

Terms of Reference for in-country Network on Sexual Exploitation and Abuse

Membership:

The Network will function under the auspices of the Resident Coordinator (RC), or Humanitarian Coordinator (HC) where appropriate, and report to him/her. Membership shall include at least one Representative from each UN Agency present in the country concerned, including from any DPKO or DPA-managed peace operation, as well as representatives of the Red Cross/Red Crescent Movement and relevant International and National NGOs. (To avoid the Network becoming unwieldy, the RC/HC should consult with the NGO community to ensure fair but manageable NGO representation). In general, membership should be comprised of the designated Sexual Abuse and Exploitation Focal Points and Alternates.

Responsibilities:

The Network on Sexual Abuse and Sexual Exploitation (SEA) will serve as the primary body for coordination and oversight on prevention and response to sexual exploitation and abuse of members of the beneficiary population by international or national staff of the UN or affiliated organizations. The Network is **NOT** responsible for investigation or adjudication of complaints, or for dealing directly with complainants. These functions rest exclusively with individual organizations or agencies. Individuals serving in the networks should not investigate claims.

The Network should:

Training, sensitization and community information campaigns

- a. Develop a plan for training of all staff on the Secretary-General's Bulletin on Special Measures for Protection from Sexual Exploitation and Sexual Abuse (the SG's Bulletin), using generic SEA training modules (modules to be developed, building on existing resources, with support from UNDP and OHRM).
- b. Coordinate specialized training of all Focal Points and managers on handling complaints based on specific training modules developed for this purpose.
- c. Ensure widespread dissemination, through appropriate media, of materials explaining rights of beneficiaries, standards of conduct expected of personnel and channels of recourse (i.e. focal point system) for members of the local community, including refugees and other beneficiaries of assistance.

Sharing information on prevention and best practice

- d. Based on the Inter-Agency Standing Committee Plan of Action and other relevant reports (including those by police or local women's groups), assess gaps in prevention and response to SEA, share information on achievements, best practice and effective mechanisms in addressing SEA, and make recommendations to relevant agencies for action. Develop plan for monitoring implementation of recommended actions.
- e. Establish such local policies, procedures and/or inter-agency arrangements as are necessary to ensure that adequate prevention measures are in place, and that robust complaints and investigation mechanisms are implemented and operated effectively by all relevant agencies.
- f. Submit to the RC quarterly statistics and analysis of any complaints received (excluding names of complainants, victims or accused persons), follow up actions taken, and recommendations that flow from the analysis on enhancing prevention and protection.

Reporting to Headquarters on prevention and best practice

- g. In cases of ongoing humanitarian crisis, the Network should report annually, through the RC/HC, to the Inter-Agency Standing Committee Working Group on progress made toward

preventing and responding to sexual abuse and exploitation. OCHA will be responsible for producing a short analysis of all reports for consideration by the IASC WG. This analysis may also be considered by the Executive Committee for Humanitarian Affairs (ECHA).

- h. In cases of transitional/development situations, the Network should report annually, through the RC, to the United Nations Development Group Office on progress made toward preventing and responding to sexual abuse and exploitation. UNDGO should be responsible for producing a short analysis of all reports for consideration by UNDG.
- i. The lessons learned from these annual reports should be shared widely, so that adjustments to prevention and response strategies can be made, best practices shared, and the tools and guidelines adapted as appropriate. UNDP, OCHA, DPKO and UNICEF should be responsible for this effort.

Dealing with ‘In-the-air’ allegations

- j. At the request of the RC/HC, the Network should be convened when any of the Focal Points receives information of rumoured or ‘in-the-air’ allegations of sexual exploitation and abuse, particularly where the institutional affiliation of the alleged perpetrator(s) is not known or is uncertain. The Network should develop a proposal addressed to the RC/HC (and SRSG if peacekeepers may be involved) outlining a strategy for assessing the veracity of these rumours.
- k. On the basis of the Network's recommendations, the RC/HC (and/or SRSG) should then pursue the issue through the appropriate channels, including if necessary through launching a preliminary investigation. S/he should also determine responsibilities for follow-up and for responding to victims' needs. In the event of disagreement among members of the Network on responsibilities for following up on a case involving rumours or allegations involving perpetrators from multiple organizations the Special Representative of the Secretary-General (if peacekeeping personnel are involved) or the RC/HC will determine concrete follow-up procedures and allocate responsibilities among members of the Network as appropriate.

Procedure, confidentiality and other issues

- l. The Network should hold regular meetings at least every two months, whose minutes will be circulated to all members. Ad-hoc meetings may be called on an as needed basis.
- m. All minutes of the Network must be kept confidential and stored securely. Names of subjects and victims should never be recorded in minutes, nor shared during meetings. All cases discussed at the meetings of the Network should be referred to by a case number and no identifying information about victims or subjects should be shared with the group. All investigation processes must be kept separate from the work of the Network, to ensure confidentiality. Breaches of confidentiality may lead to members of the Network being relieved of their responsibilities.
- n. The Network should refer to relevant agencies and/or the RC/HC any issues of concern which arise during the course of its work (e.g. regarding discipline or misconduct), but which fall outside the direct scope of SEA prevention and response.
- o. The relevant members of the Network (i.e. the organization receiving the complaint and the organization(s) about which the complaint is made) should convene bilaterally when one organization receives a formal complaint about actions allegedly perpetrated by staff person(s) of another organization. At this stage, agreement should be reached on responsibilities among the involved organisations, including for responding to the victims' needs.