

IASC Review of Protection from Sexual Exploitation and Abuse by UN, NGO, IOM and IFRC Personnel: Summary Report of Country Case Studies.

Case Studies from the Democratic Republic of Congo, Kenya, Liberia, Nepal, Somalia, Southern Sudan, Thailand, the Thai-Myanmar border, and Yemen.

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Liberia and Country Case Studies

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Acronyms and abbreviations

ADB	Asian Development Bank
BOGs	Basic Operating Guidelines
CBO	Community-based organisation
CDO	Conduct and Discipline Officer
CDT	Conduct and Discipline Team
CDU	Conduct and Discipline Unit
CEDAW	Committee for the Elimination of Discrimination against Women
CESP	Community Empowerment Sustainable Programme
CGC	County Gender Coordinator
CoC	Code of Conduct
CSO	Civil society organisation
CWC	Child Welfare Committee
DFID	Department for International Development (UK)
DRC	Democratic Republic of the Congo
DPKO	Department of Peacekeeping Operations
ECHA	Executive Committee on Humanitarian Affairs
ECPS	Executive Committee on Peace and Security
FAWE	Forum for African Women Educationalists
FP	Focal Point
GBV	Gender-based violence
GBV TF	Gender-Based Violence Task Force
GoL	Government of Liberia
HAP	Humanitarian Accountability Project
HC	Humanitarian Coordinator
HoA	Head of agency
HoFO	Head of Field Office
HoO	Head of Office
IASC	Inter-Agency Standing Committee
ICN	In-Country Network on PSEA

IGO	Inter-governmental organisation
INGO	International non-governmental organisation
IOM	International Organisation for Migration
IPRS	Interim Poverty Reduction Strategy
MDG	Millennium Development Goal
MoGD	Ministry of Gender and Development (Liberia)
MONUC	Mission of the United Nations Organisation in the Democratic Republic of the Congo
MOS–PSEA	Minimum Operating Standards – Protection from Sexual Exploitation and Abuse by UN and NGO Personnel
MSG	Management Steering Group
NGO	Non-governmental organisation
NRC	Norwegian Refugee Council
OCHA	Office for Coordination of Humanitarian Affairs (UN)
OIOS	Office for Internal Oversight Services
PCG	Protection Core Group
PEP	Post-exposure prevention
PRSP	Poverty Reduction Strategy Paper
PSEA	Protection from sexual exploitation and abuse
RC	Resident Coordinator
SCUK	Save the Children UK
SEA	Sexual exploitation and abuse
SART	Sexual Assault Response Team
SGB	Secretary-General's Bulletin
SGBV	Sexual and gender-based violence
SOP	Standard operating procedure
SRSG	Special Representative of the Secretary-General
THINK	Touching Humanity in Need of Kindness
TOR	Terms of Reference
ToT	Training of Trainers
UN	United Nations

UNCT	United Nations Country Team
UNDP	United Nations Development Programme
UNHCR	Office of the United Nations High Commissioner for Refugees
UNMIL	United Nations Mission in Liberia
UNMIN	United Nations Mission in Nepal
UNV	United Nations Volunteer
VA	Victim assistance
WACPS	Women and Children Protection Section
WFP	World Food Programme

1. Introduction

1.1 Background to the IASC Review of Protection from Sexual Exploitation and Abuse by UN, NGO, IOM and IFRC Personnel

Any sexual exploitation and abuse (SEA)¹ committed by UN and NGO workers is a fundamental violation of protection principles and of the reason that these individuals are in the field alongside vulnerable people. While any misconduct or abuse of power is the responsibility of the individual, the deploying agency also has a responsibility to ensure that effective mechanisms are in place to prevent and address misconduct on the part of its personnel.

The 2002 report by the United Nations High Commissioner for Refugees (UNHCR) and Save the Children UK on the prevalence of SEA of beneficiaries by humanitarian aid workers and peacekeeping military personnel in West Africa highlighted the need for enhanced action by agencies.² The report, which documented allegations against 40 agencies and 67 individuals, attracted global media coverage to the issue of SEA and prompted both the UN and NGOs to step up their activities to embed policies, guidelines, standards and tools designed to prevent and respond to cases of SEA involving their own and related personnel.

From 2002 to 2004, proactive work was undertaken under the auspices of the Inter-Agency Standing Committee (IASC) Task Force on Protection from Sexual Exploitation and Abuse. The goal of this taskforce was to provide a consistent and effective approach across all agencies. During this period, the Plan of Action on Protection from Sexual Exploitation and Abuse in Humanitarian Crisis (2002) established the six core principles to be incorporated into the codes of conduct and staff rules and regulations of member organisations of the IASC.³ In 2003, the United Nations Secretary-General's Bulletin on Special Measures for Protection from Sexual Exploitation and Sexual Abuse (ST/SGB/2003/13) (see Annex 2) was issued to ensure that all UN staff and others under UN contract were aware of these core principles and obligations and also aware that the consequences of any such misconduct extended to dismissal.

Every year since 2003, the Secretary-General has issued a report containing updates on the scope of the problem and on the prevention and response measures taken by the UN. This report details the incidence of allegations and the outcome of the allegations. It also details activity by the Task Force on Protection from Sexual Exploitation and Abuse and the Department of Field Support Conduct and Discipline Unit and Teams. The Secretary-General's report does not consider the implementation level of protection from sexual abuse and exploitation (PSEA) mechanisms at country level, or the mechanisms through which managers are obliged to implement PSEA.

In 2004, the IASC Task Force concluded its work, while noting that the matter needed to remain a priority. It recommended annual reporting within the IASC on the implementation of tools and mechanisms; regular reporting to the General Assembly; addressing and supporting the role of Resident Coordinators (RCs) and Humanitarian Coordinators (HCs); and the nomination of focal

¹ As defined in the Secretary-General's Bulletin on Protection from Sexual Exploitation and Abuse, 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 an actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

² 'Protecting Children from the Protectors: Lessons from West Africa', Asmita Naik, Forced Migration Review 15, October 2002.

³ The six principles are:

- Sexual exploitation constitutes gross misconduct and is grounds for dismissal;
- Sexual activity with persons under 18 is prohibited;
- Exchange of money, employment, goods or services for sex is prohibited;
- Sexual relationships between humanitarian workers and beneficiaries are strongly discouraged;
- There is an obligation to report concerns about possible abuses by co-workers;
- An environment which prevents sexual exploitation must be created, and managers have particular responsibilities to support and develop systems which maintain this environment.

points (FPs) at headquarters level to ensure ongoing HQ-level monitoring and reporting. It was emphasised that the challenge now lay with ensuring field implementation and with the need to focus on the role of the RC/HC, the reporting responsibility of managers and the importance of background reference checks on staff. However, there is no record that reporting on these matters or on PSEA generally within the IASC has subsequently taken place.

Also in 2004, the Building Safer Organisations (BSO) project (now part of the Humanitarian Accountability Partnership, HAP) was begun to help NGOs apply mechanisms for SEA prevention and response.

Following the IASC Task Force's completion report, the UN's Executive Committees on Humanitarian Affairs and Peace and Security (ECHA and ECPS) met in 2005 to discuss how best to ensure enhanced implementation of the tools and guidance which then existed. It was agreed that key priorities included strengthening the UN's investigative capacity; strengthening and harmonising assistance to victims; improving training for all staff and managers, including military personnel; ensuring accountability on the part of both organisations and individuals; publicly differentiating between the disciplinary procedures to which civilian and military personnel are subject; and working with troop-contributing countries to obtain their 'buy-in' to a more active response to this problem, including reinforcing their obligations to inform the UN of any actions taken.

A working-level follow-up group was established and this group became the ECHA/ECPS UN and NGO Task Force on Protection from Sexual Exploitation and Abuse, which has worked on this issue since then (and is referred to in this report as the Task Force). Despite the fact that the Task Force was established by internal UN committees, its 30 members include non-UN agencies.

At a global meeting of PSEA experts held in 2008, it was agreed that work to address SEA would be collectively organised under four pillars. These four pillars are management and coordination; engagement with and support of local populations; prevention; and response. The four pillars have been used to frame subsequent policy and guidance, and have also been used to structure much of the research undertaken for this review.

Despite considerable activity over the past decade to put in place policies, tools and mechanisms for dealing with SEA, reports published by HAP and Save the Children UK in 2006 and 2008 document how challenging it has been to establish the practice of PSEA.⁴ They also document how difficult it has been to change attitudes to SEA and to encourage humanitarian and development actors, as well as local communities, to report abuse when it occurs. This awareness led in July 2009 to the IASC initiating a review of efforts undertaken by agencies on PSEA.

1.2 Management of the Review

The IASC initiated the current inter-agency review to examine the extent to which the UN, international non-governmental organisations (INGOs) and inter-governmental organisations (IGOs) have implemented policies to prevent and respond to SEA, by their own personnel and by those of partners.

In July 2009 the IASC Working Group approved the Terms of Reference (TOR) for the review, which were later revised by the inter-agency PSEA Review Steering Committee (SC) in October 2009.⁵ OCHA acted as the Managing Agency for the review while the SC was responsible for oversight and for all strategic decisions, as well as for commenting on drafts of the report. The Steering Committee

⁴ 'To Complain or Not to Complain: Still the Question', Kirsti Lattu, Humanitarian Accountability Partnership, 2008; 'No One to Turn To', Corinna Casky, Save the Children UK, 2008; 'From Camp to Community: Liberia study on exploitation of children', Save the Children UK, 2006.

⁵ The Steering Committee consists of representatives from OCHA (Chair), DOCO, HAP, InterAction, IRC, OHCHR, UNDP, UNFPA, UNICEF and WFP, and the RC/HC for Nepal. The TOR are included in this report as Annex 1.

comprised senior representatives from the UN, NGOs and other international agencies and included the Resident Coordinator from one of the countries chosen as a location for the field missions (Robert Piper from Nepal). It was chaired by OCHA (as the Managing Agency).

A Special Adviser was appointed who contributed her experience in working at senior level in humanitarian and peacekeeping environments and who also advised on the internal functioning of UN/NGO systems. The review was undertaken by an independent consultant (known as the External Review Facilitator).

A final global synthesis report on the IASC Review of Protection from Sexual Exploitation and Abuse by UN, NGO, IOM and IFRC Personnel was prepared and presented to the IASC Working Group meeting in July 2010. The global synthesis report presented the data collected at both HQ and field levels in a condensed fashion to support the global analysis and conclusions and the recommendations that were presented to the IASC Working Group.⁶

This present document contains the detailed country reviews that underpin the global synthesis report. The contexts were chosen by the Steering Committee against a pre-agreed set of criteria. Field research was conducted in Nepal and the Democratic Republic of the Congo⁷ and in addition a desk study of Liberia and six individual country case studies were commissioned. These studies have been compiled in this country synthesis report to provide background to the original global report.

1.3 Scope of the Review

The IASC Review of Protection from Sexual Exploitation and Abuse was not a formal evaluation but rather a stocktaking exercise and needs analysis, covering achievements and constraints and making recommendations for future action. The TOR (see Annex 1) stated that, as there was 'currently a strong PSEA policy foundation and sufficient tools to operationalise [it], the focus of the Review should be upon the level and type of implementation and coordination strategies/mechanisms currently used to engage with local populations; prevent and respond to SEA; and to ensure management accountability and compliance'. The review therefore sought to reveal the extent to which PSEA policies had been implemented, together with the constraints, and to make recommendations for future action to ensure the effective implementation of PSEA obligations.

In addition, the TOR stated that the review should consider the current PSEA coordination architecture and make recommendations to improve it.

1.4 Methodology

The methods to be used for the global review were set out in the TOR and were approved by the Steering Committee. The methods chosen were intended to allow tracking of implementation and coordination mechanisms from agency HQ level to the beneficiary level. This would allow verification at each stage of how directives had been given, followed and supported. Where possible, both qualitative and quantitative data were sought and utilised.

It was agreed that all information received during the course of the review should be confidential; therefore, any opinions given are not attributed to individuals or specific agencies. Agencies are identified only to the extent that they are referred to as UN, NGO or IGO.

⁶ Global Synthesis Report. IASC Review of Protection from Sexual Exploitation and Abuse by UN, NGO, IOM and IFRC Personnel. Moira Reddick, Review Facilitator, 18 June 2010.

⁷ Field missions were undertaken to two countries: the Democratic Republic of the Congo in March 2010 and Nepal in April 2010. The intention of the Steering Committee had been to undertake field research in three countries, which had been chosen according to a pre-agreed set of criteria. However, the field mission to the third country – Haiti – was stood down following the earthquake of January 2010.

1.4.1 Document and tools orientation

The External Review Facilitator carried out a review of selected documentation and tools to focus the self-assessment questionnaire, the analysis of PSEA architecture and accountability and the field missions. During the course of the review, the PSEA website went live, making additional resources available.⁸ Particularly valuable were some secondary sources, including the past reviews and studies undertaken by Save the Children UK and HAP, which examined patterns of misconduct related to SEA.

1.4.2 Self-assessment questionnaire

Fourteen individual agencies⁹ completed a confidential self-assessment questionnaire, which sought to understand what had been put in place at HQ level to set a PSEA framework for policy and implementation within that agency.

Agencies were asked to answer a series of questions and then to grade their progress against the four PSEA pillars. These individual agency assessments were then ranked by the External Review Facilitator against a set of indicators that had previously been commented upon by all the participating agencies. The overall anonymised findings from the self-assessments can be found in Section 4 of the global synthesis report. Each agency received a confidential individual feedback report on conclusion of the review.

1.4.3 Field missions

Field missions were undertaken to two countries: the Democratic Republic of the Congo in March 2010 and Nepal in April 2010. The intention of the Steering Committee had been to undertake field research in three countries, which had been chosen according to a pre-agreed set of criteria. However, the field mission to the third country – Haiti – was stood down following the earthquake of January 2010.

In both the countries visited, interviews and focus group discussions were conducted in the capital city and in one field location. The interviews were conducted with both heads and SEA focal points (FPs) of agencies and used pre-agreed, semi-structured interview questions. Focus group discussions were held with groups of agency personnel, groups from local NGOs and civil society representatives and communities. In addition, workshops were undertaken with PSEA networks comprising the FPs of agencies in the country.

The field missions were conducted by the External Review Facilitator, by a consultant sub-contracted by the External Facilitator (in the case of DRC) and by staff members seconded by SC member agencies. Specific details of the methodology used for each of the field missions, and the constraints experienced, are included in the relevant sections of this country synthesis report. A field methodology document for the field missions was shared with the countries prior to the mission, and is attached to this report as Annex 10. The TOR for the Liberia desk review is attached as Annex 4 and the approach document for the country case studies is attached as Annex 13. A TOR for the representatives seconded by SC member agencies is attached as Annex 8 and a TOR for the national consultant employed in Nepal as Annex 9.

The (Draft) Minimum Operating Standards (MOS-PSEA – attached as Annex 3) developed by some members of the Task Force were used to provide a framework for the field section of the global synthesis report.¹⁰ They were chosen for this purpose because they are based on the three documents or mandates that have governed the PSEA agenda (and that of the Task Force) in recent

⁸ <http://www.un.org/en/pseataaskforce>

⁹ DFS, IFRC, IOM, IRC, OCHA, Oxfam GB, Save the Children UK, UNDP, UNFPA, UNHCR, UNICEF, WFP, WHO, World Vision International.

¹⁰ MOS-PSEA version as of 3 February 2009.

years¹¹ and because they outline the minimum that these Task Force members considered essential at field level. The MOS-PSEA give two minimum standards for each pillar, with each minimum standard supported by key indicators. Findings from the field missions are measured against these minimum standards. That the MOS-PSEA remain in draft form allows for some revision of them following this review, and some suggestions for this revision have been made.

1.4.4 Desk studies and country case studies

In response to the challenges of choosing field missions that could represent all the criteria agreed by the Steering Committee, it was agreed that a desk study would be undertaken on Liberia, which was the only country felt to represent good practice with regard to inter-agency activity on PSEA. This was done through document review and telephone interviews using pre-agreed, semi-structured interview questions. The TOR and methodology used for the Liberia desk review is attached to this report as Annex 4.

The Steering Committee also decided that case studies of practice, demonstrating challenges and innovation, should be collected from a further six countries (Kenya, Indonesia, Somalia, Southern Sudan, Thailand and Yemen) through document review and telephone interviews. These methods were utilised and six case studies were produced. This approach, however, was dependent upon the responses of the interviewees and, while it yielded two case studies from Thailand, it was not possible to produce a case study from Indonesia. In addition, the information provided yielded case studies that represented examples of good practice and innovation, rather than challenges that remain unaddressed.

1.4.5 Headquarters interviews

A series of confidential HQ interviews was conducted, using face-to-face interviews and telephone interviews at both leadership and working levels at approximately 20 agencies.¹² These interviews focused mainly upon the inter-agency architecture and possibilities for improving its effectiveness; how to better ensure institutionalisation of PSEA; and how to improve accountability for implementation of PSEA policy. The interviews were conducted using a list of semi-structured interview questions.

1.5 Constraints and caveats affecting the country-level analysis

The time available in the field was the main constraint in terms of the collection of primary data. It has already been noted that the Steering Committee decided to stand down the planned Haiti mission following the January 2010 earthquake. It proved impossible to schedule an alternative field mission, which resulted in less field-based research being conducted than had originally been planned.

The DRC mission was of ten days' duration, of which four days consisted of travel and two days fell on a weekend, when it was difficult for agencies to offer a full schedule. The duration of the Nepal field mission was five working days. In both cases, the time available outside the capital (i.e. in the field) was two working days. Unfortunately, one of the working days (for agencies) in the DRC coincided with International Women's Day, which made it difficult to schedule appointments with some agencies in Goma.

¹¹ The three documents or mandates are:

- The Statement of Commitment, which calls on signatories to undertake a set of PSEA actions, and therefore obliges all signatories to comply with the PSEA compliance mechanism;
- The Secretary-General's Bulletin, which obliges UN staff and related personnel to undertake a specific set of actions; and
- The General Assembly resolution on victim assistance, which provides further mandate language that obliges United Nations entities to comply with the mechanism.

¹² The leadership-level interviews were conducted by the Special Adviser and the working-level interviews by the External Review Facilitator.

Due to these time constraints, it was possible to interview only nine agencies in the DRC and eight in Nepal on a one-to-one basis at both leadership and focal point levels during the field missions. These agencies corresponded (with one exception) to the agencies which completed the self-assessment questionnaire. It is recognised that this is a small sample.

The TOR laid significant stress upon ensuring that the beneficiary perspective on the effectiveness of PSEA mechanisms featured within the report through the gathering of case studies. In neither field mission was this possible to undertake, due to time constraints which limited the ability of the review teams to work in an appropriately sensitive fashion. Also, there was no reason to attempt to undertake this work, as it became clear during interviews at capital level that there had been little or no activity directed at raising community awareness or at putting in place mechanisms at community level.

Furthermore, when consulted during the initial workshops, members of the PSEA network in each country were concerned about the potential implications or expectations that could be raised by attempts to compile such case studies, and advised against it. The concerns expressed by network members included their feeling that the time available for such work would not allow for sufficient contextualisation of discussions; that such consultations could potentially publicly identify the subjects of case studies and create a situation of insecurity for alleged victims or witnesses of abuse; and that it was unclear how any new information or allegations gathered through such a process would be addressed.

1.6 Terminology

The term 'agency' is used in this report to refer to individual UN entities, IGOs and NGOs. The term 'inter-agency' is used when discussing collective working of agencies.

2. Liberia: A Case Study of Progress on Protection From Sexual Exploitation and Abuse (February 2010)

Liz Hughes, Consultant

2.1 Summary

Since the release of the 2002 report by the United Nations High Commissioner for Refugees and Save the Children UK, which brought attention to the prevalence of sexual exploitation and abuse (SEA) of beneficiaries by humanitarian aid workers and peacekeepers in West Africa, humanitarian aid agencies have responded by developing and attempting to embed policies, guidelines, standards and tools to prevent and respond to cases of SEA by their staff and related personnel. In July 2009 the Inter-Agency Standing Committee (IASC) commissioned a global review to determine the extent to which agencies and country teams have implemented their obligations to address this issue. The global review comprised the following:

- Institutional self-assessments at the headquarters level;
- Field visits to the Democratic Republic of the Congo and Nepal;
- A desk review of Liberia;
- Six country case studies.

As part of this review, Liberia was selected to be the subject of a desk study because of the country's perceived progress in tackling SEA. As such, the intention of this desk study was to assess the extent to which protection from sexual exploitation and abuse (PSEA) obligations have been met. A series of telephone interviews and a document search provided the basis for the study. However, since this was a desk review, it was not possible to interview beneficiaries, and this therefore means that their perspectives on the extent to which PSEA obligations have been met are not reflected in the study.

Coordination mechanisms within Liberia agreed that SEA by humanitarian and related personnel should be integrated within the broader framework of prevention and response to all sexual and gender-based violence (SGBV). Awareness-raising activities target all aspects of SGBV, and thus incorporate awareness-raising of SEA. In addition, the referral pathway currently being developed seeks to address victims' needs, whether arising from household or community-based SGBV or from SEA perpetrated by the staff of humanitarian agencies. In examining the mechanisms and procedures established to ensure PSEA in Liberia it is impossible to distinguish them from mechanisms established to prevent and response to other forms of SGBV.

Liberia is recovering from 14 years of war, and has continuing high levels of poverty as well as gender inequalities and practices that make its population vulnerable to sexual exploitation and abuse. In this context, the Government of Liberia (GoL) is taking a number of measures to tackle gender-based violence, although many of these need further development.

Progress has been made under all four of the pillars of PSEA, as outlined in the (Draft) Minimum Operating Standards on PSEA (MOS-PSEA: see Annex 3).¹³ The strongest areas of progress are in the management and coordination of protection activities. The weakest areas remain in community engagement, although in recent years improvements have been made under this pillar also. For example, police training has been developed and is being rolled out, health service signposting is

¹³ The PSEA Task Force (Draft) Minimum Operating Standards (MOS-PSEA) have been selected to frame this section because they are based on the key documents and mandates which have governed the PSEA agenda and the agenda of the global Inter-Agency Task Force in recent years. There is no formalised lens through which field practice can be viewed. The MOS-PSEA give two minimum standards for each pillar, and each minimum standard is supported by key indicators.

being piloted and in some areas there is improved access to the legal system. However, it should be noted that these improvements are not universally applied across the whole country, and perhaps one challenge facing those involved in PSEA in Liberia is how to ensure a more consistent application of protection activities.

Specifically, particular progress has been made on the coordination of PSEA and SGBV initiatives with an established architecture at national and local levels. Such progress appears to be due to the committed leadership and vision of all senior-level stakeholders from the GoL, the UN and NGOs.

The presence of an in-country coordinator within the Deputy Resident/Humanitarian Coordinator (HC)'s office ensures that there is dedicated capacity to promote this coordination. This role provides a coordination function to the HC's office, convening and supporting the in-country network of IASC agencies. It also provides technical advice on the issues of PSEA, as well as training capacity to UN agencies, in some cases extending this support and advice to government bodies and NGOs. Lastly, it plays a crucial role in linking UN efforts on PSEA with government bodies responsible for such protection activities. However, at the county level, coordination varies due to capacity issues and constraints for Ministry of Gender and Development (MoGD) personnel, who are responsible for this process. Reporting on incidents of SGBV from the field can be time-consuming because of the multiplicity of stakeholders, and this can delay arriving at a timely and accurate picture of PSEA activities.

Country-wide coverage by agencies (NGOs and UN bodies) and local authority representatives addressing SGBV and SEA is patchy, due to the changing profile of agencies working in different counties and logistical constraints facing local authority and ministry personnel. However, peacekeeping personnel are present in all 15 counties of the country, as are County Gender Coordinators (CGCs) employed by the MoGD. Some pilot initiatives are underway, but these need to be rolled out further into other counties. A mapping process, coordinated by the Gender-Based Violence Task Force (GBV TF), is in progress to give a more complete picture of coverage, not least because the ability of agencies to provide a competent referral and complaints process for beneficiaries depends in part on their proximity to the communities they are seeking to serve.

Prevention activities focus on awareness-raising and training of staff and volunteers. Some innovative practice has been developed to train 'to scale' i.e. covering a large number of personnel. For example, the United Nations Mission in Liberia (UNMIL) undertakes 'cascade' training augmented by a DVD tailored to the Liberian context, to provide training coverage for the large number of peacekeepers present in the country. Agencies vary considerably in their mandatory training and awareness-raising requirements for staff, although almost all have a code of conduct in place that all staff are required to sign. There is variance on whether partners and contractors are also required to sign the code of conduct.

Training of senior managers, and time spent together reflecting and discussing the issues, has led to a stronger systematic and strategic approach to PSEA. Risk assessment has been more recently introduced as a tool to prevent SEA, but with variable application to date. Less has been made of the opportunity to link PSEA activities with poverty reduction programmes. There is very limited monitoring of the outcomes of prevention activities and there are some concerns that awareness-raising needs to be reinvigorated from time to time, to ensure that it remains relevant. It is difficult to measure attitudinal change, and it is likely that such change will be generational and therefore slow.

Efforts have been made by some agencies to bring together stakeholders in training activities that enable them to better understand each other's roles and responsibilities in prevention and response. This is providing the beginnings of a Sexual Abuse Response Team. A referral pathway has been mapped, involving a series of discussions with community members on access points in their communities to make a complaint and to seek assistance. However, additional work is required to ensure that the UN's Victim Assistance Strategy can be effectively applied without raising unrealistic

expectations in communities. Further innovation is underway on data management to address problems of duplicate reporting; however, this is at a very early and as yet untested stage. Standard operating procedures for inter-agency referral have been drafted and are in the process of being discussed in communities.

