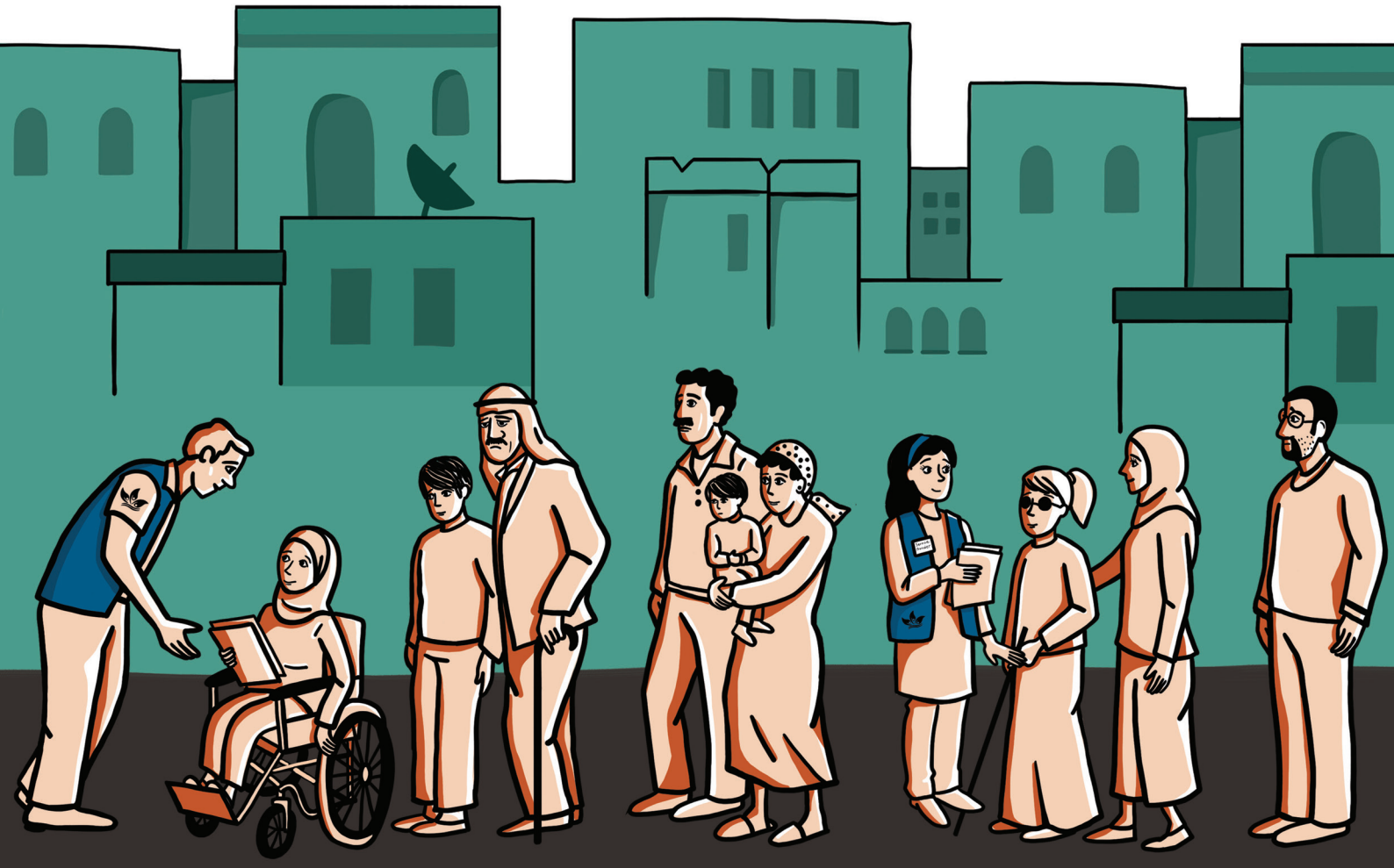
PSEA Network

PROTECTION FROM SEXUAL EXPLOITATION AND ABUSE (PSEA) BY HUMANITARIAN PERSONNEL IN JORDAN

INTER-AGENCY SEA COMMUNITY-BASED COMPLAINT REFERRAL MECHANISM (CBCRM)



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The Inter-Agency Community-Based Complaint Referral Mechanism (hereinafter 'Mechanism') in Jordan was developed under the umbrella of the Inter-Agency Task Force (IATF) and the Inter-Agency Network on Protection from Sexual Exploitation and Abuse by Humanitarian Personnel (PSEA Network). The PSEA Network coordinated by UNHCR led the development of the Mechanism following extensive consultations with refugees, PSEA Network members and agencies providing humanitarian services within the Refugee Response in Jordan. The consultations involved over 700 refugee women, girls, men and boys from different backgrounds living in and outside camps, and over 40 agencies and community-based organisations. UNHCR and the PSEA Network sincerely thanks all those involved in the development of the Mechanism.

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PART ONE

INTRODUCTION

1 PROTECTION FROM SEXUAL EXPLOITATION AND ABUSE (PSEA)

Sexual exploitation and abuse (SEA) violates universally recognized international legal norms and standards and has always been unacceptable behavior and prohibited conduct for humanitarian workers. It brings harm to those whom the UN and humanitarian agencies are mandated to protect, and jeopardizes the reputation of these agencies and their ability to provide protection.

Sexual exploitation and abuse is not a new phenomenon. In 2001, the UNHCR/Save the Children assessment[1] highlighted how international and national aid workers, working for Non-governmental (NGOs) and United Nations (UN) agencies were perpetrators of gross misconduct in West African refugee camps. The aid workers abused their roles as decision-makers and their positions of trust, to sexually exploit and abuse beneficiary populations. Humanitarian workers traded items, as seemingly insignificant as biscuits, in exchange for sex with women and children.

The shocking findings of the assessment highlighted both the vulnerability of such populations and that humanitarian and development agencies have an obligation to put in place organisational and programmatic systems that protect those we serve, and that we do not inadvertently recruit potential perpetrators. It also highlighted that we need to put in place complaints mechanisms so that alleged cases can be raised and reported; investigated; and, where necessary, referred to the authorities where a crime is suspected.

The findings resulted in the establishment of the Inter Agency Standing Committee (IASC) Taskforce on Protection from Sexual Exploitation and Abuse (PSEA), which advised the UN on specific measures and adopted six standards of behaviour (core principles) to be included in the UN Secretary General's Bulletin: Special Measures for Protection from Sexual Exploitation and Sexual Abuse (ST/SGB/2003/13) (SGB)[2] (Annex I) which is based on the UN's Code of Conduct and applies to all UN Staff, partners and contractors. As a further expression of intent and will to act, the Statement of Commitment on Eliminating Sexual Exploitation and Abuse by UN and Non-UN Personnel (2006)[3] (Annex II), is endorsed by 42 UN agencies and 36 Non-UN entities (as of 2008), binding all signatories to the Core Principles and prevention measures as outlined in the SGB.

Despite efforts to establish systems and mechanisms to facilitate reports, underreporting of sexual exploitation and abuse remains a challenge for the humanitarian community. Several reports researching the issue (i.e. No One To Turn To, 2008[4]; To Complain or Not To Complain, 2010[5]) have concluded that sexual exploitation and abuse by humanitarian personnel is chronically underreported. Several factors explain this including: fear of losing much-needed material assistance; fear of stigmatization; the threat of retribution or retaliation; the lack of knowledge on how to report an allegation of sexual exploitation and abuse; vulnerable groups feeling powerless to report an abuse; lack of effective legal services to which cases of abuse can be reported; lack of faith in the response that an allegation of sexual abuse would receive; cultural barriers to reporting sexual exploitation and abuse; fear of the consequences of mandatory reporting requirements and lack of maintaining confidentiality.

1. Sexual Violence & Exploitation: The experience of refugee children in Guinea, Liberia and Sierra Leone (UNHCR, Save the Children, 2002) **http://www.unhcr.org/3c7bf8094.html**
2. Secretary General's Bulletin on Special Measures for Protection from Sexual Abuse and Sexual Exploitation (ST/SGB/2003/13) (United Nations, 2003) **http://www.refworld.org/docid/451bb6764.html**
3. Statement of Commitment on Eliminating Sexual Exploitation and Abuse by UN and Non-UN personnel (2006) (updated 2011) **http://www.pseataskforce.org/uploads/tools/1401792781.doc**
4. No One To Turn To: The under reporting of child sexual exploitation and abuse by aid workers and peacekeepers (Save The Children UK, 2008). **http://www.refworld.org/docid/483c2a822.html**
5. To Complaint or Not Complaint: Still the question (HAP, 2008)

2 PROTECTION OF SEXUAL EXPLOITATION AND ABUSE (PSEA) MEASURES IN JORDAN

Protracted humanitarian crisis may expose refugees and other persons of concern to serious protection and exploitation–related risks. Humanitarian agencies operating within the Refugee Response identified the heightened risk of sexual exploitation and abuse due to the protracted character of the displacement, the increasing vulnerabilities, and the limitations in accessing services and assistance, for refugees in Jordan . This, along with the desire to ensure implementation of the Secretary General Bulletin (SGB) and reinforce the on-going efforts in preventing and responding to sexual exploitation and abuse prompted the establishment of the Inter-Agency Network on Protection from Sexual Exploitation and Abuse (PSEA) under the auspices of the Refugee Coordinator (UNHCR Representative) in early 2015 (Annex III – PSEA Network Terms of Reference). The PSEA Network currently has 55 Focal Points from to 29 different organisations and is coordinated by UNHCR.

As one of the main objectives of the inter-agency PSEA Network[7], member agencies have established an Inter-Agency SEA Community-Based Complaint Referral Mechanism (hereinafter the Mechanism) to enable the reception of allegations of SEA through integrated complaints[8] mechanisms and the provision of referrals between the PSEA member agencies in an effective, safe, confidential, transparent and accessible manner reducing impunity and ensuring protection of survivors and witnesses. Complaints of sexual exploitation and abuse may be brought to the attention of PSEA members by humanitarian personnel, refugees and host community members. The Mechanism is intended to enhance the implementation of each agency's existing Code of Conduct, policy, standards and regulations that guide the behaviour of personnel.

This Mechanism is a further development of the commitments and is to be implemented in line with, the procedures set out in the *Inter-Agency Emergency Standard Operating Procedures for Prevention of and Response to Gender Based Violence and Violence, Abuse, Neglect and Exploitation of Children in Jordan* (2013, revised in 2014)[9].

The Mechanism is based on the results of a PSEA survey with humanitarian agencies providing services to refugees and other persons of concern within the Refugee Response in Jordan and a series of consultations on community-based complaint structures that exist within communities. A specific tool for the consultations was developed and adapted to the different contexts in Jordan, which allowed the consideration of the needs and views of refugees living in camps, urban and rural settings. Consultations were undertaken with refugee women, men, girls and boys from diverse backgrounds in Zaatari and Azraq camps, in Mafraq, Irbid, Amman, Ma'an and Karak. The Mechanism has been developed through discussions and consultations amongst the PSEA Network Focal Points and contextualized according to the particular circumstances of refugees in Jordan.

6.UNHCR report "Woman Alone" **http://womanalone.unhcr.org/mobile/#_ga=1.247827847.1426139839.1460145650** , IRC report, " Are we Listening"**http://www.rescue.org/sites/default/files/resource-file/IRC_WomenInSyria_Report_WEB_0.pdf** and Regional Response Plan 2016 **http://www.3rpsyriacrisis.org/wp-content/uploads/2015/01/3RP-Report-Overview.pdf**

7.Link to the TOR. Annex III. PSEA Network Terms of Reference.

