

## PART THREE: SESSION 4: CONSEQUENCE AND BARRIERS TO PSEA

### Activity 1: Consequences of SEA

- **For the RIPDO/WFP**
- Loss of trust from community
- Loss of funding
- Security risk
- Loss of staff
- **For the perpetrator**
- STIs, HIV/AIDS
- Loss of employment/income
- Loss of reputation
- Shame
- Rejection by spouse/family
- security risk

## **For the community**

- Loss of trust
- Unwanted children
- Drain on resources
- Breakdown of support structures

## **For the victim**

- Physical harm
  - Pain, trauma
  - Psychological harm
  - STIs; HIV/ AIDs
  - Infertility
  - Stigmatization
  - Loss of reputation
  - Shame, guilt
- Fear, confusion, depression

- Death, self-harm
- Rejection by spouse/family
- Ostracized by the community
- Loss of employment/income
- Loss of access to education/opportunity or inability to attend school/work
- Unwanted pregnancy, abortion
- Breakdown of support structures

## Activity 2: Barriers faced in Reporting SEA cases

- Deep-rooted power imbalances in the sector
- Fear of retaliation from perpetrators
- Victims and survivors often believe that there is no point in reporting their experiences.
- Lack of support to come forward and weak reporting mechanisms
- Lack of education
- Traditional and cultural barriers regarding beliefs and attitudes towards sex hinders
- victims to disclose their experience with SEA
- Many organizations have constantly failed to address cases of SEA and take them
- seriously
- Lack of transparency and robust reporting structures

s work;

educating the community about their rights;

engaging the community in strategies for prevention and response;

encouraging community reporting on SEA.

### **Prevention of SEA**

conducting country-wide awareness raising for staff and related personnel is underway (whether collectively or by agency);

developing codes of conduct with standards at least equal to those in the SGB (by agency; for UN, the SGB already serves the purpose of a code of conduct).

### **Response to SEA**

developing complaints procedures to report incidents;

establishing effective and confidential referral mechanisms;

ensuring disciplinary actions and sanctions;

establishing and implementing a victim assistance mechanism.

### **Management and Coordination**

strengthening senior leadership on PSEA;

addressing internal management issues (i.e. PSEA responsibilities in focal points' ToRs; SGB standards in contractual arrangements).

## Activity 2: Responsibilities and Obligations on PSEA

### **A) Manager's Responsibilities**

- Share Zero Tolerance policy on PSEA
- Appoint senior-level PSEA Focal Point and alternate
- Ensure appropriate action is taken following a complaint
- Share PSEA Policy with all partners
- Educate employees on responsibility to report
- Undertake SEA risk assessment for operation



### **➤ Employees Responsibilities**

- Be familiar with the Zero Tolerance Policy
- Complete trainings
- Follow the six core principles
- Conduct themselves with integrity
- Report any concerns or suspicion



### **➤ PSEA Focal Point Responsibility**

- Awareness Raising
- Receiving and Reporting Complaints
- Management and Coordination

## **D Collective Obligations**

- Do not perpetrate SEA
- Report any suspicion and rumors in good faith and via established reporting mechanism. Report can also be done anonymously.
- Create an environment that prevents SEA.
- .Consult and establish community based complaint mechanism.
- Raise awareness on Community Based Complaint Mechanisms.
- Respond to complaints appropriately.
- Do not investigate.

## Activity 1: What is a Complaint Mechanism?

- A complaint Mechanism is a formalized mechanism to give victims and witnesses of misconduct by an organization a chance to report cases, and for organizations to deal with these complaints in a structured manner. Complaints are an expression of dissatisfaction or discontent about misconduct.