Investigation procedures vary considerably from one agency to another, with some able to draw on in-country or externally-based specially trained resources, and others dependent on other agencies for this. Dismissal of staff for proven breaches of the code of conduct is mandatory in some agencies, but not all. Delays in investigation are particularly problematic with changes in personnel. This, plus the lack of transparency in the outcomes of disciplinary procedures, has led to a view that beneficiaries may be unwilling to report incidents of SEA. This is corroborated in various documented studies undertaken with beneficiaries.

Community engagement remains the most challenging aspect of prevention and response. Deeply held attitudes are perceived as a barrier to effective prevention and there is need to work with opinion leaders, such as traditional leaders, to address this further. Some agencies already have well developed engagement with communities for other programme areas, such as child protection, that might be built on for further discussion with community members about their role in PSEA. However, this requires the investment of time and resources to achieve results.

While good progress has been made, there remain gaps that need to be addressed, particularly in terms of community engagement as well as in terms of monitoring the impact of prevention and response activities. There is a need to develop victim assistance (VA) and complaints responses, if they are to be effective and retain the confidence of victims and communities.

2.2 Introduction

This study is part of a broader review commissioned by the Inter-agency Standing Committee, aimed at assessing the extent to which humanitarian agencies and country teams have implemented their obligations to address sexual exploitation and abuse (SEA).¹⁴ The emphasis of the broader review was to explore achievements and constraints and to make recommendations for the future, with a particular focus on how far the system as a whole is addressing protection from sexual exploitation and abuse (PSEA), as well as to promote learning between agencies.

The review comprised four main components: i) agency self-assessments at the headquarters level; ii) field trips to the Democratic Republic of the Congo and Nepal; iii) a desk study of Liberia with some additional brief country studies, to highlight the extent to which obligations on PSEA have been implemented; and iv) interviews at the HQ level. This desk study of Liberia aims to identify progress on PSEA activities within the country to date, as well as to highlight areas that need continued focus in the future. The study methodology comprised a document review and telephone interviews with 17 respondents from the Government of Liberia (GoL), UN agencies, international NGOs (INGOs) and national NGOs, based on the four pillars of PSEA identified by the IASC in 2008.¹⁵ Given that it was a desk study, it was not possible to interview beneficiaries of services to gauge their view of progress to date. This remains a gap, and a recommendation of this study is that a review of beneficiary perspectives on PSEA activities to date would be a useful addition to this analysis.

The selection of Liberia for the case study, by the PSEA Review Steering Committee, was based on its standing as a country that has been seen to make considerable progress on the issue of PSEA since 2002, when the problem was identified.¹⁶ It was felt that there would be a number of useful lessons to be shared with others, for replication elsewhere as much as to provide a baseline of PSEA activities in-country to date. A considerable number of studies have already been undertaken in Liberia, and these can be found on the PSEA taskforce website (<http://www.un.org/pseataskforce>). The intention of this study was to build on these studies and to explore what has changed in Liberia in concrete terms since they were undertaken.

2.3 The context of Liberia

As other documents¹⁷ highlight, Liberia is a country facing the daunting task of recovering from 14 years of war. This has been a difficult and challenging process, with all aspects of social and economic life affected. The majority of the population is estimated as income-poor, with three-quarters of people living on less than \$1 a day and 90 per cent of the population considered food-insecure. This alone presents a significant challenge and immediately raises the question of how people manage on a day-to-day basis, let alone how they can plan for their futures and those of their families. In addition, factors that contribute to the achievement of long-term effective development, such as health and education, are also affected with, for example, only an estimated 16 per cent of boys and 14 per cent of girls enrolled in secondary education.

The Government of Liberia (GoL)'s 2008 Poverty Reduction Strategy (PRS) indicated some of the many areas in which progress has been, and is being, made as it set out its vision for economic growth, poverty reduction and progress towards the Millennium Development Goals (MDGs). In its introduction, the document states:

'Liberia must create much greater economic and political opportunities for all its citizens and ensure that growth and development are widely shared, with the benefits spread much more equitably throughout the population. It must also directly address the consequences and legacies of decades of

¹⁴ For the TOR for the study, see Annex 1.

¹⁵ For the methodology, sources and respondents for the Liberia desk study, see Annexes 4–8 and 13.

¹⁶ A/57/465 Investigation into Sexual Exploitation of Refugees by Aid Workers in West Africa, Report of the Secretary-General to the General Assembly, 11 October 2002.

¹⁷ SEA Case Study, November 2008.

destruction, division and distrust, recognise and respond to the structural risk factors that predispose the country to violent conflict, and identify opportunities for institutionalising peace.’

However, while relative peace has prevailed since the conclusion of the war, there remains a high prevalence of personal and particularly gender-based violence (GBV), with rape cited as the primary crime committed and reported. While rape has been identified as a weapon of war, its increase post-war is even more of a concern, reflecting underlying values and attitudes of discrimination and misuse of power. In addition, and not unrelated to this, domestic violence is described as being endemic, and some traditional practices – such as female genital mutilation – negatively impact on girls. In addition, there are anecdotal reports of an increase in transactional sex.

If this is the macro context of Liberia today, then it is within this that prevention and response activities related to SEA must be located. It is not always clear where sexual exploitation and abuse end and gender-based violence begins, although the approach taken in-country is to see sexual exploitation and abuse as falling under GBV. What is clear, however, is that the combination of extreme and chronic poverty, alongside deeply held negative attitudes towards girls and women, provides a basis for an underlying vulnerability of women and children particularly¹⁸ to potential exploitation and abuse by perpetrators with the power to commit such acts.¹⁹

The GoL has developed a number of policy and practical initiatives to begin to address the specific challenges of sexual and gender-based violence within which SEA can thrive. These include the enactment of the Rape Law (2006), which provides for harsher penalties for rape; the provision of a pilot project in Montserrado county involving Criminal Court E, a special court for the purpose of hearing sexual offences only; also in Montserrado county, the provision of a special crime unit to ensure that cases are progressed to court; and the establishment of a police section dedicated to protection of women and children. In addition, the Government is part of a coalition that promotes the prevention of sexual exploitation in schools. This programme is implemented by the Forum for African Women Educationalists (FAWE) through Plan-Liberia, and focuses on learning without fear by addressing GBV cases in schools.

In the recent observations of the Committee for the Elimination of Discrimination against Women (CEDAW),²⁰ the GoL was commended for its political commitment to eliminate discrimination and for the establishment of a number of plans and policies in the health, education and economic sectors, in addition to the judiciary, to achieve this. Such efforts have created an all-important enabling environment within which government officials, UN agencies and NGOs have been able to take forward prevention and response activities.

2.4 Agency context

As awareness-raising activities target all aspects of SGBV including SEA, it is important for the purposes of this desk study to clearly retain the distinction between SEA at the hands of UN, NGO or government employees and SEA within the broader context of SGBV within communities in Liberia. UN, NGO and government employees are all duty-bearers with the utmost responsibility for the protection of vulnerable people. There is therefore a distinction to be made between PSEA activities for these categories of personnel, who have a mandate to protect, and community members who may perpetrate gender-based violence.

The former calls for clear procedures in regard to behaviour management and complaint response, and for the mainstreaming of PSEA activities within government departments, UN agencies and NGOs and their cultures. The latter calls for a long-term (generational) paradigm shift in sexual

¹⁸ Though women and girls are most often the victims of SEA, documents also indicate SEA of boys.

¹⁹ Various references detail perpetrators as potentially having a variety of different backgrounds/roles, including community leaders, teachers, pastors, shopkeepers, peacekeepers, national and international employees of UN agencies and NGOs, neighbours, relatives and other people known to the victim.

²⁰ CEDAW/C/LBR/CO/6. Concluding Observations of the Committee for the Elimination of Discrimination against Women, 20 July–7 August 2009.

attitudes, practices and social relations, which is more likely to come about as a result of a combination of vertical PSEA programmes, mass education and a robust policy environment.

In describing the progress made, this study reflects on both aspects of PSEA activity, as provided in the document review and in respondents' comments. However, the greater emphasis has been made on PSEA because change needs to be demonstrated more rapidly than is likely to occur with changing community attitudes towards violence and women, which will likely take a generation to alter.

In looking therefore at the context in which SEA can thrive, and in understanding the progress on prevention and response activities, it is important to gain an understanding of the spread and coverage of government representatives working on the issue of PSEA and of UN entities and national and international NGOs across the country. Lastly, it is important to understand the extent to which these agencies have direct contact with communities and potential beneficiaries.

Government and local authority structures have a presence in all 15 counties of Liberia, though with different levels of resourcing and capacity. For example, County Gender Coordinators (CGCs) exist in all 15 counties, some sitting within the County Superintendent's office. However, others do not have access to transport, office facilities or a phone. Montserrado county stands out as the best resourced to date, with additional resources such as the Criminal Court E facility and the Sexual and Gender-Based Crimes Unit. Both of these initiatives are being piloted before replication elsewhere. The Sexual and Gender-Based Crimes Unit seeks to progress cases to court (ensuring the appropriate gathering of evidence and supporting the police logistically to achieve this). It also provides support to victims through the judicial process, with an important out-of-hours telephone hotline at the case intake point and counselling and medical services during investigation.²¹

These two resources of the Court and the Sexual and Gender-Based Crimes Unit are evidence of good practice in starting to tackle some of the major obstacles described as deterring people from reporting incidents of SGBV.²² These obstacles include delays in the judicial system (the indictment process can be lengthy but, once it is completed, Court E is, in theory, able to progress cases much more quickly than might usually happen, meaning that a more timely response is provided to both the victim and the alleged perpetrator). Similarly, fears about security have been expressed as an obstacle to reporting.

However, the Sexual and Gender-Based Crimes Unit can identify with victim the risks they face and assist them in finding somewhere safe to stay through referral to local NGOs. Where people have the means,²³ they can also use the telephone hotline, which means that they are not as dependent on 'gatekeepers' of services as they might otherwise be. While the Sexual and Gender-Based Crimes Unit and Court E therefore provide a basis for an improved judicial process in the long run, the ambition of the two resources is yet to be fully realised, and currently prosecutions still take time to reach conclusion.

However, it is notable that the focus of the Sexual and Gender-Based Crimes Unit is on rape, and not all cases of SEA involve this. It therefore means that only a proportion of victim of SGBV will gain from these augmented services at the current time. It is, however, possible, that with further funding, and significant investment in additional human and physical resources, the Sexual and Gender-Based Crimes Unit might not only expand geographically but also in terms of the scope of offences that it covers.

Although a mapping of agency activity was completed in 2008, this needs updating. There is currently no comprehensive or accurate mapping of all agency protection activity across Liberia's 15 counties,

²¹ With access to two special medical police units.

²² 'To Complain or Not To Complain: Still the Question', HAP, 2007.

²³ No analysis of this was undertaken within the scope of this study, but it is an important element to consider further.

although at the time of this desk review it was proposed by various respondents that this should be completed. There is, however, a mapping of response actors (such as the police, health service bodies and legal services), which has been completed by the Norwegian Refugee Council (NRC) and Liberia's Ministry of Gender and Development (MoGD). The absence of an accurate picture is due to an ever changing situation, as funding streams conclude and new projects and initiatives come on stream.

In theory, all agencies working in the field of PSEA, whether preventive or response-based, are required to inform the MoGD of their plans for coordination purposes (including submitting annual workplans to the Ministry). This is in addition to the requirement for agencies to gain approval from line ministries, such as the Ministry of Health and Social Welfare, to carry out their activities. In practice, this reporting and collation of detail appears incomplete. This has obvious implications for coordination and for a systematic offer of assistance to anyone affected by GBV and SEA nationwide, and is an issue already recognised by stakeholders working to improve PSEA. A mapping process has therefore been instigated, and this will need to be institutionalised to ensure that it can be maintained in the longer term.

UNMIL has a peacekeeping presence in each of the 15 counties, and the UN, as part of its 'One UN' integrated mission approach, shares joint offices in three locations between mission members and UN agencies. These shared offices are coordinated by a Head of Field Office (HoFO), who is the most senior UN representative in the field, and as such is responsible for all elements of PSEA related to the office functioning. Agency focal points within the office deal through their own agency management lines with issues related specifically to their own staff.

Various respondents considered this united approach to be an important element of the success achieved to date, not least because it demonstrates the UN working as a system rather than as a collection of agencies, with a single vision and a single message. On a practical level, it allows for a greater reach by smaller agencies, which may not be in a position to have a field presence without this rationalising of resources. At the same time, it should be noted that United Nations Country Team (UNCT) entities are present in only eight of the 15 counties, and for several their interaction with communities is indirect, as the work is mediated through contractors, line ministry representatives or staff of implementing partner NGOs. This makes the emphasis on ensuring that partners and contractors comply with PSEA standards equally important. It also means that in many counties the Mission is the primary contact point for communities.

Although national NGOs and INGOs can be identified as working to varying extents in all 15 counties, the actual coverage of potential beneficiaries across the whole of Liberia is patchy. This is because many of the smaller agencies work at a more localised level, covering a few villages in a county rather than all communities in any one county. This gives them the scope to work in depth with communities in a way that some of the larger agencies may not manage, but it also means that their reach is a great deal more limited and that their activities do not cover the whole county. For government representatives responsible for ensuring equitable coverage of protection against GBV, it is important to know the extent of coverage that any one agency is able to achieve in a particular administrative unit, in order to coordinate other agencies' involvement in protection.

While the above refers largely to all agencies as a whole, complaints are made at individual agency level. There is no inter-agency complaints mechanism. The success of the system as a whole in responding to PSEA is therefore dependent on how each individual agency responds to complaints.

As such, an agency's mandate and proximity to the communities from which complaints may emerge are important factors in considering the overall efficacy of the system to protect vulnerable people. Where a number of agencies are located remotely from communities, or are mandated to work at a higher level of activity (e.g. national policy or campaigning), they will receive fewer reports simply because they are not in such close proximity to beneficiaries. This then presents a challenge to the

whole system in Liberia on how to address this issue and ensure that communities have the access they need to make complaints (see Response section below for how agencies are addressing this problem).

2.5 Implementation of PSEA obligations under the four pillars

2.5.1 Management and coordination

An established, robust structure for management and coordination of PSEA activities has evolved in Liberia at both the national and county levels (see Annex 7). This appears to be based on strong leadership and close coordination between agencies. Under this pillar, Liberia provides a very positive example of good practice in management and coordination. This section describes the coordination structure and then gives some analysis as to how this evolution process has taken place.

At the national level, two coordination bodies have been established: the Gender-Based Violence Task Force, which is chaired by the MoGD, and the UN-chaired In-Country Network (ICN). The latter was established through the HC and a committed group of UN and NGO leaders.

The GBV Task Force comprises Ministry focal points, members of the police and judiciary, UNCT and UNMIL focal points, and national and international NGOs. Previously the Protection Core Group, established in response to the needs of displaced and refugee populations under the leadership of UNHCR, undertook similar activities to that of the Task Force, but this has now been incorporated within the Task Force to avoid duplication. The Task Force focuses on the coordination of operational plans regarding GBV activities. Its primary focus is on all forms of GBV and, more recently, on teenage pregnancy.

The ICN comprises heads of UN agencies, UNMIL representatives and international NGOs and is an autonomous body that meets quarterly to agree policy and procedures for PSEA to be recommended to the Task Force. The ICN has three working groups: the SEA group is a standing committee which meets monthly around the specific function of creating awareness in communities, while the Monitoring and Reporting group and the Coordination group are ad hoc bodies, formulated on an 'as needed' basis and tending to be more task-orientated.²⁴

The SEA working group of the ICN emerged from a campaign undertaken in 2006 to raise awareness nationally. It has continued (co-chaired by the UN PSEA coordinator and the MoGD), with the agreement of the GBV Task Force because of its value in continuing to promote awareness and highlight the need to address SEA issues. Although this is a working group of the ICN it has a dotted reporting line to the GBV Task Force.

Activities carried out by the ICN working groups are by agreement with the GBV Task Force and the ICN. For example, the 2009 monitoring report 'No Borders', which reviewed vulnerability to SEA in border counties, was endorsed by the GBV Task Force.²⁵

The role of the PSEA Coordinator has been a critical one, evolving from a long-term assignment in response to the original disclosures in the 2002 Save the Children UK report into a fixed-term contract and, at the time of this review, a UN Volunteer (UNV)-funded position. Despite the fluctuations of its funding base (and reflecting possible priorities as a result), the role has played a pivotal function in supporting UN agencies in the implementation of their PSEA obligations. It has also played a key liaison role with INGOs and GoL representatives. It has therefore provided the humanitarian system with a resource that has been key in ensuring dedicated time to consider and follow up on tasks and activities agreed through the ICN and, where relevant, the GBV Task Force.

²⁴ For a graphic representation of the network's structure, see Annex 7.

²⁵ 'In-Country Network Assessment into Sexual Exploitation and Abuse of Women and Children in Border Communities in Liberia', February 2009.

It has recently been agreed between these two bodies that SEA should fall within GBV planning and implementation, to ensure a more streamlined approach to each and to avoid replicating too many different entry points into the issue of SEA. In terms of the value of merging SEA with wider GBV activities, it appears to have resulted in a general mobilisation of effort and coordination across agencies. However, there is also a risk that it dilutes the focus needed on staff behaviour and agency standards as a result (see under Response pillar below).

At the county level, the GBV Task Force is the primary coordination body, through the County Gender Coordinators (CGCs). As indicated above, the CGCs have different levels of capacity and resources and this impacts to some extent on the effectiveness of coordination. Nevertheless, at the county level there are a few good examples of engagement of community members in the coordination structure for PSEA through Child Welfare Committees (CWCs).²⁶ However, interviewees from both the UN and NGOs have identified difficulties sometimes in linking up between field network coordination and coordination at the national level. For example, the CGCs report to the GBV Task Force, while UN agency focal points report through their agencies. This sometimes leads to duplication and to potential inaccuracies in figures, since there is as yet no common database to ensure that accurate records of SEA prevalence and response are maintained. This means that information received at the national level of the ICN may differ from the information forwarded through different channels by the CGCs (see below for how the GoL and UN and NGO agencies are attempting to address this issue).

In terms of the way that this robust structure for management and coordination has evolved, three successful elements appear to have been catalysts: leadership, creation of a common culture and willingness to explore and debate strategies.

In the area of leadership itself there are also three key factors. The visible commitment of the GoL and of the most senior levels of UN leadership to improving prevention of, and response to, GBV and SEA has been commonly identified as the single most important factor. For example, the Government's commitment to statutory provisions to enhance prosecution of cases of GBV, including passing legislation on rape, has provided the policy environment necessary for change. While there are still areas that need further development and application, the commitment to change has been an important leadership component.

Secondly, the Humanitarian Coordinator's commitment to the issue of PSEA, demonstrated by establishing the ICN, the provision of the PSEA Coordinator and follow-up through regular reminders of zero-tolerance messages year on year, has provided leadership that has been both strategic and practical.

Thirdly, the collective leadership was consistently profiled by respondents as being important, not least for the vision of change that it has promoted – a vision around which agencies can mobilise and work. This has in turn been supported by strong commitment by the majority of UN and NGO agencies through the ICN, and by other actors through the GBV Task Force. It is also notable that some respondents felt that the momentum of this leadership had diminished with personnel changes. Several respondents cited the importance of the most senior manager for each agency continuing to attend meetings, rather than delegating this duty to personnel who may not be in a position to take decisions.

The shared activity and the development of a common culture on PSEA amongst agencies around the work and the collective drive for change has seen the beginning of a dialogue about PSEA issues between different agencies. This dialogue appears to have led to a willingness to share joint work – for example, the GoL and the UN have five joint programmes, two of which incorporate SGBV and SEA – and to the establishment of a comprehensive coordination structure at national level. Overall,

²⁶ The International Rescue Committee (IRC) supports CWCs in Lofa and Nimba. Each committee comprises two children, four men and four women, and is supervised by the CGC. They are responsible for reporting abuses against children in the community. SCUK also supports CWCs in some communities.

this has resulted in the reinforcement of the same messages regarding PSEA, though engagement of other actors such as the police is still needed. This cooperation has largely been achieved by the coordination bodies cited above and is due to the leadership demonstrated by government representatives and UN/NGO representatives.

The willingness of GoL representatives, and senior managers of UN and NGO agencies, not only to provide leadership but also to engage in exploratory discussion and debate through the various groups and bodies has been important in that it has contributed to setting the strategic direction of protection activities on SGBV in Liberia and has allowed senior managers to develop their own thinking and analysis of the issues and provide leadership to others. This has taken place formally through the ICN and the GBV Task Force, and informally as conversations have been continued outside the formal meeting structure. This process has required senior managers to make time, and this has been challenging for some. Concern was also expressed that there would be a risk in the future that this dialogue would cease as key personnel left, and yet the critical importance was strongly underlined of having senior managers at ICN meetings to create a confidential and secure environment within which to tackle difficult and sometimes sensitive subjects. The absence of such an environment was seen by respondents as an inhibitor to progress on PSEA issues.

In addition, a critical factor in achieving good coordination also highlighted by many respondents is the presence of a dedicated coordination position on PSEA sitting within the office of the Resident Coordinator to provide coordination at the UNCT and UN Mission levels and also in relation to working with NGOs and, where appropriate, ministerial departments. Although previously a dedicated staff role, this post is currently funded by all 16 of the UNCT entities as a United Nations Volunteer (UNV) position, as it cannot be centrally budgeted. Several respondents highlighted the importance of this being a core role in the future, rather than a UNV post. The critical nature of the role lies in providing the humanitarian sector in Liberia with a dedicated coordination capacity reporting to a senior level, ensuring both time and capacity to operationalise strategic intent, and recourse to a senior level when difficulties in operationalising plans for PSEA may emerge. It is arguable that the fact that it is a UNV role rather than a paid staff position reflects a more limited commitment to funding, however.

Liberia was originally selected for inclusion in this review because it is seen as having achieved some good progress in certain areas of the PSEA obligations. It may be that this perception of success is the visible and strong coordination structure and its ability, as a result of this, to generate relevant country procedures and protocols rapidly. However, in terms of the impact this is having on beneficiaries' lives, this remains to be seen. There is a need to ensure that this strong coordination results in real changes on the ground, where SEA is a potential risk and where beneficiaries interact with the service provider directly.

2.5.2 Community engagement

The first minimum operating standard referred to in the draft Minimum Operating Standards – Protection from Sexual Exploitation and Abuse (MOS–PSEA)²⁷ is the engagement of communities in developing an effective complaints mechanism. Indicators of this include quarterly trainings of the community and records of reporting, as well as the feedback mechanisms in place for the community.

In Liberia there is general agreement that the involvement of the community is insufficient to date, that the community comprises many heterogeneous parts and that more needs to be done to implement a complaints mechanism at the community level. However, also expressed in the course of this study was the view that it is important to be clear what can be offered to the community, before setting up engagement processes which may raise expectations and then result in disappointment. The development of the standard operating procedures (SOPs) and internal protocols are seen as good precursors to engaging the community further.

²⁷ February 2009. See Annex 3.

There is, however, evidence of good practice in how to engage communities that could be further built upon to roll out a complaints mechanism at the community level. Save the Children UK involved children in the development of its code of conduct as well as its complaints mechanism; NRC and IRC both work with Children's Welfare Committees to involve children as well as adults in monitoring abuse within the communities, and the Community Empowerment Sustainable Programme (CESP), an NGO that works with volunteers in the community, trained in SEA to do the same; UNHCR has developed mechanisms with refugee populations; and government line ministries have initiated a series of community forums to raise awareness on GBV and to engage communities on making complaints if they need to. UNMIL has also deployed a Liberian consultant in communities to sensitise them on SEA issues. Interviewees reported anecdotally that, arising from the closer engagement at community level, more reporting has emerged from communities where sensitisation has taken place. Lastly, the SOPs that have been drafted were due to be presented to community leaders by mid-2010, to solicit feedback and amend them as necessary in line with community proposals. This will serve to ensure that there is more engagement with community leaders in the development of the SOPs.

Overall, there are isolated initiatives of community engagement but, with a few exceptions, the majority of these appear to consist of consultation rather than participation. The latter is difficult to achieve in the easiest of contexts, but is particularly difficult where the power imbalances are so marked. While the emphasis is clearly towards strengthening the involvement of communities and in particular locating complaints mechanisms at the community level, it will need a sustained effort to empower communities to take on a fuller role on this issue. There are, however, many structures already established within communities through which to do this, including women's groups, youth groups, children's parliaments (established to give children a voice in governance issues), religious groups, traditional leaders, etc. Linking up the focal points for the agencies with these structures under the coordination of the County Gender Coordinator will be an important milestone in this process. However, it will require dedicated time over a period of months if this is to be achieved.

2.5.3 Prevention

The focus of prevention activities with UN and NGO personnel has largely concerned awareness-raising and sensitisation through training. There has also been some training of GoL personnel from the health, education and police sectors in awareness of SEA issues. The training covers what sexual exploitation and abuse is, what is expected of personnel in the way of behaviour and reporting (should they suspect that exploitation is taking place) and maintaining a constant message of zero tolerance. It is difficult to know whether this training is effective, without a review of its content, baseline of perspectives prior to the training and analysis of the follow-through afterwards. However, respondents highlighted the training activities because they were seen as important first steps in raising awareness amongst service providers and responders. In some cases, such service providers were also seen as potential perpetrators and therefore the training was seen as an important message on prevention to participants.

The SEA working group has a workplan detailing training activities. One example is the training undertaken by UNHCR in three counties for representatives from the GoL, UN agencies and NGOs. This promoted inter-agency work and provided training opportunities for agencies with fewer resources to conduct such activities.