8. Although this Mechanism is focusing primarily on Protection from Sexual Exploitation and Abuse, complaints related SEA are received through an integrated complaint mechanism aimed at addressing all types of misconduct.

9. Inter-Agency SGB/CP Standard Operating Procedures in Jordan (2013 first revision 2014)

2.1 Scope of the Mechanism

The Mechanism applies to members of the Protection from Sexual Exploitation and Abuse (PSEA) Network who provide humanitarian aid to refugees in Jordan (hereinafter "entity") and who are signatories of the Mechanism.

In the humanitarian and development context and in accordance with the Secretary General's Bulletin ((ST/SGB/2003/13)[10] the term "Sexual Exploitation and Abuse" (SEA) refers to sexual exploitation and abuse of refugees, perpetrated by humanitarian personnel. Therefore this Mechanism exclusively applies to these situations, and not to situations where someone other than humanitarian personnel is the subject of a complaint or the alleged perpetrator.

In the context of this Mechanism the term **Humanitarian worker or Humanitarian personnel** refers to all those engaged by an entity to provide humanitarian services to refugees, whether internationally or nationally recruited, whether as an employee, volunteer or contractor, or formally or informally engaged from the refugee community.

2.2 Definitions

Section 1 of the Secretary General's Bulletin issued on 9 October 2003 (SG's Bulletin) defines sexual exploitation and abuse as follows:

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

Sexual abuse means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

2.3 Other Relevant Definitions

Confidentiality

Confidentiality is an ethical principle that restricts access to and dissemination of information. It helps to create an environment in which witnesses/survivors are more willing to come forward and recount their version of events; it builds trust in the humanitarian system and organisations. Maintaining confidentiality requires that humanitarian personnel protect information about allegations of sexual exploitation and abuse and agree only to share information on a strict need-to-know-basis, and when sharing information consideration should be given to the potential for future abuse and harm of all those involved, and in the best interests of the survivor. This means that humanitarian personnel never discuss details of allegations of exploitation and abuse with family or friends, or with colleagues whose knowledge of the abuse is deemed unnecessary.

In consideration of mandatory reporting of humanitarian personnel to report SEA to their agency or Investigative Body, anyone receiving a complaint directly should explain this obligation, and reassure the complainant/survivor that all information shared will be appropriately protected and will be kept confidential between only those who are authorised to know on the basis of providing protection or taking appropriate action i.e. investigation.

10.Secretary General's Bulletin on Special Measures for Protection from Sexual Abuse and Sexual Exploitation (ST/SGB/2003/13) (United Nations, 2003) **http://www.refworld.org/docid/451bb6764.html**

Informed Consent

The voluntary agreement of an individual who has the capacity to give consent to pursue a legal procedure or receive services. To provide informed consent, the individual must have the capacity and maturity to know about and understand the implications of the procedures to be followed, the services being offered and be capable of giving her/his consent. Parents, caregivers, or other legal guardians are typically responsible for giving consent for their child to receive humanitarian services and/or undertake the consequences of eventual legal procedures.

Informed Assent

The expressed willingness to pursue legal procedures or participate in services. For younger children who are by definition too young to give informed consent, but old enough to understand the implication of the procedures to be followed or to participate in the recommended services, the child's "informed assent" is sought. Informed assent is the expressed willingness of the child to participate in services and undertake the consequences of eventual legal procedures.

Complaint

In relation to this Mechanism a complaint is a concern about the behaviour or conduct of a humanitarian worker, volunteer or contractor in relation to sexual exploitation and abuse. A complaint has to be about an action for which the organisation is responsible or is within their sphere of influence.

Refugee

Any person who owning to a well-founded fear of being persecuted for reasons of race, religion, nationality, and is unable to or, owning to such fear, is unwilling to avail himself of the protection of that country[11].

Person of concern to UNHCR

Persons of concern to UNHCR consist generally of five categories of people who are within the competence of the High Commissioner. These groups are (a) those who fall under the Statute/1951 Convention definition and thus are entitled to benefit from the full range of the Office's functions; (b) those who belong to a broader category but have been recognized by States as being entitled to both the protection and assistance of the Office; (c) those to whom the High Commissioner extends his "good offices", mainly but not exclusively to facilitate humanitarian assistance; (d) returning refugees, for whom the High Commissioner may provide reintegration assistance and a certain protection; and (e) non-refugee stateless persons whom UNHCR has a limited mandate to assist.[12]

Complainant

The person making the complaint, including the survivor/victim of sexual exploitation and abuse.

11. Un Refugee Convention, Article 1, 1951. For the purpose of this mechanism, refugees will be those individuals registered with UNHCR in Jordan.
12. Population Movements Associated with the Search for Asylum and Refuge, ExCom/WGSP/5 of 4 December 1990, pp. 5-10. **http://www.unhcr.org/3ae68cc518.html**

Witness

Any person giving testimony or evidence in the investigation, including but not limited to the survivor/victim, the complainant, a beneficiary, personnel of a partner agency, the subject of the complaint or personnel of another entity.

Survivor

The person who is, or has been, sexually exploited or abused. The term "survivor" implies strength, resilience and the capacity to survive[13].

Outside source of information

For the purpose of this Mechanism, outside source can be considered a community member, partner organization, authorities, concerned individual or any external entity that provides information on a prohibited behaviour of a staff member[14]. This would also include anonymous sources of information.

Subject of the complaint / alleged perpetrator

The person(s) alleged to have sexually exploited or abused the survivor/victim. This can be a person, group, or institution that directly inflicts or otherwise supports violence or other abuse inflicted on another against his/her will[15].

13. The terms "victim" and "survivor can be used interchangeably. In Jordan "victim" is a term often used in the social and medical sectors. "Survivor" is the term generally preferred in the psychological and social support sectors because it implies resiliency. The term "victim" is defined by the National Framework for Family Protection as "the person or persons exposed to violence in the family, either directly or indirectly" (SGBV SOPS).
14. UNHCR Investigation Resource Manual, Chapter 4. **http://www.unhcr.org/pages/526526126.html**
15. IASC Guidelines for Gender-based Violence Interventions in Humanitarian Settings, IASC 2015. Accessible at: **http://gbvguidelines.org/wp-content/uploads/2015/09/2015-IASC-Gender-based-Violence-Guidelines_lo-res.pdf**

PART TWO

THE MECHANISM

1 | ROLES AND RESPONSIBILITIES

PSEA Network members are committed to prevent, oppose and combat any form of sexual exploitation and abuse of refugees and other persons of concern perpetrated by their personnel. Relevant roles and responsibilities associated to the established coordination structure are highlighted below:

1.1 The PSEA Network

This is the primary body for awareness, prevention and oversight on protection from sexual exploitation and abuse by international and national personnel of the entities providing humanitarian services to refugees in Jordan. The Network is NOT responsible for the investigation or adjudication of complaints, or for dealing directly with complainants. This responsibility rests exclusively with dedicated bodies of individual organisations (Annex III - PSEA Network Terms of Reference).

1.2 PSEA Focal Points

PSEA Focal Points are officially designated by each entity to represent it and participate in the PSEA Network and are responsible for actively promoting the protection from sexual exploitation and abuse within their own organisation. They are responsible for ensuring that appropriate response systems are established and implemented within their organisation and with implementing partners, in line with this Mechanism, and ensuring that refugees and host communities are engaged in the prevention and response to complaints (Annex IV: PSEA Focal Points Roles and Responsibilities).

PSEA Focal Points are responsible for liaising with investigative bodies of their own organisation and those of other entities, with other PSEA Focal Points and managers as appropriate to ensure safe reception, referral and follow-up of SEA allegations. PSEA Focal Points are not considered to be the main entry point for allegations from refugees, as this is more likely to be front-line personnel in regular contact with refugees directly i.e. field community workers, project officers. PSEA Focal Points are responsible for submitting statistical reports on SEA allegations as indicated in paragraph 8.4 of this Mechanism.

PSEA Focal Points facilitate the implementation of appropriate actions to respond to the received complaints in line with the agency's internal procedures and investigative body affiliated with their agency and as defined in it's legal and project agreements. In the case where an agency does not have an agreement with an affiliated investigative body, either directly or through a project agreement or contract, or have the capacity to manage an investigation internally, the PSEA Focal Point/Management can refer to the UNHCR PSEA focal points for advice and guidance (e.g. should it be required, and upon request of individual entities, technical advice and investigative support could be made available in consultation with and through the Inspector General's Office (IGO), the investigative body of UNHCR[16]). Individual entities are also encouraged, in respect of confidentiality and wishes of the survivor as well as in line with their internal accountability framework and complaint mechanism systems, to alert UNHCR on possible risks for individual refugees to ensure that adequate protection for victims and witnesses is ensured from the start of the individual agencies' investigation.

16. The NGO specialist investigation roster can be considered:**file:///H:/2016/PSEA/basic%20docs/The%20NGO%20Investigation%20Specialist%20Roster%20.pdf**

1.3 Individual Entities

Individual entities are responsible for promoting PSEA amongst their own personnel, and the refugee communities they work with. It is the responsibility of each entity to ensure that its personnel understand the ethical obligations placed upon them and its Code of Conduct (or similar) and to implement internal disciplinary procedures. Each entity takes responsibility to manage and coordinate the investigation, either within their agency or directly with an established investigative body, of an allegation of SEA by its own personnel.

Individual entities are responsible for ensuring their **implementing partners** understanding the reporting line, have a PSEA Focal Point in place and that this is included in project agreements. Entities take responsibility to provide the necessary support to partners to establish the right environment and systems to tackle and respond to SEA within their operations and agencies, i.e. putting in place prevention strategies; establishing community-based complaint-handling mechanisms; how to receive, refer, investigate and report complaints and allegations in line with this Mechanism.

1.4 Humanitarian Workers

All humanitarian workers of the PSEA Network entities that endorse this Mechanism are bound by the obligations as set out in the Statement of Commitment endorsed by UN and Non-UN organisations,[17] in line with the SGB[18], which states that: "where a humanitarian worker develops concerns of suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same agency or not, he or she must report such concerns via established agency reporting mechanisms"; and that, "humanitarian workers are obliged to create and maintain an environment that prevents sexual exploitation and abuse and promotes the implementation of their code of conduct. Managers at all levels have particular responsibilities to support and develop systems that maintain this environment".

17. UN Statement of Commitment, **https://cdu.unlb.org/Portals/0/PdfFiles/PolicyDock.pdf**
18. The Secretary General Bulletin states that "where a United Nations staff member develops concerns of suspicions regarding sexual exploitation and or sexual abuse by a fellow worker, whether in the same agency or not, and whether or not within the United National system, he or she must report such concerns via established reporting mechanisms"

2 GUIDING PRINCIPLES

All signatories are committed to preventing and protecting individuals from sexual exploitation and abuse by any of its personnel, and in doing so agree to extend the fullest cooperation and assistance to each other in adherence with the following:

2.1

All entities will institutionalise and promote within their organisation the following **6 Core Standards** adopted by the **Inter-Agency Standing Committee** (IASC/2002) and outlined in **the Security General's Bulletin *Special measures for the protection from sexual exploitation and abuse*** (ST/SGB/2003/13) (Annex I) and **UN Statement of Commitment for UN and Non-UN Personnel** (2006) (Annex II):

1. Sexual exploitation and abuse constitutes acts of gross misconduct and are therefore grounds for disciplinary measures, including termination of employment
2. Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief in the age of a child is not a defence
3. Exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour is prohibited. This includes exchange of assistance that is due to beneficiaries
4. Sexual relationships between humanitarian workers and beneficiaries are strongly discouraged since they are based on inherently unequal power dynamics. Such relationships undermine the credibility and integrity of humanitarian aid work
5. Where a humanitarian worker develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same agency or not, he or she must report such concerns via established agency reporting mechanisms
6. Humanitarian workers are obliged to create and maintain an environment that prevents sexual exploitation and abuse and promotes the implementation of their code of conduct. Managers at all levels have particular responsibilities to support and develop systems that maintain this environment

2.2

All entities agree to uphold the principles of **confidentiality, anonymity, informed consent, impartiality, dignity, safety and welfare** in implementing these protocols and when any allegation or complaint is made to their agency. These principles are elaborated on in the Inter-Agency Standard Operating Procedures for Prevention of and Response to Gender-Based Violence and Violence, Abuse, Neglect and Exploitation of Children in Jordan (2013, revised 2014)[19].

