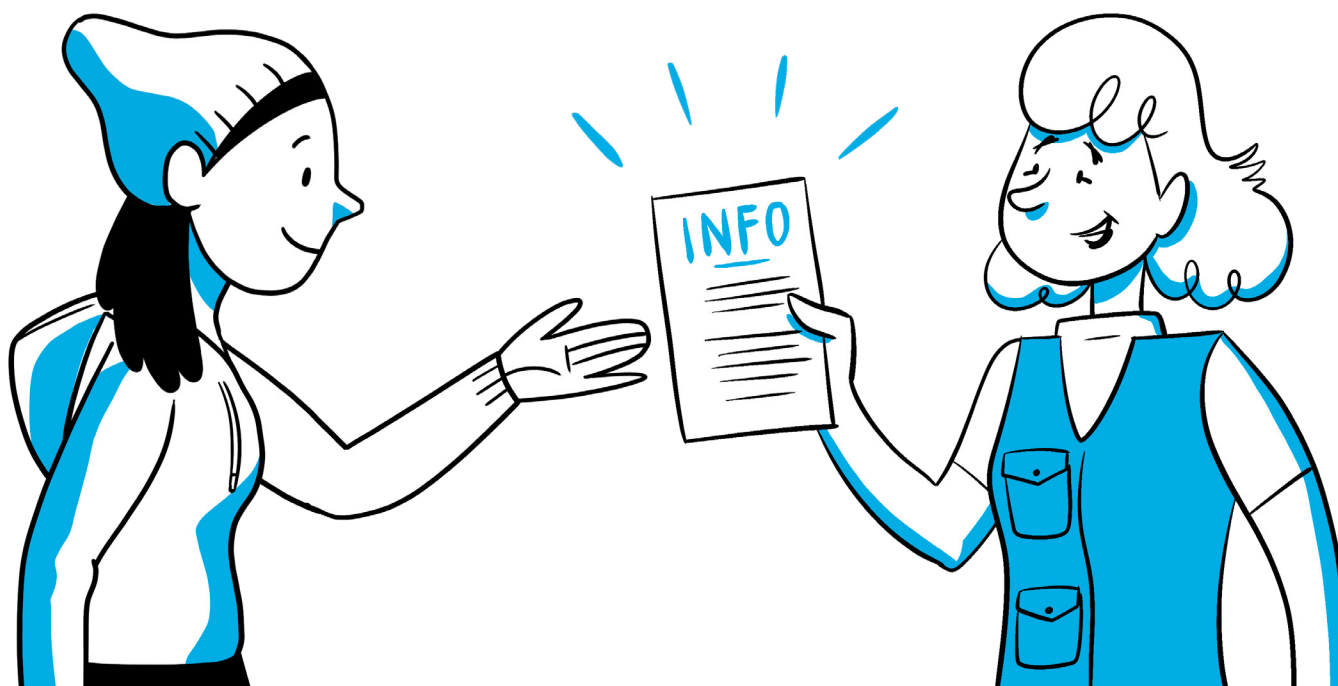
About the Thematic Brief

This Thematic Brief summarizes the key takeaways from the interagency 'Learning Corner' organized by the Regional Safeguarding and PSEA Network in the Ukraine Refugee Response on 22 May 2023. The event brought together more than 50 members of the Regional Network and the National PSEA Networks in the Ukraine response, as well as other organisations or agencies, so as to exchange and document promising practices and opportunities across country operations and organisations on how to enhance SEA investigations capacity.

The Learning Corner aimed to:

1. Explore common challenges in obtaining adequate in-house SEA investigations capacity in different organizations and agencies in the response;
2. Present and exchange on opportunities to enhance SEA investigation capacity at organizational/agency level, including existing training and certification opportunities.
3. Identify possible ways to support to enhance SEA investigation capacity across the response.

A special thanks goes to the Core Humanitarian Standards (CHS) Alliance, the Resource Support Hub for Eastern Europe (RSH EE), and UNHCR's Inspector General's Office (IGO) for sharing their experiences, practices, and tools for SEA investigations in the region.



Background and rationale

An effective approach to safeguarding and PSEA **requires accountability for misconduct** by humanitarian workers, including timely investigation of any SEA allegation brought forward.