Nonetheless, training content and frequency of awareness-raising training varies from agency to agency where it is delivered internally. Some agencies ensure that all staff have training at the beginning and end of the year or twice within a year. In some agencies, FPs are responsible for ensuring that all staff have undergone training and for alerting the HR function or Head of Mission if a member of staff has repeatedly failed to attend a training.

A common practice across all sections of the UN and the majority of INGOs is the requirement that staff sign a code of conduct. This appears to vary in detail from agency to agency, although different

codes cover broadly similar content in terms of highlighting obligations under PSEA. Staff who wish to be exempt from signing a code of conduct are required to put their reasons in writing. Several respondents cited examples where staff members may refuse to sign a code of conduct, but were unclear (or did not know) whether staff who refused to do so were allowed to remain in their duty stations.

In the majority of agencies, besides the formal training undertaken by staff, there are many informal opportunities to remind them of the issue through staff meetings, field programme visits and particularly through annual radio broadcasts by the Special Representative of the Secretary-General (SRSG) and agency heads reminding staff of the zero-tolerance policy and of the Secretary-General's Bulletin (SGB).

The majority of agencies hold refresher sessions annually for their staff, though not all do so. As one respondent put it, it is impossible for someone working for the UN or an NGO with a code of conduct to claim ignorance of the issue – and all agencies interviewed had such a code, so it could be suggested that no-one could claim ignorance of the issue.

However, it is possible that there are some grey areas concerning some of the messaging, not least the fact that the SGB only 'strongly discourages' relationships between agency staff and beneficiaries – it does not prohibit them. This was an issue highlighted by several respondents. Some agencies have taken a stronger position, with international staff prohibited from having any sexual relationships at all with Liberians during the term of their mission, to avoid any confusion on what might constitute a relationship based on unequal power relations. Such differences of approach illustrate one of the continual challenges of effective PSEA intervention – that of the effective application at the operational level of policy and procedure, and the agency's reported limited monitoring capacity to ensure that management knows that such policy and procedure is being applied consistently. In the private domain of a relationship, it is more difficult to assess whether such a relationship is in reality one based on sexual exploitation and abuse or whether it is based on equitable power relations.

The GoL, with the support of UN agencies and national and international NGOs, has also carried out awareness-raising activities and training with the police, health workers, teachers (see examples of good practice below) and the judiciary to raise awareness of the issue of GBV primarily, but also of SEA by humanitarian personnel or government employees. A particular success of this initiative has been the production of common training manuals used by different ministries. However, the coverage of such training is not comprehensive and in general further training, particularly for the police, would be invaluable in terms of building the institutional culture change needed to ensure that appropriate responses to referrals are made.

While this point technically sits under the response pillar, it is referenced here to illustrate the fact that the pillars overlap at the field level: for instance, where a training may start with general awareness-raising, it may move on towards more technical training on appropriate responses as a service provider. The constant underlying message throughout all these awareness-raising and training activities, however, is one of prevention, in relation to the particular individual receiving training and their obligations as a duty-bearer in relation to PSEA.

Further examples of good practice include:

- The bringing together of UN heads of agencies and heads of INGOs for a two-day training on SEA in 2009. This was the first time such an extended senior-level training had taken place in Liberia. Respondents spoke highly of the training and felt that it helped to build a rapport between colleagues on the issue. Ensuring that management at the highest level have an opportunity to reflect on and develop their thinking on the issue is of critical importance in ensuring that there is engagement and ownership of further work undertaken by focal points, etc. and in ensuring that a strategic and system-wide approach is taken to the issue. However, for such activities to be effective, it is important that reflection and dialogue are turned into practical application – again

where the beneficiary interfaces with the service provider staff member or implementing partner. It is not possible to comment on whether this has happened as a result of this training at this point.

- Bringing together different responders²⁸ – police, health providers, judiciary, NGOs – has been seen as a good opportunity to understand roles and responsibilities as well as to start to forge the concept of a Sexual Assault Response Team (SART). While this is a relatively new idea instigated by NRC with the GoL, the intention is to enable responders to network together, support one another and begin to build improved referral mechanisms between their different agencies.
- Efforts have been made within UNMIL to find innovative ways to train military personnel, for whom education levels may be low and therefore for whom training methods need to be more engaging and not overly reliant on literacy. An induction film²⁹ has been made tailored to the Liberian context and role-plays are used alongside this in training. A particular challenge for the Mission is the fact that peacekeepers arrive in large numbers and rotate every six months.³⁰ The short changeover period between contingents means that there is limited time to undertake training in Monrovia before personnel are deployed to their stations around the country. This has meant that a focal point ‘cascade’ training system has had to be developed, where FPs for each military contingent are trained in the messages and methods of the training, and then roll this out in their field stations. While military personnel tend to have time to attend only one three-hour training session, civilians can return for refresher courses. A risk with this approach is that the roll-out may be patchy and may depend on battalion leadership and commitment to allowing the FP time to deliver the training. However, it could be a methodology to replicate elsewhere to maximise the roll-out of training and to ensure that more remote areas and personnel in other agencies, for whom literacy may not be strong, are also benefiting from such an approach.

Besides training, several other prevention methods are being developed. The UNCT is beginning to use a combination of two tools for risk assessment. The first of these is a checklist developed in Kenya as an organisational audit of progress on implementing PSEA obligations under each of the four pillars. This was at an early stage at the time of this review, and it remains to be seen how it will be used to establish a baseline and action plans on PSEA implementation. The second is a programme tool to assess risks in programme interventions and to consider mitigations for these. Currently the application of these tools is limited, but respondents aware of the tools considered that they provided a useful basis from which to plan PSEA prevention activities with staff, as well as ensuring that mitigation of potential risks – for example, in food distribution – is mainstreamed into programmes.

In terms of wider prevention activities that might start to address underlying structural issues contributing to women and children’s potential vulnerability, such as addressing poverty, tackling cultural attitudes, challenging inequality and reducing peer pressure, all respondents indicated that while all of these are important, this is not an area that is highly developed or necessarily fits well within agency mandates and capacities. However, some agencies with broader relief and development mandates are implementing programmes that provide opportunities for economic empowerment through skills training. In addition, efforts are being made by the Ministry of Education to ensure that girls vulnerable to SEA due to poverty have an opportunity to receive school scholarships, which in some cases also cover living costs. Five thousand such scholarships, of varying values, are available over the next 2–3 years.

Although the UN has five joint programmes with the GoL that cover SGBV, economic empowerment issues and institutional capacity-building at the county level, these have not yet made the link between poverty and sexual exploitation. While some respondents involved in these programmes indicated an intention to see how such links could be made while working with women’s groups on

²⁸ NRC and the MoGD undertook a recent event that brought providers together as part of the roll-out of a new referral pathway.

²⁹ <http://www.youtube.com/watch?v=mtmKP7s3YCE>

³⁰ At the time this study was undertaken, there were just under 14,000 peacekeepers and civilian staff and police in Liberia.

both economic empowerment and on awareness-raising of GBV, there was general acknowledgement that this still requires some work.

There is, in addition, a widely held view that prompting debate and dialogue in the public arena is an important way of starting to challenge negative attitudes towards women and girls – a prerequisite to sustained, longer-term change. While there were different views about the use of mass media methods, there was a common view that the most effective way to change attitudes and behaviour was through direct contact, particularly with opinion leaders such as traditional leaders, senior government officials and other influential people. There does not, to date, appear to have been a collaborative effort to take this forward, however.

Although the UN has developed a series of excellent targeted jingles³¹ transmitted on UNMIL's radio station as well as on community radio stations, and agencies such as NRC have distributed leaflets, there are no quick fixes to changing people's perceptions and attitudes. Mass communication materials alone are insufficient to achieve such attitudinal changes and, as the critical decision-making tool mentioned above demonstrates, considerable time needs to be invested in such attitudinal change.

In addition, significant points raised during interviews are the extent to which sensitisation activities can be kept fresh, the importance of reinvigorating these activities and the challenge of avoiding awareness-raising fatigue. This is not to say that ongoing sensitisation and training is not of critical importance, but that continued learning is needed about what works and what can be improved, based on more targeted monitoring of intended outcomes.

There are, therefore, some positive examples of activities aimed at preventing SEA. However, it is difficult to assess how effective these have been. This is because it is difficult to measure prevention, i.e. what has not happened or what has been prevented from happening. Many of the indicators that agencies appear to be using to measure the success of this work are output measures, such as numbers of trainings delivered. They do not on the whole measure outcomes such as whether people's attitudes to sexual exploitation have changed. This seems to be a serious gap in the overall system-wide response in Liberia that needs to be addressed rapidly, if there is to be any confidence that this combination of creative and innovative work is worth the investment of time, finance and personnel for communities where beneficiaries come into contact with service providers and their implementing partners.

2.5.4 Response

In spite of the efforts described above, it is apparent that reporting of complaints by community members remains relatively low, despite the fact that there is considerable evidence that SEA and GBV continue to be highly prevalent in communities.³² Currently access points for community members to make a complaint against a member of staff vary from agency to agency. Complaints boxes, contact numbers and email complaint mechanisms are all offered to varying degrees. In addition, senior staff undertake field visits to provide an opportunity for community members to make complaints should they want to. Agencies attempt to communicate widely that assistance is free, that complaints will be treated confidentially and that they will be investigated even if they are anonymous. Lastly, communities are told that Country Representatives are available for anyone to make a complaint if they need to and that they can go to whomever they feel most comfortable with to make the complaint.

In practice it depends, as indicated earlier, on whether a community member has the means to make a complaint, such as:

³¹ Available on the UN/PSEA website: <http://www.un.org/pseataaskforce>

³² Low reporting levels make it difficult to assess whether SEA by UN and NGO personnel has decreased or is simply not being reported.

- Access to a telephone;
- Access to the internet;
- Confidence to speak with a senior manager when the manager is visiting the project site;
- Assertiveness to manage potential pressure from the community to manage the issue internally;
- Ability to get beyond the staff 'gatekeeper' as the first point of contact;
- Knowledge of who the focal points in agencies are and access to speak with them periodically.

As an example, in testing out how easy it is to make a complaint via email, the three agency web pages for which this should have been possible were tested, and it was not apparent to the consultant how to actually make the complaint. This, plus other well-documented factors such as a lack of confidence in the system and concern about reprisal, all appear to be issues that make community members reluctant to report.³³ In addition, if the exploitation is providing a beneficiary with some financial or material benefit, then they may not want it to stop and this can also be an inhibitor to reporting.

Although broadly similar, each agency has a slightly different system for how beneficiaries should log a complaint. When agencies do receive complaints, each has its own system for investigation, though again these follow largely similar principles concerning confidentiality, involvement of external advisors or managers in assessment and decision-making, depending on the seriousness of the complaint. There is also an effort to remain 'victim'-centred throughout in terms of ensuring that the victim has medical assistance and is safe.

One agency, as part of an investigation plan, undertakes a risk assessment at different stages of the investigation to ensure that the victim's needs for safety, security and support are being met. Some agencies leave it to the victim to decide whether they want to refer the case to the police or not, others automatically report the case to the police. For communities experiencing support from a number of different agencies, these differences may be confusing. In addition, the degree to which the agency investigation system is clear to personnel appears to correlate with how frequently complaints are received and to what extent the complaints are followed through internally or through an external investigation capacity.

There are some notable differences in terms of who investigates the complaint and what level of training they may have had to do this. In one agency, a senior member of staff is trained at the HQ level to undertake investigations, ensuring consistency against agency protocols. In several agencies, senior staff are trained in-country to undertake investigations, while for some agencies the investigation is automatically handed over to an internal investigation unit, or to the UN Office of Internal Oversight Services (OIOS). However, a reduction in the numbers of OIOS personnel in Liberia (from six to two) has meant that complaints may have to be referred back to the Mission for follow-up. Internal investigations raise many issues of confidentiality and objectivity, and some agencies have opted to establish a peer investigation process that means that they can rapidly call on another agency's trained investigation staff for assistance, to counter these concerns.

The outcome of the investigation is likely to remain confidential in all cases to the agency and the alleged perpetrator and to the complainant. A review of the Secretary-General's Special Measures report for 2008 gives a global picture of trends. Over the preceding three years, the trend of complaints reported decreased, with 15 complaints received in 2008. One of the issues raised by complainants and personnel was the value in making the outcome of these investigations more transparent. This is clearly a difficult issue for the managing agency, as it is required to balance a duty of care as an employer with providing victims with evidence that clear action has been taken. In

³³ 'To Complain or Not Complain: Still the Question', HAP, 2007; 'No One To Turn To', SCUUK, 2008.

reality, the duty of care to provide a member of staff with confidential disciplinary proceedings overrides the responsibility to demonstrate to a beneficiary the action that has been taken.

One proposal has been to disseminate a more in-depth report at a senior level, rather than a global picture to all, that provides managers with the opportunity to learn from other case examples, as well as to track the trends themselves in-country. Another is that greater levels of transparency of robust action would enhance confidence that the system is effective. This, in effect, is suggesting that examples need to be made.

Despite the above constraints, a number of initiatives are underway in Liberia that demonstrate emerging good practice in response. These have derived from discussions on the Victim Assistance Guidelines³⁴ and how to ensure that these are appropriately implemented. The first of these is a draft protocol for the ICN on inter-agency referral that allows agencies to retain their autonomy for investigation while standardising referral between agencies. This should address some of the potential confusion for communities linked with different agencies. Standard operating procedures, based on UNHCR's work with refugees but adapted to the Liberian context, have been developed and agreed at national level by the GBV Task Force. These cover all aspects of the roles and responsibilities of different actors in preventing and responding to GBV, including SEA, and highlight particularly the importance of the role of the community in assisting this work. This is an important first step to ensuring an inter-agency response to a victim's situation and, it is hoped, eventually a more consistent and comprehensive response to their needs.

Several NGOs are using the ICVA 'Building Safer Organisations' handbook.³⁵ This essentially highlights good practice in investigation, with a particular emphasis on maintaining the security, safety and well-being of interviewees during investigation, using checklists at different points in the investigation to assess the status of the potential interviewee under each of these areas. Lastly, several agencies take very practical steps to safeguard their staff both from being potential targets of GBV and from false allegations. For example, women are posted in pairs in field stations and male drivers transporting female beneficiaries or children are always accompanied.

A number of difficult areas were identified that agencies still need to work through. For example, some respondents felt that beneficiaries may not feel able to report incidents because they have to first get past the field staff about whom they may wish to make the complaint, or they may feel that the field staff will protect colleagues rather than listen to the beneficiary's concerns. Complaints processes vary between agencies, but typically involve a beneficiary making their complaint verbally or in writing through field staff or more senior managers. However, access to these more senior managers may be perceived by beneficiaries to be difficult, and therefore may leave them only with the option of referral through the very field staff that they may wish to complain about. In effect, field staff may be seen as acting potentially as 'gatekeepers' to complaints and this may be offputting to beneficiaries. While activities such as complaints boxes were cited as ways of dealing with some of this, the beneficiaries' perception of access, as much as the reality of it, is significant in the efficacy of PSEA.

On a different note, it may conversely be necessary to support staff through the process of an investigation where the allegation may be false; and lastly, it is not always clear how to advise Liberian staff on how to demarcate the line on acceptable and non-acceptable relationships with other Liberians. All of these points illustrate the real challenges of PSEA at the operational level, where the reality of policies and procedures are most important. They highlight the need for a continual process of reflection, dialogue and action amongst senior managers to ensure effective PSEA interventions.

³⁴ The ICN identified four components needed for the successful application of these guidelines, including incident referral; mapping of service providers; a communications strategy for roll-out; and funds for specific aspects of the guidelines. The Victim Assistance Guidelines can be found on the PSEA taskforce website: <http://www.un.org/pseataaskforce>.

³⁵ <http://www.reliefweb.int/rw/lib.nsf/db900SID/EGUA-6ZGNTX?OpenDocument>

Lastly, a referral pathway has been agreed, initiated by NRC and the MoGD, that will provide more systematic support to victims as they make a complaint through the system. The pathway is based on a poster with pictures denoting the police, health worker, psychosocial support worker and legal advisor as primary providers of assistance. The posters are discussed with communities through a series of grassroots briefings. This enables the community to know specifically where each of these four providers is located in their area. This information is then completed on the poster and the poster is distributed in different venues to advertise to the community their rights to free assistance and where to go if they need to make a complaint. This ensures that the information on the poster is specific to the county and accurate in terms of what can be provided, and that community members are aware of the advice. To date, 60,000 posters have been produced for distribution. In theory, this initiative should prevent community members being told to go to the wrong resource, and serves to underline to service providers their role in response.

As an example of the extra support that may be needed for beneficiaries at the response stage, one agency has developed a critical decision-making tool as part of a package of support to women who have experienced SEA, which helps them reflect on whether making a choice to submit to SEA will be an overall beneficial choice for them despite any immediate financial benefits that may result. Such a tool illustrates the time that needs to be invested to support victims of SEA to see alternatives in their situation. The difficulty of this, when there are few alternatives, should not be underestimated.

In addition, a numbered recording system has recently been introduced that will enable a victim to report to any one of four providers, receive a unique reference number and then present this as they are referred on for additional services. Overall the intention is to ensure that this system provides a more comprehensive and smoother service for victims. It also has the added value of providing a check on MoGD data collection and analysis, to avoid the duplication of entries when people are not cross-referenced between different providers. In the long run, this should provide a more consistent and clearer picture of referral and take-up of services.

However, it remains a challenge to standardise the collation of data into common formats, as well as to be clear what information is actually required. Some work has been done on this with the development, for example, of standard medical forms. However, because this approach is being tested as a pilot, so far only health staff in three counties have been fully trained on the case management of referral, completion of the form and appropriate medical intervention with PEP kits, etc. There is a plan to roll the training out further this year, but this will require rapid planning to ensure that it can happen before the rainy season, as access to more remote areas is extremely difficult at this time. Thus, while in theory there are sufficient PEP kits in-country, supplied by UNFPA, their distribution is currently limited to those areas where health staff have been properly trained on their use – meaning that in many areas they are not available.

In terms of internal UN and NGO data management, there are variances between agencies in record-keeping. However, some aspects are standardised, such as the case intake form based on the IASC guidelines. The extent to which all personnel are familiar with, have access to and are using these forms is not known, however, and there is room for further training in this area. In terms of record-keeping of the outcomes of investigations for future reference, the Department of Peacekeeping Operations (DPKO) has a protected internal Misconduct Tracking System that provides information on complaints made against personnel, investigations undertaken and the outcomes of such investigations. This should provide a good base to ensure that a Mission member found guilty of an allegation of sexual misconduct is not redeployed in the future. However, a continual message needs to be given to countries contributing troops that identification of such personnel in order to prevent them from being redeployed would not reflect adversely on the troop-contributing country and would not therefore jeopardise the possibility of its troops being accepted in the future.

All of the above initiatives remain at a very early stage of agreement and application. They are indeed excellent illustrations of collaborative efforts to bring together GoL-led initiatives on GBV within

communities and agencies' activities on prevention and response to SEA within their own structures. However, it will take considerable roll-out, monitoring and consolidation of each of these initiatives before the impact is felt by communities. It was not clear from the discussions held the extent to which plans are already in place for each of these areas, or are still to be developed, particularly in terms of monitoring and consolidation. It is also not clear what long-term funding is available, either from external donors or from the GoL, not only for the initiatives themselves (e.g. a rolling training plan for health staff to allow for the changeover of personnel, rather than one-off training) but also for the very basic logistical needs that are still apparent, such as transport as a basic provision for service providers where required.

2.6 Conclusion

There are a number of initiatives that have been developed and are being implemented in Liberia to begin to address PSEA better. These are set within the broader framework of sexual and gender-based violence, and include an enabling political environment that seeks to reduce broader GBV within communities with a combination of awareness-raising activities, stiffer penalties and more effective judicial processes. This has combined with leadership at the senior UN level to carry through the mandate given by the Secretary-General of zero tolerance to SEA, and of promotion of more effective response and assistance to victims. Coordination and collaboration appear to be hallmarks of efforts to join up initiatives which, while often started by individual agencies, appear to be adopted and supported quickly by others. Systematised and standardised procedures, such as the signing of a code of conduct, regular training with refresher courses and the appointment of agency focal points, have provided an institutional framework within which PSEA activities can be carried out.

Innovative approaches in response include the establishment of a Sexual and Gender Based Crimes Unit, Criminal Court E and the referral pathway; these are bold steps taken, albeit each needing further development. All of them potentially give a message to community members that GBV and, within this, SEA is being taken seriously. However, policy initiatives of this nature need to be implemented by the bodies tasked with delivering them, such as the police, and there still needs to be further progress in this respect.

Some significant gaps remain. Besides the limited number of judicial actors trained, available and committed to expedite these special initiatives, at the community level there are gaps in engaging communities in building the complaints mechanism and in communities' access and willingness to make complaints. Monitoring and reporting of progress against outcome rather than output indicators is limited, with no clear overarching picture on progress and no agreed indicators across the sector. Some agencies have been able to undertake monitoring at project level, however. For agencies working in partnership, an absence of monitoring is particularly important as it means that, while they may require contractors and partners to sign a code of conduct, there is no real measure of whether the code of conduct is being adhered to.

Similarly, good initiatives have been established on response issues, but these need to be consolidated. A particular area that has not been fully addressed is the application to date of the Victim Assistance Guidelines, not least because further discussion is needed within the ICN on their implications.

2.7 Recommendations

A number of areas have been identified by respondents for future prioritisation if progress overall is to be sustained. In response to this, it is therefore recommended that the following actions should be undertaken:

- Engage more closely with the community, to make the complaints mechanism accessible at a lower level, and to work with communities in partnership rather than as recipients to ensure that they are empowered to play their full role in PSEA activities.
- Identify champions from within traditional leadership structures within communities to support the process of engagement with communities.
- Establish closer collaboration at a higher level through co-chaired Ministerial meetings that bring together the GoL, NGOs and UN entities to collectively take forward prevention and response activities.
- Finalise the referral and response protocols as soon as possible – the ICN protocol and the SOPs with community input to ensure a more systematised, standardised and consistent approach to referral and response.
- Roll out the intended monitoring plan that includes field assessment monitoring, as well as monitoring that is more targeted at outcomes of prevention and response activities, involving communities in defining these outcomes more clearly.
- Feed lessons from monitoring activities back into PSEA workplans to ensure that they remain relevant to the changing context and needs
- Implement and consolidate new initiatives – data collection, unique referral number roll-out, inter-agency networking – that allow for better management of response across the 15 counties of Liberia and closer monitoring of the level of reporting and referral.
- Establish a dedicated coordination post that is funded on a full staff basis to ensure that the right level of technical capacity is assured for this work, rather than through a UNV position.
- Establish an inter-agency funding pot for small amounts of emergency assistance for immediate logistical and subsistence needs in the management of a response.
- Establish a fund from core funds to provide assistance to children born out of SEA.
- Consider how outcomes to complaints can be made more transparent to victims.
- Ensure that proven breaches of the code of conduct are subject to the mandatory dismissal penalty.

There is no doubt that many challenges lie ahead in terms of taking the positive initiatives that have been developed and in following these through consistently across all agencies, sectors and locations throughout Liberia. However, the indication is that a strong foundation has been established and, if the enabling environment that has been created is sustained, there is no reason why the accelerated pace of change taking place in Liberia on these issues should not continue.

3. Democratic Republic of the Congo Country Mission (1–12 March 2010)

Moira Reddick, Elizabeth Hughes, Ngassam Tchaptchet

3.1 Summary

This country report forms part of the data-gathering undertaken to support the production of the global Protection from Sexual Exploitation and Abuse (PSEA) Review, which was commissioned in July 2009 by the Inter-Agency Standing Committee. The mission to DRC took place during March 2010. Information was gathered through a mix of workshops with the PSEA network, one-to-one semi-structured interviews with Heads of Agency and PSEA Focal Points and focus group meetings with agency representatives, partner representatives, civil society group representatives and refugee representatives at field level.

Previous reviews have concluded that in the DRC there was a high risk of sexual exploitation and abuse and PSEA Focal Points consulted on this matter in 2010 agreed that this continued to be the case. The challenges of ensuring effective PSEA activity and coordinating this activity in a country the size of the DRC should not be underestimated. The UN has a complex presence in the country with a turnover of 250,000 personnel during the last four years. This may be one reason why humanitarian agencies have, in general, not managed to institutionalise PSEA or to build upon past experience and retain lessons.

MONUC personnel from the Force Commander down see PSEA activities as a priority and reinforcement of the PSEA message as a key responsibility. The Conduct and Discipline team is well resourced to support PSEA implementation. The humanitarian agencies (UN and others) do not place the same priority on PSEA activities. This is for a variety of reasons including the fact that they had not been receiving complaints, a lack of capacity, initiative and priority overload, and the frequently repeated belief that the SEA problem was largely a MONUC problem.

The review found there to be little progress in agencies' internal roll out of PSEA policies and procedures. More needs to be done to ensure that these responsibilities are understood both by managers and by Focal Points. Both managers and Focal Points need to receive clear directives, guidance, and support from their HQs. PSEA needs to feature on the agenda of senior management meetings including inter-agency meetings.

PSEA does not feature on the workplans of any of the Clusters. Issues related to SEA and PSEA do not feature within inter-agency emergency planning.

At the time of the field visit (March 2010), the PSEA Network had been restarted in Kinshasa and was newly established in Goma. The agencies participating in the PSEA Network did not appear to have been briefed on the work of the previous PSEA Network which existed from 2005-2006. Given all the challenges of operating in the DRC, collective action will be necessary to ensure impact. Also, given the lack of traction from other reviews and the previous collective PSEA work, active and visible leadership and engagement from senior managers will be required to ensure that PSEA responsibilities are fulfilled.