19. Section 1: Procedures, Chapter 2: Guiding Principles, SGBV / CP Standard Operating Procedures (2014), Page 17.

2.3

All humanitarian workers commit to a **Zero-Tolerance** approach to any form of sexually exploitive and abusive behaviour of humanitarian personnel and to understand their obligations to report any concerns or suspicions they have to their agency's PSEA Focal Point.

Where applicable, all personnel shall understand and sign the entity's Code of Conduct, or similar document, setting out the standards of acceptable and unacceptable behaviour. This document should incorporate the above-mentioned specific standards (Annex V – Sample Sexual Exploitation and Abuse Code of Conduct (from GBV/CP SOPs). All entities are obliged to undertake necessary disciplinary action to prevent and respond to misconduct by their personnel.

2.4

Fear of repercussions i.e. withdrawal of aid, further discrimination, is often a key reason why refugees, other persons of concern and personnel may not report cases of sexual exploitation and abuse to an agency about its personnel. Entities therefore agree to ensure that systems are put in place to dispel fears of reporting, establish appropriate complaint mechanisms to facilitate reporting to their agency, and to facilitate referrals between entities about the behaviour of humanitarian personnel in Jordan.

3 | RECEIVING COMPLAINTS AND REPORTS

A complaint or report can be made regarding the alleged misconduct of a humanitarian worker related to sexual exploitation or abuse of a refugee or other person of concern , directly by the survivor or by anyone who has a suspicion or a concern.

3.1

Entities agree to ensure that all its personnel are fully informed: about their duty to report any concerns, suspicions they have or allegations or complaints they become aware of; of the agency's complaint and response policy and procedures; and of the role and how to contact its PSEA Focal Point or manager; and where established PSEA reporting and investigative body, as applicable.

3.2

Entities agree that personnel who are most likely to receive a complaint from refugees or become aware of sexual exploitation and abuse are trained on how to receive complaints or allegations of sexual exploitation and abuse, how to report concerns or complaints to their PSEA Focal Point or investigative body where established.

3.3

Each entity should facilitate individuals to submit a complaint or make a report in whichever manner individuals feel most comfortable and safe to do so. Based on consultations with refugees, entities agree that concerns or complaints can be raised and will be accepted by each agency through multiple entry points, at any level and through any method, such as: directly in person from a complainant, via an existing community complaint mechanism (e.g. UNHCR-CARE Complaint Mechanism in Azraq camp, other programmatic complaint mechanism); community mobilizers or health workers; faith leaders; through complaint boxes; at UNHCR registration, protection monitoring, help desks; via established hot-lines, and through an agency's management structure or directly to designated investigative body where established.

3.4

When in direct receipt of a complaint, issues of confidentiality should be addressed with the individual explaining that all humanitarian workers are obliged to report to their agency or investigative body when they become aware of any concern or complaint of sexual exploitation and abuse by a fellow worker, while reassuring them that information will be kept private and shared strictly on a need to know basis in consideration of the wishes and best interest of the survivor. Extensive and quality counselling should be provided to manage the expectations of complainants in regards to the available solutions.

3.5

All complaints should be raised directly with the investigative body, the PSEA Focal Point, or the manager of the agency receiving the complaint. Where a PSEA Focal Point is the subject of a complaint or allegation, the complaint should be referred to the Alternate PSEA Focal Point of one's agency or with the established investigative body or the manager. Where both PSEA Focal Points are involved, complaints should be directly raised with senior management of the entity or an established investigative body e.g. UNHCR Representative and Inspector General´s Office[20].

3.6

It is **NOT the responsibility** of personnel receiving a complaint to ascertain whether or not the allegation is true or to make any investigation into the allegation. It is their responsibility to report the allegation to their investigative body, PSEA focal point or manager of their own agency via the agency's established reporting mechanism and in line with this Mechanism[21].

3.7

Persons receiving complaints or reports first should, where possible collect the minimum necessary information to facilitate it's follow-up and referral to the agency of concern. Counselling on mandatory reporting and procedures to be followed should be provided to survivors or those submitting the complaint. At a minimum, information should include:

- **What happened & when**: describe what is being reported in the words of the complainant(s), taking note of names of survivors, perpetrators and perpetrators' organisation, dates or locations of the incident(s) where possible
- **How the complainant or survivor can or prefers to be contacted**
- **Date of when the statement was taken.**

20. UNHCR Inspector General´s Office: **http://www.unhcr.org/pages/52e11b746.html**
21. This could include the possibility of submitting a complaint directly to the UNHCR inspector general's office.

3.8

Counselling to survivors remains crucial to reduce the risk of under-reporting and effectively contribute to the fight against impunity.

3.9

Anonymous complaints, where the complainant or survivor are not known or disclosed, must be treated seriously and can be investigated, despite being more difficult to do so. The potential for future abuse and harm, and each entity's responsibility to create a safe and abuse-free environment must be considered. Through an investigation process more information can be found which can encourage people, who are initial hesitant, to come forward.

3.10

Where an entity receives information of unspecified/generic "in-the-air" allegations of sexual exploitation and abuse (i.e. where the institutional affiliation of the alleged perpetrator(s) is uncertain or unknown), the PSEA Focal Point will alert the Refugee Coordinator (UNHCR Representative) to ensure an adequate response to address the potential protection needs of the allegedly affected person(s) in consultation with the Inspector General's Office (IGO), the investigative body of UNHCR.

4 | INTER-AGENCY REFERRAL PATHWAY

Entities agree to receive complaints referred from another entity in good faith and in the spirit of cooperation, in line with this Mechanism and the SEA Complaint Referral Pathway as outlined (Annex V – Inter-Agency Sexual Exploitation and Abuse Referral Pathway). In referring complaints entities must maintain confidentiality and respect the reputation of the agency and of the individuals involved in an allegation or complaint.

4.1

All entities could receive a complaint against another entity, or humanitarian workers may become aware of sexual exploitation and abuse by the personnel of another entity. Complaints could also be made about an entity to an alternative body with established procedures for the prevention of misconduct of humanitarian personnel or to a trusted community member rather than directly to the agency of concern.[22] These circumstances include, but are not limited to, personnel or refugees genuinely believing that raising the matter directly with the specific entity would not be effective, or would result in further victimization, or where the matter has previously been disclosed to the organisation of concern but no effective action has been taken.

22. Including the UNHCR Inspector General's Office **http://www.unhcr.org/pages/52e11bc16.html**

4.2

All information contained in a complaint or report, including the identity of the survivor and alleged perpetrator, the incident, the location etc. must remain private and information is shared with the minimum number of people necessary strictly on a need-to-know basis for the purpose of investigation and service provision. The necessity to share information to third parties i.e. protection services or national authorities, will be decided on a case-by case basis in consideration of best interests of the survivor, and other safety and protection considerations of all those involved.

4.3

To support safe, confidential and efficient inter-agency referrals, entities agree to the following procedures to receive and address complaints about another entity or from another entity:

1. The entity receiving the complaint is not responsible for investigating the complaint but must prioritise the safety of the survivor, witnesses, alleged perpetrator and other individuals who could potentially be affected, and should follow the procedures set out in Section 3 of this Mechanism. In this process, and in consultation with the relevant investigative services of individual responsible organisations, attention will be paid to the preservation of evidence in respect of the confidentiality, the consent and wishes of the alleged survivors who should receive timely and accurate counseling.

2. The entity receiving the complaint shall seek the consent of the complainant to refer the complaint to the PSEA Focal Point of the agency of concern or Investigative body. If the complainant agrees, the complaint will be raised with the PSEA Focal Person of that agency or directly with the agency's Investigative body. If the complainant does not agree, the mandatory reporting of sexual exploitation and abuse in accordance with the SGB needs to be explained and seek to comply with this requirement considering safety and protection of all individuals and entities involved. This means to wisely decide how and when to report and which mitigation/ protection measures should be put in place in parallel.

3. Complaints will be referred between the PSEA Focal Points of the entities involved in person and in writing (email or hand-posted letter) providing the necessary information available about the complaint or allegation. A standardised Complaint Referral Form can be used (Annex VI , Example Complaint Referral Form). Further or prior communication can be conducted by phone, particularly in cases where the emergency protection risks warrant immediate action.

4. Where in direct receipt of a complaint, the agency of concern shall ensure that the complaint is safely and appropriately investigated, either by itself or affiliated Investigative body as set out in Section 5 of this Mechanism. In parallel to this, referrals to protection services will be provided as per the established procedures in the Interagency SGBV/CP SOPs.[23]

5. The entity PSEA Focal Point should acknowledge receipt of a complaint or report to the referring agency and confirm that the matter was addressed, in full consideration of confidentiality principles and the best interest of the survivor.

23. SGBV and CP Interagency SOP in Jordan are available at: **http://data.unhcr.org/syrianrefugees/working_group.php?Page=Country&LocationId=107&Id=35.** The specific books can be accessed at: **data.unhcr.org/syrianrefugees/download.php?id=9675 & data.unhcr.org/syrianrefugees/download.php?id=9676**

5 | INVESTIGATIONS

Entities will always prioritise the protection of the survivor, his/her family members, witnesses and any other individuals who might be affected by an allegation or complaint and all entities will endeavour to cooperate to mitigate any potential risks during and following an investigation.

5.1

Investigations of complaints or allegations of sexual exploitation and abuse should be undertaken exclusively by dedicated personnel of the entity of concern or by the established Investigative body affiliated with that entity, that are charged with this responsibility and who have the necessary skills and competence to undertake such investigations appropriately.

5.2

Each entity is responsible to ensure adherence to its own internal investigation policies and procedures, in order to coordinate, manage, assess, investigate and respond to complaints or allegations of sexual exploitation and abuse (UNHCR Investigation Procedures[24] and/or IASC Complaint and Investigation Guidelines on SEA can be reviewed for reference).

5.3

Upon planning an investigation, entities are encouraged to contact the UNHCR PSEA Focal Point in Jordan on the potential risks for individual refugees as a measure to ensure adequate security and safety for survivors and witnesses throughout an investigation process.

5.4 Protection of victims and witnesses

Entities are encouraged, in respect of confidentiality and wishes of the survivor as well as in line with their internal accountability framework and complaint mechanism systems, to alert UNHCR on possible risks for individual refugees to ensure that adequate protection for victims and witnesses is ensured from the start of the individual agency's investigation.

5.5

Special cases can be referred to UNHCR PSEA focal points for advice and guidance (e.g. should it be required, and upon request of individual entities, technical advice and investigative support could be made available in consultation with and through the Inspector General's Office (IGO), the investigative body of UNHCR[25]).