## Activity 2: Types of Complaints Mechanism

- A CM can receive both operational complaints (e.g. about programs, quality of work, donor registration, project participant selection) and serious complaints (corruption, nepotism, misuse of funds, physical/psychological/sexual abuse).
- **Accessibility:** A CM should be designed in such a way that it can be used by everyone (employees, volunteers, project participants, partners or anyone else who has observed misconduct by the organization)
- **Essentials qualities:** your CM need to be characterized by the following essential qualities: safety, confidentiality, transparency, accessibility, quality, verifiability, timeliness, assistance to those reporting, documentation



### **Activity 3: Reason for and Benefits of a Complaint Mechanism**

- Allow NGOs to live up to their responsibility towards donors, project participants, the NGO sector and society at large
- Give victims a voice
- Constitute an early warning mechanism to uncover hidden patterns
- Help create trust and protect the organization's reputation
- Help NGOs to save money by detecting misappropriation of funds and inefficient systems

### **Activity 4: Design of a Complaint Mechanism**

- **Choose type and core design of CM:**
  - Depending on the needs and structure of your organization, choose a CM design that is centralized (CM at headquarters) or decentralized (multiple levels: CM at headquarters as well as regional/national level)
  - A centralized CM is established by headquarters. In a decentralized CM, the local partner organizations are responsible for setting up their own mechanisms.
  - Receivers of the complaints can be internal (complaints officer/department) and/or external Board chairperson)

- **Assign staff:** Choose to create a full-time, part time and /or pro bono position for handling the complaints. If necessary, consider pooling resources with other organizations for this purpose.
- **Create entry points:** Ensure the CM has multiple entry points, e.g. . Complaint boxes, phone line, email address, office hours of complaints officer. Make sure that the entry points are adapted to the needs of end users (e.g. For literate and illiterate)
- **Create ownership:** Create commitment by discussing the CM with the wider organization. Include senior management right from the start to ensure its full support
- **Work on organizational culture:** help foster an open-minded organizational culture that is self-critical and open to feedback and improvement
- **Create trust:** Ensure confidentiality, choose a trusted person with right qualifications to handle complaints and implement policies consistently

riers due to gender/ethnicity/religion/language

ainant position

### **of malicious complaints:**

r organization from malicious complaints by including a zero tolerance policy toward them

malicious complaints which are usually non-specific and not documented and contain angry

**ate about your CM:** Communicate clearly the existence of the CM, its purpose and its  
both internally (e.g. through regular staff trainings, website, posters, flyers, appraisal meetings)  
lly (e.g. Public meetings, presentations, new papers, radio etc.)

**ur partner organizations:** Make sure your partner organizations ae fully committed to the CM.  
ized CM, their main task will be to spread awareness about its existence and functioning. In a  
d CM, your partner organizations are responsible for setting up their own mechanism and  
ting its functioning.

**cy:** Enshrine the CM and complaint handling procedure in the CM guidelines and policy with  
er relevant documents. All employees should sign an acknowledgement of the policy and be  
e procedure

complainant feels she/he is safe and being taken seriously.

## **Investigating a Complaint**

Personal complaints are usually handled through the desk research. A decision to investigate is taken on whether the complaint is defined as “serious” (as opposed to “operational”)

**Forward complaint to higher authority:** Any serious complaint is to be forwarded to a higher authority or a complaints officer. Often this is a complaints handling committee.

**Establish investigation team:** An investigation team is established ad-hoc, composed of staff with experience in handling such cases

**Guidance on investigative methodology:** For corruption cases, external and social audits can be useful tools

**External audits:** Investigative external audits are called forensic. Please note that not all auditing firms are qualified to conduct forensic audits. If corruption is suspected, it is recommended to proceed with the audit without providing prior notification to the entity/person (s) being investigated.

**Social audits:** Social audits create full transparency by giving the target group information about project activities (and other relevant aspects), thus empowering communities to take on a watchdog function.

ent or a contractual penalty. Sanctions also act as a deterrent for future perpetrators. In the event of offense, the case must be referred to law enforcement

### **g a decision:**

Decision should be made by an entity other than the one conducting the investigation. The designated authority takes a final decision based on the written recommendation of the investigation team.

