**Guidance on Use of Reporting and Referral Form for SEA Allegations**

**Protection From Sexual Exploitation and Abuse (PSEA) Network Türkiye**

Protection from sexual exploitation and abuse (SEA), including prevention and response, is a priority and an obligation for all actors contributing to humanitarian, development and recovery response. It is everyone’s duty to ensure that assistance is provided free from any form of exploitation and/or abuse. The zero-tolerance policy applies to everyone, including all staff, consultants, volunteers, affiliated staff, vendors and sub-contracted parties.

**If you become aware of a alleged PSEA incident or occurrence, you are obligated to forward that information to relevant PSEA focal points for follow-up within their organizations. You should also utilize and refer the complainant to established Gender-Based Violence (GBV) referral pathways for assistance.** PSEA Network members are also obligated to comply with UN and Türkiye PSEA Network reporting obligations regarding the provision of anonymized information on alleged SEA incidents and trends.

SEA reporting is a delicate task. If you have not been trained on how to receive SEA referrals or if you are not comfortable doing so, please consult with known PSEA or GBV Focal Points working in your area, or seek assistance from the organizations listed below.Indicate that you have information related to an alleged SEA incident without sharing any identifiable or personal information about the complainant. Similarly, you can advise the complainant to do the same.

**UN Agencies and NGOs to Seek Assistance in Reporting:**

|  |  |  |
| --- | --- | --- |
| **Organization Name** | **Hot Line** | **E-mail Address** |
| UNHCR | 444 4868 | inspector@unhcr.org |
| UNFPA | 0 535 480 76 39 | psea.turkiye@unfpa.org |
| ASAM | 0 850 474 1515 | psea@sgdd-asam.org |
| Support to Life | 0 850 441 0043 | fikir@hayatadestek.org |

**Mapping of Türkiye PSEA Focal Points**

In order to ease the process of reporting and referring SEA allegations, the PSEA Network of Türkiye developed an online focal point mapping tool which can be accessed through this [**link**](https://app.powerbi.com/view?r=eyJrIjoiNDBlOTM2MjgtZmM5ZS00MTYwLWE3YjUtZDI5ZGIyYmE3MmE5IiwidCI6ImU1YzM3OTgxLTY2NjQtNDEzNC04YTBjLTY1NDNkMmFmODBiZSIsImMiOjh9). This tool will help you identify the focal points within your organization or another organization which you will need to contact (if you are not the designated focal point) for reporting and referral of SEA allegations for required follow-up.

**Guidance on Do’s and Don’ts in Reporting and Referral Processes**

Please review the following guidance for receiving, recording and referring alleged SEA incidents should you be approached by a community member or colleagues with information related to an alleged SEA incident. Thank you for your attention to this issue which is critical to our humanitarian obligation to DO NO HARM. Feel free to contact the PSEA Network Türkiye or PSEA focal points/GBV focal points for assistance.

* Any allegation of sexual exploitation and abuse is a highly sensitive issue. It can carry serious consequences for the complaintant, including the risks to safety and retaliation, as well as to the alleged perpetratror. Therefore,individuals entrusted with information on alleged incidents should refrain from discussing the allegation with anyone else but the trained PSEA focal point within their organization to ensure utmost confidentiality.
* React calmly and listen carefully to what is being said.
* Firstly, assess whether there are immediate medical needs for the complainant.
* Reassure the complainant that he or she has the right to report an allegation, including to relevant authorities.
* Seek consent and address issues of confidentiality - staff members are obliged to report complaints, while reassuring the complainant that information related to the complaint will be kept confidential and only be shared on a “need to know” basis.
* Due to the sensitive nature of SEA allegations, make sure to determine the time period during which the informed consent (related to the referral) obtained from the complainant is valid.
* Ask only relevant questions as indicated in the form to gain a clear understanding of the complaint so that it can be referred to the relevant organization for follow up.
* Ensure that the safety of the complainant is not at risk.
* Don’t push for information related to the complaint, be reassuring and respect the self-space and do not ask ‘why’. Do not be judgemental when collecting information about the alleged incident.
* Consider (prioritise) the complainant’s need for services, including medical attention. Use the available GBV referral pathway if available or seek advice from a GBV specialist/focal point to ensure proper survivor centered approach is implemented as soon as possible. **Please refer to the allegation report/referral form for types of services that fall under assistance to complainant. Referrals to these services can only be made upon obtaining his/her consent.**
* Recording of information, suspicions or concerns related to the complaint needs to be as clear as possible, as it may be used in subsequent potential disciplinary or legal action. This includes correct names of all allegedly involved as well as identity numbers of witnesses and complainants.
* Record an accurate account of what was shared by complainant in her/his own words. In addition to the complaint, a description of any visible sign of abuse or other injuries including a body map, may be helpful.
* Do not try to investigate the alleged incident or try to identify if it did or did not actually take place. This is the role and responsibility of specific individuals within the organization as well as law enforcement (in allegations where the complainant provides consent to and expressly requests to submit an official complaint/report the alleged incident to relevant authorities, or when the allegation falls under mandatory reporting requirements per national legislation, for which guidance is provided below).
* For more information on facilitating protection sensitive referrals and those specific to an allegation of GBV (which SEA allegations fall under), please refer to the [**3RP Inter-Agency Referral Form package**](https://data2.unhcr.org/en/documents/details/102957)and the [**3RP Inter-Agency GBV Standard Operating Procedures**](https://data2.unhcr.org/en/documents/details/104228)**.**