5.6

When any of the formally designated Focal Points receives information of unspecified/generic ("in-the-air") allegations of sexual exploitation or abuse (i.e. where the institutional affiliation of the alleged perpetrator(s) is uncertain or unknown), the PSEA Focal Points Network *will alert the Refugee Coordinator (UNHCR Representative)* to ensure an adequate response to address the potential protection needs of the allegedly affected population in consultation with the IGO, the investigative service of UNHCR.

24. UNHCR Investigation Resource Manual can be accessed at: **http://www.unhcr.org/pages/526526126.html**
25. The NGO specialist investigation roster can be considered: **file:///H:/2016/PSEA/basic%20docs/The%20NGO%20Investigation%20 Specialist%20 Roster%20.pdf**

5.7

Following the outcome of an investigation, the entity shall carry out the relevant administrative and disciplinary measures in line with its agency policy and procedures, with the urgency, seriousness and fullness underscored in this Mechanism.

6 SUPPORTING THE NEEDS OF SURVIVORS, COMPLAINANTS, WHISTLE BLOWERS AND WITNESSES

All entities are responsible for the actions of their personnel and all entities agree to a comprehensive approach to ensure that the protection needs of anyone involved in a complaint are fully considered and provided.

6.1

Entities will make every effort to put in place prevention measures and support mechanisms to protect anyone who raises a complaint of sexual exploitation and abuse to their agency. All entities must respect the privacy, confidentiality and rights of all those involved in a complaint or allegation of sexual exploitation and abuse, including the complainant, the survivor, a whistle-blower, a witness and the subject of a complaint or alleged perpetrator.

6.2

Anyone making a complaint should be made aware that all humanitarian workers are obliged and mandated[26] to report to their agency when they become aware of any concern or complaint of sexual exploitation and abuse by a fellow worker. Complainants should be reassured that information will be shared strictly on a need to know basis, through established reporting mechanisms, and with full consideration of the wishes and best interest of the survivor, while ensuring safe access to applicable criminal procedures.

6.3

Entities must consider the immediate or on-going protection, safety or assistance needs of anyone involved in a complaint or allegation of sexual exploitation and abuse this includes the survivor, complainant, whistle blower[27], witness and subject of the complaint. Entities will follow the *Inter-Agency Emergency Standard Operating Procedures for Prevention of and Response to Gender-Based Violence and Violence, abuse, neglect and exploitation of Children* (SGBV/CP SOPs 2014)[28] for Case Management and Referrals to protection services in Jordan.

26. Please see SGBV and CP inter-agency SOP, paragraph 4.8.1, page 51, Book 1 accessible at: **data.unhcr.org/syrianrefugees/download.php?id=9675**
27. One who reveals wrongdoing within an organization to the public or to those in positions of authority. Policies for protection of whistle blowers have been established by UN and non-UN organizations. **https://oios.un.org/resources/2015/01/ST-SGB-2005-21.pdf**
28. Please see SGBV and CP Inter-agency SOP, Book 1 accessible at: **data.unhcr.org/syrianrefugees/download.php?id=9675**

6.4

To avoid malicious accusations: entities must reassure their personnel that no action will be taken against those who report in good faith information indicating a violation of the entity's staff codes of conduct, rules and regulations regarding sexual exploitation and abuse, even if following an investigation it proves unfounded; and if personnel knowingly and wilfully report false or malicious information regarding another member of staff, such false reports lead to disciplinary action. Entities must establish the appropriate environment within their entity to ensure that there is no retaliation by fellow humanitarian workers from within their agency and the PSEA Network will support each other to ensure that retaliation between entities is prevented and managed.

6.5

Entities are aware that allegations of SEA can sometimes be made maliciously and without foundation. The need to pay attention to the confidentiality of information, especially of any identifying-data, and of the needs of the individual subjects of such allegations (i.e. the alleged perpetrator or survivor) is fully recognised and support (i.e. counselling) should be facilitated where possible for any psychological strain or physical harm that may be caused by such.

7 | MANDATORY REPORTING

Confidentiality, informed consent and the wishes of the survivor of sexual exploitation and abuse will always be given priority, and in parallel, rules of mandatory reporting will be observed.

7.1

The Statement of Commitment endorsed by UN and Non-UN organisations,[29] in accordance with the Secretary General's Bulletin[30], states that "where a humanitarian worker develops concerns of suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same agency or not, he or she must report such concerns via established agency reporting mechanisms". These obligations are extended and apply to **all humanitarian personnel of the PSEA Network entities** that endorse this Mechanism. Reports must be made to the PSEA Focal Point of one's own agency or to an established Investigative body and in line with this Mechanism.

7.2

The rules of mandatory reporting to the authorities in Jordan are such that certain actors receiving information about certain types of violence are compelled by law to report this information to the police.[31] In such a cases, and in accordance with the inter-agency SOP and referral pathways reports to Family Protection Department of incidents happening to refugees should be provided through UNHCR or informing UNHCR.

29. UN Statement of Commitment, **https://cdu.unlb.org/Portals/0/PdfFiles/PolicyDock.pdf**
30. The Secretary General Bulletin states that "where a United Nations staff member develops concerns of suspicions regarding sexual exploitation and or sexual abuse by a fellow worker, whether in the same agency or not, and whether or not within the United National system, he or she must report such concerns via established reporting mechanisms"
31. SGBV and CP interagency SOP Section1: Chapter 3.2. and 4.8.1

7.3

Where the subject of a complaint or alleged perpetrator is a beneficiary refugee who works or volunteers for an entity in the provision of humanitarian assistance i.e. community volunteer, entities should refer the case through or in coordination UNHCR to ensure protection of perpetrator and survivor, always in consideration with confidentiality and consent procedures.

8 | RECORDING AND REPORTING SEA COMPLAINTS WITH THE PSEA NETWORK

8.1

Entities must follow its Data Protection Protocols and implement appropriate procedures to maintain confidentiality of all data gathered in relation to a complaint of sexual exploitation and abuse. Entities should keep all information safe and secure. Some measures to ensure data protection can include:

Paper file security (for investigative bodies) - paper documentation should be stored in an individual file, clearly labelled with a complaint/incident number. Names of the complainants or any subjects of a complaint are NOT on the outside of the paper file. Paper files should be kept in a locked cabinet / drawer, accessible only to responsible individuals specified by the entity. No one else should be given independent access to the paper files without permission. Rooms containing paper and electronic information should be locked securely when personnel leave the room. All personnel are aware of the importance of being vigilant as to who is entering the room where they work and for what purpose.

Electronic data security - all computers being used for data storage are password protected. All applicable personnel are aware that information should be transferred using encrypted and password-protected files whether this is by the Internet, online or memory stick. A back-up system i.e. external hard drive on and off site, of said data should be established in order that the main database can be restored in case of technical problems, or destroyed in an emergency evacuation without this meaning the loss of all electronic data.

8.2

Entities should appropriately document the management process of a complaint received, the outcomes of any investigation and the actions taken in line with the entity's internal policy and procedures.

8.3

- Entities agree to share information on SEA complaints within the PSEA Network. Following the report template (Annex VII - Template for Inter-Agency Annual Report on SEA Complaints), entities will share the necessary information with UNHCR, who will compile said information into an anonymous annual PSEA report, which is shared confidentially with the PSEA Network. At a minimum each entity agrees to submit the following information related to their agency:
- Total number of SEA complaints received
- Total number of SEA complaints referred
- Total number of SEA complaints investigated
- Overview of any prevention or risk mitigation measures undertaken to improve service provision and the future protection of refugees and other individuals.

PART THREE

ENGAGEMENT, IMPLEMENTATION AND ADDRESSING CHALLENGES

1 INTER-AGENCY AGREEMENT

This Mechanism is signed for and on behalf of the parties by their Heads of Agencies appearing below. By so signing this agreement, the signatories undertake:

1. That they have read, understood and are in full agreement with the content of the Mechanism.

2. To make every effort to work together in collaboration and create an environment whereby the spirit of the Mechanism is fully enforced.

3. To designate a PSEA Focal Point and Alternate for the organisation and equip said persons with the skills and resources to undertake their responsibilities as defined in the PSEA Focal Point Roles and Responsibilities (Annex IV) and to engage in the PSEA Network as per the Terms of Reference (Annex III)

4. To disseminate the contents of the Mechanism comprehensively within their respective entities, and take all necessary steps to ensure their implementation and adherence by all their respective personnel.

5. To disseminate the Mechanism publicly and to personnel and beneficiaries, in the local language and appropriateness so as to be understood by those target audiences.

6. To ensure that any and all violations of the PSEA Principles and standards contained within the Mechanism, especially related to the behaviour of personnel, and of individual organisational Codes of Conduct are dealt with in accordance with this Mechanism and as provided for in the respective entity's investigative, administrative and disciplinary procedures, decisively and without delay.

2 CHALLENGES IN THE IMPLEMENTATION

2.1

In cases where challenges in implementing the Mechanism are raised – either by any of the signatory participants or by the PSEA Focal Point network - a process will be followed to discuss the matter and determine appropriate action to be taken, and address the issue within one month in order to facilitate on-going information sharing and referrals. A meeting will be convened including the **PSEA Focal Points of the relevant entities and the PSEA coordinators** to discuss the matter and to determine appropriate actions to be taken within two (2) weeks from the identified challenges in the implementation. If unresolved, the matter should be referred to the **Senior Managemen**t within the two (2) following weeks, including the UNHCR Representative (Refugee Coordinator).

2.2

Pending the resolution of the matter, referrals among PSEA Network members and information sharing should continue, noting that interruptions in the implementation of this mechanism may be considered misconduct within the regulations of individual entities.

2.3

During this process, regular updates will be provided to the PSEA Network members signatories of this protocol. In the event that the resolution cannot be agreed upon, signatories have the option to terminate, in writing, their inclusion in the Mechanism and the Mechanism will be revised accordingly.

3 | PARTICIPATION IN THE MECHANISM

This Mechanism is considered as a living document, which shall continue to be developed for greater effectiveness. It shall be open for signature by humanitarian agencies not signing them on the date below and which may subsequently wish to do so on an on-going basis. Such organisations will signify their interest to the PSEA Network Coordinator, UNHCR Branch Office Jordan[32], who will take the necessary steps to formally include the agency in the Mechanism and the PSEA Network. Regular revisions will be undertaken as appropriate.

32. The UNHCR coordinators at the moment of signing this protocols are: Daniela Cicchella: **cicchell@unhcr.org** & Ana Belén Anguita: **Anguita@unhcr.org**

4 | SIGNATORY PAGES FOR PARTICIPATING AGENCIES

The following agencies endorse this Mechanism and agreement for the Inter-Agency SEA Community-Based Complaints Referral Mechanism for the Protection from Sexual Exploitation and Abuse by humanitarian personnel providing humanitarian services to refugees in Jordan.