The findings and recommendations of the 2008 PSEA review commissioned by UNICEF and OCHA in the DRC are still valid as is the action plan that it put forward³⁶. In the interests of consistency, the Review Team has endorsed this action plan and has recommended it to the PSEA Network and

³⁶ 'Review of Mechanisms Put in Place by the International Community in DRC to Eliminate Sexual Exploitation and Abuse by Humanitarian Aid Personnel', Esther Dingemans, 2008, commissioned by UNICEF DRC with support from OCHA DRC.

individual PSEA Focal Points. The recommendations from the action plan accompany this report as Annex 12. Heads of Agencies should be briefed on these issues and should collectively agree what is advisable collective action and what action individual agencies will commit to undertaken.

A proposal should be made for full-time support to the PSEA network in Kinshasa for one year, to be funded jointly by all agencies. This model has been found to work well in Liberia and will be necessary to support the network chair and all Focal Points if collective working on PSEA is to progress.

3.2 Introduction

This country report forms part of the data-gathering work to support the global 'Protection of Sexual Exploitation and Abuse (PSEA) Review' commissioned by the Inter-Agency Standing Committee (IASC). The PSEA Review was initiated to examine the extent to which the UN, NGOs and other international agencies have implemented policies requiring them to address sexual exploitation and abuse (SEA) by their personnel. The terms of reference (TOR) for the PSEA Review are attached as Annex 1.

The Review was conducted by an independent consultant (the External Facilitator), who was accompanied on the field missions by representatives from the Steering Committee. During the mission to DRC the team comprised the External Facilitator; Elizabeth Hughes, another independent consultant; and Ngassam Tchaptchet, who was seconded from WFP. The team was in the DRC between 1 March and 12 March 2010.

3.3 Methodology

3.3.1 Capital level

Prior to the mission, the Conduct and Discipline Team (CDT) of the Mission of the United Nations Organisation in the Democratic Republic of the Congo (MONUC) and the OCHA office in Kinshasa were sent copies of the field methodology document and copies of the TOR for the PSEA Review, the TOR for the SC representatives accompanying the mission and the TOR for the national consultant.³⁷ These are attached to this report as Annexes 1, 8 and 9.

At capital level, the Review Team met on arrival in Kinshasa with the responsible officials – the Special Representative of the Secretary General (SRSG), the Deputy SRSG, who also held the positions of Regional Coordinator (RC) and Humanitarian Coordinator (HC), Head of the OCHA office and Head of the CDT – to explain the purpose of the Review and the monitoring missions, to ask for support during the course of the Review and to ascertain the views of these critical opinion-makers on progress in PSEA to date and the challenges they were experiencing in progressing PSEA.

On the first day of the mission, the Review Team held a workshop with the in-country PSEA network to explain the Review process and the data collection framework and to respond to questions. The participants at this workshop were consulted on the best form of engagement with beneficiaries when visiting the field, in order to ensure that the contextual challenges were understood and respected. It was stressed that the Review Team was seeking case studies that were truly reflective of the entire range of beneficiary experience with PSEA systems and measures. However, workshop participants were uncomfortable with this proposal and cautioned against the collection of case studies, as they believed that there was not adequate time to identify appropriate case studies or to work with communities and individuals in a way that would not be misunderstood and/or raise expectations of redress.

³⁷ It was decided, in the case of the DRC, not to engage a national consultant.

At this workshop, there was discussion of the progress of the network itself and of some of the challenges that its members had faced. Group work was undertaken looking at the context of the DRC, examples of good practice of PSEA in the country and barriers and challenges that the PSEA Focal Points (FPs) had encountered in carrying out their roles. The workshop further discussed the functioning of the network itself and the degree to which it was a supportive mechanism to FPs in fulfilling their roles.

A series of one-to-one interviews with FPs and Heads of Agencies (HoAs) then took place.³⁸ These took the form of semi-structured interviews, following a list of questions drawn up in advance by the Review Team (see Annex 11). The agencies from which interviews were requested were primarily chosen on the basis of their membership of the PSEA Review Steering Committee.

On the final day of the mission, three feedback sessions were scheduled (one with the CDT, one with the head of OCHA and one with the PSEA network) and initial findings were shared and discussed. This gave an opportunity for feedback in real time (included in this report), to triangulate information, to gather data to substantiate or contradict points previously made and for the Review Team to test the feasibility of draft recommendations.

3.3.2 Field

A four-day visit was made to Goma. A workshop was held with the PSEA network, and interviews were conducted with staff of participating agencies where possible, using the same semi-structured list of interview questions used at capital level. Two field trips were conducted during which focus group discussions were held with community members and camp residents. The team did not attempt to collect case studies, given the advice of the members of the PSEA network in Kinshasa. Prior to leaving Goma, a feedback session was held with members of the PSEA network.

3.3.3 Constraints

The primary constraint was one of time. The mission was limited to a ten-day period, including in-country travel. The mission was in Goma over a weekend, when many organisations were not available. In addition, one of the two working days in Goma was International Women's Day, when many agencies were fully occupied in organising events and their representatives were not available for interview.

There is a high turnover of personnel amongst agencies and limited institutional memory. This means that, for example, with one institutional exception there was no awareness of the 2008 PSEA Review³⁹ or knowledge of what had been achieved and agreed during a previous incarnation of the PSEA network (in 2006).

Other important constraints included the limited contact time with communities and beneficiaries, which did not allow for a substantive discussion of the issues. Discussion time with national NGOs and civil society organisations and representatives was likewise limited. This meant that the Review Team was not able to meet with a statistically significant representation of communities or their representatives.

The period of the mission also coincided with the visit of a high-level UN team in response to the demand of the Government that MONUC reconsider its mission as of 2010. Naturally, this meant that

³⁸ The Review Team met with HoAs and FPs from nine agencies at Kinshasa and Goma levels, where agencies were available. Those interviewed included the CDT, UN humanitarian agencies and NGOs. As with all other information supplied during the course of this Review, all interviews were confidential. Individual humanitarian agencies have not been identified in this report, although occasionally it was impossible to avoid identifying MONUC.

³⁹ 'Review of Mechanisms Put in Place by the International Community in DRC to Eliminate Sexual Exploitation and Abuse by Humanitarian Aid Personnel', Esther Dingemans, 2008, commissioned by UNICEF DRC with support from OCHA DRC.

some interviewees were unavailable to the PSEA mission, and necessitated rescheduling of many planned meetings.

3.4 The context of the DRC⁴⁰

The 2008 PSEA Review concluded that in the DRC there was high risk of sexual exploitation and abuse (SEA). In the course of this mission, PSEA FPs consulted on this matter during workshops and many interviewees agreed that this was the case.

The armed conflict that has resulted in forced displacement and now (in some areas) return has had an impact both on the socio-economic context within which people survive and has fostered a climate in which widespread sexual violence and abuse has become normalised. Normal livelihoods have been disrupted over a long period of time. Civilians continue to be subject to indiscriminate violence in towns, at IDP sites and in the countryside. There is a high level of continuing dependency upon humanitarian assistance (the 2008 WFP Comprehensive Food Security and Vulnerability Assessment showed that one-third of the population in eastern DRC is severely or moderately food-insecure) and many people are reliant upon transactional sex for economic survival. There is a lack of belief in the judicial system and a strong sense that there is a culture of impunity, which also applies to sexual violence and abuse.

In Goma, all the factors described by one study⁴¹ as being key to the establishment of a 'peacekeeping economy' are in place, contributing to a distorting of the economy, with both negative and positive implications for the local community. Men and women play highly gendered roles in this economy and these roles have become normalised; they now appear to members of the humanitarian community as being representative of normal livelihood strategies and roles within the host community. This point was made strongly by representatives of local women's organisations, who felt that the complexity of cultural norms was not represented in the discussion on transactional sex and sexual violence. Part of this cultural complexity is that people are not comfortable talking about sex or making complaints about abuse.

The state in the DRC has an extremely low capacity to provide services, while the capacity of the humanitarian community to provide adequate alternative services is limited due to access, insecurity and funding restrictions.

3.5 Agency context

The sheer size of the DRC (it is as big as western Europe) demands large-scale peacekeeping and humanitarian infrastructure and operations. The UN has a complex presence in the country, with 40,000 personnel in MONUC and a turnover of 250,000 over the past four years. All humanitarian agencies have a number of offices and many have their head offices outside Kinshasa, which makes coordination and collective working extremely difficult. The Cluster system is in place both nationally and regionally.

⁴⁰ Sources for this section include: 'Humanitarian Situation in Eastern DRC', Briefing Kit September 2009, OCHA; 'Review of Mechanisms Put in Place by the International Community in DRC to Eliminate Sexual Exploitation and Abuse by Humanitarian Aid Personnel', Esther Dingemans, 2008; 'Gendering the Security Sector: Protecting Civilians Against Sexual and Gender-Based Violence in the Democratic Republic of Congo', Randi Solhjell, NUPI Working Paper 769; 'UN Peacekeeping Economies and Local Sex Industries: Connections and Implications', Jennings and Nikolic-Ristanovic, MICROCOM Research Working Paper 17, 2009; and 'Rape with Extreme Violence: The New Pathology in South Kivu, Democratic Republic of Congo', Mukwege and Nangini, PLOS Medicine, Vol. 6, Issue 12, 2009.

⁴¹ Jennings and Nikolic-Ristanovic, op. cit.

3.5.1 Agency perceptions of PSEA

The Review Team was invited to observe the monthly meeting held between the SRSG, his staff, the Head of the CDT, and representatives of UNICEF and Save the Children. Monthly meetings were held to discuss matters of conduct generally, including SEA. The focus of the meeting observed by the Review Team was almost entirely upon the conduct of MONUC personnel and the monitoring of activities and measures undertaken to promote and ensure good conduct.

There was discussion at the meeting about progress related to the PSEA network, but there was no specific discussion of activities either undertaken or required by humanitarian agencies. The representatives of these agencies appeared to be present in an advisory capacity, as opposed to being part of the subject of the discussion. This dynamic appeared to be symptomatic of the way that the issue of SEA was perceived in the DRC in that it was discussed solely in relation to MONUC.

MONUC has a highly dominant and visible presence, both generally and specifically with regard to PSEA. Due to the scale of the MONUC presence and a public history of SEA misconduct, MONUC has a large dedicated CDT and is working systematically to address the issue of PSEA.

MONUC personnel, from the Force Commander down, saw PSEA activities as a priority and reinforcement of the PSEA message as a key responsibility. This included the production of posters and leaflets and attempts at reach out to the community to communicate the prohibitions of the Secretary-General's Bulletin (SGB).⁴² The CDT also conducted systematic training of FPs to ensure that cascade training (i.e. training of FPs who then train others) took place. Due to the frequent rotations, this was an ongoing process.

The humanitarian agencies (UN and others) did not place the same priority on PSEA activities. This was for a variety of reasons, including the fact that they had not been receiving complaints, a lack of capacity, initiative and priority overload, and the frequently repeated belief expressed in interviews and general discussions that the problem was largely a MONUC problem.

The issue of PSEA had featured on the United Nations Country Team (UNCT) meeting agenda twice since 2008. The first time was in 2008, when there was a presentation of the 2008 PSEA Review, and the second in 2009, when the Head of the CDT gave a presentation on the PSEA network.

Though the Cluster system is active in the DRC, PSEA did not feature on the workplans of any of the Clusters. Issues related to SEA and PSEA did not feature in inter-agency emergency planning.

In general, there was some awareness amongst humanitarian personnel based in Kinshasa of the issue of PSEA and of the existence of the PSEA network, which was revived in 2009 after it had stopped meeting in 2006. As in other countries visited in the course of the PSEA Review, managers and staff based outside the capital had little awareness of PSEA, particularly from an inter-agency perspective. The PSEA network meeting attended by the Review Team in Goma was the first meeting of the Goma-based network.

The most critical contextual issue for humanitarian agencies was the fact that no agency met with in Goma reported receiving any SEA complaints within the previous few years. Many of those interviewed felt that this indicated that there was no significant problem and that there was little need for additional activity on PSEA. Women's groups and others with whom the Review Team met, however, did cite examples of SEA, which they alleged had been committed by representatives of MONUC and humanitarian agencies.

As discussed in the following section, there were an absence of PSEA implementation at field level in both Kinshasa and Goma, a lack of awareness amongst staff and communities of humanitarian

⁴² Secretary-General's Bulletin. Special measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13).

agencies of the obligations and implications of PSEA policies and an absence of complaints mechanisms to which vulnerable people had access. Given this, the conclusions of the Review Team were that the humanitarian community could not know the extent to which there was a problem and that the absence of complaints, in itself, was not evidence that no problem existed.

3.6 Implementation of PSEA obligations under the four pillars

3.6.1 Management and coordination

All the agencies interviewed during the mission had a PSEA FP in Kinshasa and also in Goma. FPs were generally not from agencies' programme departments (though one was from a protection department) and instead were either from human resources or were also the gender adviser and/or the lead on sexual and gender-based violence (SGBV). The Review Team felt that in many cases the conflation of these roles contributed to a difficulty for staff (which was frequently expressed) in distinguishing between SGBV and SEA.

The role of the FP was most often not clear to the FPs themselves. In the majority of cases, their agency had not supplied them with a written description of their FP responsibilities, and their responsibilities with regard to PSEA had not been incorporated into their agency job descriptions. PSEA responsibilities did not form part of their performance evaluations, and FPs reported having very little time to perform these responsibilities. However, when questioned, all FPs said that they did receive support from their immediate managers in fulfilling their FP role.

FPs from humanitarian agencies had received a briefing on PSEA from the Head of the CDT in 2009, but this was the extent of the training that they had received, and more than half of those interviewed felt that they would require more guidance before attempting to implement directives on PSEA.

FPs did have copies of their own agency's policies and procedures, although a few agencies were not prepared, or felt that they were not authorised, to show copies of these to the Review Team. However, it was often the case that FPs were not able to talk the Review Team through the procedures. One FP interviewed said that s/he felt that the procedures were to be implemented when a complaint was received and was confident that, at such a point, head office would provide guidance. FPs asked for training on how to speak to a complainant/victim, an understanding of what investigators were trained to do, more clarity on the implications of the victim assistance (VA) strategy and clarity on the difference between SEA and SGBV.

The role of the FPs was not publicised in offices and no flyers or posters were evident (apart from one in an office in Goma, which a staff member had brought from another country). No FP spoke of the PSEA website as a resource that they had accessed.

As mentioned above, PSEA had featured twice on the agenda of the UNCT since 2008, but on both occasions this had been a report to the UNCT and no action or follow-up was agreed. Similarly, PSEA had not been discussed at the NGO HoAs' monthly inter-agency meeting. All HoAs interviewed said that PSEA was not on the agenda of their own agency management meetings and did not feature in coordination meetings. One HoA reported that his/her management team participated in a conduct meeting every two months and that this might include a discussion of SEA, although it was unclear when this had last happened. The MONUC Force Commander, on the other hand, reported that conduct was tabled at the daily morning briefing and that SEA was frequently discussed both from a prevention and a response perspective.

Knowledge of PSEA and institutional directives varied widely amongst HoAs interviewed. Amongst the leadership in humanitarian agencies, only one HoA remembered giving direct messages to staff on zero tolerance on SEA and highlighting the implications and consequences of the SGB or their

own policy. Another HoA remarked that s/he frequently spoke to staff about the importance of financial probity, the agency policy on this, whistleblowing and the sanctions that applied, but had never spoken to staff about PSEA. S/he felt that this was likely due to the fact that HQ had made it clear that financial probity was a priority, but had not given the same message with regard to PSEA. One other HoA felt that PSEA was not a core or priority issue due to his/her sense that it was less of an issue than it had been in previous years.

Interviewees in Goma frequently said that agencies had not circulated policies (including the SGB) amongst staff. One UN Head of Office (HoO) in Goma said that this was because s/he was still trying to find a copy of the policy in French. S/he was not aware that this was available in the same place as all UN documents.

One-third of the HoAs interviewed were uncertain as to the detail of their own agency's PSEA policy and procedures and were also uncertain when describing the investigation process. This may be due to the fact that the humanitarian agencies interviewed had received no SEA complaints in the previous two years (in many cases those interviewed were not able to easily access records further back than this or had themselves not been in position for longer than this). Most HoAs had not received any awareness-raising on SEA or any directives at induction or supervision meetings with regard to their own managerial responsibilities for PSEA. One HoA said that guidance specific to managers should be produced on managerial responsibilities and should indicate what form of words should be used to speak about PSEA and the SGB to staff. S/he was not aware that some guidance for managers already existed on the PSEA website.⁴³

Two groups of managers were exceptions to the pattern described above. The first consisted of the leaders and managers in MONUC and the second of those leaders and managers who had previously worked in Liberia, where they had acquired knowledge of PSEA and a sense of their own managerial responsibilities with regard to the implementation of policy and directives.⁴⁴

3.6.2 Community engagement

Effective community engagement involves raising awareness in local communities, implementing effective complaints mechanisms and encouraging local populations to report incidents of SEA. This was not happening in the DRC.

No agency was able to describe an effective complaints mechanism promoted as being for SEA complaints that functioned at community level. A few agencies had complaints mechanisms in place, but with no promotion to ensure that it was understood that SEA complaints could be received through this mechanism. One agency had a complaints mechanism related to one programme (which it described as being extremely labour-intensive). This was a hotline mechanism attached to a governance programme and was focused on soliciting complaints about financial impropriety (which had indeed been received through this tool).

Another agency had a mechanism by which it had a series of dialogues with communities, and it believed that it would hear about SEA complaints through this mechanism if there were problems. The agency had received a number of complaints about abuse of power, but not specifically about SEA. However, when the Review Team engaged with some of the same communities and with representatives of women's groups, it was clear that they had not understood that agencies had policies specifically forbidding SEA and that there would be consequences should staff be found to have transgressed. In the absence of this knowledge, it was unclear how individuals would know that complaints would be listened to by agencies.

In summary, agencies were not informing communities of their rights with regard to SEA.

⁴³ <http://www.un.org/pseatastaskforce>

⁴⁴ In Liberia, significantly more work has been undertaken on PSEA than in the DRC. See Liberia chapter of this report for further information.

3.6.3 Prevention

All agencies interviewed had the SGB, or a Code of Conduct (CoC) that included reference to and direction on PSEA. This was usually provided to staff when they signed their contracts, though without explanation or discussion. Half of the organisations interviewed had reference to the SGB or CoC within their staff contracts. When questioned, no interviewee stated that line managers had discussed the SGB or CoC with staff members. Two agencies ensured that staff did receive a briefing on the SGB or CoC and participated in annual refreshers, which would include SEA. Agencies did require their implementing or contracted partners to sign contracts that included reference to obligations to implement the SGB or CoC, although it was not certain to what extent these obligations were explained (the Review Team did not meet with partner agencies, so was not able to discuss this with them).

Many agencies spoke of the online training that was either available or mandatory within their organisation. However, this was not PSEA-focused training and was not monitored for compliance.

No agency interviewed (apart from MONUC) reported widespread distributions of the SGB or CoCs, although some innovative methods for awareness-raising had been undertaken, including holding 'happy hours' where staff were provided with refreshments and where a range of subjects (including PSEA) was discussed.

Throughout the mission, the Review Team members found themselves being drawn into constant discussion and debate as to the implications of the SGB and repeatedly heard staff of humanitarian agencies express doubts that the intention of the SGB was that all staff should at all times adhere to its content. Some stated a belief that some of the SGB's principles were unrealistic, particularly with regard to the issue of transactional sex. There was a widespread sense that the SGB was cosmetic and that whistleblowers would not be respected or protected if they were to report a colleague. In fact, staff in general did not appear to understand or know that an obligation to report was contained within the SGB.

One UN agency had a monitoring system that included questions intended to check the prevalence of SEA. A staff member in this agency, however, felt that it was too delicate and confidential a subject to be part of routine monitoring, and recommended that external objective bodies should be conducting PSEA monitoring. The same member of staff felt that the emphasis should be on ensuring effective protection mechanisms during programming rather than on monitoring or the establishment of complaints systems, due to a sense that victims were extremely unlikely to complain.

3.6.4 Response

As reported under the management and coordination section above, many of those interviewed in Goma, at both HoO and FP level, were not able to describe the complaints-handling and investigation process, though in Kinshasa most were able to do this. As there had been no SEA complaints received recently by the humanitarian agencies, so there was no recent experience of providing a response. Many of those interviewed in both Kinshasa and Goma felt that the HoO in Goma would likely lead any initial investigation, although no training had been provided for this. Some FPs requested that investigation training be provided, although most were aware that investigation capacity would be supplied from regional offices or HQ.

The majority of interviewees in Goma were not able to describe what the process would be once a complaint had been passed to Kinshasa. This mattered, because the Goma offices were the ones with the frontline relationships and needed to be able to articulate to communities, staff and partners how complaints would be followed up. If they were not able to do this, then communities and staff might be less confident about follow-up and therefore less likely to complain. Not one entity interviewed in Goma was able to describe the mechanism for communicating the outcome of complaint investigations to the complainant. No community representatives or women's groups were aware of any case where feedback on outcomes had been supplied.

As mentioned above, UN agencies (and some others) did require partners or individuals entering into partnership or cooperative agreements to sign contracts stating that they were aware of and would comply with the SGB. However, there was no monitoring of this and no example was given where this issue was a factor in an evaluation.

3.7 The PSEA network

The ECHA/ECPS Taskforce recommended that a network of PSEA focal points should be operational in every country, including FPs from each UN entity, NGOs and the Conduct and Discipline Unit (CDU) if a peacekeeping mission was present. There was a PSEA network in Kinshasa in 2005–06. It stopped functioning for reasons that are unclear, but was reinvigorated in 2009 by the CDT. Progress since had been slow: the workplan had not been finalised and other documents were still at draft stage. The Review Team met with the network twice and observed that there did not appear to be agreed shared objectives.

The HC chaired the first meeting of the revived network; however, to date there had been no engagement from the HoAs. In general, FPs from the humanitarian agencies were not senior in their organisations and had little authority or decision-making power. They also expressed the opinion that, without training or knowledge specifically on PSEA, they did not feel empowered to play a technical role. For these reasons, there had been hesitancy to comment on or sanction collective documents or work, and limited progress had been made. The point was also made that it was important to circulate documents in French to secure maximum participation.

All of this had contributed to a situation where the vast majority of work required by the network was being undertaken by the CDT. This included sourcing of funds for consultants, drafting of workplans and other documents, coordinating meetings and managing administration. While the CDT did have greater capacity in PSEA and had a mandate to lead the group, there was a need for others to actively contribute if the group was to be representative of humanitarian actors. The group should be co-chaired by a humanitarian agency, which should ensure that the needs of humanitarian actors are articulated and ensure that humanitarian actors actively participate.

In Goma, the network was brand new and consequently it was difficult to determine levels of enthusiasm. However, lessons should be learned from the network in Kinshasa and it would be useful for the chair to participate in a network meeting in the capital to observe proceedings. It should also be noted that NGOs in Goma expressed concern about being seen to participate in a MONUC-led process hosted on MONUC property, as they were worried that this might compromise perceptions of their neutrality. Again, co-chairing by a humanitarian agency and a new choice of meeting venue might help to address this.

The UN's VA policy, and its directive to the CDT to lead on its implementation, was a source of some tension within the PSEA network. The CDT was required to lead on this matter and wished to work with agencies to put a network of services in place for victims, as an inter-agency approach is required by the UN's VA policy. However, most humanitarian agencies had inadequate capacity for establishing their own PSEA mechanisms, did not see that they had resources to offer to an inter-agency approach and feared that they were currently not in a position to respond to requests for assistance on VA. Some involvement from senior management and Principals is likely to be required to solve this matter.

3.8 Conclusions and recommendations

The challenges for individual agencies in attempting to put in place comprehensive PSEA mechanisms in the DRC, whether by individual agencies or through inter-agency mechanisms, cannot

be underestimated. The difficulties of coordinating such action amongst multiple actors and in multiple locations are also huge. For exactly these reasons, collective action is necessary, and this will require leadership and engagement from senior managers, given the lack of traction to date. There have been many PSEA missions to the DRC. The findings and the recommendations of the 2008 PSEA Review commissioned by UNICEF and OCHA in DRC are still valid, as is the action plan that it put forward. Its summary of the situation still stands today and is endorsed by the Review Team. It states:

'Despite significant achievements of a few individual agencies, the review found there to be little progress in agencies' internal roll-out of PSEA policies and procedures. Complaint mechanisms for staff and beneficiaries to report SEA-related concerns remains weak or non-existent, few agencies have designated and trained Focal Points with a clear role in addressing SEA, the SGB (or Code of Conduct) still requires to be distributed in a systematic way, and the review found only a few organisations to have made SEA part of staff inductions and staff training. Engagement with communities to raise awareness on this topic was also found to be sporadic and could be strengthened by a more systematic and coordinated approach... several underlying challenges need to be addressed for effective implementation of PSEA mechanisms. These include a well functioning network with strong and committed leadership, the engagement of Senior Managers in PSEA policy roll-out, a PSEA Focal Point of sufficiently senior level in each agency and increased interagency and internal accountability.'⁴⁵

This Review Team distributed copies of the 2008 review to key actors in the DRC. It is recommended that the PSEA network and individual PSEA FPs consider this review and the recommendations it contains. These have been extracted and are attached to this report as Annex 12. The focus in the 2008 report is upon collective action, with the recommendations tending to place responsibility for the establishment of mechanisms on the collective (the network). To put in place collective mechanisms with all the sensitivities, concerns around confidentiality and cost-sharing that this would imply is not a decision that can be taken by FPs. HoAs should be briefed on these issues and recommendations and should discuss these sensitivities and agree what is advisable collective action and what action individual agencies will commit to undertake.

While these recommendations on PSEA are being presented to the HoA level, a proposal should also be made for full-time support to the PSEA network in Kinshasa for one year, to be funded jointly by all agencies. This model has been found to work well in Liberia (where a UNV took on the role) and will be necessary to support FPs and the network chair if matters are to proceed.