Such investigations need to be conducted **in line with international standards**, such as the principles of due process, a survivor/victim-centered approach, confidentiality, and the respect for the rights of all involved, including complainants, witnesses, survivors/victims, and alleged perpetrators. Due consideration also needs to be given to the cultural and linguistic context, and the national legal framework.

The responsibility for such administrative investigations lies first and foremost with **the agency or organization for whom the alleged perpetrator works** (or has other contractual ties), although partners/donors may also have the right to investigate an incident under certain circumstances.

Across the host countries receiving Ukrainian refugees, **gaps in investigations capacity among humanitarian actors** have been identified, highlighting the need for additional support, funding, and capacity building to strengthen such capacity. This is particularly important for smaller NGOs, local or civil society organisations, many of whom were relatively new to humanitarian work, including the concepts of PSEA and safeguarding.

Further internal efforts are also needed at **organizational/agency level**, including in designing organizational policies and internal procedures on investigations, and in assigning and training dedicated investigators (or employees officially charged with carrying out such).

This Thematic Brief seeks to highlight existing practices and opportunities that can support this work in the Ukraine refugee response and to encourage **continued exchange and learning on SEA investigations**.



Promising opportunity # 1: The Investigation Qualification Training Scheme (IQTS) offered by the CHS Alliance

The CHS Alliance is a global movement with more than 180 members from the humanitarian and development sectors, which works to promote the nine core standards. To do this, they use three verification options: (i) self-assessment, (ii) independent verification, and (iii) certification.

The Investigation Qualification Training Scheme (IQTS) was launched in 2021, with the aim to increase the quality of safeguarding investigations, including through a victim-centered approach. The

IQTS is developed based on the CHS Investigators' Guidance and Toolkit, which is available in English and various languages, but not yet in Ukrainian.

It's a four-tiered and certification-based training scheme, where the three first tiers aim at increasing skills (online and in person, with both theoretical and practical aspects included), and the last tier aims to maintain qualifications (for example by participating in the community of practice, mentoring etc.). The qualification is in principle valid for 3 years.

<p>TIER 1 Foundations of SEAH investigations</p>	<ul style="list-style-type: none"> ■ Free online course through Disaster Ready's learning platform. ■ Two 45 minute modules ■ Built-in multiple choice exam ■ Tier 1 certificate ■ Tier 1 does not equip participants to undertake investigations; it provides basic knowledge of how investigations are conducted.
<p>TIER 2 Investigation Theory Practitioner</p>	<ul style="list-style-type: none"> ■ Must have completed Tier 1 ■ Ten self-study online modules delivered over 5 learning weeks. ■ Three facilitated webinars & chat forum ■ Online externally delivered multiple-choice exam. ■ The purpose of Tier 2 is to equip participants with theoretical knowledge to undertake investigations
<p>TIER 3 Advanced Investigation Practitioner</p>	<ul style="list-style-type: none"> ■ Must have passed Tier 2 & preferably, gained some experience in SEAH investigations ■ A 4-day online course delivered by experienced facilitators with extensive investigation experience in development OR ■ A 4-day face to face course in certain contexts ■ A simulated case study with exercises and a practical assessment to assess aptitude, behaviour, skill, and knowledge. ■ The purpose of Tier 3 is to equip participants with practical tools to undertake investigations
<p>TIER 4 Qualification Maintenance</p>	<ul style="list-style-type: none"> ■ Tier 3 qualifications valid for three years ■ To maintain qualification, holders must attain required amount of Continuing Professional Development through investigation experience, webinars and participation in Community of Practice.

All organizations that are part of the Ukraine refugee response **should ideally complete Tier 3**, given the risks identified. Even completing Tier 1, while it doesn't qualify you as an investigator, goes a long way in highlighting the issues to be aware of around SEA investigations.

So far, more than 1,700 have completed Tier 1 online, 132 have completed Tier 2 with the exam, and 18 persons have completed Tier 3 (one pilot workshop in Nairobi). The feedback from participants is positive and contributing to adjustments in the package, where needed.

However, the demand for the IQTS training is very high, including in the context of the Ukraine refugee response, and the **CHS is now seeking to scale up the training to meet these needs**. Tier 2 trainings are still ongoing, but there will be a break over the summer, and resumption of both Tier 2 and 3 in September 2023, provided that funding is made available.

Moving forward, CHS is considering having reduced fees for smaller organisations and aims to increase the number of female investigators (50% of participants to be women). They do not currently have the capacity to contextualize the training to each organization/agency, but advises to refer to the CHS toolkit as a standard and to rather send staff and partners to the IQTS.