1. ACTED
2. ARDD Legal Aid
3. Care
4. Danish Refugee Council (DRC)
5. Fundación Promoción Social de la Cultura (FPSC)
6. International Catholic Migration Commission (ICMC)
7. International Medical Corps (IMC)
8. International Organization for Migration (IOM)
9. International Relief and Development (IRD)
10. INTERSOS
11. International Rescue Committee (IRC)
12. Islamic Relief Worldwide
13. Jordan River Foundation (JRF)
14. Jordan Health Aid Society (JHAS)
15. Mercy Corps
16. Movement for Peace (MPDL)
17. Norwegian Refugee Committee (NRC)
18. Oxfam
19. Questscope for Social Development in the Middle East
20. Save the Children Jordan
21. Terre des Hommes - Lausanne
22. The Institute for Family Health (IFH)
23. UNFPA
24. UNHCR
25. UNICEF
26. UNRWA
27. UN Women
28. Un Ponte Per (UPP)
29. WFP
30. World Vision International

We the undersigned, as representatives of our respective organisations, agree and commit to fulfil our roles and responsibilities in adhering to this Mechanism:

_____
ACTED Representative
Date

_____
ARDD Legal Aid Representative
Date

_____
Care Representative
Date

_____
Danish Refugee Council (DRC) Representative
Date

_____
Fundación Promoción Social de la Cultura
(FPSC) Representative
Date

_____
International Catholic Migration Commission
(ICMC) Representative
Date

_____
International Medical Corps
(IMC) Representative
Date

_____
International Organization for Migration (IOM)
Representative
Date

_____
International Relief and Development (IRD)
Representative
Date

_____
INTERSOS Representative
Date

_____
International Rescue Committee (IRC)
Representative
Date

_____
Islamic Relief Worldwide Representative
Date

_____
Jordan River Foundation (JRF) Representative
Date

_____
Jordan Health Aid Society
(JHAS) Representative
Date

Mercy Corps Representative
Date

Movement for Peace (MPDL) Representative
Date

Norwegian Refugee Committee
(NRC) Representative
Date

Oxfam Representative
Date

Questscope for Social Development
in the Middle East Representative
Date

Save the Children Jordan Representative
Date

Terre des Hommes - Lausanne Representative
Date

The Institute for Family Health (IFH)
Representative
Date

UNFPA Representative
Date

UNHCR Representative
Date

UNICEF Representative
Date

UNRWA Representative
Date

UN Women Representative
Date

Un Ponte Per (UPP) Representative
Date

WFP Representative
Date

World Vision International Representative
Date

ANNEXES

ANNEX I | SECRETARY-GENERAL'S BULLETIN ON SPECIAL MEASURES FOR PROTECTION FROM SEXUAL EXPLOITATION AND ABUSE

United Nations ST/SGB/2003/13

Secretariat

9 October 2003

Secretary-General's Bulletin

Special measures for protection from sexual exploitation and sexual abuse

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

Section 1
Definitions

For the purposes of the present bulletin, the term "sexual exploitation" means any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another. Similarly, the term "sexual abuse" means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

Section 2
Scope of application

2.1 The present bulletin shall apply to all staff of the United Nations, including staff of separately administered organs and programmes of the United Nations.

2.2 United Nations forces conducting operations under United Nations command and control are prohibited from committing acts of sexual exploitation and sexual abuse, and have a particular duty of care towards women and children, pursuant to section 7 of Secretary-General's bulletin ST/SGB/1999/13, entitled "Observance by United Nations forces of international humanitarian law".

2.3 Secretary-General's bulletin ST/SGB/253, entitled "Promotion of equal treatment of men and women in the Secretariat and prevention of sexual harassment", and the related administrative instruction[1] set forth policies and procedures for handling cases of sexual harassment in the Secretariat of the United Nations. Separately administered organs and programmes of the United Nations have promulgated similar policies and procedures.

[1] Currently ST/AI/379, entitled "Procedures for dealing with sexual harassment".

Section 3
Prohibition of sexual exploitation and sexual abuse

3.1 Sexual exploitation and sexual abuse violate universally recognized international legal norms and standards and have always been unacceptable behaviour and prohibited conduct for United Nations staff. Such conduct is prohibited by the United Nations Staff Regulations and Rules.

3.2 In order to further protect the most vulnerable populations, especially women and children, the following specific standards which reiterate existing general obligations under the United Nations Staff Regulations and Rules, are promulgated:

(a) Sexual exploitation and sexual abuse constitute acts of serious misconduct and are therefore grounds for disciplinary measures, including summary dismissal;

(b) Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief in the age of a child is not a defence;

(c) Exchange of money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour, is prohibited. This includes any exchange of assistance that is due to beneficiaries of assistance;

(d) Sexual relationships between United Nations staff and beneficiaries of assistance, since they are based on inherently unequal power dynamics, undermine the credibility and integrity of the work of the United Nations and are strongly discouraged;

(e) Where a United Nations staff member develops concerns or suspicions regarding sexual exploitation or sexual abuse by a fellow worker, whether in the same agency or not and whether or not within the United Nations system, he or she must report such concerns via established reporting mechanisms;

(f) United Nations staff are obliged to create and maintain an environment that prevents sexual exploitation and sexual abuse. Managers at all levels have a particular responsibility to support and develop systems that maintain this environment.

3.3 The standards set out above are not intended to be an exhaustive list. Other types of sexually exploitive or sexually abusive behaviour may be grounds for administrative action or disciplinary measures, including summary dismissal, pursuant to the United Nations Staff Regulations and Rules.

Section 4
Duties of Heads of Departments, Offices and Missions

4.1 The Head of Department, Office or Mission, as appropriate, shall be responsible for creating and maintaining an environment that prevents sexual exploitation and sexual abuse, and shall take appropriate measures for this purpose. In particular, the Head of Department, Office or Mission shall inform his or her staff of the contents of the present bulletin and ascertain that each staff member receives a copy thereof.

4.2 The Head of Department, Office or Mission shall be responsible for taking appropriate action in cases where there is reason to believe that any of the standards listed in section 3.2 above have been violated or any behaviour referred to in section

3.3 above has occurred. This action shall be taken in accordance with established rules and procedures for dealing with cases of staff misconduct.

4.3 The Head of Department, Office or Mission shall appoint an official, at a sufficiently high level, to serve as a focal point for receiving reports on cases of sexual exploitation and sexual abuse. With respect to Missions, the staff of the Mission and the local population shall be properly informed of the existence and role of the focal point and of how to contact him or her. All reports of sexual exploitation and sexual abuse shall be handled in a confidential manner in order to protect the rights of all involved. However, such reports may be used, where necessary, for action taken pursuant to section 4.2 above.

4.4 The Head of Department, Office or Mission shall not apply the standard prescribed in section 3.2 (b), where a staff member is legally married to someone under the age of 18 but over the age of majority or consent in their country of citizenship.

4.5 The Head of Department, Office or Mission may use his or her discretion in applying the standard prescribed in section 3.2 (d), where beneficiaries of assistance are over the age of 18 and the circumstances of the case justify an exception.

4.6 The Head of Department, Office or Mission shall promptly inform the Department of Management of its investigations into cases of sexual exploitation and sexual abuse, and the actions it has taken as a result of such investigations.

Section 5
Referral to national authorities

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

Section 6
Cooperative arrangements with non-United Nations entities or individuals

6.1 When entering into cooperative arrangements with non-United Nations entities or individuals, relevant United Nations officials shall inform those entities or individuals of the standards of conduct listed in section 3, and shall receive a written undertaking from those entities or individuals that they accept these standards.

6.2 The failure of those entities or individuals to take preventive measures against sexual exploitation or sexual abuse, to investigate allegations thereof, or to take corrective action when sexual exploitation or sexual abuse has occurred, shall constitute grounds for termination of any cooperative arrangement with the United Nations.

Section 7
Entry into force

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

(*Signed*) Kofi A. **Annan**
Secretary-General

ANNEX II | STATEMENT OF COMMITMENT ON ELIMINATING SEXUAL EXPLOITATION AND ABUSE BY UN AND NON-UN PERSONNEL

We, UN and non-UN entities[1], re-affirm our determination to prevent future acts of sexual exploitation and abuse by our personnel[2].

We note the issuance of this Statement at the High-level Conference on Eliminating Sexual Exploitation and Abuse by UN and NGO Personnel on 4 December 2006 in New York, USA and welcome future endorsement of this Statement by others.

We recall the six core principles[3] relating to sexual exploitation and abuse adopted by note that these principles have been incorporated into organization-specific codes of conduct, rules and regulations and are thereby binding on personnel. In particular, they are binding on United Nations staff and related personnel and outlined in the Secretary-General's Bulletin *Special measures for protection from sexual exploitation and sexual abuse* (ST/SGB/2003/13).

We recall that these standards were promulgated to further protect the most vulnerable populations, especially women, girls and boys, and recognize that in countries where we operate, conditions such as poverty, weak rule of law and displacement and the destruction of community structures due to conflict, increase the vulnerability of communities to sexual exploitation and abuse, including human trafficking, by our personnel and others.

We further recall that creating and maintaining a living and working environment that prevents sexual exploitation and abuse is both an individual and organizational responsibility. We note that the management culture of an organization, the equal representation of women and men at all levels of the organization and the adequacy of the living and working environment all contribute to the prevention of sexual exploitation and abuse.

We underline the importance of preventing sexual exploitation and abuse and stress the need for swift, decisive action when such acts do occur. We note the specific duties of managers and commanders in this regard, outlined for the United Nations in section 4 of the Bulletin.

We recognize that significant progress has been made to-date to eliminate sexual exploitation and abuse by our personnel, and note that we are at different stages of implementing the IASC six core principles on sexual exploitation and abuse.

1. See "Appendix 1: List of Endorsing Entities" for a full listing of entities that endorse the Statement of Commitment on Eliminating Sexual Exploitation and Abuse by UN and Non-UN Personnel

2. "Our personnel" includes: United Nations staff and related personnel such as United Nations Volunteers, personnel or employees of non-United Nations entities or individuals who have entered into a cooperative arrangement with the United Nations (including interns, international and local consultants as well as individual and corporate contractors), experts on mission including United Nations police officers, members of national formed police units, corrections officers and military observers, as well as military members of national contingents serving in United Nations peacekeeping missions); personnel as defined by international organizations and their membership bodies; and personnel of non-governmental organizations.

3. See "Appendix 2: Six Core Principles Relating to Sexual Exploitation and Abuse"

We re-affirm our goal of achieving full implementation of these principles as a matter of urgency and commit to:

1. **Develop organization-specific strategies to prevent and respond to sexual exploitation and abuse.** These would include time-bound, measurable indicators of progress to enable our organizations and others to monitor our performance.

2. **Incorporate our standards on sexual exploitation and abuse in induction materials and training courses for our personnel.**

3. **Prevent perpetrators of sexual exploitation and abuse from being (re-)hired or (re-)deployed.** This could include use of background and criminal reference checks.

4. **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.**

5. **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.**

6. **Investigate allegations of sexual exploitation and abuse in a timely and professional manner.** This includes the use of appropriate interviewing practice with complainants and witnesses, particularly with children.

7. **Take swift and appropriate action against our personnel who commit sexual exploitation and abuse.** This may include administrative or disciplinary action, and/or referral to the relevant authorities for appropriate action, including criminal prosecution.

8. **Provide basic emergency assistance to complainants of sexual exploitation and abuse.**

9. **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.