Some procedure applies for a possible discontinuation of an investigation. Here as well, the investigation team will make a recommendation while a higher authority will take the decision on whether to discontinue the investigation

**Inform complainant/subject of complaint:** Both the complainant and the subject of the complaint should be informed immediately of the result

**Right of Appeal:** The complainant as well as the subject of the complaint have the right to make an appeal in writing, providing a justification and within a given time frame

**Document the process:** All steps of the complaint procedure should be documented in writing, including as much detail as possible. This is important for the systematic analysis of cases.

## Step 4: Systematic Analysis, Reporting and Improvements

A CM also has a learning purpose. Through the systematic analysis of all cases structural malfunctions can be detected and addresses thus, leading to improved practices and processes within an organization.

- **Analyze the cases:** The systematic analysis of written records can reveal structural malfunction in the organization. Once detected, these can be addressed through new ( or revised) guidelines, policies or processes
- **Publish annual complaints report:** It is a good practice to produce an annual complaints report, containing information on all cases received and dealt with. By openly communicating the results, the organization shows its proactive stance toward fighting misconduct
- **Assess your CM:** The CM should be evaluated regularly (e.g. every three years) to identify shortcomings and challenges that should be tackled in order to improve mechanism

## **Activity 7: Quick Quiz/test for participants**

**1. Who might make a complaint of SEA in your community?.**

- A victim / survivor**
- Someone who is reporting on behalf of a victim / survivor**
- An employee**
- A cooperating partner**
- A community member**
- Someone wanting to remain anonymous**

**1. How might a complaint of SEA be received**

- Directly to a PSEA Focal Point**
- To the WFP Office of Inspections and Investigations**
- Via a Complaint and Feedback Mechanism**

## Activity 8: Relevant Complaint Mechanism story for NGOs

Jamila is a young woman in a refugee camp in Tanzania, mother of two children. The NGO Salama works in the camp. The conditions in the camp are very difficult and food is scarce, so Jamila is looking for a job to better feed her family. She hears that the NGO Salama is looking for translators and applies there. When she goes personally to introduce herself, she meets a local employee, Mr. Musa. He is responsible for the applications. He immediately reacts very positively to the young woman and promises to call her in the evening. The telephone call in the evening, however, is not as desired:

Mr. Musa promises to get her the job and additional food rations soon, but only if she agrees to phone sex with him. On the phone he becomes very suggestive. The young woman is desperate. After long hesitation she agrees, because she doesn't know how to feed her children without a job. The suggestive telephone conversations are repeated several times.



### Activity 1: Reporting of SEA incidents

- It is mandatory for staff to report.
- Report even if it's just a rumour, you are not betraying your colleagues. Good faith v bad faith reporting – disciplinary action if reporting in bad faith, no action if good faith but not a confirmed SEA case
- Do not do your own investigation, advise a person you think is involved or break confidentiality: Security issues/retaliation for complainant, survivor/victim and accused perpetrator, focal points
- You, a survivor, or other person can report anonymously – encouraged to give as much detail as possible to support the investigation
- PSEA focal points are NOT involved in any investigations.

### Activity 2: PSEA Referral and Services Available

- Managers/head of sub-office are to work with the GBV sub-cluster to have updated services contacts for services that might be available for survivors/victims: medical, psychosocial, case management, security/protection, justice in your location.
- For staff and casuallts who are affected by sexual abuse, you should contact Clinical Management of Rape service providers/UN PEP custodians. For staff involved in the case, therapeutic support can be accessed by contacting a staff counsellor.

## Activity 3: Creating an Environment that Prevent SEA

### **Risks**

- Lack of knowledge of PSEA Standards of Conduct among staff, affiliates and communities
- Lack of transparency or supervision over staff recruitment practices
- Lack of clear reporting mechanism & perceived action on reports
- Social and cultural practices that subordinate women and girls, and are supportive of some forms of abuse

### **Mitigation**

- Training and awareness raising, posters
- Improve recruitment practices
- Publicize & provide multiple reporting points.
- Provide report over # of cases addressed.
- Ongoing discussions with staff, and action taken when standards of conduct are breached.