As stated above, there have been many PSEA missions to the DRC, the network has been established and supported before and many different individuals have been charged with ensuring that the SGB is promoted and implemented. What guarantee is there that this time action will be taken and sustained?

The Review Team observed a number of factors which made it believe that this change could take place:

- There are a number of committed FPs within agencies and within MONUC;
- MONUC is prepared to put its experienced capacity to work for the collective good;
- There is a revitalised network which with the right support could mobilise agencies to work together;
- Many HoAs responded positively to the questions posed by the Review Team – they offered a sense that PSEA had become buried under other initiatives but that they wished to address the matter;
- There is a new DRSG/RC/HC who has worked in contexts where PSEA has been addressed seriously and expressed his understanding of the need for this to happen; and

⁴⁵ Executive summary, 'Review of Mechanisms Put in Place by the International Community in DRC to Eliminate Sexual Exploitation and Abuse by Humanitarian Aid Personnel', Esther Dingemans, 2008, commissioned by UNICEF DRC with support from OCHA DRC.

- The SRSG and other key senior managers have worked in Liberia and have an understanding of dynamics of institutional cultural change.

Perhaps most importantly, there is a move to communicate to local communities the principles behind the SGB and the core values of the UN and other humanitarian agencies. This was demonstrated by the SRSG in the week following the mission, when he made the first radio broadcast on the issue.

4. Nepal Country Mission (12–19 April 2010)

Moira Reddick, Jaqueline Carleson, Nidhirat Srisirojanakorn, Saloni Singh

4.1 Summary

This country report forms part of the data-gathering undertaken to support the production of the global Protection from Sexual Exploitation and Abuse (PSEA) Review, which was commissioned in July 2009 by the Inter-Agency Standing Committee. The mission to Nepal took place during April 2010. Information was gathered through a mix of workshops with the PSEA network, one-to-one semi-structured interviews with Heads of Agency and PSEA Focal Points (FPs) and focus group meetings with agency representatives, partner representatives, civil society group representatives and refugee representatives at field level.

Nepal, and hence the operating environment for agencies, is in transition from conflict, although uncertainty and insecurity remain part of daily life for much of the population. The population is also subject to a variety of hazards and risks, including food insecurity, annual floods and earthquakes. The majority of agencies consulted felt that the risk of SEA in Nepal was lower than in other humanitarian contexts, although one major agency and the majority of civil society actors consulted felt that the risks were present and remained despite – or because of – societal change.

Awareness and knowledge levels of policy directives and mechanisms on SEA and PSEA were mixed amongst both managers and FPs of UN agencies, NGOs and the IFRC with only three agencies displaying concrete knowledge of policy and mechanisms at all levels. This was despite the fact that awareness-raising for managers and training for FPs had taken place only 12 months prior to the mission. However, the PSEA network estimated that there had been approximately 50% turnover of FPs during that 12-month period and this, combined with the fact that 36% of FPs had only one hour a month to commit to PSEA activities, may give some idea of why the Review Team found little in place in terms of awareness-raising or PSEA mechanisms at either an inter-agency level or amongst the majority of agencies consulted though a minority of agencies had an extremely high awareness. The management awareness-raising and FP training may need to be repeated or refreshed before FPs can confidently move forward.

More needs to be done to ensure that staff and partners of PSEA-obligated agencies understand these obligations and how more advanced agencies can share their experience. Consideration needs to be given to how best to ensure that SEA awareness and PSEA messages are included within existing sexual and gender-based violence (SGBV) awareness-raising programmes.

Although PSEA had not as yet featured at UNCT level or on the senior management meeting agenda for the majority of individual agencies consulted, the Resident Coordinator (RC)'s office was keen to address this and to promote the issue. The Review Team felt that a major concentration of effort over six months would be the best way to embed the issue of SEA at an inter-agency level. This would require commitment from individual agencies at a Head of Agency level to guarantee the necessary support and more dedicated personnel time to actively coordinate the network. This additional time could be supplied by a UNV or a GenCap adviser.

As the Government of Nepal has pronounced 2010 a year of opposition to GBV, this presents an opportunity to introduce the issue at national level to mobilise government channels to promote awareness of SEA at community level. It also gives the UN and other agencies a series of platforms from which to make strong public statements that it will not tolerate SEA. Once this message has been communicated, humanitarian agencies will be better placed to ensure that PSEA is included with emergency preparedness planning and to raise the issue of resourcing with donors.

4.2 Introduction

This country report forms part of the data-gathering undertaken to support the production of the global 'Protection from Sexual Exploitation and Abuse (PSEA) Review', commissioned in July 2009 by the Inter-Agency Standing Committee (IASC).

The Review was conducted by an independent consultant (the External Facilitator) who was accompanied on field missions to Nepal and the Democratic Republic of Congo by staff of Steering Committee member agencies. During the mission to Nepal the team comprised the External Facilitator; Jacqueline Carleson from UNDP; and Nidhirat Srisirojanakorn from OCHA. It was supported by Saloni Singh, an independent consultant of Nepalese nationality. The team was in Nepal between 12 April 2010 and 19 April 2010.

4.3 Methodology

4.3.1 Capital level

Prior to the mission, the office of the Resident Coordinator (RC) was sent copies of the field methodology document and copies of the TOR for the PSEA Review, the TOR for the staff of Steering Committee agencies accompanying the mission and the TOR for the national consultant. These are attached to this report as Annexes 1, 8, 9 and 10.

At capital level, the Review Team met with the responsible officials to explain the purpose of the Review and the monitoring missions, to ask for support during the course of the Review and to ascertain the views of these critical opinion-makers on progress in PSEA to date and the challenges that they were experiencing in progressing PSEA.

On the first day of the mission, the Review Team held a workshop with the in-country PSEA network⁴⁶ to explain the Review process and data collection framework and respond to questions. The participants at this workshop were consulted on the best form of engagement to use with beneficiaries when visiting the field, in order to ensure that the contextual challenges were understood and respected. It was stressed that the team was seeking case studies that were truly reflective of the entire range of beneficiary experience of PSEA systems and measures. At this workshop, there was discussion of progress of the network itself and of some of the challenges that its members had faced. Group work was undertaken looking at the context of Nepal, examples of good practice of PSEA in the country and barriers and challenges that the PSEA Focal Points (FPs) encountered in carrying out their roles.

A series of one-to-one interviews with FPs and heads of agencies (HoAs) then took place. These were semi-structured interviews, following a list of questions drawn up in advance by the Review Team (see Annex 11). The agencies with which interviews were requested were chosen primarily from among those that had volunteered to participate in the HQ-level self-assessment for the global review.

⁴⁶ PSEA networks serve as the primary body for coordination and oversight on protection from sexual exploitation and abuse by international and national personnel of the UN, NGOs and IGOs. Their functions include the establishment of inter-agency complaints mechanisms; facilitation of awareness-raising within local communities; establishment of processes for the harmonising of reporting of SEA by personnel; establishment and coordination of victim assistance (VA) training for focal points; and annual reporting to the RC/HC, which will inform the annual report of the Secretary-General on Special Measures for Protection from Sexual Exploitation and Sexual Abuse. The network is not responsible for investigation or adjudication of complaints, or for dealing directly with complainants. These functions rest exclusively with individual entities. Source: Extract from Terms of Reference for In-Country Network on Protection from Sexual Exploitation and Abuse by UN/NGO/IGO Personnel.

On the final day of the mission, two feedback sessions were scheduled (one with the RC and one with the PSEA Network), where initial findings were shared and discussed. This gave an opportunity for feedback in real time (included in this report), to triangulate information, to gather data and to substantiate or contradict points previously made, and for the Review Team to test the feasibility of its draft recommendations.

4.3.2 Field level

A two-day field visit was made to the Eastern Region of Nepal during the course of the week. This included visits to the United Nations Mission in Nepal (UNMIN) (MCS 1 Arms Monitors) and the 1st Division Maoist Army Commanders and combatants in Chulachuli Ilam. The mission also visited the refugee operation in Damak, where meetings were held with UNHCR and with UN and NGO partners (including Heads of Agencies as well as SGBV focal points), and visited a refugee camp (Beldangi 1), where they met with refugee representatives. Meetings were also arranged with UN agencies, INGOs, women's and human rights organisations, civil society organisations (CSOs) and government officials in the city of Biratnagar. Where possible, additional interviews were conducted with staff of participating entities based on the same semi-structured list of interview questions used at capital level. As no PSEA network was established at field level, it was not possible to have a network meeting although the host agency arranged a meeting in Damak where all agencies shared their separate code of conducts as well as highlighting the PSEA obligations included in the partner agreements signed with the host agency. OCHA kindly arranged a discussion group of several agencies to discuss their awareness levels of PSEA and their analysis of the need for PSEA activity in Biratnagar.

There was some contact with beneficiaries during the field visit to the refugee camp which was limited due to time constraints. A structured discussion with elected refugee representatives focused upon awareness levels of SEA, awareness levels of rights, recourse to mechanisms and experiences of utilising the mechanisms. Some of the Review team also had the opportunity to walk within the camp and talk with refugees.

4.3.3 Feedback

Prior to leaving each location, the Review Team held a debrief with hosts and solicited feedback on its evolving findings. As previously stated, there was a final workshop in Kathmandu and a meeting to present findings and recommendations to the Resident Coordinator.

This draft report was subsequently sent to the designated representative of the RC/HC in-country for circulation and collation of comments within a ten-day period.

4.3.4 Constraints

The primary constraint was one of time. The mission was limited to a period of five working days. Other important constraints, as noted above, included the limited contact time with communities and beneficiaries, which did not allow for a substantive discussion of the issues. Discussion time with national NGOs and CSOs and their representatives was likewise limited. This meant that the Review Team was not able to meet with a statistically significant number of communities or their representatives.

Additionally, some key stakeholders (particularly at HoA level) were not available during the two days in Kathmandu or during the brief field visits.

4.4 The context of Nepal⁴⁷

Nepal remains a country in transition from conflict, with uncertainty and insecurity remaining part of daily life for much of its population. The April 2008 constituent assembly elections were a major step forward in the peace process and were followed by the abolition of the Monarchy in May 2008 and the establishment of the Federal Democratic Republic of Nepal. However, multi-party consensus has appeared fragile at best, with the Prime Minister resigning in May 2009 to be replaced by a new incumbent, who formed a coalition Government without the participation of the Maoist rebels.

Since then there have been two periods when legislation has been blocked by the Unified Communist Party of Nepal (Maoist), meaning that no budget has been passed since October 2009. The new constitution was to be delivered by May 2010, but newspapers during the week of the mission (in April 2010) reported that talks were underway to extend the deadline.

Also according to media reports, the new constitution promised to protect the rights of minorities and marginalised groups. This is important, as this was not the case with previous constitutions and it may begin a process of ending the culture of impunity, which all interviewees acknowledged was widespread. As stated in the 2010 Transition Appeal, 'a long history of the social exclusion of women, members of lower castes, and ethnic and religious minorities was one of the catalysts for the ten-year insurgency'. How these issues and those groups will be addressed during the transition will be critical for longer-term stability, and change may result in challenges to many figures and institutions of authority.

Armed groups are proliferating in the lowlands region of Nepal. The World Bank, the Asian Development Bank (ADB) and the UK Department for International Development (DFID) stated on 9 March 2010 that their project activities in different sectors have been affected in 15 districts of the Terai area in the Eastern and Central Regions, due to the insecurity created by armed groups. More than NPR 50 million has been allocated annually for each Terai district, but to date been less than NPR 10 million of this has been spent, due to the threat of the armed groups.

Security sector reform has been slow, including agreement on the integration of the Maoist fighters. The continuing presence of the two armies is inherently destabilising. UN monitoring of this was due to end in May 2010; UNMIN's mission has repeatedly been extended, but it has been downsized and has no political mandate.

Populations in Nepal are highly vulnerable due to a range of hazards and risks. From a humanitarian perspective, these include widespread food insecurity (current estimates identify 3.5 million food-insecure people within the country, with a 400,000-tonne cereal deficit in 2010), threats to health and outbreaks of disease – including acute water shortages, avian flu, year-on-year increases in under-five diarrhoea and low levels of vaccination (in Bajura, 30 per cent of children are not vaccinated) – and displacement due to either insecurity or natural disaster.

Overshadowing all these is the risk of earthquakes: Nepal is ranked the 11th most at-risk country in the world with regard to vulnerability to earthquakes; it is also ranked 30th most vulnerable with regard to flooding. The World Bank classifies the country as one of the global 'hot spots' for natural disasters, and the impact of long-term global issues such as climate change will only exacerbate the impact of recurrent floods and hazards such as landslides.

According to UNHCR, as of 31 March 2010, approximately 80,000 refugees from Bhutan still remained in seven refugee camps in Eastern Nepal. However a large scale resettlement operation has been underway, with approximately 29,000 refugees having already departed on resettlement and an additional 53,000 having declared an interest in resettlement.

⁴⁷ Sources for this section include: International Crisis Group website, ReliefWeb, Nepal Monthly Situation Update, Nepal 2010 Humanitarian Transition Appeal, OCHA Nepal Operational Brief 2009 and the Basic Operating Guidelines agreed to by Undersigned in Nepal.

The Government of Nepal has declared 2010 as a year of zero tolerance on gender-based violence (GBV). The openness and willingness of the Government to act on GBV may provide an entry point for the UN and NGOs to raise awareness of the issue of SEA and to request support for PSEA activities.

Interviewees gave differing messages about whether or not communities in Nepal were likely to be vulnerable to SEA, with most representatives of humanitarian agencies feeling that there was a lower than average risk. Frequently cited were the country's cultural norms and constraints which, in the opinion of many, would ensure that SEA could not be attempted. It was also repeatedly mentioned that no complaints had been received and that, even in the serious Koshi floods of 2008 which affected approximately 70,000 people, no complaints about SEA had been made. This was not the view of all humanitarian agencies with one large agency in particular expressing strong concerns about the risks to vulnerable people of SEA however it was the majority view.

Another point frequently made by many interviewees was the fact that most agencies are moving towards a more developmental framework for implementation and this was a reason to think that SEA was increasingly unlikely to be a problem. In other words, this was because agencies were increasingly less likely to be working directly with communities and more likely to be working a) through partners and b) with and through community groups, thereby reducing the opportunity for individual contact and therefore for SEA. This latter point is a good one; however, this analysis does not take into account the fact that the PSEA obligations of all UN agencies and many other agencies apply to their partners as well.

Refugee representatives spoke of some of the practical obstacles to SEA being committed – for example, in the refugee camps all staff leave at 4pm (due to security requirements) and do not easily have access to refugees on an individual basis. This overlooks the fact that PSEA-obligated agencies do have staff, partners, contractors and volunteers amongst the refugees and have responsibilities for their behaviour though such individuals do sign a Code of Conduct. Another practical issue thought to be a disincentive to SEA is that agencies are working increasingly in the developmental model and working at the community level, as opposed to a household level, and are less likely to be overseeing distributions and other such activities, making transactional sex less likely to happen. Furthermore, in the refugee sites there is an emergency unit manned by refugee staff that is on standby twenty four hours a day, refugee focal points available, and clear forms of communication are in place twenty four hours a day with officials in Damak.

All of the above is convincing, but some agency representatives and many of the civil society group representatives and women's organisations consulted were less sure than the majority of international agencies that the Nepal context was one unfriendly to SEA. They spoke about it being a male-dominated culture where sexual activity was not normally discussed and where directly complaining about anything went against cultural norms. To make a complaint about SEA was also likely to stigmatise the complainant, and women were unlikely to make complaints unless they felt confident that these would be handled confidentially. One government representative said that the potential consequences of making a complaint were so high for a woman that she was unlikely to make a formal complaint unless she could be guaranteed that the alleged perpetrator would be found guilty.

Another important point made by this second group was that, at community level, people are unlikely to make written complaints, whereas they may make verbal complaints (female literacy in Nepal stands at 46 per cent); they are also most likely to respond to proactive consultations about problems. The setting up of email complaints systems or suggestion/complaints boxes may therefore help to ensure that staff members have access to means of complaint, but may not assist members of communities/beneficiaries to complain. This is why in the refugee sites there is a concerted effort to communicate directly with the community including meetings with different refugee groups (selected by age and background), meeting with refugee representatives, focus group discussions, telephone

hotlines, radio programmes and information bulletins. The rotation of field staff on a bi-annual basis ensure checks and balance on their behaviour and exercise of authority.

Furthermore, this second group of interviewees spoke of increasing poverty and vulnerability, together with urbanisation and consequent rapid changes in social norms and behaviour, as potentially increasing vulnerability to many forms of exploitation. They also said that there remained a legal and actual culture of impunity for those who exploited others. There was a feeling that in times of future stress, whether natural disaster or a return to conflict, more opportunities for exploitation might exist than had previously been the case.

During the mission there was not sufficient time to go into these issues in depth, though both groups represented talked with great subtlety about the various levels on which transition is taking place in Nepal. However, there was a clear variation in perceptions. This can be best summarised by saying that, from the perspective of the majority of agencies, there is a feeling that currently there is now even less risk of SEA being committed due to constriction of operational space and the changing nature and models of response, whereas from a national organisation/civil society perspective there is a feeling that change is leading to increased vulnerability for some and that there is an erosion of cultural protection, with a possibility of increased risk in times of future crisis. The one exception to this in terms of the perspective of international agencies would appear to be the refugee context.

4.5 Agency context

All agencies interviewed had their country head offices in Kathmandu, allowing for comparative ease of collective working (as opposed to the DRC, where agency head offices were in four different locations). However, challenges of coordination still exist in Nepal, where many agencies and particularly national partners are working in extremely remote locations. Access for communities and beneficiaries to government, medical and other facilities and to media and communications can be extremely difficult due to their remoteness.

As in other countries studied during the PSEA Review, managers and staff of agencies who were based outside Kathmandu had little awareness of recent work on PSEA or of the PSEA network. In general, there was some awareness of the issue of PSEA amongst agency personnel in Kathmandu, but this did not extend outside the capital with the exception of refugee focused agencies. One unintended positive outcome of the mission was that, immediately before it took place, the Secretary-General's Bulletin (SGB) and other key documents had been re-circulated both in the capital and in the field, and so awareness levels of these documents amongst those interviewed were good.

As Nepal is a country in transition, agencies are also in transition, moving from what one interviewee described as a humanitarian model to a development one. One result of this is that OCHA is scaling down its presence and has been handing over responsibilities (including for PSEA) to the RC's office, whose head has now taken on responsibility for chairing the PSEA network.

UN agencies and development partners (donors) have responded to concerns around the issue of operational space by promoting observance of the Basic Operating Guidelines (BOGs) through a series of orientation workshops, which had begun at the time of the mission and were due to continue over the following months. The first two-day workshop was held in Kathmandu in March 2010, with the objective of sharing challenges and ensuring a uniform understanding of operational issues at both national and field levels. The workshop included sessions on security, risk management, safe and effective development in conflict environments and monitoring operational space. There did not appear to be any consideration of SEA or PSEA planned in the workshops, but there was an opportunity to discuss whether it could be relevant for upcoming workshops.

The point was made by one senior manager that the issue of humanitarian space represented only half of what the BOGs were initially intended to communicate. The initial intention was that they would also communicate expected UN behaviour and conduct and would provide a forum where community-level concerns could be presented. There was a sense from this interviewee that recently this dimension had not been much to the forefront and so needed to be addressed. There was a potential opportunity here to include PSEA messages.

As mentioned above, UNMIN's current mission is due to end shortly, although an extension is expected. As it is a military observer mission, all of UNMIN's observers hold the rank of Major or above, and all observers receive an SEA briefing on their arrival in-country to complement their pre-deployment briefings. They do not, however, receive refreshers during their mission and the issue of SEA does not form part of their regular briefings or directives. The mission has been scaled down; at the time of the Review Team's visit, it maintained a presence in Kathmandu and at the weapons storage areas of the seven main Maoist army cantonment sites and the Chhauni barracks of the Nepal Army.

UNMIN observers rotate, spending a period in the field and a period in Kathmandu. Supervision of observers when they are on duty in Kathmandu is less direct and it may not be absolutely understood by all observers that their PSEA obligations also apply to the capital city. Currently, the post of Conduct and Discipline Officer (CDO) in the Mission is vacant and the Legal Adviser has been leading on the PSEA activities of UNMIN. The Legal Adviser has been extremely active in the PSEA network; however, the network could benefit from sight of the Conduct and Discipline Unit (CDU) website⁴⁸ and other tools, which could form part of a discussion about how best to communicate messages to the field.

In Nepal now there is a strong emphasis on job creation funded by the ADB or the World Bank, and this is driving much activity at community level. However, the links between the banks and the more traditional humanitarian and development actors was described by interviewees as a potential weak link for all protection-related activities and potentially for PSEA, as protection needs may not be considered within such job creation programmes.

No agency interviewed reported any current cases of SEA or had any awareness of any previous cases, except one concerning a guard that was investigated and found to be without foundation. However, no agency interviewed was conducting community awareness activities about SEA or had in place complaints mechanisms that they had promoted as being suitable for handling SEA complaints. As mentioned elsewhere, some agencies are undertaking substantive awareness-raising work on prevention and response to SGBV which alerts beneficiary communities to the many different actors that will hear their complaint. It would be a straightforward matter to highlight SEA more within the context of this SGBV work.

4.6 Implementation of PSEA obligations under the four pillars

4.6.1 Management and coordination

All of the agencies interviewed during the mission had a PSEA focal point in-country, and in most agencies this was the same person as the gender focal point or adviser. Almost all the agencies selected for interview in Nepal were either members of the PSEA Review Steering Committee or had volunteered to participate in the HQ-level self-assessment process. This meant, of course, that these were agencies with an interest in PSEA, so the fact that not all of those self-selected agencies had a PSEA FP could be considered a cause for concern. In addition, some of those agencies that do have a PSEA FP have not replicated this function at field level. One agency regarded PSEA as a cross-

⁴⁸ <http://cdu.unlb.org/>

cutting issue, involving an FP within both the programme and the human resources side of its organisation. The Review Team felt that this latter example was good practice, recognising both staff implications and the need for programme action.

While all the FPs participating in the network had copies of the generic TORs developed by the ECHA/ECPS UN and NGO Taskforce, none of those interviewed had had these responsibilities incorporated into his/her job description, although one FP had the tasks incorporated into the organisational workplan, which meant that they were part of their performance appraisal. The implication of this is that if the FPs follow their job descriptions strictly, they do not have time to work on PSEA, though some FPs were keen to say that they received support from their managers for their PSEA work. It is not clear, therefore, how the FPs would be evaluated by their agencies with regard to their PSEA work.

A recent survey conducted by the PSEA network in Nepal found that 36 per cent of the FPs could commit only one hour a month to PSEA activities, 24 per cent could commit only two hours per month and 28 per cent could commit three to four hours. This may go some way to explaining the sometimes low participation at network meetings.

All the senior UN leaders and managers interviewed described themselves as being aware of the SGB and of its general implications. Many had participated in the previous year's leadership awareness-raising event conducted by the ECHA/ECPS UN and NGO Taskforce. Senior managers in organisations outside the UN were variously aware of their own agencies' commitments to PSEA and whether or not their contracts with the UN were binding on this issue.

Managers had varying opinions on their sense of their own roles with respect to PSEA, ranging from the fact that the interview with the Review Team was the first time they had considered any form of direct leadership obligation on the issue (it not having been raised during their inductions, briefings or supervision meetings, apart from when they signed a code of conduct, etc.) to a clear understanding of their responsibility and the need to champion the issue.

The majority of managers interviewed were unable to clearly articulate the full obligations of the SGB. For example, only two senior managers articulated a clear sense that the SGB applied in all locations and during the entire period of the contract (i.e. night and day) and that it applied to all partners, contractors and consultants and to all levels of staff.

Many of the senior managers interviewed for this Review were not familiar with their agencies' procedures on PSEA, and most were not able to describe their own complaints mechanisms or investigative procedures. Some were not aware of the existence of the PSEA network or whether or not their agency was active in it. In a few instances this was the case even when the FP reported to the manager being interviewed. It should be mentioned that no manager was dismissive of the issue in any way and that many were extremely supportive – it was simply the case that they felt either that Nepal was not a context that would allow SEA to occur (evidenced by the fact that there were no complaints) or that the issue of SEA had not been placed on their priority list by their headquarters. It should further be mentioned (following comments received on the draft report) that this was not the case for every agency or manager interviewed.

The PSEA network is described in a separate section below.

4.6.2 Community engagement

Effective community engagement involves raising awareness in local communities, implementing effective complaints mechanisms and encouraging local populations to report incidents of SEA.

In the recent past there had been weaknesses in communicating even basic information to some beneficiaries: for example, there were cases where communities did not know the name of the agency

that was providing assistance to them. This had created opportunities for exploitation (such as middlemen asking for payment for filling in applications for cash grants after the 2008 floods).

The majority of NGOs interviewed engaged in regular community awareness campaigns; however, these initiatives focused on programme-specific messages (related to domestic violence or SGBV) and did not include messages on SEA. As noted above, it was clear that many people within agencies had not ever thought of their staff or partners as potential perpetrators of SEA, and so PSEA messages were not communicated to communities.

The majority of UN agencies implemented their work through partners (such as the Government, private/public companies or NGOs), and so there was no strategy in place to communicate directly with the community. Direct communication on PSEA by partners is fine: however, there were no guidelines in place for implementing partners on how to communicate the issue of SEA during outreach activities or any monitoring to ensure that this took place.