10. **Engage the support of communities and governments to prevent and respond to sexual exploitation and abuse by our personnel.**

APPENDIX 1:
LIST OF ENDORSING ENTITIES

United Nations Entities

1. Department for Disarmament Affairs (DDA), Mr. Nobuaki Tanaka, Under-Secretary-General.
2. Department of Economic and Social Affairs (DESA), Mr. José Antonio Ocampo, Under-Secretary-General.
3. Department of Political Affairs (DPA), Mr. Ibrahim Agboola Gambari, Under-Secretary-General.
4. Department of Public Information (DPI), Mr. Shashi Tharoor, Under-Secretary-General for Communications and Public Information.
5. Department of Peacekeeping Operations (DPKO), Mr. Jean-Marie Guéhenno, Under-Secretary-General for Peacekeeping Operations.
6. Department of Management, Mr. Warren Sach OIC.
7. Department of Safety and Security (DSS), Mr. David Veness, Under-Secretary-General.
8. Food and Agriculture Organization (FAO), Mr. Jacques Diouf, Director-General.
9. International Organization for Migration (IOM), Mr. William Lacy Swing, Director-General.
10. International Trade Centre (ITC), Patricia Francis.
11. Office for the Coordination of Humanitarian Affairs (OCHA), Mr. Jan Egeland, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator.
12. Office of the United Nations High Commissioner for Human Rights (OHCHR), Ms. Louise Arbour, High Commissioner for Human Rights.
13. Office of Legal Affairs (OLA), Mr. Nicolas Michel, Under-Secretary-General / The Legal Counsel.
14. Office of the Special Adviser on Africa (OSAA), Mr. Joseph Legwaila Legwaila, Under-Secretary-General.
15. Office of the Special Representative of the Secretary-General for Children and Armed Conflict (OSRSG/CAAC), Ms. Radhika Coomaraswamy. Under-Secretary-General / Special Representative of the Secretary-General for Children and Armed Conflict.
16. United Nations Development Programme (UNDP), Mr. Kemal Dervis, Administrator.
17. United Nations Disengagement Observer Force (UNDOF), Major-General Wolfgang Jilke, Force Commander
18. United Nations Human Settlements Programme (UN-HABITAT), Ms. Anna Tibaijuka, Executive Director.
19. Office of the United Nations High Commissioner for Refugees (UNHCR), Mr. Antonio Manuel De Oliveira Guterres, High Commissionner for Refugees.
20. United Nations Children's Fund (UNICEF), Ms. Ann Veneman, Executive Director.
21. United Nations Interim Force in Lebanon (UNIFIL), Major-General Clausio Graziano, Force Commander.
22. United Nations Interim Administration Mission in Kosovo (UNMIK), Mr. Joachim Rucker, Special Representative of the Secretary-General.
23. United Nations Integrated Mission in Timor-Leste (UNMIT), Mr. Atul Khare, Special Representative of the Secretary-General.
24. United Nations Office on Drugs and Crime (UNODC), Mr. Antonio Maria Costa, Director General.
25. United Nations Mission in Côte d'Ivoire (UNOCI), Mr. Abou Moussa OIC.
26. United Nations Mission in Ethiopia and Eritrea (UNMEE), Mr. Azouz Ennifar, Acting Special Representative of the Secretary-General.
27. United Nations Mission in Sudan (UNMIS), Mr. Taye-Brook Zerihoun, Acting Special Representative of the Secretary-General.

28. United Nations Mission for the referendum in Western Sahara (MINURSO), Julian Harston, Special Representative of the Secretary-General.
29. United Nations Military Observer Group in India and Pakistan (UNMOGIP), Major-General Dragutin Repinc, Chief Military Observer.
30. United Nations Observer Mission in Georgia (UNOMIG), Mr. Jean Arnault, Special Representative of the Secretary-General.
31. United Nations Organization Mission in the Democratic Republic of Congo (MONUC), Mr. William Lacy Swing, Special Representative of the Secretary-General.
32. United Nations Office at Geneva (UNOG), Mr. Sergei Ordzhonikidze, Director-General.
33. United Nations Office for Project Services (UNOPS), Mr. Jan Mattsson, Executive Director.
34. United Nations Peacekeeping Force in Cyprus (UNFICYP), Mr. Michael Moller, Special Representative of the Secretary-General and Chief of Mission.
35. United Nations Populations Fund (UNFPA), Ms. Thoraya Obaid, Executive Director.
36. United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), Ms. Karen Koning Abu Zayd, Commissioner-General.
37. United Nations Stabilization Mission in Haiti (MINUSTAH), Mr. Edmond Mulet, Special Representative of the Secretary-General.
38. United Nations Staff Union, Mr. Stephen Kisambira, President.
39. United Nations Truce Supervision Organizations (UNTSO), Major-General Ian Gordon, Chief of Staff.
40. United Nations Volunteers (UNV), Mr. Ad de Raad, Executive Coordinator.
41. World Health Organization (WHO), Dr. Anders Nordström, Acting Director-General.
42. World Food Programme (WFP), Mr. James T. Morris, Executive Director.

Non-United Nations Entities

1. Action By Churches Together (ACT), Mr. John Nduna, Director.
2. Africa and Middle East Refugee Assistance (AMERA UK), Ms. Barbara E. Harrell-Bond, OBE, Executive Director for Overseas Operations.
3. Africare, Mr. Julius E. Coles, President.
4. American Refugee Committee International (ARC), Mr. Hugh Parmer, President.
5. Association of Voluntary Agencies for Rural Development (AVARD), Mr. P.M. Tripathi, President.
6. Austrian Red Cross, Mr. Wolfgang Kopetsky, Secretary General.
7. Care International, Mr. Denis Caillaux, Secretary-General.
8. Caritas Internationalis, Mr. Duncan MacLaren, Secretary-General.
9. Catholic Relief Services (CRS), Mr. Ken Hackett, President.
10. Christian Children's Fund (CCF), Mr. Bill Leahey, Acting Chief Executive Officer.
11. Christian Reformed World Relief Committee (CRWRC-US), Mr Andrew Ryskamp, Director.
12. Concern Worldwide, Mr. Tom Arnold, Chief Executive.
13. End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT International), Ms. Carmen M. Madriñán, Executive Director.
14. HelpAge International (HAI), Mr. Richard Blewitt, Chief Executive.
15. International Medical Corps, Ms. Nancy Aossey, President and Chief Executive Officer.
16. International Rescue Committee (IRC), Mr. George Rupp, President and Chief Executive Officer.
17. Irish Red Cross, Mr. John Roycroft, Secretary General.
18. Italian Red Cross, Mr. Massimo Barra, President.
19. Lutheran World Relief, Mr. Jeff Whisenant, Executive Vice President.
20. Mercy Corps, Ms. Nancy Lindborg, President.
21. Red Cross of Monaco, HSH Prince Albert II.
22. Médecins du Monde (MDM France), Dr. Pierre Micheletti, Chairman.
23. Refugees International (RI), Mr. Kenneth H. Bacon, President.
24. Operation USA, Mr. Richard M. Walden, President and Chief Executive Officer.
25. Relief International, Mr. Farshad Rastegar, CEO.
26. Pact, Inc., Ms. Sarah Newhall, President and Chief Executive Officer.
27. Plan International, Mr. Tom Miller, Chief Executive Officer.
28. Population Action International (PAI), Ms. Amy Cohen, Chief Executive Officer and President.
29. Save the Children UK (SC UK), Ms. Jasmine Whitbread, Chief Executive.
30. Save the Children Alliance, Ms. Jasmine Whitbread, Chief Executive.
31. Tearfund, Mr. Matthew Frost, Chief Executive.
32. Temporary International Presence in Hebron (TIPH), Mr. Karl-Henrik Sjursen, Head of Mission.
33. Trinidad and Tobago Red Cross Society, Ms. Delia Chatoor, President.
34. Winrock International Institute for Agricultural Development (Winrock International), Mr. Frank Tugwell, President and Chief Executive Officer.
35. Women's Commission for Refugee Women and Children, Ms. Carolyn Makinson, Executive Director.
36. World Vision International, Kevin J. Jenkins, President and Chief Executive Officer

Status as of December 2011

APPENDIX 2:
SIX CORE PRINCIPLES RELATING TO SEXUAL EXPLOITATION AND ABUSE[4]

1. "Sexual exploitation and abuse by humanitarian workers constitute acts of gross misconduct and are therefore grounds for termination of employment.

2. Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief regarding the age of a child is not a defence.

3. Exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour is prohibited. This includes exchange of assistance that is due to beneficiaries.

4. Sexual relationships between humanitarian workers and beneficiaries are strongly discouraged since they are based on inherently unequal power dynamics. Such relationships undermine the credibility and integrity of humanitarian aid work.

5. Where a humanitarian worker develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same agency or not, he or she must report such concerns via established agency reporting mechanisms.

6. Humanitarian workers are obliged to create and maintain an environment, which prevents sexual exploitation and abuse and promotes the implementation of their code of conduct. Managers at all levels have particular responsibilities to support and develop systems which maintain this environment."

4. See Report of the Inter-Agency Standing Committee Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises of 13 June 2002, Plan of Action, Section I.A.

ANNEX III | PSEA NETWORK TERMS OF REFERENCE

1. Membership

The Network will function under the auspices of the Refugee Coordinator (UNHCR Representative) in Jordan and report to him/her. Membership includes normally one Focal Point on Protection from Sexual Exploitation and Abuse officially designated by agencies who provide humanitarian aid to refugees within the context of the Syrian Refugee Response[1] (hereinafter "entity").

2. Responsibilities

The Network on Protection from Sexual Exploitation and Abuse (PSEA) will serve as the primary body for awareness, prevention, coordination and oversight on protection from sexual exploitation and abuse by international and national personnel of the entities providing humanitarian services to refugees. The Network is **NOT** responsible for investigation or adjudication of complaints, or for dealing directly with complainants. These functions rest exclusively with dedicated bodies of individual entities. Cases can be referred to UNHCR PSEA focal points for advice and guidance (i.e. Should investigation be conducted, relevant entities are encouraged, in respect of confidentiality and wishes of the survivor as well as in line with their internal accountability framework and complaint mechanism systems, to alert UNHCR on possible risks for individual refugees to ensure that adequate protection for victims and witnesses is ensured from the start of the individual agencies' investigation).

3. Guiding Principles

- The Network will closely work with other coordination bodies such as IATF, ISWG, Protection WG, SGBV SWG, CP SWG and MHPSS SWG.
- The Network meetings should provide a supporting environment to discuss potentially sensitive challenges to PSEA for organizations, and information shared during the meeting will be kept confidential, if needed and requested.
- In order to ensure that the Network has a strong membership and representation at decision-making levels, organizations are encouraged to nominate two staff (the focal point and the alternate) in managerial or advisory positions to participate in the Network. The PSEA Focal points and the alternates will be officially designated by each entity according with their respective organization profile and structure.
- Names or identifying information of alleged victims, witnesses or perpetrators, will never be shared during meetings nor recorded in minutes. Additional procedures for eventual discussions/recording of individual cases in respect of confidentiality and investigative requirements will be determined by the Network in due course.

1.The possibility of supporting refugees of other nationalities is not excluded.

4. Major Tasks

The tasks of the Network are listed below under each of the 4 pillars of Protection from Sexual Exploitation and Abuse:

Engagement with and Support of refugees

- In cooperation with the refugee communities and population affected by the Syrian refugee crisis, *establish coordinated (not necessarily common) complaints mechanisms in each community* where the entities work. Such mechanisms should be safe, accessible, and confidential (i.e. on a need to know basis) and tailored to the needs of each geographical area. The network will develop adequate mechanisms for the coordination of complaints mechanisms, i.e. referral to competent services.
- *Facilitate awareness raising* with service providers and refugee communities on codes of conduct, including PSEA and complaint mechanisms, available services and referral pathways.
- *Identify potential risk factors* and areas of concern engaging concerned entities and refugees.

Prevention

- Ensure and, as necessary, coordinate the provision of *awareness raising on SEA for all humanitarian personnel and volunteers in the country,* including their responsibility to report all suspicions of sexual exploitation and abuse committed by colleagues (pursuant to ST/SGB/2003/13 section 3.2 (e) for UN staff and related personnel).
- Share and analyze information about *potential risk factors and areas of concern and develop strategies* to minimize them within the refugee response.
- *Advocate with Senior Managers and relevant national and international actors* to ensure that PSEA strategies are adequately implemented.
- *Share good practices* to improve the organizations' procedures for vetting staff and reduce hiring of individuals who may have established criminal records for having committed serious misconduct, especially in relation to sexual exploitation and abuse. This would include engagement with Community Based Organizations (CBOs) and volunteers.