**How to Ensure Protection of Confidential Information**

* The principles of a survivor-centered approach, do no harm, and confidentiality, which are all critical considerations in response to an SEA allegation, promotes and supports safety, trust and empowerment. Confidentiality means that anyone who has access to relevant information about the complainant must not share any of that information without the explicit permission and informed consent of the person.
* Considering the sensitive nature of information collected in the processing of an alleged SEA incident, staff have a responsibility to ensure that the information collected is handled in a confidential and protection-sensitive manner, to avoid putting the complainant at risk of further harm. Not doing so may have serious and potentially life-threatening consequences for the complainant or those trying to support the person and others at risk of SEA, and may discourage other individuals from seeking the support they require.
* This section of the guidance note aims to promote practical standards around how to ensure protection of confidential information through encrypting/password protecting forms and tools that contain sensitive information about alleged SEA incidents.
* Make sure to first zip the folder containing the allegation report/referral form and the consent form (as well as any other supportive documents that may be required to facilitate a succesful report/referral), then encrypt/password protect the folder when sharing with the relevant organization. Refer to additional information on considerations during the process of password encrypting, as well as the [**3RP Inter-Agency Referral Form package**](https://data2.unhcr.org/en/documents/details/102957) and [**website**](https://nordvpn.com/blog/how-to-password-protect-a-zip-file/)on how to encrypt word documents:
* Zipped folders (containing the allegation report/referral form and the signed consent form) must be encrypted/password protected as it will contain identifiable and sensitive information. As mentioned above, remember that the time period specified for how long the informed consent to be obtained from the complainant regarding the referral of the complaint is valid should be the same as the validity period of the encryption/password defined in the zipped folders.
* The zipped folder should be transferred in two separate emails:
* In the first e-mail, there should be a short description of the allegation and situation (without any identifiable information of the complainant shared in the email body) outlining the purpose of the referral and including the attachment of the encrypted, zipped folder. Individuals copied in this email should be as limited as possible, including only the designated PSEA main and alternate FPs, and if needed a supervisor/manager of the FPs.
* The password to access the zipped folder should be shared separately with the focal person of the receiving agency in an encrypted and time-bound manner. To accomplish this, the referring agency should visit the [**website**](https://note.unhcr.info/#private-note-help) and follow these instructions: enter your password in the designated text field, encrypt it, and set an expiry date. Once done, you will receive a link which you send only to the designated PSEA main and alternate FPs via a second email. Additionally, you can choose to enable the self-destruct feature by ticking the corresponding checkbox. This will ensure that the note disappears after being read by the recipient.
* **Important Note:** The validity period of the informed consent received from the relevant person regarding the referral will be the same as the validity period of the encryption/password defined in the zipped folder. If the password is not used until the specified date, you will not be able to access the folder and in this case, the data in the shared documents as well. To be able to refer the allegation, you will then have to obtain informed consent (with a new validity period) from the complainant once again.
* If you lose or forget the password it cannot be recovered (without having to ask the referring agency again) and you will lose access to the document! It is advised to keep a list of passwords and their corresponding document names in a safe place.
* Email headers should not include any personal, identifiable and sensitive information about the individual being referred.

**Exceptions to Confidentiality in Fulfilling Legal Liabilities and Mandatory Reporting**

* Confidentiality and informed consent should always be given priority. However, limits to these can occur under exceptional circumstances determined in Turkish Law, indicated below:
* If the complainant is a child, his or her health or safety is at risk or abuse is suspected, limits to confidentiality exist in order to protect the child when it is in the best interest of the child. Pursuant to Turkish legislation, government institutions, NGOs, and any third parties have an obligation to report any child in need of protection[[1]](#footnote-2).
* If the complainant is an adult who threatens his/her own life or who is directly threatening the safety of others, they must be referred to the security forces and other law enforcement offices, which will ensure the safety of his/ her / other’s life. In all cases, the potential harm caused by non-disclosure of the confidential information should be weighed against the potential harm caused by disclosure of the information.
* According to Articles 278, 279, 280 of the Turkish Criminal Code; persons, including government officials and health workers, have an obligation to report crimes. If the service provider detects a crime that is being committed or has been committed but whose consequences are possible to limit, the principle of confidentiality would not apply. In that case, the service provider must inform the complainant of the mandatory reporting requirement and ask them if he/she wishes to provide information about the alleged perpetrator or even continue with the case management and assistance by service providers.
* **Should you confirm that the allegation at hand falls under mandatory reporting to authorities, pursuant to Turkish legislation, complainants or third parties can report an allegation to the below authorities:**
* Law Enforcement: including police, provincial or district Directorates of Security, Gendarmerie and Coast Guard
* Ministry of Family and Social Services: including Provincial Directorates of Family and Social Services and Violence Prevention and Monitoring Centers (ŞÖNİM)
* Courts and Public Prosecutors’ Offices
* Hospitals
* **Allegations can also be reported through the below hotlines and phone applications:**
* General Emergency Hotline 112
* Ministry of Family and Social Services Hotline 183
* Presidency of Migration Management / YIMER Hotline 157
* Ministry of Family and Social Services – Vodafone Easy Rescue Application (Kırmızı Işık)
* Ministry of Interior / Directorate General of Security – KADES application to combat violence
* **Complainants have the freedom and right to seek support after an allegation. They may seek support from:**
* UN agencies and I/NGOs
* Ministry of Family and Social Services / Social Service Centers and Family Support Centers
* Health care facilities such as hospitals and migrant health centers
* Women Counseling Centers at municipalities
* Bar Associations
* Provincial Directorates of Migration Management

1. As per Law No. 5395 Art. 3, children in need of protection are defined as follows: any child whose physical, mental, moral, social or emotional development and personal safety is in danger, who are neglected or abused, or who are victims of crime. Art. 6 of the same Law indicates that judicial and administrative authorities, law enforcement officers, health and education institutions and non-governmental organizations have the obligation to notify the DG of Child Services of any children that are in need of protection. [↑](#footnote-ref-2)