## Activity 1: Main PSEA Key Messages

- All staff/vendors/government official and humanitarian workers, especially those in top leadership position are obliged to create and maintain an environment that prevents SEA in the community.
- SEA is a serious misconduct and may be a criminal offence to all staff, causal workers, contractors, partners, consultants all the time while on contract including on leave or in a different country with different laws.
- SEA is a form of gender based violence that has serious consequence
- Sexual Exploitation and abuse are unacceptable behaviour and cause serious harm.
- SEA inflicts serious harm on those we seek to protect. As humanitarians we have to uphold behavioural standards to ensure assistance reaches those who need it and ensure we protect those we seek to help.
- SEA brings a security risk for our staff, significant consequences for the victim/survivor and alleged perpetrator and can result in loss of trust of the community and our donors.
- All staff and related personnel should not only PROMOTE but also RESPECT human rights (during and outside working hours).
- Each one of us must take the issue of PSEA seriously; help teach colleagues, community members and leaders and cooperating with partners about it and report suspicious and concerns immediately.
- Misuse of a position of authority for sexual and other favours is prohibited

- We must protect and support populations not reinforce behaviour that is harmful to the most vulnerable or that which makes them to reject us.
- Always keep confidentiality and report in good faith cases of PSEA in any Organization, Community and Government institutions.
- Exchange of money, employment, goods service for sex is prohibited and considered as a serious crime.
- You must report concerns regarding SEA by a fellow worker to PSEA focal point person immediately.
- All assistance provided by humanitarian organizations is based on need and is free of charge for everyone, including women, men, girls, boys, the elderly and persons with disabilities.
- If you feel you have been discriminated upon or you have been asked by someone working in a humanitarian organization (government officials, activists and volunteers, drivers and security, distributors of food and technicians) to do something inappropriate, demanded any kind of favour or sexual favour from you in return for their help, please report them to an organization or authority you trust.
- In emergency situations, it is everyone's responsibility to protect, support, and respect girls and women.

- Sexual violence is a very serious crime, and anyone in the community can report it. Denouncing the abuser prevents him/her from doing the same with other children, girls, boys or women in the community.
- Seek medical attention as soon as possible, especially if you have experienced sexual abuse. You are entitled to care and support.
- UN SG's Bulletin is not designed to place restrictions on lives of staff and related personnel, but to protect vulnerable groups from harm.

## **Activity 2: Relevant Code of Conduct Scenerio Participants Exercise..... 41**

### **Code of Conduct Scenario Exercise**

- 1) Matilda is a Programme Officer at one of our field offices. She oversees our assistance in a community which is severely food insecure. We work through community leaders to register people who will receive assistance. Matilda met Jackson, a local chief in his mid-30s, who is educated, understands the process well, is also friendly and has been very helpful in organizing the community for distributions. They often meet for drinks and small talk after working hours and eventually start a romantic relationship. Matilda ensures that Jackson and his community only receive the food that they are entitled to. The only thing she does is to ensure that Jackson becomes the person managing the temporal workers who unload food trucks.
  - Has the Code of Conduct been breached?**
  - If so, what rule has been broken?**
  - What would you do next?**

- 2) **John is a 19 year old driver we hired locally.** He transports relief items from the warehouse to the IDP camp where the items are distributed. On one of his trips he recognized a 17-year-old IDP girl walking on the side of the road and gave her a ride back to the camp. Since then, to impress her, he frequently offers to drive her wherever she is going and sometimes gives her small items from the relief packages in his truck, which he thinks she and her family could use. The last time he drove her home she asked him to come inside her home to meet her family. The family was pleased that she had made friends with a NGO worker. John really likes the girl; he wants to start a romantic relationship with her and to ask her parents' permission to marry her. He knows her family will approve. The local age of consent is 16 years of age and John is from the same ethnic group as the young woman.
  - **Has the Code of Conduct been breached?**
  - **If so, what rule has been broken?**
  - **What would you do next?**