Response Systems

- *Support the implementation of Inter-Agency Standard Operating Procedures*, including safe, confidential and efficient inter agency referral mechanisms to ensure timely access of victims to quality protection solutions. In this process, and in consultation with the relevant investigative services of individual responsible organizations, attention will be paid to the preservation of evidence in respect of the confidentiality, the consent and wishes of the alleged victims.
- In accordance with the guiding principles and the agreed upon SOP, the PSEA focal points network will seek to *provide advice* to members on individual cases upon their request. As indicated above special cases can be referred to UNHCR PSEA focal points for advice and guidance. (E.g. should it be required, and upon request of individual entities, technical advice and investigative support could be made available in consultation with and through the Inspector General's Office (IGO), the investigative service of UNHCR.
- When any of the formally designated Focal Points receives information of unspecified/generic ("in-the-air") allegations of sexual exploitation or abuse (i.e. where the institutional affiliation of the alleged perpetrator(s) is uncertain or unknown), the PSEA Focal Points Network *will alert the Refugee Coordinator (UNHCR Representative)* to ensure an adequate response to address the potential protection needs of the allegedly affected population in consultation with the IGO, the investigative service of UNHCR.
- *Support the implementation of minimum standard procedures* for reporting SEA, protecting whistleblowers and responding to malicious reports by each individual organization.

Management and Coordination

- Hold *regular meetings,* every two months, and circulate the minutes to all members. *Ad-hoc* meetings may be called as required.
- *UNHCR will coordinate* the PSEA Network. Co-chairing could be explored at the time of the review of this TOR if deemed necessary.
- *Assess gaps* in protection from SEA and develop and implement action plans to fill them.
- *Coordinate trainings* for Focal Points and managers on their PSEA roles and responsibilities.
- *Share information* on achievements, best practices and/or effective mechanisms in addressing SEA and make recommendations to relevant entities for action. Develop plans for monitoring implementation of recommended actions within the refugee response plan.
- *Support* entities to adhere to applicable monitoring and compliance mechanisms.
- *Report annually* to the Refugee Coordinator on the implementation of the network action plan.
- *Review* this TOR and other coordination documents, such as SOP, on annual basis and as required.

ANNEX IV | PSEA FOCAL POINT ROLES AND RESPONSIBILITIES

1. The Role

The Focal Point for the Protection from Sexual Exploitation and Abuse (PSEA) in Jordan is officially designated by his/her agency Head of Office, Head of Mission, Resident Representative or Country Director, to represent it and participate in the PSEA Network and are responsible for actively promoting the protection from sexual exploitation and abuse within their own organisation.

Focal Points support the implementation of the Secretary-General's Bulletin on Special Measures for Protection from Sexual Exploitation and Sexual Abuse (ST/SGB/2003/13) and Statement of Commitment on Eliminating Sexual Exploitation and Abuse by UN and Non-UN Personnel (2006). To facilitate this, he/she supports the implementation of the Inter-Agency SEA Community-Based Complaint Mechanism (CBCRM). S/he will undertake these both within his/her agency, organisation, department or mission (hereinafter "entity") and as a member of the Refugee Response Network on PSEA by Humanitarian Personnel in Jordan.

2. Responsibility

PSEA Focal Points are responsible for ensuring that appropriate response systems are established and implemented within their organisation and with implementing partners, in line with the Inter-Agency SEA Community-Based Complaint Mechanism (CBCRM), and ensuring that refugees and host communities are engaged in the prevention and response to SEA complaints and allegations.

PSEA Focal Points are responsible for liaising with investigative bodies of their own organisation and those of other entities, with other PSEA Focal Points and managers as appropriate to ensure safe reception, referral and follow-up of SEA complaints and allegations.

PSEA Focal Points are not considered to be the main entry point for allegations from refugees, as this is more likely to be front-line personnel in regular contact with refugees directly i.e. field community workers, project officers. PSEA Focal Points are responsible for submitting statistical reports on SEA allegations as indicated in the CBCRM (paragraph 8.4).

PSEA Focal Points facilitate the implementation of appropriate actions to respond to the received complaints in line with the agency's internal procedures and investigative body affiliated with their agency and as defined in it's legal and project agreements. In the case where an agency does not have an agreement with an affiliated investigative body, either directly or through a project agreement or contract, or have the capacity to manage an investigation internally, the PSEA Focal Point/Management can refer to the UNHCR PSEA focal points for advice and guidance (e.g. should it be required, and upon request of individual entities, technical advice and investigative support could be made available in consultation with and through the Inspector General's Office (IGO), the investigative body of UNHCR[1]). Individual entities are also encouraged, in respect of confidentiality and wishes of the survivor as well as in line with their internal accountability framework and complaint mechanism systems, to alert UNHCR on possible risks for individual refugees to ensure that adequate protection for victims and witnesses is ensured from the start of the individual agencies' investigation.

1. The NGO specialist investigation roster can be considered:
file:///H:/2016/PSEA/basic%20docs/The%20NGO%20Investigation%20Specialist%20Roster%20.pdf

3. PSEA Network

In the development of the mechanisms and procedures noted above, the Focal Point collaborates with the PSEA Network in Jordan so as to promote consistency among entities and benefit from lessons learned.

As a participant in the Network on PSEA in Jordan, the Focal Point works with other focal points in the Network to achieve the fulfilment of the PSEA Network's Terms of Reference and implementation of the CBCRM. The Focal Point's contribution shall be in accordance with his/her expertise and position.

4. Support and Resources for the Focal Point

Resources developed by the PSEA Network are shared on the UNHCR Portal - Refugee in Response in Jordan: **http://data.unhcr.org/syrianrefugees/working_group.php?Page=Country&LocationId=107&Id=74**

Other organisations and groups have already developed many tools and resources, whether in Jordan or elsewhere. As such, the Focal Point shall seek to benefit from pre-existing tools and guidance so as to avoid duplication and "reinventing the wheel." See tools repositories at the PSEA Task Force - **www.un.org/psea/taskforce** and the IASC **https://interagencystandingcommittee.org/accountability-affected-populations-including-protection-sexual-exploitation-and-abuse**

As permitted by the entity, the Focal Point shall likewise share with the Network in Jordan the tools s/he develops and submit them for inclusion in the global PSEA tools repository at www.un.org/psea/taskforce (email them to **seatf@un.org**).

The Focal Point can seek further support as needed from the PSEA Focal Points Network coordinators from UNHCR, Daniela Cicchella, Assistant Representative for Protection, UNHCR Jordan, **cicchell@unhcr.org** and Ana Belén Anguita Arjona, PSEA focal point, **Anguita@unhcr.org**

ANNEX V | SAMPLE SEXUAL EXPLOITATION AND ABUSE CODE OF CONDUCT (FROM GBV/CP SOPS)

All actors involved in prevention of and response to SGB, which includes sexual exploitation and abuse, should understand and sign a Code of Conduct or a similar document, setting ot professional standards of conduct. Humanitarian agencies have a duty of care to beneficiaries and a responsibility to ensure that refugees and beneficiaries are treated with dignity and respect and that certain minimum standards of behaviour are observed.

In order to prevent sexual exploitation and abuse, the following core principles must be incorporated into humanitarian agency codes of conduct:

1. Sexual exploitation and abuse constitutes acts of gross misconduct and are therefore grounds for disciplinary measures, including termination of employment;
2. Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief in the age of a child is not a defence;
3. Exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour is prohibited. This includes exchange of assistance that is due to beneficiaries;
4. Sexual relationships between humanitarian workers and beneficiaries are strongly discouraged since they are based on inherently unequal power dynamics. Such relationships undermine the credibility and integrity of humanitarian aid work;
5. Where a humanitarian worker develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same agency or not, he or she must report such concerns via established agency reporting mechanisms;
6. Humanitarian workers are obliged to create and maintain an environment that prevents sexual exploitation and abuse and promotes the implementation of their code of conduct. Managers at all levels have particular responsibilities to support and develop systems that maintain this environment.

To ensure the maximum effectiveness of the Code of Conduct, it should be posted in clear view in the public areas of each actor's office/centre, introduced and explained, signed by all staff, volunteers and other contracted parties, and kept in employee, volunteer, contractor files. All posted and distributed copies of the Code of Conduct should be translated into the appropriate language of use for the field area.

Resources:

- Secretary General's Bulletin on 'Special measures for protection from sexual exploitation and asexual abuse' (ST/SGB/2003/13)
- Statement of Commitment on eliminating sexual exploitation and abuse by UN and Non-UN personnel (2006)
- Examples of Codes of Conduct: **http://www.pseataskforce.org/en/tools**

ANNEX VI | INTER-AGENCY SEXUAL EXPLOITATION AND ABUSE (SEA) COMMUNITY-BASED COMPLAINT REFERRAL PATHWAY

Telling someone and seeking help (disclosing)

Survivor / Complainant tells a humanitarian worker either in person (i.e. to agency staff or community volunteer; during monitoring visit; at registration services) or via phone or email (i.e. Hotline)	Survivor / Complainant tells someone else (e. family member, friend, community member) and that person tells a humanitarian worker (i.e. in person; via hotline; at registration services)	Survivor self-reports to a medical/health or case manager/psychosocial "entry point"	Unspecified/generic "in-the-air" allegation of sexual exploitation and abuse (i.e. where the institutional affiliation of the alleged perpetrator(s) is uncertain or unknown)

Immediate response of personnel receiving complaint / report / suspicion / allegation of SEA

- When in direct receipt of a complaint: provide a safe, caring environment and respect the confidentiality and wishes of the survivor; explain that all humanitarian workers are obliged to report to their investigative body when they become aware of SEA by a fellow worker; reassure complainant that information will be kept private and shared strictly on a needs to know basis in consideration of the wishes of the survivor; provide counselling on the available solutions.
- Collect minimum necessary information and Complete the Complaint Referral Form (with minimum details required); PASSWORD PROTECT the form
- **DO NOT** try to ascertain whether or not the allegation is true or to make any investigation into the allegation.

- Complete a Complaint Referral Form (with details of information known) and PASSWORD PROTECT form
- **DO NOT** try to ascertain whether or not the allegation is true or to make any investigation into the allegation.

Reporting SEA Complaints

Where the complaint / report concerns your agency

Raise the complaint confidentially with your agency Investigative Body, PSEA Focal Point or Manager as soon as possible.

Where the PSEA Focal Point is the subject or involved in a complaint or alltegation refer the complaint to your Alternate PSEA Focal Point, Investigative Body or Manager as soon as possible.

Where both PSEA Focal Points are involved, raise the complaint with an established investigative body or with senior management of your agency (e.g. UNHCR Representative and Inspector General´s Office), as soon as possible.

Where the complaint / report concerns another agency the PSEA Focal Point should:

Refer the Complaint Referral Form (password protected and confidentially) to the agency of concern's Investigative Body, PSEA Focal Point or Manager (by email or hand-posted letter) as soon as possible.

Where the agency of concern's PSEA Focal Point is the subject or involved in the complaint or allegation refer the complaint to their Alternate PSEA Focal Point, Investigative Body or Manager as soon as possible.

Where both the PSEA Focal Points are involved, raise the complaint with an established investigative body or senior management (e.g. UNHCR Representative and Inspector General´s Office) as soon as possible.