Only two agencies had general complaints mechanisms in place at community level. These consisted of suggestions/complaints boxes placed at their offices (and visibly displayed, for fear of vandalism were they to be placed somewhere more discreet) and an FP responsible for opening the box and receiving the complaints. When focus group participants were asked about this, there was no sense that community representatives understood that the complaints systems existed also to receive SEA complaints, as well as general ones. This may be due to an absence of awareness-raising on the issue. As mentioned previously a range of mechanisms exist for ensuring communication with the community in the refugee context which support the SGBV work currently undertaken. These would be excellent mechanisms for supporting PSEA activity also.

4.6.3 Prevention

One agency interviewed laid stress upon its extremely rigorous recruitment process and felt that the emphasis placed upon its own values would communicate clearly what was expected of staff in terms of behaviour. However, this agency acknowledged that, in the case of an emergency requiring a rapid scale-up, this process could not be so rigorous and so a scale-up in terms of PSEA would also likely be required.

Another staff member felt that, as he had been with his agency for almost ten years, this was the probable reason why he had not been briefed on PSEA, as all the provisions relating to it had been put in place after that point. This raises the issue of how agencies that do not have annual refreshers and do not ask managers to give regular briefings ensure that their staff are PSEA-aware.

The majority of agencies interviewed had a Code of Conduct (CoC) that included a specific clause on SEA, while others had a specific CoC on SEA. While most of the agencies interviewed stated that personnel understood the CoC upon reading and signing it, others (fewer than half) ensured understanding through face-to-face staff induction or internal protection-related training.

The majority of agencies had their implementing or contracted partners sign the CoC, but unfortunately there was no mechanism to ensure it was actually understood and implemented by them. During the field visit it became clear that, even if implementing partners signed contracts that included either the CoC or reference to PSEA, their implementing offices in the field did not see these contracts or know that they were committed to this principle.

As stated elsewhere, there had been a widespread distribution of the SGB, and at least two UN agencies had followed this up by ensuring that staff in Kathmandu had received an orientation on self-awareness on SEA-related issues, with plans to ensure that field staff would receive the same orientation. One agency held a Code of Conduct workshop for all staff in the One of the UN agencies intended to ensure that the zero tolerance message was reinforced in forthcoming managers'

meetings. Several times, staff who had absorbed the SGB (often when working in other countries previously) stated that they felt its phrasing was not clear enough and that it left room for interpretation, thereby contributing to managerial ambivalence about tackling the issue.

Since 2008, the contract system in many UN agencies has been reviewed and in many agencies the SGB or the agency's own CoC is highlighted at induction meetings. One UN agency had a session on PSEA at a retreat held shortly before the Review Team's visit, which was said to have triggered many questions and a good debate. The representative of one UN agency said that it was now dawning on people that this was a serious issue and that open debate of it was the best way to reinforce the message. The 'Frequently Asked Questions' produced by the ECHA/ECPS UN and NGO Taskforce were described as being useful, as they were provocative; however, they had clearly not been widely circulated. One agency had a good Powerpoint presentation on its CoC, which it showed to staff at annual refreshers – this is the type of example that could be shared with the PSEA network at future meetings.

Since the March 2009 training for Nepal's country-level PSEA FPs, provided by the ECHA/ECPS UN and NGO Taskforce, it was estimated by network members that approximately half of those trainees had either left Nepal, changed role or left their agencies. It was discussed whether it would be more sustainable to train national staff members in PSEA, but the point was made that national staff members also changed roles and agencies with some rapidity in Nepal and so this strategy would not necessarily lead to greater sustainability.

It was suggested that there should be a training of trainers (ToT), with the intention that this would lead to a greater and faster diffusion of knowledge within agencies than would direct training of individual FPs. It was also suggested that the training should be conducted online to maximise resources and to respond to the issue of staff rotation. Members of the Review Team felt that changing the current training to a ToT could be done without the need for intensive work and that the current training materials could be modified for online training, again without excessive work. However, developing interactive online training can be quite expensive in New York, where materials have been developed to date, and so this would need to be taken into consideration, as would the question of where and how such a task could be done most cost-effectively.

One senior manager suggested that it was necessary to have a range of individuals trained at different levels of the agency, given the difficulties that many people had in talking about issues of SEA and the fact that it can be difficult to raise such matters with managers or those with power. The Review Team felt that this was a valuable suggestion.

'To Serve with Pride: Zero Tolerance for Sexual Exploitation and Abuse', the awareness-raising DVD produced by the UN, had been shown to staff of some agencies but only once and, as reported elsewhere, has not yet been produced with a Nepali translation. There were also some good examples of street drama being used as a mechanism for discussing issues such as HIV/AIDS or SGBV, but SEA had not as yet been explored through this medium.

Some of the agencies interviewed – and those that work most closely with communities at field level – had in place protection-related preventive measures including in particular those which aim to prevent and address SGBV generally. These included ensuring that one-to-one meetings with beneficiaries or distribution of humanitarian goods took place in an open space and also that both female and male beneficiaries should be part of the distribution staff. These mechanisms are valuable for ensuring agency risk management, but if combined with effective community-level PSEA messaging, they could be more empowering for those at community level.

One UN agency had a monitoring system that included two specific SEA-related questions, and this version of the monitoring form was being used at field level for random monitoring in the camps visited. However, none of the agencies interviewed appeared to have specific PSEA awareness-

raising activities at community level (though considerable work was being done to raise awareness of SGBV) or to include specific PSEA awareness-raising within SGBV work. Inter-agency meetings at field level concluded by recommending that increased visibility of the issue was required, through simple messages and through mechanisms such as leaflets. Staff did not seem as certain as managers that individuals would know to whom complaints should be made.

One UN entity and one NGO reported that they conducted awareness-raising with the beneficiary community in a refugee setting. The Review Team was shown awareness-raising materials used with beneficiaries but noted that in the (extremely good) pictorial materials in no case was the perpetrator shown to be a representative of the UN or an NGO. It seemed to the team that this was a gap, as agencies were not telling beneficiaries that they understood that SEA could be committed by agency representatives and that they would listen if a complaint was made.

4.6.4 Response

The representative of one agency suggested that a single specific SEA case would be required to really galvanise PSEA activity. At the time of the visit, the majority of agencies did not have response systems in place to properly handle allegations of SEA. A response system should include internal procedures for staff to report cases of SEA, timely investigation procedures with trained investigators, agreed disciplinary procedures and victim assistance (VA) mechanisms. Only one of the agencies interviewed appeared to have the entire response mechanism in place; this organisation was focused entirely on children.

One agency had an electronic suggestion box to which only its head had access to read suggestions or complaints. One senior manager, acknowledging the absence of a complaints/response mechanism, said that their agency was waiting for this to be developed by the PSEA network; however, this was not something that the network was planning to do.

With regard to internal procedures for staff to report cases of SEA, some agencies had in place committees and investigation units to handle complaints. These dealt with allegations of domestic violence, child abuse, SGBV, SEA and other infringements of the SGB or CoC. However, in many instances, it became apparent during interviews that PSEA FPs were not familiar with these internal agency reporting mechanisms. Capacity to investigate reported cases of SEA was mixed, and in some cases was absent altogether. Many agencies either had trained investigators, or access to them, though not to investigators trained specifically in SEA.

With regard to disciplinary action, none of the agencies were familiar with rules or regulations regarding this, as none had ever received an SEA complaint.

Slightly more than half of UN FPs knew about the UN Victim Assistance Strategy (A/RES/62/214), as it had been circulated by the PSEA network. However, those UN agencies that were familiar with the strategy had no resources with which to implement it and had not been able to secure any resources. Some agencies had resources in place that could be used to support victims, but this did not constitute a formal VA mechanism. Two child-focused NGOs had specific policies and procedures in place to provide support to child victims. Agencies working in the camps had been able to come together to share resources to support victims of SGBV, and imagined that they would liaise in the same way at field level to support SEA complainants, should any emerge.

The Review Team felt that, in many cases, agencies were working collectively to offer support to complainants/victims where needed, and that these models could be explored further and shared as examples of good practice, so that managers could discuss the viability of scale-up should this ever be needed.

4.7 The PSEA network

The ECHA/ECPS UN and NGO Taskforce has recommended that a network of PSEA focal points is operational in every country, including FPs from each UN entity, NGOs and the CDU if a peacekeeping mission is present. The network in Nepal was initiated after the PSEA training of March 2009; however, all concerned acknowledge that it has not been dynamic to date.

There are various reasons for this, including changeovers in personnel, difficulty in establishing accurate email contact lists, conflicting priorities amongst representatives, a sense that meetings have been scheduled without sufficient advance notice and the fact that the transfer of leadership from OCHA to the RC's office caused a (perhaps inevitable) need for a period of regrouping. The Network does not – yet – act as an effective programmatic coordination mechanism. In practice (at field level on programme activities) the more operational UN agencies are collaborating, while some NGOs collaborate on the basis of their shared membership of the Humanitarian Accountability Partnership (HAP).

A training for PSEA FPs was held in Nepal in March 2009. At the same time a leadership awareness-raising session was held on PSEA.

The network has a TOR and an Action Plan (for 2009/2010). Comments were requested of network members (i.e. FPs) on the Action Plan and those few that were received have been incorporated. Given progress to date, it seems unlikely that the activities in the Action Plan will be completed by the end of 2010, and in fact concrete progress against the plan will require considerably more coordination and individual agency time than is currently available.

In the short lifetime of the network there has been widespread turnover of actors, with (at an estimate) half of those who participated in the March 2009 training either having left the country, taken up other jobs or ceased to participate in the network by the time of the Review Team's visit one year later. It seems that other forms of training have not been supplied by agencies, as only 48 per cent of focal points who responded to a survey carried out by the network had received any form of training in PSEA.

Regular participation in network meetings falls to three or four agencies. Consequently, there have been recurrent problems with managing contact and distribution lists and ensuring that the network is moving forward inclusively and building shared capacity. Network meeting minutes suggested that these problems had been a source of constant frustration for network members and that discussion of them had been time-consuming during meetings.

Despite all this, the network has had many achievements, including the translation of the SGB into Nepali. It is working on translating other materials into Nepali, such as the 'To Serve With Pride' DVD (currently waiting for New York to send a master copy). It has also sought support and information from networks in other countries, such as Liberia on VA mechanisms), though to date there has not been much response. Attempts were also made to obtain advice from UN agencies in New York on this issue, but the network was referred back to the other country networks. Attempts to contact other networks failed to elicit peer-to-peer support.

There appears to be good cooperation between UNMIN and the humanitarian and development FPs within the network, with UNMIN offering and supplying many of the resources required and some of the labour.

When asked, network members said that they did see the network as a form of mutual support, although some hoped that soon there would be some more practical outcomes. At the initial workshop and at the feedback session, it seemed that members needed to see practical results of network activity in the very near future to understand what the benefits of increased participation could be. Such benefits could, for example, include the sharing of well-worded extracts from partner contracts referring to prohibitions on SEA or the sharing of examples of good practice.

There is also a need to ensure that the requirements of NGOs are well understood. It is recognised that repeated attempts have been made to address this, but neither the coordinators nor the NGOs feel that it has been achieved. The concern expressed by some NGOs that the network represents a potential duplication of the work of HAP should be addressed by asking one of the HAP-affiliated agencies to present to a network meeting and by identifying how exchange and mutual learning could best be undertaken. However, the Review Team saw no potential duplication but only potential benefits from HAP-affiliated agencies working with other agencies in Nepal to raise the visibility of PSEA.

Nevertheless, both at network level and at individual agency level some additional energy and time are required to ensure that the necessary step change takes place. This would include working on a one-to-one basis with NGOs and the Red Cross to see how best their capacities and needs could be included. One possibility is that the chair of the network could consider requesting additional capacity for a short period of time (6–12 months) in the form of United Nations Volunteer UNV (as in Liberia) or GenCap support.

4.8 Conclusions and recommendations

Nepal, and hence the operating environment for agencies, is in transition from conflict, although uncertainty and insecurity remain part of daily life for much of the population. Amongst those consulted for this review, views differed as to the level of risk of SEA in Nepal. The majority of agencies consulted felt that the risk was lower than in other humanitarian contexts, although one major agency and the majority of civil society actors who were consulted felt that the risks were indeed present and remained despite – or because of – societal change.

There was agreement that, should a major disaster (such as an earthquake) occur, then the context would change rapidly, and the space for working to put in place PSEA mechanisms and awareness at such a time would be limited. Currently PSEA is not considered as part of disaster management and preparedness planning.

The RC is personally committed to narrowing the gap between policy and practice on such issues, and an effective individual and inter-agency PSEA focus would be a clear way of operationalising such an intent. One example of this would be to ensure that PSEA is included as a cross-cutting issue in all disaster preparedness activities.

Strong visible leadership at Head of Agency level will be required to raise the profile of the issue and to strengthen inter-agency coordination and network functioning. This could include shared resourcing of a full-time Network Coordinator for period of six or 12 months to work individually and collectively with agencies to identify their individual needs, develop joint mechanisms and awareness-raising tools and deliver awareness-raising and training to agency staff.

If individual and collective PSEA mechanisms are to be strengthened, then the role of the FPs needs to be enhanced and individual FPs need more support. FPs need proactive and visible senior management support to ensure that their roles are known and respected by the rest of their organisations. Consideration needs to be given to training of FPs and this could be undertaken by the Network Coordinator if one were engaged. FPs themselves need to familiarise themselves with their own internal PSEA procedures.

Agencies may wish to consider splitting FP responsibilities between a human resources officer and a programme officer, as has already been done by one agency, thereby ensuring that a single person is not required to have all the background knowledge required. This would also enable FPs to better strike the necessary balance between communicating with staff (the human resources expert) and with the beneficiary community and civil society (the programme expert).

The Review Team saw no evidence of effective community awareness-raising on PSEA during the mission though there were examples of good community awareness-raising on SGBV. Developing appropriate messages, communicating them effectively and monitoring awareness levels before and after campaigns need to be priorities for the network and for individual agencies. Opportunities exist to include PSEA messages and awareness of SEA within existing programmes and this should be developed. The important issue is to communicate to communities that agencies understand that SEA may happen and that they will listen if complaints are made; it must also be explained how complaints can be made and what will happen subsequently. These could be joint mechanisms developed by the network, but they must be developed and tested with the participation of communities. If pictorial messages are used (either for SEA-specific awareness-raising or for broader SGBV work), then humanitarian/development workers should be clearly identified in the pictures.

Some concern has been expressed that a more public profile for PSEA, such as the wider circulation of the DVD 'To Serve with Pride', could portray the UN in a bad light. This apprehension needs to be tackled by managers and these fears allayed. A wider dissemination of the DVD amongst staff should take place. Thought needs to be given as to how to accompany dissemination with contextualisation and discussion.

The PSEA network is still in its infancy and will need more support to be fully active and to fulfil its workplan. The network members themselves spoke of the limited time they had available and a sense that the network was not yet delivering practical outputs. However, 28 individuals attended the network meeting to hear the feedback from the Review Team. Clearly, the commitment and interest is there.

The fact that the Government of Nepal has pronounced 2010 a year of opposition to GV gives an opportunity to introduce the issue and to mobilise government channels to promote awareness of SEA at community level. The Government could be encouraged to incorporate PSEA messages into its advocacy messaging and to make a strong statement that it will not tolerate SEA.

The Review Team was impressed by the energy and commitment demonstrated to PSEA by many of the individuals and agencies it met in Nepal. The team felt that, by adopting some of the measures outlined above, a step change could take place quickly, although it was appreciated that this would require either additional capacity or the reallocation of capacity.

Recommendations to individual agencies

1. Heads of Agencies should visibly promote their own agency's policy on SEA to their staff, including speaking about this at staff meetings.
2. Heads of Agencies should ensure that the PSEA FP is supported in their role and that this role is understood and respected by the rest of the organisation.
3. FPs must have their work recognised in job descriptions and supervisions and adequate time must be agreed to ensure that the work can be done.
4. FPs must receive adequate training to fulfil their role.
5. Consideration of what current mechanisms and programmes (e.g. SGBV work) could absorb awareness-raising on PSEA and development of appropriate messages to be added to these programmes could be a quick but effective activity to undertake.
6. Agencies must ensure that their partners (down to field level) have an understanding of the PSEA obligations stated in their contracts. Monitoring of PSEA should become part of routine programme monitoring.

Recommendations for enhanced inter-agency activity

7. PSEA should be included as a cross-cutting issue in disaster preparedness activities and therefore across clusters.

8. Agencies should collectively consider how to support the PSEA network and the development of inter-agency tools and mechanisms. Consideration should be given to a full-time post for a period of up to a year, and all agencies in the network should consider supporting this.
9. Repetition of the Heads of Agency awareness-raising should be undertaken and should include managers. This is something that could be undertaken by the full-time post-holder were one to be engaged.
10. Repetition of the FP training would appear to be required. Again, this is something that could be led by the full-time post.
11. Developing appropriate community awareness-raising on PSEA needs to be a priority and can more efficiently be done at an inter-agency level.
12. Network members should familiarise themselves with the awareness-raising tools on the PSEA Taskforce website (www.un.org/pseataaskforce) and discuss which tools could be adapted to be appropriate in the Nepalese context.
13. Translation of the DVD 'To Serve with Pride' into Nepali should be completed. Dissemination of the DVD with the security packs given out in initial security briefings should be considered.
14. Collective work needs to begin to implement the UN Victim Assistance Strategy. This will involve sharing of resources and services.
15. The RC's office should request the Government to incorporate PSEA messages into its advocacy messages with regard to the national 2010 year of zero tolerance on gender violence. The Government should be asked to make a strong statement that it will not tolerate SEA. Thinking around SEA should also be incorporated into joint disaster preparedness work with Government agencies.

5. Country Case Studies

5.1 Appealing to aid workers' professionalism: a case study on awareness-raising in Kenya

This case study explores the way that a series of actions taken in concert across agencies can provide an important learning foundation for staff at points of crisis. The approach taken in Kenya sought to provide aid workers with a framework to understand the process of sexual exploitation and abuse (SEA) and the nature of the power relationship between the aid worker and the beneficiary, to help ensure that such exploitation was effectively addressed. It demonstrated the need to facilitate discussions with training participants that enabled a process of enquiry to help aid workers learn, rather than simply transferring information to them.

During the post-election violence of 2008, a significant problem with SEA was highlighted in Kenya. The nature and scale of the problem emerged through an inter-agency assessment on gender-based violence (GBV) conducted by UNFPA, UNICEF, UNIFEM and the Christian Children's Fund. The risks were further highlighted during UNICEF child protection assessments, which noted that insufficient protection mechanisms were in place to guard against SEA. This was further verified by UNICEF during related interviews and focus group discussions. The findings illustrated the lack of preparedness by agencies with a development focus to prevent, identify and respond to exploitation at the point when the response moved into a humanitarian phase. Such exploitation may already have been present prior to this phase, but the displacement of thousands of people highlighted the need for proactive work to address the problem as a matter of urgency.

A package of work emerged that provided a foundation for agencies to respond proactively. As an initial step, UNICEF ensured that protection from sexual exploitation and abuse (PSEA) was integrated into the GBV sub-cluster coordination mechanism. Subsequently a PSEA coordination

group was established by interested actors at the Nairobi level. This was important in focusing attention on aid worker behaviour and agency procedures under the wider umbrella of GBV-related issues. At the same time, with the support of senior management, a series of awareness-raising trainings for staff on PSEA was undertaken. Following this, the last key element was raising awareness amongst the UN Country Team (UNCT) to ensure the continuation of PSEA efforts amongst the humanitarian community. This resulted in the deployment of a GenCap Adviser, whose primary brief was PSEA and the establishment of functioning PSEA mechanisms in Kenya.

As a first step, an initial programme was designed for humanitarian staff, predominantly from local partners including CBOs, NGOs and government counterparts. UNICEF developed a two-day training of trainers (ToT) module and over a three-week period (March–April 2008) trained 121 people from 67 organisations in collaboration with OCHA and UNHCR, with funding provided by UNFPA/UNICEF. Following the establishment of the UNCT PSEA network, each agency was required to train its own staff. As a result, UNICEF trained over 450 of its staff.

The approach used during the training events provided a useful lesson in how to use personal reflection and dialogue to help people learn. This was demonstrated in two different ways. Firstly, within UNICEF a three-step mentoring approach was taken to train focal points (FPs) from the different agencies so that they would have the necessary confidence to enter into dialogue with training participants from their own agencies, as part of the process of sensitisation on the issue of SEA. This involved first undertaking the training of the FPs, then co-training personnel from their agencies (i.e. with the FPs), followed by observing the FPs training on their own and providing support if required.

This close support involved assisting the FPs in answering some of the more complex questions that emerged during SEA trainings. One such example was an issue raised by participants of perceived inconsistency between the Secretary-General's Bulletin (SGB), which discourages relationships with beneficiaries (rather than prohibits them), and the UN's zero tolerance policy on SEA and the strong codes of conduct in place at many NGOs. The mentor was able to prompt the FP to highlight the spirit of the SGB and help participants look beyond its perceived inconsistencies.

Secondly, a specific exercise utilised in the course of the training was an experiential one designed to help participants gain a better understanding of the power dynamics within communities and therefore of the different vulnerabilities of community members. This exercise constituted a simple 'power walk' that involved inviting participants to take steps along a continuum of questions regarding options faced by community members with particular profiles. For example, profiles such as 'community leader', 'disabled boy', 'military officer' and 'orphan girl' were selected and questions posed such as 'What access to food do you have?'. The final result, of different participants standing in very different places in the room, served as a powerful visual reminder of the stark differences between community members and their vulnerabilities in relation to one another and to aid workers.

While the humanitarian sector uses the language of vulnerability extensively, it rarely invites aid workers to reflect on what creates that vulnerability. Lessons can be learned from development approaches, where an analysis of power relations is considered central to the transformational process of development. Participants in the Kenya training were invited to reflect on this and on their own roles as professionals providing assistance.

Participants appreciated the approach utilised for several reasons. In the first instance, it gave a framework to what they had witnessed in terms of exploitative behaviour. All staff were trained, including drivers, and a message well understood by participants at the end of the training was the impact that the actions of a single individual can have on the profession's collective reputation. A second benefit was the opportunity for participants to consider their own relationships with beneficiaries further and to gain a better understanding of the inherent inequalities in this relationship and the importance therefore of adhering to a professional code of behaviour. Lessons can be

learned from other professions, such as the medical profession, where such ethics are well established and understood by practitioners.

While evaluation of this approach is pending and it is therefore difficult to comment on its long-term impact, it appears to be both thorough and creative, bringing about closer engagement than might normally be seen in a ToT exercise and moving learning participants away from the Powerpoint presentation to a more transformative personal reflection on their roles as practitioners.

A number of elements appear to have contributed to this emerging approach. These include:

- The initial leadership demonstrated by senior UNICEF management to support staff to initiate this training;
- The role of individuals within UNICEF and other agencies (such as the Kenya Red Cross) to take the initiative forward, ensuring that momentum was built around it;
- The use of a simple but effective model of mentoring training, which meant that FPs were supported to be effective trainers;
- The fact that additional resources were secured to take forward other aspects of prevention and response besides training, such as adapting inter-agency codes of conduct previously utilised to prevent SEA in refugee camps in Kenya and the deployment of the GenCap Adviser. This was important in ensuring that all four pillars of PSEA were covered effectively and that the training work was located in a system-wide approach to prevention and response.

As with all agencies, the turnover of personnel in Kenya meant that a continual process of learning and training was needed to ensure that new staff were inducted and existing staff refreshed where needed. However, the experience clearly demonstrated how a significant step could be taken at a point in time to move agencies from one side of the protection line to another, enabling them to rise to the challenge of humanitarian emergencies and the subsequent vulnerability of displaced populations.

5.2 Reaching communities through local NGOs in Somalia: a case study on building field-based networks

This case study explores the challenges of engaging communities in conflict settings where security restrictions limit field access. It highlights the realities of many contexts in the world where aid is provided through local and national implementing partners, but where access for monitoring purposes is limited and where therefore beneficiaries' vulnerability to sexual exploitation and abuse (SEA) may be higher.

Given the context of the long-running conflict in Somalia, there are a limited number of agencies based in the country itself, with the majority establishing their country presence from Nairobi, Kenya. The Somalia In-Country Network (ICN) for Protection from Sexual Exploitation and Abuse was established in Kenya in 2007, and largely comprises UN agencies.

Although an ICN workplan was completed in 2007, this was centred largely on Nairobi as a focus. From 2008, with the appointment of a Gender Capacity (GenCap) Adviser (based within OCHA), the focus of the ICN was to build a broader constituency of agencies within the network with the appointment of more focal points (FPs) from each agency and to seek to promote stronger and better coordinated mechanisms between ICN members where beneficiaries raised complaints about SEA.

The intention was for each agency to adapt its headquarters mechanism for use in Somalia. The intended outcome was for agencies to coordinate with one another on how inter-agency reporting of complaints from beneficiaries should take place. Limited progress was made on this aspect, however, with only 11 of 22 agencies sharing their complaints mechanisms with the ICN. However, FPs were identified for almost all the 22 UN agencies and 15 NGOs involved in the network. All FPs were trained and awareness-raising activities were extended to all staff members.

It became clear to participants in Nairobi, however, that they were far removed from the field reality of Somalia, where beneficiaries were potentially at risk of SEA and where complaints mechanisms needed to be more accessible. A more creative way was needed therefore to access these beneficiaries, to ensure that they knew their rights and could take action to report if they were infringed in any way.

A decision was taken to establish field-based networks of local and national NGOs, called Community-Based PSEA Networks. The NGOs involved were already in contact with the beneficiaries as implementing partners of UN agencies and INGOs. For each network, the number of NGOs differed depending on the number of agencies operating in each area, with an average of approximately 20 NGOs. NGOs were selected through meetings and an open invitation by the GenCap Adviser to participate in the Community-Based PSEA Networks.