In addition to the IQTS, CHS is also seeking to **set up an SEA Investigation Roster**, based on the past experiences of other agencies and to further develop on the **community of practice**.

Moreover, CHS is developing the concept of **shared investigation services**, where smaller local organization in need of support on investigations can be 'paired up' with a more experienced NGO for coaching or mentoring. This will often be more cost-efficient than recruiting an external investigator and has the advantage of being led and owned at local level.

Promising opportunity # 2: The helpdesk and support provided to civil society organisations by the Safeguarding Resource and Support Hub for Eastern Europe

The Global Safeguarding Resource and Support Hub was established in December 2019 and is run by a Consortium, with hubs in MENA, Asia, and Africa. The **Eastern Europe Hub** was launched in April 2022 and will end in October 2023. Its aim is to support smaller organisations on safeguarding, with focus on Poland, Romania, and Moldova (with national hubs in each of these).

This support includes an **online resource library** with material produced by the Safeguarding Hub and others. On investigations, the Hub has recently produced a short "How to" note on victim-centered SEA investigations, and organized a webinar on survivor-centered investigations, which was made available in English, Czech, Ukrainian and Hungarian and a Moldova specific webinar in Romanian.

Further webinars on SEA investigations are planned for June and July in Romania and Poland. The Hub's eLearning course also has a module (Module 4) which walks through how a small civil society organization may conduct a safeguarding investigation.

The **Safeguarding Helpdesk** is a free service, where smaller organisations can send requests related to safeguarding, SEA, sexual harassment, and bullying, and receive up to three days of support from one of the Hub's experts. This can include calls, emails, or a review of documents (such as, for example, a draft safeguarding policy). In relation to investigations, the Helpdesk can support organisations to understand what they need to put in place, provide coaching to staff who undertake investigations etc.

Unfortunately, the Helpdesk is not able to provide specific recommendations on cases. The number of requests to the helpdesk has, however, been low and partners are encouraged to share this offer

broadly. Requests can be submitted to: easterneurope@safeguardingsupporthub.org in English, Romanian or Russian.

Promising opportunity # 3: Capacity building of partners by UNHCR's Investigations Service

UNHCR's Investigations Services has developed a **free online training on SEA investigations** for partners, which takes around 5 hours to complete and includes several practical exercises and templates (for interview records, investigation reports etc.). The overall aim is to enhance the participant's knowledge of the investigative process, applicable standards and principles, and how to apply a victim-centered approach. It's available both on [UNHCR's Learn & Connect page](#) for UNHCR staff, affiliates and partners, and openly available to all at disasterready.org [search for 'SEA Investigations'].

The information from this training (without exercises) has also been made available in the [Investigating Allegations of SEA - Toolkit for Partners](#), which was part of the High Commissioner's IASC Championship and is published (in English and Arabic) on the IASC webpage.



The IGO also offers a three-day workshop for UNHCR implementing partners, where two UNHCR investigators travel to country operations. Together with the Regional Bureau for Europe, three such **workshops have been organized for NGOs in Europe** over the last six months, in Athens (for Greece, Malta, Moldova and Romania), in Budapest (for Hungary, Poland, Slovakia, Türkiye and Ukraine), and in Lviv (for Ukraine). In total, 99 participants have been trained from 60 NGO partners in nine different country operations. 86% of those trained were women. An additional day was also added for operational (non-funded) partners. No further

training is planned in Europe at this point, but partners are encouraged to express any needs to the IGO.

UNHCR's [Project Partnership Agreement](#) sets out the minimum requirements on PSEA, including investigations, for partners receiving funding from UNHCR. The General Conditions of Contract require a partner to have a code of conduct setting out the required standard of conduct, a complaints mechanism, a trained investigator or the budget to hire an external investigator, internal processes for investigations (including due process rights), and a separate process for disciplinary sanctions to maintain the independence of the investigator. The partner is also obliged to report any allegation or suspicion of SEA to UNHCR as soon as the partner becomes aware of it.

Finally, the IGO offers **Joint Investigations Support**, which means that one of UNHCR's investigators can accompany a partner through the investigation process, from the planning of the investigation to the drafting of the report. The investigator can even join the partner investigator during interviews, if needed. The aim is to support partners who are fulfilling their PPA obligations but may lack experience with sensitive SEA investigations to gradually build their capacity. The IGO does not have the resources to cover all partner investigations in this way, but partners who are interested in support are encouraged to reach out for consultation and advice.