See on p. 48 Referral Pathway list of Investigative Bodies, PSEA Focal Points and Alternates

Response of PSEA Focal Point of the agency of concern

- Respect the confidentiality and wishes of the survivor
- Keep information on strict needs to know basis
- Refer to agency Complaint and Investigation Policy and Procedures

Alert UNHCR to ensure an adequate response to address the potential protection needs of the allegedly affected person(s) in consultation with the Inspector General's Office (IGO)

Investigation initiated by Investigation Body or Snr. management
in line with agency investigation policy and procedures and the Inter-Agency SEA CBCRM Mechanism

Upon planning an investigation, agencies are encouraged to contact UNHCR PSEA Focal Point in Jordan on potential risks for refugees as a measure to ensure adequate security and safety for survivors and witnesses throughout an investigation process

The Protection needs of the survivor, complainant, witnesses, whistle-blower, alleged perpetrator or subject of the complaint, are considered and referrals are made to the appropriate Protection Services via the Referral Pathways as defined in the SGB / CP SOPs

- Refer to SGBV / CP SOPs for information on protection services and provide comprehensive information on available services and support to survivors of sexual exploitation and abuse / SGBV
- **If agreed and requested by survivor,** obtain informed consent and make referrals to protection services
- When family/guardians make a decision on behalf of the child, ensure the best interest of the child is given priority. Preferably, the accompanying adult should be selected by the child
- Accompany the survivor to assist his/her in accessing services
- For survivors of sexual violence ensure immediate (within 72 hours) access to medical care

Agency carries out relevant administrative and disciplinary measures, in line with agency policy and the Inter-Agency SEA CBCRM agreement

When in receipt of a referral from another agency, the PSEA Focal Point should acknowledge receipt of the complaint or report and confirm that the matter was addressed (considering confidentiality and best interest of the survivor)

PSEA Focal Points report to UNHCR on SEA complaints and referrals (as defined in the CBCRM Agreement) to be shared anonymously within the PSEA Network

UNHCR Investigative Body

UNHCR Inspector General's Office (IGO)
Email: inspector@unhcr.org
Hotline: +41 22 7398844
www.unhcr.org/php/complaints.php

PSEA Focal Points and Alternates

PLEASE NOTE: This contact list will be updated every 6 months by the PSEA Network and will be available at: **http://data.unhcr.org/syrianrefugees/working_group.php?Page=Country&LocationId=107&Id=74**

List Dated: May 2016

AGENCY	FULL NAME	TITLE	EMAIL	TEL NO.
ACTED	Focal Point: Toby Ash	Deputy Country Director	toby.ash@acted.org	
	Alternate: Tamara Azav	Project Development Officer	mafraq.pd@acted.org	079 1073423
ARDD Legal Aid	Focal Point: Suzan Mohareb	Program Manager	somohareb@ardd-legalaid.org	077 5777077
	Alternate: Ghaleb Abdulraheem	Lawyer	gabdelraheem@ardd-legalaid.org	077 9999617
Care	Focal Point: Esra'a Yousef	Information Management /M&E team supervisor	Esra'a.Yousef@care.org	079 7117349
	Alternate: Dima Al Karadsheh	Gender Adviser	dima.alkaradsheh@care.org	0797 117313
Danish Refugee Council (DRC)	Focal Point: Rahaf Sabbagh	Senior Protection Officer	rahaf.s@drc-jordan.org	078 9111207
	Alternate: Alessia Chiocchetti	Protection Coordinator	alessia.chiocchetti@drc-jordan.org	
Fundacion Promocion Social de la Cultura (FPSC)	Focal Point: Maria Lopez de Haro	Head of Mission Jordan/ Operations	m.lopez@fundacionfpsc.org	077 7888915
	Alternate: Enas Masadeh	financial officer	e.masadeh@fundacionfpsc.org	079 5733925
International Catholic Migration Commission (ICMC)	Focal Point: : Georgia Swan	Protection Program Manager	swan@icmc.net	079 1470819
International Medical Corps (IMC)	Focal Point: Tasneem Abu Yousef	HR Manager	tyousef@ internationalmedicalcorps.org	079 1540433
	Alternate: Susan Collyer	Country Director	scollyer@ internationalmedicalcorps.org	079 5845637
International Organization for Migration (IOM)	Focal Point: Shorouq Marhadeen	Sr HR Assistant	smahadeen@iom.int	079 0342941
International Relief and Development (IRD)	Focal Point: Wejdan Jarrah	Protection Advisor	w.jarrah@IRD-JO.ORG	079 8898316
	Alternate: Hiba Odeh	Senior HR Officer	h.odeh@IRD-JO.ORG	079 5053987
INTERSOS	Focal Point: George Theodory	Progam Manager	cp.jordan@intersos.org	079 9379831
	Alternate: Monica Matarazzo	Protection Advisor	protection.jordan@intersos.org	079 7359461
International Rescue Committee (IRC)	Focal Point: Daniella Greco	Women's Protection & Empowerment Coordinator	Daniela.Greco@rescue.org	077 9828888
	Alternate: Wendy Taeuber	Country Director	Wendy.Taeuber@rescue.org	077 5100090
	Alternate: Ghadeer Al Majali	Senior Advocacy Officer	Ghadeer.AlMajali@rescue.org	077 8488628

AGENCY	FULL NAME	TITLE	EMAIL	TEL NO.
Islamic Relief Worldwide	Focal Point: Sharifa Abdulaziz	Gender Advisor	Sharifa.Abdulaziz@ircworldwide.org	0207 5933210
	Alternate: Neelam Fida		Neelam.Fida@irworldwide.org	+441216220678
Jordan River Foundation (JRF)	Focal Point: Ola Al-Omari	Help Line Supervisor	o.alomari@jrf.org.jo	079 9078620
	Alternate: Yara Musleh	Project manager	y.musleh@jrf.org.jo	064 914999
Jordan Health Aid Society (JHAS)	Focal Point: Samah Al-Quran	RH Project Coordinator	pc.unfpa@jordanhealthaid.org	077 5006030
	Alternate: Dr. Hind Halasa	Medical Director	MD@jordanhealthaid.org	
Mercy Corps	Focal Point: Jane MacPhail	Youth Director	jmacphail.mercycorps.org	
	Alternate: Whitney Elmer	Deputy Director	welmer@mercycorps.org	077 8498261
Movement for Peace (MPDL)	Focal Point: Aya Saleh	Case Manager	aya_saleh_92@hotmail.com	078 5331921
	Alternate: Alejandro Hurtado	Head of Mission	jordania@mpdl.org	079 5253407
Norweigan Refugee Committee (NRC)	Focal Point: Petr Kostohryz	Country Director	petr.kostohryz@nrc.no	079 5724278
	Alternate: Jeremy Francis		jeremy.francis@nrc.no	079 7484666
Oxfam	Focal Point: Amani Qasrawi	SG Focal Point	aqasrawi@oxfam.org.uk	079 0157086
Questscope for Social Development in the Middle East	Focal Point: Georgie Nink	Program Officer Youth & Protection	georgie@questscope.org	079 5510203
Save the Children Jordan	Focal Point: Nour Al Zabin	Protection Manager	nzaben@savethechildren.org.jo	077 5753933
	Alternate: Karim Makkawi	Camps Officer	kmakkawi@savethechildren.org.jo	077 5464970
Terre des Hommes - Lausanne	Focal Point: : Sundus Derbi	CPP Focal Point	sundus.derbi@tdh.ch	079 8809846
The Institute for Family Health (IFH)	Focal Point: Marwa Assaf	HR Manager	m.assaf@ifh-jo.org	079 6528180
	Alternate: Ms. Rudayna Qasem	Project Assistant	R.qasem@ifh-jo.org	
UNFPA	Focal Point: Fatima Khan	Duty Officer	fkhan@unfpa.org	079 7227294
	Alternate: Yasmeen Tabba		tabbaa@unfpa.org	
UNHCR	Daniela Cicchella	Assistant Representative (Protection)	CICCHELL@unhcr.org	079 9495480
	Irene Omondi (Mafraq)	Community Service Officer	OMONDII@unhcr.org	079 6423611
	Ana Belen Anguita Arjona	Protection Officer	ANGUITA@unhcr.org	079 8954032
	Hanane Fellahi	Associate Registration Officer	FELLAHIH@UNHCR.ORG	079 7160428
	Diana Suleiman	Protection Associate/ SGBV	SULEIMAN@unhcr.org	077 7281911
	Serin Bitar (Irbid)	Assistant Protection Officer	BITAR@unhcr.org	079 5004947
UNICEF	Focal Point: Moha Homsi		mhomsi@unicef.org	
	Alternate: Katia Urteaga Villanueva	Child Protection / GBV Specialist	kurteaga@unicef.org	079 1369387
UNRWA	Focal Point: Gloria Kaberia	Protection Officer	GKABERIA@UNRWA.ORG	
UN Women	Focal Point: Rachel Weeks	Recovery Specialist	rachel.weeks@unwomen.org	7515585 079
UN Women Investigative Body	Office of Audit and Investigations (OAI) of UNDP	unwhotline@undp.org	Phone: Worldwide: +1 678 248-7275 (reversed charges; interpreters available 24 hours/day) USA: +1 855 827-4949 (toll-free) Fax +1 770 409-5008 worldwide	

AGENCY	FULL NAME	TITLE	EMAIL	TEL NO.
Un Ponte Per (UPP)	Focal Point: Eleonora Biasi	Project Manager	eleonora.biasi@unponteper.it	
	Alternate: Ekhlas Al Khawaldeh		ekhlas.alkhawaldeh@unponteper.it	
WFP	Focal Point: Philippe Serge Degernier	Deputy Country Director	philippe-serge.degernier@wfp.org	079 5758363
	Alternate: Nicole Carn		nicole.carn@wfp.org	079 909 8558
World Vision International	Focal Point: Eric Bunnet Kitsa	Children in Emergencies Manager	Eric_Kitsa@wvi.org	8382439 077

ANNEX VII | EXAMPLE COMPLAINT REFERRAL FORM

INTER-AGENCY COMPLAINTS REFERRAL FORM (SEXUAL EXPLOITATION AND ABUSE)

**Information contained in this form is CONFIDENTIAL. All Forms must be PASSWORD PROTECTED*
**Only minimum details are required for a referral to Investigative Bodies, PSEA FPs or Managers*

Name of Complainant:	Ethnic origin/Nationality:
Address:	Identity no:
Age:	Sex:
How does complainant prefer to be contacted (give details):	
Name of survivor *(if not the complainant):*	Ethnic origin/Nationality:
Address/*Contact details:*	Identity no:
Age:	Sex:
Name(s) and address of parent/guardian, if under 18:	
How does complainant prefer to be contacted (give details):	
Has the survivor given consent to the completion of this form and referral? ☐ Yes ☐ No ☐ don't know	

Date of incident(s):	Time of incident(s):	Location of incident(s):
Brief description of incident(s) in the words of the survivor / complainant:		
Name of accused person(s):	Position / Job title of person(s):	
Agency accused person(s) works for:		
Address or location where accused person(s) works:		

Agency receiving complaint

Name of person completing form:	Name of PSEA Focal Point:
Agency:	Position / Job title:
Signature:	Date:

Referral to Agency of Concern PSEA Focal Point

Name of agency / name of person (PSEA Focal Point) report forwarded to:
Name and position of person report forwarded to:
Date of referral:

Acknowledgment of receipt

Name:	
Agency:	Position / Job title:
Signature:	Date received:

ANNEX VIII | TEMPLATE FOR INTER-AGENCY ANNUAL REPORT ON SEA COMPLAINTS

Name of Agency:	
Period covered by report:	
Name of person completing form:	
Name of PSEA Focal Person:	
Number of SEA complaints received:	
Number of SEA complaints referred to another agency:	
Total number of SEA complaint investigated:	
Overview of any prevention or risk mitigation measures taken to improve provision of humanitarian assistance and future protection of refugees and other individuals:	
Signed:	
Date:	