- 3) **Josie is a refugee in one of our camps.** Pieter is a refugee we recruited as an incentive worker, to distribute food. He has offered to give Josie a little extra during the distribution if she will be his ‘special friend’. She agrees willingly. Both of them agree that they should start a sexual relationship and neither of them thinks that anything is wrong. Josie hopes that the relationship might be a passport to a new life in another country or at least an opportunity to supplement her rations. Pieter does nothing to discourage these hopes.
  - **Has the Code of Conduct been breached?**
  - **If so, what rule has been broken?**
  - **What would you do next?**



- 4) You come early to a hotel where colleagues are staying and you see another vendor colleague sneaking out a girl from the hotel. You suspect that this girl could be a sex worker from the town
  - Does it seem that the PSEA Code of Conduct may have been broken?
  - If yes, which behavioural rule seems to have been broken?
  - As a humanitarian staff or government official what would you do next?
  
- 5) Someone tells you that a vendor of a UN agency has raped a girl in the community a couple of days ago. You only heard indirectly and you are not sure if it is true.
  - Does it seem that the PSEA Code of Conduct may have been broken?
  - If yes, which behavioural rule seems to have been broken?
  - As a humanitarian staff or government official what would you do next?
  
- 6) There is a staff who is a humanitarian staff has met and is negotiating to marry a girl in his community under the age of 18. Everything is being organized according to customary law.
  - Does it seem that the PSEA Code of Conduct may have been broken?
  - If yes, which behavioural rule seems to have been broken?

As a humanitarian staff or government official what would you do next

- 6) There is a staff who is a humanitarian staff has met and is negotiating to marry a girl in his community under the age of 18. Everything is being organized according to customary law.
  - Does it seem that the PSEA Code of Conduct may have been broken?
  - If yes, which behavioural rule seems to have been broken?
  - As a humanitarian staff or government official what would you do next?
- A woman in a crisis-affected community is really interested in getting a job as a daily worker for a humanitarian organization, a staff with the organization says that he can get this lady a job she will become his « special friend » . She has not yet decided whether to agree.
  - Does it seem that the PSEA Code of Conduct may have been broken?
  - If yes, which behavioural rule seems to have been broken?
  - As a humanitarian staff or government official what would you do next?
- A 19 year old woman living in the POC community does not have money to look after her family. However, she has started a relationship with a vendor of UN agency who comes from another part of the country; she hopes that this relationship will help her to continue her studies and support her family.
  - Does it seem that the PSEA Code of Conduct may have been broken?
  - If yes, which behavioural rule seems to have been broken?
  - As a humanitarian staff or government official what would you do next?

- There is a rumour in the community that a boy and a girl were sexually assaulted by an adult from their community.
  - ▣ Does it seem that the PSEA Code of Conduct may have been broken?
  - ▣ If yes, which behavioural rule seems to have been broken?
  - ▣ As a humanitarian staff or government official what would you do next?

## APPENDICES

### **Appendix 1: Test for the Participants**

1. What is PSEA and SEA in full?
2. What is the meaning of sexual exploitation, sexual abuse and sexual harassment?
3. Who can committee?
4. What are the duties and responsibilities of manager and PSEA focal point person in your organization?
5. Why is reporting SEA cases important to an organization and community?

## **Appendix 1: Evaluation Questions**

- i. Write three things that you liked in this training.
- ii. Write three things that you did not like in this training.
- iii. What would you like included in the training sessions?
- iv. What are the ways through which you will put into practice from the knowledge gained?
- v. How should the future trainings be organized?