Key discussion points and recommendations

Challenge	Promising practice or opportunity
 <p>National and legal frameworks: Knowledge of the relevant national legal frameworks and EU legislation is important when selecting the appropriate investigators and in designing organizational policies and procedures.</p> <p>National laws could, for example, affect whether an organization can request background checks as part of their recruitment process, whether certain allegations (such as child sexual misconduct) need to be reported to national law enforcement, and whether a staff member can be dismissed as a consequence of misconduct.</p>	<p>Promising practices that were identified include:</p> <ul style="list-style-type: none"> ■ conducting a legal analysis on the relevant legal frameworks at country level (if possible, through the National PSEA Network); ■ having local legal partners involved in PSEA trainings and workshops. <p>The Regional PSEA and Safeguarding Network has also initiated a regional legal review of national legislation in 11 countries relevant to the Ukraine response, which will be made available externally to partners.</p>
 <p>Minimum standards for UN partners: Some NGO partners are not clear about the standards expected of them by UN partners, or find it challenging to meet these standards in practice.</p>	<p>The standards for UN partners are set out in the UN Protocol on Allegations of SEA involving Implementing Partners which, among its eight Core Standards, includes a requirement of adequate capacity to investigate SEA allegations against its staff.</p> <p>This standard is reviewed regularly by the relevant UN agency/ies as part of the Implementing Partner Capacity Assessments.</p> <p>It does not necessarily require the partner to have a professional and in-house investigator, but if this is <i>not</i> available in-house, the partner needs to have the funding available and an agreement in place to ensure the timely deployment of external investigation support (see below).</p>

Challenge	Promising practice or opportunity
 <p>Need for external support: For NGO partners that do not have adequate in-house investigations capacity, external support to conduct SEA investigations may be required.</p>	<p>For partners that have no (or inadequate) in-house investigations capacity for SEA allegations, there are other options, such as:</p> <ul style="list-style-type: none"> ■ seeking professional investigation services/consultants externally; ■ contracting a professional service provider on a retainer basis; ■ seeking pro-bono legal services; requesting a partner to sponsor an investigation; or ■ pooling investigators between different organizations (see example from Moldova below). <p>To ensure prompt deployment of an investigator, these arrangements need to be in place <i>before</i> an allegation is brought forward. It was acknowledged that these options have been tried only an <i>ad hoc</i> basis, and that there has been limited assessment of their feasibility and (cost)effectiveness.</p> <p>In Moldova, the PSEA Network has initiated a call for applicants to participate in the IQTS at no cost and, if successfully completed, be invited to be part of the 'Local Pool of PSEAH Investigators' in Moldova. The call is open to aid workers and independent professionals in Moldova interested in strengthening their PSEA skills and in taking an active role to promote a culture of zero tolerance.</p>
 <p>Gender parity among investigators: It was acknowledged that there is a need for more female investigators, including from outside Western Europe.</p>	<p>Increasing the gender parity and diversity of available investigators should be taken into account when organizing training and other capacity building projects on SEA investigations.</p>

Challenge	Promising practice or opportunity
 <p>Interpretation: Inadequate or weak interpretation can put at risk the overall integrity of an SEA investigation, or even put victims/survivors or witnesses at risk of harm.</p>	<p>Increasing the gender parity and diversity of available investigators should be taken into account when organizing training and other capacity building projects on SEA investigations.</p> <p>A promising practice is the CHS Alliance seeking 50% female participation in the IQTS training.</p>
 <p>Confidentiality: How do we inform the complainant about the investigation process while preserving confidentiality?</p>	<p>If the complainant is also the victim, he/she will be informed, and informed consent will be sought.</p> <p>If the complainant is a third-party, he/she is informed only if this is needed for the investigation. It's important to note that they also remain bound by confidentiality and should be warned that sharing confidential information with others can put the integrity of the investigation at risk.</p>
 <p>Avoiding parallel investigations: In the case of an NGO funded by a UN agency, both the NGO and the UN agency may wish to investigate the same allegation.</p>	<p>If an NGO partner investigated an SEA allegation in adherence to the required investigation standards, the same allegation will <i>not</i> be investigated again by the UN agency (such as UNHCR) who is funding the partner. The partner is obliged to report the case to UNHCR before the investigation is started, and the IGO will coordinate any support the partner may need during their investigation.</p>
 <p>Funding: Lack of adequate funding at organizational/agency level, both for capacity building and to conduct SEA investigations (which can be quite costly).</p>	<p>Organizations and agencies need to budget for staff training and capacity building on PSEA, as well as specifically on SEA investigations, and to have contingency funding available for an investigation in case an allegation is brought forward against its staff. Donors should also be encouraged to be flexible in accommodating this.</p> <p>Some UN partners, such as UNHCR, have funding for integrity related issues, such as SEA investigations, built into their partnership agreements (which constitutes either 4% or 7% of the overall budget in the partnership agreement).</p> <p>OCHA also has a fund of small grants for SEA investigations available (grants of 30,000 – 60,000 USD) which organizations can apply for.</p>