Four PSEA networks were established, one in each of Somalia's four main regions, although the extent of their development, funding and support varied depending on access and security, as well as the experience of the NGOs in working with beneficiaries. For example, this meant that a smaller initiative was undertaken in one region of South Central Somalia, where there were more restrictions on access for aid workers due to insecurity. This meant that in this region a more cautious approach had to be taken.

The connection between the ICN in Nairobi and the field-based networks was established through discussions about how the UN and INGOs could use these networks to disseminate information to beneficiaries about their rights. As a result of this, all ICN members became more involved in supporting the field-based networks. A positive benefit of this was that, as a network, the ICN was therefore able to focus further on PSEA issues and was further strengthened by this.

Based on the ICN workplan, which had received endorsement from the UN Country Team, the field-based networks were invited by the ICN to put together funding proposals for how they would act as

information conduits from UN and INGO agencies to beneficiaries. Network members themselves determined that only those already working with beneficiaries should be eligible to apply for funds for PSEA activities, to avoid interest being expressed by agencies without the skills, knowledge or experience to provide such services. In the first year, a total budget of \$146,000 (contributed by the UN Country Team as pooled funding) was available to disburse, and each network received between \$17,000 and \$25,000 as an initial grant (with the exception of the smaller NGO in South Central, which was given less as a starting point for it to establish itself in this work).

From November 2009, NGOs were therefore funded to work together in these field-based networks. Benefits that appear to have been derived from working in this way (according to interviewees) include:

- Coordinating information dissemination activities to beneficiaries so that they are aware of their rights;
- Sharing joint accountability to beneficiaries as network members;
- Collectively advocating on behalf of beneficiaries' issues and needs to UN and INGO partners.

Awareness-raising activities included drama, radio and television adverts, workshops and training. Different NGOs within the network focused on specific forums for dissemination. Self-regulation meant that to some extent the NGOs in the network were each accountable to one another for the network delivering on its commitments within the proposal for which it was funded. Lastly, the opportunity to advocate on behalf of beneficiaries meant that UN and INGO agencies could receive constructive critical feedback on the PSEA programming carried out that would assist in making programme design more relevant and useful to beneficiaries.

An issue arising from this type of remote support, where direct monitoring is difficult, is how reliable it was. In essence, this raises the core question of how to support beneficiaries when frontline staff may be the very people to whom they are vulnerable. One attempt by the ICN membership to tackle this issue was to empower beneficiaries by establishing gender-balanced PSEA committees in IDP settlements. These committees provided an important role in giving women as well as men a voice concerning issues relating to PSEA.

In terms of time and support required, considerable resources were needed to train NGOs on understanding the Secretary-General's Bulletin (SGB), how information should be disseminated to beneficiaries and the benefits to be gained from participating in a network (as indicated above). Once the networks were established, time was spent on establishing community-based reporting mechanisms, and on translation of key documents such as the SGB, the Inter-Agency Code of Conduct, Inter-Agency Protocols and PSEA training modules.⁴⁹ These documents provide the architecture for the implementation of PSEA activities, and it was therefore important to ensure that the NGOs that would form the field-based networks understood them and could utilise them in the field. Where possible, Nairobi-based ICN members undertook field visits to provide this support.

In terms of monitoring, OCHA used its field officers based in Somalia to monitor and report on the progress of these funded PSEA activities within the networks. This included providing formal reports and making presentations on progress at the Somalia country team retreat weekends. This was possible because national staff were based in the field and therefore had access to the work of the networks for monitoring purposes.

However, a number of challenges were identified with these activities. These included the time required to establish effective links with the community when working remotely and with limited

⁴⁹ Available on the PSEA Taskforce website: <http://www.un.org/pseataaskforce>

access. The NGOs involved, while experienced in working with beneficiaries, required additional support for PSEA activities and for maintaining and developing the networks. Secondly, there were different perspectives and understanding among ICN members in Nairobi of what was possible, and time was needed to bring everyone to a consensus on the way forward. Thirdly, the context of Somalia was one in which discussion about SEA was marginal and where there was a general view that exploitation was not happening. Again, it required time to establish with participants within the field-based network NGOs the need for this work.

At the time of writing, it was still early days for these field-based networks, which have been fully functioning only since November 2009. The first one was established in June 2009 and the implementation of awareness-raising activities in IDP settlements only started in November. It therefore remains to be seen whether these networks can be a satisfactory conduit for the UN and NGOs to receive complaints from beneficiaries. It also remains to be seen whether members of the networks can empower beneficiaries regarding their rights, and can ensure that their own network members fully uphold those rights.

Lastly, while remote monitoring approaches are being developed, it is still too early to know whether a remote approach can give the assurance needed regarding the success of the field-based networks. Despite these uncertainties, however, this initiative represents a creative and bold approach on behalf of the NGOs as members of the field-based networks and the Nairobi-based ICN.

5.3 Plain speaking in Southern Sudan: a case study on awareness-raising

This case study explores approaches taken in awareness-raising activities with communities, as part of a wider plan on protection from sexual exploitation and abuse (PSEA) implemented in Southern Sudan in 2009.

Although the crisis in Southern Sudan has been a long-running one, there has only been a large-scale peacekeeping mission present in the region since the Comprehensive Peace Agreement was signed between the Government of Sudan and the Sudan People's Liberation Movement/Army in January 2005. Since then, while some efforts have been made to roll out the measures contained in the Secretary-General's Bulletin on PSEA,⁵⁰ these have been relatively limited, even though there are currently over 14,000 UN peacekeepers, police and local and international civilian personnel and volunteers involved in operations there.⁵¹

However, PSEA efforts were strengthened with the establishment of a Sudan-based task force on PSEA over a 12-month period during 2009. The active support of the Deputy Resident/Humanitarian Coordinator was one important factor in achieving this. The task force was co-chaired by the Conduct and Discipline Unit (CDU) of the peacekeeping mission as a standing chair, along with a rotating UN agency representative from a different entity for each of the fortnightly meetings.

This ensured that there was shared ownership of activities emerging from the task force, as well as benefits from the various resources that each agency offered. For example, SEA was a primary focus of activity for the CDU and it therefore had dedicated staff who could implement initiatives. Other UN agencies, in contrast, did not have as many staff available, but were able to fund activities to support the CDU to take them forward on behalf of the UN as a whole. This combined effort provided a valuable basis on which to cooperate for PSEA activities and was reflected in a shared workplan.

Awareness-raising was chosen as one of the priorities in the workplan, along with victim assistance (VA) and increasing the involvement of NGOs in the task force. The approach taken on awareness-raising had two parallel strands:

- An internal one, focusing on staff training; and
- An external one, focusing on engaging communities and disseminating information on their rights.

The working hypothesis behind this approach was that the more communities became aware of their rights, the more empowered they would be to report incidents of SEA.

Awareness-raising in the community was difficult to initiate because of a variety of factors:

- Logistical challenges (many of the agency's operating areas were accessible only by air);
- The dispersed nature of rural and urban populations across Southern Sudan;
- The difficulty of finding the right language to deal with a sensitive topic.

In response to the last of these, the Sudan-based task force on PSEA undertook a pilot activity to develop communication messages that could be used to raise awareness amongst communities. This involved working with several different focus groups (women, children and university students), to agree how to communicate messages about SEA. The intention was to find language that resonated with the community, made sense in translation and would open the door to further discussion and

⁵⁰ Secretary-General's Bulletin. Special measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13). See Annex 2.

⁵¹ DPKO website, 15 March 2009. <http://www.un.org/en/peacekeeping/missions/unmis/>

dialogue, in the interests of ensuring that community members knew and understood their rights to free and unconditional assistance.

Three key messages emerged from this engagement, and these were built into mass communication materials such as T-shirts, school bags and radio jingles. They were:

- 'My body is not for sale.'
- 'Don't abuse your position for sex.'
- 'Don't let yourself be abused.'

In the cultural context of Southern Sudan, it was felt that these captured clearly the prevention messages to be conveyed. The messages were tested on agency personnel, translated and re-presented to the focus groups, all of whom approved the output and felt that these were messages to which they and their peers could relate.

Two small pilot awareness-raising events were undertaken using these messages. While it was difficult to assess the impact of these events (no baseline was established on what people knew about their rights beforehand or on the prevalence of SEA), there was sufficient information to know that no such campaign had been conducted until then in the same locations, and that therefore they were intended as a starting point for further dialogue with these communities at a later date. Anecdotal feedback on the events was positive.

Running the events involved a number of different elements, including:

- Engaging local authorities through the Ministry of Social Welfare;
- Ensuring that the key messages were presented by Sudanese staff;
- Incorporating entertainment with drama in conveying the messages, along with refreshments at the end of the entertainment.

One of the two pilot events was held in a local stadium: this was chosen as a neutral venue, one with which people were familiar and one that was not associated with humanitarian agencies or the peacekeeping mission. The campaign was advertised beforehand by a staff member using a megaphone, and the event itself lasted for a few hours, with an opportunity for questions, comments and answers afterwards.

This initiative was seen as an important first step in rebalancing the power relationship between agencies and communities. The intention was to follow up these small events with wider communications campaigns using radio broadcasts and replicating the activities in state capitals as a starting point.

This approach recognised that communities were active stakeholders in prevention and response activities, and that they needed to be engaged from the beginning if the right sort of dialogue was to be established. No-one was under any illusion that these pilots were sufficient, but they represented a start that needed to be followed up with more targeted activities. However, the hallmark of the work in Southern Sudan appeared to be keeping language plain and direct and ensuring that workplans were simple, focused and community-based.

5.4 Pooling resources in Thailand: a case study on shared induction and training

One of the challenges facing agencies promoting the protection from sexual exploitation and abuse (PSEA) through awareness-raising with staff is how to give it prominence amongst many other priority issues. This can be particularly problematic for agencies with fewer staff, high turnover of personnel and limited resources. It can also be difficult to profile it as an issue of relevance where staff are not in direct contact with the beneficiary population and where the issue of agency reputation may not appear as prominent. For example, in complex urban settings such as Bangkok the identity of a UN or NGO worker may not be visible out of office hours, and to some extent staff can get 'lost' in big urban populations. In such circumstances it may be challenging to ensure that a zero-tolerance policy is being promoted and adhered to by all personnel.

One approach taken in Thailand during 2008 was to undertake common induction courses for all new staff, both national and international, between different UN agencies. This was initiated through the UN Human Resources and Learning Managers Group, a forum for human resources managers from different UN agencies based in Bangkok. This forum sought to establish common practice and lessons learned in personnel induction and training. A focus of this work included PSEA activities.

A particular focus of the shared approach taken by the different UN agencies was to communicate with newcomers the concept of 'one UN'. The common induction approach covered cross-cutting issues for which all agencies had a collective responsibility and was designed to provide an overview of each issue for further follow-up by individual agencies at a later date. Topics covered during the one-day training included HIV/AIDS, coordination in the UN and the role of the UN country team, the UN development goals and the zero-tolerance policy on SEA and workplace sexual harassment. Different agencies led on the delivery of the topics. Course participants were shown the DVD 'To Serve with Pride: Zero Tolerance for Sexual Exploitation and Abuse', given copies of the Secretary-General's Bulletin (SGB)⁵² and shown a Powerpoint presentation on PSEA.

Agencies then followed up this training in different ways. For example, UNDP had a staff induction checklist that included whether staff had attended the training and whether they had been given core documents such as the SGB. The agency also held an additional induction briefing (one per month) with new staff who would already have attended the common induction course.

The value of the joint initial briefing served to underline to staff the code of behaviour of the UN and the importance of them upholding that common code, regardless of which entity employed them. In urban centres like Bangkok, where monitoring PSEA is likely to be near impossible, for some staff such collective reinforcement mechanisms may be crucial to ensure that the zero-tolerance policy is respected.

⁵² Secretary-General's Bulletin. Special measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13). See Annex 2.

5.5 Creating community dialogue on the Thai–Myanmar border: a case study on working with refugee populations

This case study details the collective steps taken by a group of NGOs working with Burmese refugee communities on the border between Thailand and Myanmar between 2007 and 2010 to prevent and respond to cases of sexual abuse and exploitation by NGO workers. Focusing first on developing a common code of conduct and inter-agency protocols for responding to SEA, this initiative sought to build a dialogue that would empower refugees to report cases. It demonstrates the possibility of creating dialogue in logistically difficult contexts and in contexts that involve working with large numbers of refugees, through strategic and sustained sensitisation. It also illustrates the need for dedicated financial and human resources to initiate this process, if it is to gain sufficient momentum and be sustainably mainstreamed into individual agency efforts in the longer term.

The need for this initiative was identified through a network of 18 international and national NGOs, known as the Committee for the Coordination of Services to Displaced Persons in Thailand (CCSDPT); some of these agencies are implementing partners of UNHCR and UNICEF. The network has been a longstanding forum (since 1975) providing refugee assistance in Thailand and therefore an appropriate one to identify the need to take more proactive action on the prevention of SEA by humanitarian workers.

Agencies could not speak as to the prevalence of SEA as there was no concrete system in place to assess this. However, it was felt that it was an issue, as there were known cases of sexual abuse by Thai military personnel. It was therefore considered judicious to ensure that, as a network of agencies, a system should be put in place to ensure responsible behaviour by agency staff as a minimum.

In 2007, therefore, a Prevention of Sexual Abuse and Exploitation Coordinator was hired by the International Rescue Committee (IRC) on behalf of the CCSDPT, with one year of funding provided by Austcare, an Australian NGO funded by the Australian Department of Immigration and Citizenship. The Coordinator was tasked with establishing an agency-wide systematic approach to prevention and response activities in terms both of awareness-raising and training of each member agency and its staff and of awareness-raising with refugees of their rights to unconditional assistance.

In the first year the focus was on establishing a *modus operandi*, building support for the initiative amongst more sceptical members and developing a common code of conduct. This reinforced each agency's own existing code of conduct, but added an additional component of the collective effort required if prevention activities were to be successful. This was based on the view that organisations within the network were mutually accountable to one another, and if one organisation did not implement protection activities as fully as another, it would have an impact overall on the credibility of efforts to work with refugees on their rights. This code was supplemented by the CCSDPT's Inter-Agency Protocols for the Prevention of Sexual Abuse and Exploitation (PSAE),⁵³ which govern how agencies collectively address allegations (by 2009 signature of and adherence to the code of conduct were made conditions of membership of the CCSDPT).

The second stage of the project was embarked on in 2008, when it was decided to apply to the US Government's Bureau for Populations, Refugees and Migration (US BRPM) for follow-on funding to continue sensitisation amongst the refugee population as well as amongst network members' staff. US BRPM approved the proposal and has supported the project to date. The Coordinator moved to the field at this stage (having been based initially in Bangkok to work with the leadership of each member agency) and this facilitated a greater and more in-depth dialogue with refugees and refugee-led agencies.

⁵³ In Thailand, PSAE is the acronym used to mean Prevention of Sexual Abuse and Exploitation.

Now in its third year of implementation, the project has further shifted focus to collaborating with camp-based organisations on the development of similar prevention and response systems for addressing SEA by refugee-led organisations working with funding provided by NGOs.

In the second phase of the project, the Coordinator recruited four staff as PSEA trainers to work in four field sites covering nine camps on the Thai-Burmese border. These trainers came from the same ethnic groups as members of the camp population, though with legal status in Thailand or Thai citizenship, and had previous training or protection experience. They are each responsible for awareness-raising in two to three camps, with each camp ranging in population from 2,000 to 35,000 refugees. Their role is to conduct awareness sessions on refugee rights to unconditional assistance, on SEA by humanitarian workers and on the process used to complain if refugee rights are infringed. It is important to note that each agency is responsible for its own complaints and investigation procedure, but the PSEA trainers signpost refugees on how to make a complaint should they wish to.

The trainers undertake various types of awareness-raising activities, such as outreach sessions and presentations to large groups of refugees, organising youth activities around refugee rights (cultural or sports events that provide an opportunity to discuss refugee rights in a more social context) and distribution of information materials in schools or clubs. They also foster a constant dialogue with camp leadership and camp-based organisations by meeting with them regularly to discuss if and how this NGO initiative can be improved and what concerns the refugee community may have regarding NGO staff. In general, outreach sessions of all kinds are not conducted in isolation but 'piggyback' on other awareness sessions already being carried out in the camps, such as legal advice sessions and sessions on GBV.

Over a two-and-a-half year period, reporting of SEA has significantly increased, from only a handful of reports in the first year to sometimes several reports per month. Between January and March 2010, for instance, six different incidents were reported and the allegations were handled by the agencies concerned. In a survey conducted in April and again in September 2009, 73 per cent of respondents felt that SEA by humanitarian workers was a significant problem in the camp, while 93 per cent confirmed that it is necessary to have a 'programme to combat sexual abuse and exploitation by humanitarian workers inside the camp'.⁵⁴ On several occasions, refugees reported a feeling of encouragement and relief that they had better information about their rights and that they understood to whom they could turn if their rights were infringed by NGO staff. This demonstrated that, in a relatively short space of time, with dedicated resources refugees will report to agencies if they have a problem, know how to do it and to whom to turn, and feel that lodging allegations will not put them in danger.

A number of factors have contributed to the success of this project to date:

- Linking the PSEA awareness-raising with other areas of work that were more established and already successful in their own right (for example, in supporting refugees to seek legal redress for serious crimes through the Thai criminal justice system) was important in terms of establishing the credibility of the PSEA project in the camps, as well as in terms of logistical set-up.
- Secondly, maintaining a regular field presence helped to engage the refugee leadership in discussions about the issue and to better focus the work of the NGOs on this issue.
- Thirdly, stressing the collective responsibility of each agency to one another to ensure that complaints were properly followed up was a constructive way to engage agencies that may otherwise have responded slowly to allegations to respond in a more timely way. This was

⁵⁴ These statistics are taken from knowledge, attitude and practice (KAP) surveying done in three of the nine camps: Baan Mae Nai Soi, Umpiem Mai and Nupo camps.

considered important to ensure that network members associated with the project were seen as credible, and therefore that refugees would have confidence to use the system.

- Lastly, in some cases special measures were needed to ensure the protection of refugees following a complaint. The project benefited again from its links with other protection-based activities where legal redress as well as access to victim support, whether shelter-based or medical, was already in place.

While progress has been made in enabling camp-based communities to report complaints, several challenges remain for the project:

- The first is that the project is due to phase out at the end of 2010, with the intention that each agency will take forward PSEA activities in its own right. In reality, not all agencies are equally prepared and able to do this, and it may mean that activities and response in addressing the problem are not as consistent in the future. To counter this, a PSEA Steering Committee has been established, which sits as an official sub-body within the CCSDPT. It is tasked with guiding the work undertaken individually and collectively to prevent and respond to SEA. While project staff do not investigate complaints directly, but work with refugees to ensure that the agency concerned follows through on this process, the presence of the project staff is an important confidence-builder for refugees, as well as a check and balance in the event that an agency is seen as not adhering to its commitments.
- Secondly, there is some dissonance and confusion regarding how far the protocols and regulations of staff behaviour should extend. As has emerged in other humanitarian settings, the issue of how staff behave and/or where they spend time outside work hours has come to the fore. A constructive dialogue has emerged through staff training events on this issue along the borders, but it is clear that different opinions remain about what is acceptable behaviour in environments in which commercial sex and red-light establishments are highly prevalent. Included in this debate is the comparison of what is deemed acceptable in a humanitarian or emergency context and in a more developmental one.
- Furthermore, it also remains the case that large-scale urban contexts are difficult environments to police, even if an out-of-bounds list were to be identified,⁵⁵ and that to a large extent agencies rely on trust that their staff will adhere to their code of conduct regarding the prohibition of commercial sexual transactions. However, the fact that it remains a significant source of discussion and debate suggests that this is not an easy topic on which to reach consensus and that a collective position, albeit necessary, may not be easy to achieve.

⁵⁵ And there is debate as to the usefulness of such a list.

5.6 Finding the entry points in Yemen: a case study on challenging assumptions

This case study explores the way that UN staff in Yemen broached the subject of sexual exploitation and abuse (SEA) with staff and communities over the period of one year, using a combination of personal identification and connection with staff and community members to engage them in PSEA activities and reflection. In order to achieve this, a genuine process of partnership was established that provided a foundation for further PSEA activities in the long term.

There is a sizeable UN presence across Yemen that deals with development assistance and, more recently (since the insurgency in the north and east of the country), with humanitarian assistance. It is, however, a crisis that is under-funded, with UNHCR receiving only 3 per cent of its requested total for its 2010 appeal by March of that year.⁵⁶ This means it does not have the same resources as other countries with a more established PSEA architecture, such as Liberia or Sudan. There is, for example, no PSEA network in Yemen. Furthermore, from a cultural perspective it is difficult to discuss the subject of sex in the presence of women and men together. This, plus what has been described as the 'closed' nature of Yemeni society, contributes to an environment in which meaningful engagement on the subject, with either staff or communities, calls for creative and sensitive skills.

Initial work on PSEA began last year with the appointment of a GenCap Adviser to work as an inter-agency UN adviser. As part of his role, which straddled development assistance and humanitarian contingency planning, the adviser undertook a review of programme and agency reports and an analysis of the environment in which agencies were operating (where, for example, there were very high levels of domestic violence and where there was evidence that Somali and Ethiopian refugee women may be entering prostitution).

The adviser's conclusion was that there was a need to provide a reminder message to staff regarding the UN's zero tolerance policy on SEA. Utilising a range of resources available (IASC Gender Handbook, IASC Gender-Based Violence Guidelines and SEA materials), along with case studies drawn from his own experience in Darfur, Sierra Leone and Liberia, a training programme was designed. The programme was run in multiple international agencies in three locations, with one agency undertaking to train not only staff but also representatives from partner agencies. Men and women were separated into single-sex groups for discussion on selected topics, generating a much more responsive and positive discussion as a result. While a more segregated approach might be anticipated and therefore the results may seem unsurprising, this did seem to yield a more reflective approach than had occurred at the start of training where, in a mixed group, the men in particular appeared to dismiss the issue of SEA because of their preconceived ideas.

While training of staff was an initial entry point, it was also important to ensure that the Government of Yemen was engaged both in discussion about the issue and in prevention activities, given its national leadership and service provider roles. This need was addressed through the Yemen Women's National Committee, a government body responsible for promoting gender mainstreaming into government activities. This committee has quite a broad reach and in particular is able to access women's groups throughout the country.

An initial discussion attempted to make committee members more aware of the risk of SEA occurring, an issue that at the outset surprised them. The intention, however, was that they would be able to present these issues to the communities with whom they were working and thereby disseminate the potential risks more broadly to community members. This would extend the numbers of people sensitised to the issue beyond what would otherwise have been possible for UN staff to achieve.

These initiatives were taken further into the community with the appointment of a second gender adviser, who succeeded the first. A pilot session was undertaken with a group of Somali refugees,

⁵⁶ UN News Centre website, 15 March 2010. <http://www.un.org/news/>

with the assistance of UNHCR. The UN awareness-raising film 'To Serve with Pride' was shown to community members as an entry point to discussing with them the potential threats to themselves of SEA.

Although the DVD was designed for staff, it helped to raise awareness of the issue amongst the Somalian refugee population. This was demonstrated by the fact that, after initial reactions were voiced (some refugees wondered if the film meant they could never trust UN staff, an issue they needed to be reassured about), a more in-depth discussion was possible, in which the refugees were able to identify a range of occasions where they had personally been propositioned for a 'favour' in one form or another by implementing partners.

What was evident from this conversation was that the participants had not identified these requests as inappropriate or exploitative until they saw the video and had discussed the issue and what they could do about it. This underlines the importance of awareness-raising and sensitisation at the community level, but within a context where follow-up dialogue is possible.

In both the above cases, the GenCap advisers used themselves as a resource to identify and connect with the participants in the training (both national staff and community members) on a very personal and open level. For example, one of the advisers had a discussion with community members about the physical differences between men and women, as a way of opening up people's comfort zones to discuss the topic of SEA.

This utilisation of 'self' appears to have been a critical element in the success of the discussions – one that enabled people to be challenged on their assumptions and views and empowered to act in relation to their rights to protection, if they needed to. With the community training session, this was particularly important, as the adviser wanted to stress the role of community members in their own protection. This involved highlighting to them their own responsibilities to be aware of the issue and to report any requests that might be of an exploitative nature.

While it remains to be seen whether in fact these community members take the next step by reporting SEA if they are propositioned in future, the example serves to underline the interconnectedness of management directives (the zero tolerance policy) with staff training and understanding (i.e. that the policy appears relevant and can be applied in the given context) and the community's own engagement. Without an interconnected approach, any one of the strands would be insufficient to ensure the greatest level of protection possible. These three elements of management, prevention and community engagement reflect three of the four pillars of PSEA, highlighting the importance of an interconnected approach to ensure that a strong base for protection is established.

The next step for the work that has been started in Yemen is that it needs to be replicated and scaled up to reach more UN and NGO staff and more beneficiaries of humanitarian assistance. Tools that would assist in doing this would be the development of an awareness-raising film aimed at the community, further targeted training for implementing partners and the engagement of communities as partners, rather than recipients, with the UN and NGOs in promoting prevention further.

The experience in Yemen provides an illuminating example of the importance of challenging assumptions, but of doing so from a 'friendly' position, i.e. by establishing a basis of identification and cultural connection. If establishing a genuine partnership with the community is to be achieved, such a foundation is critical. Establishing it requires the right staff, with a good cultural understanding and an appropriate level of skills and confidence, if it is to be successful.

Annex 1

PSEA Review Terms of Reference

Approved by Inter-Agency Standing Committee 14 July 2009

Revised by the PSEA Review Steering Committee 5 October 2009

INTRODUCTION

The Inter-Agency Standing Committee (IASC) would initiate an inter-agency review of the extent to which the United Nations (UN), international nongovernmental organizations (NGOs) and inter-governmental organizations (IGOs) have implemented policies requiring organizations to address sexual exploitation and abuse by their personnel.