List of resources

Training opportunities:

- Core Humanitarian Standard Alliance's Investigator Qualification Training Scheme: [Investigator Qualification Training Scheme | CHS](#).
- Online eLearning for UN partners on SEA investigations: [UNHCR Learning Platform \(Learn Connect\) \(csod.com\)](#) (for UNHCR staff, affiliates and partners) or on [Ready \(csod.com\)](#)
- Safeguarding Resource and Support Hub Eastern Europe E-learning course for small CSOs: [RSH Online Learning: Safeguarding Matters \(Eastern Europe\) | Safeguarding Resource and Support Hub \(safeguardingsupporthub.org\)](#) Module 4 provides an introduction to investigations

Roster opportunities:

- Justice Rapid Response roster: <https://www.justicerapidresponse.org/what-we-do/jrr-roster/>

Call for applicants for PSEAH Investigators and Pool in Moldova:

- [Training of PSEAH Investigators and Pool of Local Investigators in Moldova - FAQ | ReliefWeb](#)

Funding opportunities:

- OCHA SEA fund: www.unocha.org/sites/unocha/files/OCHA_SEA_Fund_flyer%20%281%29.pdf

Helpdesk for CSOs:

- Safeguarding Resource and Support Hub Eastern Europe helpdesk: [Safeguarding Helpdesk | Safeguarding Resource and Support Hub \(safeguardingsupporthub.org\)](#) or email easterneurope@safeguardingsupporthub.org
- Video "What is the Safeguarding Helpdesk?": [What is the Safeguarding Helpdesk? - YouTube](#)

Available guidance:

- IASC, Investigating Allegations of SEA - A Toolkit for Partners: [Investigating Allegations of SEA - A Toolkit for Partners | IASC / PSEA \(interagencystandingcommittee.org\)](#)
- CHS, Investigators' Toolkit: [Investigators' Toolkit | CHS Alliance](#)
- How-to note: Survivor-centred safeguarding investigations: [How-to note: Survivor-centred safeguarding investigations | Safeguarding Resource and Support Hub \(safeguardingsupporthub.org\)](#)
- RSH resource library: [Resources | Safeguarding Resource and Support Hub \(safeguardingsupporthub.org\)](#) and webinars on investigations [Webinars | Safeguarding Resource and Support Hub \(safeguardingsupporthub.org\)](#)

Requirements of UN implementing partners:

- UN Protocol on Allegations of SEA involving Implementing Partners: [Protocol Allegations involving implementing partners \(un.org\)](#)
- UN Implementing Partner PSEA Capacity Assessment (Core Standard 7): [UN Implementing Partner PSEA Capacity Assessment | IASC \(interagencystandingcommittee.org\)](#)
- UNHCR [Project Partnership Agreements](#) (paragraph 15), noting that similar agreements are in place for other UN agencies.

About the Regional PSEA and Safeguarding Network:

- Link to the Regional Network webpage: [Working Group: Regional PSEA and Safeguarding Network - Ukraine Refugee Situation \(unhcr.org\)](#)
- Action Plan of the Regional Network: [Document - Regional Safeguarding and PSEA Network – Action Plan \(February-August 2023\) – final draft \(unhcr.org\)](#)
- Factsheet on the Regional Network: [Document - Factsheet - Regional Safeguarding Network - Ukraine Refugee Situation \(unhcr.org\)](#)



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allegations of sexual exploitation and abuse (SEA) in the Ukraine refugee
response

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