These terms of reference (TOR) were developed on behalf of the ECHA/ECPS UN and NGO Task Force on Protection from Sexual Exploitation and Abuse (hereafter “PSEA Task Force”), which has many of the same members as the IASC. Recognizing that the pace of implementation remains slow in the humanitarian community and is inconsistent across organizations and countries, PSEA Task Force principals are proposing that the IASC resume its leadership role on this issue in supporting a global review of the current status of PSEA implementation.

Toward this end, an external consultant was hired by OCHA to conduct a consultative process that would build consensus on a TOR for consideration by the IASC Working Group at its 74th meeting. Forty-six individuals from twelve IASC organizations as well as eight other organizations, two donors and one former beneficiary were consulted.

BACKGROUND

Since the release of the 2002 report by the United Nations High Commissioner for Refugees and Save the Children UK, which brought attention to the prevalence of sexual exploitation and abuse (SEA) of beneficiaries by humanitarian aid workers and peacekeepers in West Africa, humanitarian aid organizations have responded by developing and attempting to imbed policies, guidelines, standards and tools to prevent and respond to cases of sexual exploitation and abuse by their staff and related personnel.

For example, standards of behaviour have been established in the Six Core Principles of the IASC Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises, as well as in the United Nations (UN) *Secretary-General’s Bulletin on Special Measures for Protection from Sexual Exploitation and Sexual Abuse* (2003) and the *Statement of Commitment on Eliminating Sexual Exploitation and Abuse by UN and Non-UN Personnel* (2006). The Building Safer Organizations project (2004)⁵⁷ has provided support to organizations to enhance their capacity to receive and investigate allegations of SEA. The “Prince Zeid Report”⁵⁸ (2005) set out strategies to eliminate future cases of SEA in the UN. The UN General Assembly resolution on assistance and support to victims of SEA (2008) and the accompanying implementation guide (2009) set out a framework for the UN system, together with nongovernmental organizations, to facilitate, coordinate and provide assistance

⁵⁷ Currently merged into the Humanitarian Accountability Partnership International.

⁵⁸ United Nations General Assembly, *A Comprehensive Strategy to Eliminate Future Sexual Exploitation and Abuse in United Nations Peacekeeping Operations* (A/59/710) 24 March 2005.

to victims. Since 2002, the IASC Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises and subsequently a group of IASC members together with other organizations under the auspices of the ECHA/ECPS PSEA Task Force have been developing guidance and tools to combat the problem.

Yet implementation of such obligations, strategies and tools has been slow, particularly in the humanitarian community. Meanwhile, SEA persists. In 2008, Save the Children UK and the Humanitarian Accountability Project (HAP) International released reports⁵⁹ revealing that incidents of SEA still occur in significant numbers in humanitarian settings and are largely unreported.

It is clear that further steps are needed to enhance the global efforts to protect populations of concern from sexual exploitation and abuse. This review is envisioned as a first step toward that end in order to better understand the status of implementation and the blockages and obtain recommendations for a way forward.

OBJECTIVES AND USERS OF THE REVIEW

The purpose of the review is to assess the extent to which organizations and country teams have implemented their obligations to address sexual exploitation and abuse. This review is not intended to be a “naming and shaming” or “finger pointing” exercise nor is it a formal evaluation. Instead, it will be a stocktaking and needs analysis, covering achievements and constraints and make appropriate recommendations for future action. This process will also establish a baseline indicating where organizations stand on institutionalization of PSEA. The main objectives of the review are:

- To promote accountability by providing a transparent baseline assessment of the extent to which PSEA obligations have been implemented and recommending how to strengthen accountability for implementation of such obligations in the future.
- To promote learning by identifying key challenges/gaps/needs within and across agencies and developing recommendations on how to overcome them.
- To develop benchmarks that can be used to assist organizations to track individual and collective progress in the future.
- To assess how well the system as a whole (including the UN, NGOs, IGOs, Red Cross / Red Crescent Movement and so forth) is addressing PSEA and provide recommendations for improvement.

The primary users of the review will be the UN, NGOs and IGOs. Additional audiences may include UN member states, beneficiaries and the public. The latter group will have access only to the global synthesis report and its recommendations. This report will not identify specific organizations. The Self-Assessment reports will remain confidential.

SCOPE

As there is currently a strong PSEA policy foundation and sufficient tools to operationalize them, the focus of this review will be on the level and type of implementation and coordination strategies/mechanisms currently used to engage with local populations; prevent and respond to SEA and ensure management accountability and compliance. The review will also consider the efficacy of existing

⁵⁹ Corrine Csaky, *No One to Turn To*, Save the Children UK, 2008 and Kirsti Lattu, *To Complain or Not To Complain, Still the Question*, Humanitarian Accountability Partnership, 2008.

PSEA coordination architecture (i.e. the ECHA/ECPS UN and NGO Task Force on Protection from Sexual Exploitation and Abuse) and make recommendations to improve it.

a) Geographic Coverage

The review's focus on implementation necessarily leads to a concentration on the field and ensuring that affected populations participate in the process with respect to uncovering the extent to which PSEA standards are currently being applied. As a result, field visits will be form an integral part of the review methodology. At least three countries will be visited during the course of the review. The countries selected will represent countries across the spectrum from emergency to transition to development and reflect as much as possible a reasonable balance of:

1. Conflict and post-conflict settings
2. Peacekeeping and non-peacekeeping countries
3. Geographic regions
4. Presence/absence of an In-Country or Field-Based Network
5. Stages of implementation of PSEA obligations
6. Presence of best practices (or examples of lack thereof)
7. Potential for positive change resulting from the missions
8. Total cost per country

The countries will be selected from the following list, which may be extended by the Steering Committee:

- Columbia
- DRC
- Haiti
- Ivory Coast
- Indonesia
- Liberia
- Myanmar
- Nepal
- Paraguay
- Sudan
- Sierra Leone
- Thailand
- Uganda

Country selection will be preformed by the Steering Committee on the basis of country situation analysis conducted by the External Review Facilitator.

TIME FRAME

Given timely contribution of the needed financial and in-kind resources and recruitment of consultants as well as adherence to deadlines by participating organizations, the review is expected to be completed in 6 months, starting in November 2009.

DELIVERABLES

The following outputs are expected from the review process:

1. Brief (2-page) country situation analysis, as a basis for selection of countries for field visits.
2. A confidential organization-specific PSEA assessment report for each participating organization, which will assist them in determining required action to effectively move forward on PSEA implementation. (Available for each participating organization, January 2010).
3. An in-depth country-level PSEA report for each country visited, which will allow organizations to improve coordination, communication and coherence of interventions on PSEA in the target countries. These reports will contain suggested action plans for each country. (Available at the end of each in-country monitoring visit)
4. A series of case histories illustrating examples of individual beneficiary experiences with the PSEA system in each country visited. This may be helpful in providing further insights into how the system does or does not work and inform targeted future action. (Available at the end of each monitoring visit)
5. A global synthesis report which brings together the three levels of findings and provides recommendations. (Available at the end of the review period (May 2010)). This report will allow organizations to:
 - a. Measure how well “the system” is doing as a whole (including the UN, NGOs, IGOs, Red Cross / Red Crescent Movement and so forth) and see where they fit along the spectrum.
 - b. Determine how, where and with whom they can collaborate to improve implementation in the field.
 - c. Examine the effectiveness of the current PSEA coordination architecture (including the PSEA Task Force structure, priorities and outputs).
 - d. Identify how to enhance accountability in future for the implementation of PSEA obligations.
 - e. Establish a robust, time bound follow-up mechanism.

The Report will also examine how the system mobilizes and allocates resources for PSEA.

6. A budgeted dissemination strategy for the global synthesis report and its recommendations. (Available at the end of the review period (May 2010))

METHODOLOGY

Given the proposed scope of the review, the following hybrid methodology is suggested:

<i>At Headquarters Level:</i>	a facilitated self-assessment process (by organization) a consultative review process (PSEA Task Force)
<i>At Country Level:</i>	joint country-level monitoring missions (countrywide)
<i>Beneficiary Level:</i>	case histories

The review will be carried out through a mixed method of participatory data collection based on three levels of analysis. At each level both quantitative and qualitative disaggregated data will be collected. This three-pronged approach will allow for cross-validation of data collected from different sources and enhance the reliability of the review's findings.

The first unit of analysis is the organization. This portion of the review will be done at the headquarters level using an agency-by-agency approach. The methodology for this level will be a facilitated self-assessment process. Consultative review of the PSEA coordination architecture will also be conducted at this level.

The second unit of analysis will be the country and will focus on monitoring missions to a group of countries selected by the Steering Committee. This portion of the review will focus on the In-Country or Field-based Networks (where they exist), United Nations country teams or humanitarian country teams. Focus group discussions with affected populations will also take place at this level.

The third unit of analysis will be at the beneficiary level. The focus for this portion of the review will be case histories of a select number of beneficiaries in each country visited. These discrete stories will be anonymous and conducted in a manner to ensure the safety and privacy of the beneficiaries.

a) Data Collection

Desk Review

An external Review Facilitator will conduct a desk review and develop an overarching framework for the review. From this desk review, s/he will develop the tools for data collection such as:

1. The questions and indicators for the self-assessment tool.
2. Consultation questions for PSEA Task Force members and stakeholders.
3. The interview questions for staff and stakeholder meetings during the in-country monitoring missions,
4. The guidelines for the focus group discussions with beneficiaries.
5. Criteria for selection of beneficiaries to be highlighted in the case histories as well as the questions and guidelines for conducting the interviews.

In-country Monitoring Missions

The visits to the selected countries will be undertaken by a team led by the review facilitator, an external local consultant and staff member(s) from one or two of the participating organizations. The

team will use the framework and tools developed by the external facilitator. Data collection methods will include interviews and focus group discussions with stakeholders, including implementing partners, government and beneficiaries. Where face-to-face meetings cannot take place, telephone calls and email exchanges will be utilized to collect data, which will be analyzed by the external review facilitator who drafts the country specific reports. After each mission the review facilitator will report to the Review Task Manager on the findings and any process issues that need to be addressed/avoided in future visits. The review process could be completed within three to four months depending on the number of countries involved.

Workshops

A pre-review workshop facilitated by the external review facilitator will be conducted at the beginning of each visit in every country to explain the review process, data collection framework and tools, answer any questions and deal with any outstanding issues. This will ensure uniformity in data collection, especially if the review team has to split up in-country to visit different locations outside the capital.

A maximum of two joint pre-assessment workshops will also be facilitated by the external review facilitator at the beginning of the facilitated self-assessment process to ensure that there is a common understanding and implementation of the self-assessment tool.

b) Data Analysis

Upon receipt of each participating organizations completed self assessments, the data from the in-country monitoring missions, desk review and other sources, the review facilitator will analyse and synthesis the information collected to produce the deliverables set out above.

c) Feedback Mechanisms

There will be vigorous feedback mechanisms to all review participants, especially affected populations. Part of this mechanism will include the post visit workshop to be held in each country at the end of each visit. Here, preliminary findings will be shared with stakeholders and their feedback can be obtained on both the findings and the process.

In addition, an executive summary of the synthesis report will be made available for distribution to affected communities that participated in the review process in their local languages.

d) Follow-up Mechanisms

A post-review learning workshop will be held once the process is complete and all outputs delivered. This will provide an opportunity for the follow-up mechanisms to be developed and organizations to take ownership for implementation of various recommendations. A joint time-bound action plan will be developed in this forum as it is an opportunity for organizations to feed into findings, conclusions, lessons and recommendations. The Steering Committee will ultimately agree on the intended use of the review results and the parties that are responsible for follow-up.

MANAGEMENT STRUCTURE

a) Special Advisor

A senior prominent person will be engaged to lend support to the review process, report and the follow-up mechanisms established. The senior prominent person will lend support to the review process by bringing to it their experiences on PSEA and on the internal functioning of UN/NGO systems working in development, humanitarian and peacekeeping environments. The person will have enough cache with the users of the review to ensure system-wide consideration of the review recommendations.

The Senior Adviser will, in consultation with the External Review Facilitator:

1. Contact/interview high-level informants and obtain information pertinent to the Review.
2. Advise on the formulation of recommendations concerning institutionalization of PSEA and accountability frameworks for PSEA.
3. Advise on the global synthesis report.
4. Launch the review report and recommendations in a number of fora.

b) Steering Committee

An inter-agency Steering Committee will provide general oversight and strategic direction to the review process on behalf of the IASC membership. The Committee will be chaired by a senior manager of the Managing Agency and include senior managers in the UN, NGOs and IGOs, donor(s) and at least one Resident/Humanitarian Coordinator from the countries chosen as locations for the monitoring missions. Members of the Steering Committee must be senior enough to speak on behalf of their organization and have authority to make decisions. The duties of the Steering Committee would include:

1. Ensuring an inclusive process for finalisation of the Review TOR and Managing Agency TOR.
2. Approving the budget and mobilising in-kind and financial resources for the review process.
3. Reviewing and approving all tools developed for the review.
4. Selecting the locations for joint country-level monitoring missions.
5. Coordinating feedback to their agencies and staff of the review process; solidifying support and participation across all relevant departments (strategic, operational and programmes); ensuring field representatives are aware of, consulted and fully contribute toward the review.
6. Examining and commenting on interim findings and the various draft reports produced.
7. Deciding on follow-up measures for the review.

c) Managing Agency

In order to ensure coherence and coordination in overall management of the review, one agency will act as line manager for the overall review process. This organization will:

1. Provide secretariat support to the Steering Committee.

2. Receive and distribute funds as necessary for the smooth functioning of the review.
3. Hire (or second) and supervises the Review Task Manager.
4. Hire external review facilitator and any other external consultants required.
5. Facilitate communication between the Steering Committee and the Review Task Manager.

d) Review Task Manager

This person will ideally be placed within the lead agency and would be responsible for the day-to-day management of the review to ensure coherence among the 3 portions of the review process. This person will be responsible to:

1. Develop a detailed schedule for the entire review process with input from the external review facilitator and field staff in the selected countries.
2. Ensure that the review process remains on time and on budget.
3. Act as a clearing house for information.
4. Be focal point to address concerns and answer process and logistics questions from participating organizations and their staff.
5. Facilitate communication between the Managing Agency and External Review Facilitator.
6. Supervise the External Review Facilitator.

An external consultant could fulfill this role. However, it would reduce costs if a lead agency staff member who is qualified and available fulfilled these responsibilities.

e) External Review Facilitator

The first task will be to develop an approach paper.

For the facilitated self-assessment portion of the review, this person will be responsible for:

- Conducting initial desk review.
- Developing the review framework and associated data collection instruments.
- Conducting one or two joint workshop(s) with participating agencies to ensure common application of the assessment tools across organizations.
- Consult with staff and stakeholders at the headquarters level on data collection.
- Analyze data received from each agency and draft a corresponding report.
- Draft global synthesis report and budgeted dissemination strategy for the review.

For the joint in-country monitoring missions, this person will be responsible for:

- Developing the review framework and associated data collection instruments.

- Leading the review teams.
- Conducting document review prior to each field visit.
- Facilitating pre-review workshops in each country.
- Interviewing staff, affected populations and other stakeholders (in conjunction with the review team).
- Presenting findings in country and assisting in the development of an action plan.
- Draft country specific reports and beneficiary case histories.

f) Joint Country-Level Monitoring Missions

These teams will be made up of the external review facilitator, one other external local consultant and one staff member from one or two of the participating organizations. The teams will be gender balanced, multidisciplinary and have good communication/facilitation skills. At least one member of the team must have experience interviewing children and victims of sexual violence. The same team will go to all selected countries and will visit at least two locations outside the capital. Duties will include: document review, interviewing staff, affected populations and stakeholders, collecting and organizing data.

FRAMEWORK FOR FEEDBACK AND FOLLOW-UP

Robust follow-up machinery with accountability mechanisms will be established for implementation of recommendations. It is anticipated that the involvement of organizations in the planning and implementation of the review will result in targeted recommendations and enhanced accountability for their implementation. A time bound action plan for implementation of the recommendations will be established, monitored and reported on at an agreed upon time in the future.

Annex 2

Secretary-General's Bulletin

United Nations Secretariat

ST/SGB/2003/13

9 October 2003

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 instruction⁶⁰ set forth policies and procedures for handling cases of sexual harassment in the

⁶⁰ Currently ST/AI/379, entitled "Procedures for dealing with sexual harassment".

Secretariat of the United Nations. Separately administered organs and programmes of the United Nations have promulgated similar policies and procedures.

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 3

Minimum Operating Standards (MOS-PSEA)

Protection from Sexual Exploitation and Abuse by UN and NGO Personnel

Managerial Compliance for Protection from Sexual Exploitation and Abuse

In order to ensure that all efforts are made to provide protection from sexual exploitation and abuse (PSEA) by UN and NGO staff and related personnel, to respond to incidents and to provide support to victims, through in place and fully functioning systems, a Minimum Operating Standards for PSEA (MOS-PSEA) for use at country-level is required. This would be a standards-based managerial compliance mechanism. It is modelled after the well-known Minimum Operating Security Standards for Staff Safety or MOSS compliance mechanism, which is mandatory for UN at the country-level to ensure there is a common set of requirements that all agencies follow in order to ensure staff safety.

Questions and Answers on the MOS-PSEA

What is the MOS-PSEA compliance mechanism?

The compliance mechanism is a set of minimum measurable indicators. At a country level, each agency/organization will complete annual compliance reports that will then be submitted to the RC/HC for compilation into one country report. The reports from countries would be included in annual reports of the Secretary-General to the General Assembly.

What is the basis for the MOS-PSEA and how can we ensure that it is used once it is developed?

The PSEA managerial compliance mechanism will be based on the three documents or mandates that govern the PSEA agenda. These are:

- The Statement of Commitment, which calls on signatories to undertake a set of PSEA actions. Therefore it obligates all signatories to comply with this PSEA compliance mechanism.
- Secretary-General's Bulletin, which **obliges** UN staff and related personnel to undertake a specific set of actions.
- The General Assembly resolution on victim assistance, which provides further mandate language that, obliges United Nations entities to comply with the mechanism.

Who would be required to report on their compliance to the PSEA standards?

- All UN entities

- UN related personnel/groups: contractual partners, peacekeepers (civilian component, troops and police)
- Signatories of the Statement of Commitment.

Other actors would be encouraged to be part of this effort.

How can we require agencies not obligated by the three mandates to take part the MOS-PSEA compliance mechanism?

- Contractually requiring partners to report on compliance with PSEA through the established managerial compliance mechanism.
- Asking donors to require their grantees to report on compliance through the PSEA mechanism

Where will the compliance mechanism be used?

The compliance mechanism is proposed for use at a country level under the auspices of the Resident/Humanitarian Coordinator (RC/HC) involving all UN, humanitarian and development actors who are either bound to or who would be willing to comply and report to this compliance mechanism. Where there are peacekeeping missions, the RC/HC is also the Deputy Special Representative of the Secretary General and as such would enforce the use of the compliance mechanism within the peacekeeping mission.

What are the key elements of a PSEA managerial compliance mechanism?

The four pillars of PSEA work provide the framework for the mechanism. These are:

- **Community Engagement:** First and foremost the implementation of a functioning complaints or reporting mechanism will be at the heart of the managerial compliance mechanism. Aspects of how the community is involved in knowing their rights to benefit through awareness raising on PSEA will be measured.
- **Prevention:** Awareness raising and training for staff.
- **Response:** Investigations procedures (training and protocols), and victim assistance programmes.
- **Management and coordination:** Appointment of agency focal points and fully functioning coordinated inter-agency focal point network.

How will the managerial compliance mechanism be used?

Options for conducting or using the managerial compliance mechanism include:

- A combination of self-assessment, community-based assessment, peer review with verification, and external/independent auditors.

- Incorporation of the annual compliance reporting process into the “Special Measures” report by the UN Secretary-General.
- Incorporation of the annual compliance mechanism into the reporting on the achievements of a country-wide PSEA action plan.
- Incorporation of the indicators of the annual compliance mechanism into the monitoring mechanism used by country-level PSEA focal point networks.
- If a “global watchdog” is developed, it could be instrumental in reporting on lack of compliance with standards for PSEA. It could also encourage agencies to sign up to the managerial compliance mechanism and provide support to organisations to meet PSEA standards.

	PSEA Minimum Standards	Key Indicators
Standards for Community Engagement in PSEA		
	<p>Complaints Mechanism (SGB 4.3)</p> <p>All sections of the affected population have been engaged in the development of an effective complaints mechanism, understand how to access the mechanism, and know how to report any problems through the mechanism.</p>	<ul style="list-style-type: none"> • The community is fully involved in designing and carrying out PSEA complaints mechanism and training of community undertaken quarterly. • Number and record of complaints are lodged by the community and follow up recorded, • Feedback mechanism to community established and number of reports monitored.
	<p>Community Awareness of SEA (SGB 4.3)</p> <p>All sections of the affected population have received adequate awareness-raising to ensure they are fully aware of SEA issues, and know what they are entitled to.</p>	<ul style="list-style-type: none"> • Affected community involved in designing community awareness messages (e.g local media, teachers, community leaders, midwives, clergy etc.). • Number and type of communication mechanism used (bulletin boards, camp meetings, flyers etc.) and materials translated in local languages.
Standards for SEA Prevention		
	<p>Staff Awareness (SGB 4.1)</p> <p>Personnel have received a copy of the Secretary General's Bulletin (SGB), know how to contact PSEA Focal Points and are made aware of the obligations required of them in the SGB.</p>	<ul style="list-style-type: none"> • Staff are informed of PSEA Focal Points annually (e.g. done via memos to staff, informed verbally through various management mechanisms (e.g. staff meetings) and/or posted on bulletin boards etc). • MOS PSEA report of each agency shared internally with all staff. • Staff receive awareness training on PSEA annually and resign the Code of Conduct • All newly recruited staff sign the Code of Conduct and participate in an orientation session on SEA. • Whistle-blower protection measures are in place, and all staff are aware of the importance in reporting.
	<p>Cooperative Arrangements (SGB 6.1)</p> <p>Procedures are in place to receive written agreement from non-UN entities or individuals entering into cooperative arrangements with the UN that they are</p>	<ul style="list-style-type: none"> • Agency record system collects written agreements that the individuals or organisations will abide by the SGB. • S.G's Bulletin and respective codes of

	aware of and will abide by the standards of the SGB.	<p>conduct are disseminated to those in contract to UN/NGO.</p> <ul style="list-style-type: none"> Staff of contractual organisations undergo SEA training annually.
Standards for PSEA Response		
	<p>Investigations (SGB 4.5)</p> <p>Procedures for investigations into cases of SEA are in place by the agency including prompt reporting of cases to appropriate HQ authority.</p>	<ul style="list-style-type: none"> SOP or equivalent issued and used to guide practice. Investigations undertaken by experienced and qualified professionals in the field of SEA.
	<p>Victim's Assistance (GA Res 62/214)</p> <p>Agency has written guidance on the provision of victim assistance.</p>	<p>f) Agency implements fully the Victim Assistance programme in country.</p> <p>g) All agency staff trained on VA.</p>
Standards for Management and Coordination		
	<p>PSEA Focal Point (SGB 4.2)</p> <p>PSEA Focal point designated has appropriate qualifications and is adequately managed and supported.</p>	<ol style="list-style-type: none"> Agency nominates a Focal Point at the P4 level and an alternate focal point. (One of the two must be female). Focal Point provides monthly reports to management and is provided with monthly feedback and guidance. Performance as the Agency PSEA Focal Point is included in ToR and Personal Appraisal.
	<p>PSEA Network</p> <p>Agency Focal Points regularly contribute to In-country Networks for PSEA.</p>	<ol style="list-style-type: none"> Each Agency Focal Point participates regularly in the PSEA Network meetings and contributes to the implementation of the PSEA Network annual action plan.

The MOS-PSEA will be completed by each entity (UN and NGOs agreeing to participate) at a country level and compiled by the HC/RC into a single country (situation specific) MOS-PSEA report.

Annex 4

Liberia: TOR, background and methodology

Please refer to the TOR in Annex 1 for a description of the overall purpose and initial proposed methodology of the PSEA Review.

As part of the initial methodology, the External Review Facilitator was asked to propose countries for the field missions (based on a set of criteria drawn up by the Steering Committee). This was done and the proposal was agreed by the Steering Committee at a meeting on 30 November 2009. During this process, however, it became clear that the Review Team faced a dilemma regarding the case of Liberia. On the one hand, Liberia is commonly considered amongst PSEA experts to be one – if not the only – ‘good practice’ country with regard to mechanisms and processes on PSEA (including inter-agency mechanisms). On the other hand, Liberia has received considerable attention during recent years and there is already considerable documentation available describing what has been done there. The Review Team felt that it was important to look at the case of Liberia, but that there was a risk that sending a mission there would result in duplication and in frustration on the part of practitioners on the ground, who might feel that there were being asked to repeat information given many times before.

The decision was therefore taken that other locations (DRC, Haiti, Nepal) should host the field missions but that, in addition, a desk study should be undertaken to gather the information available about Liberia and then to check with practitioners the accuracy of this information and their views on whether the activity there had had an impact on practice and the well-being of beneficiaries and communities.

Consultation was undertaken with Mr. M. Musili Nazau, UN Country Team Coordination Officer for the Prevention of SEA in Liberia (UNCTCO) to determine the most effective way to undertake the desk study. He was nominated for this role by the Managing Agency for the Global PSEA Review.

Constraints

2. It was recognised that the approach outlined here would not allow the Review Team to collect the beneficiary view. However, previous studies have done this and the Liberia Desk Study would draw on these studies.
3. The approach outlined would not allow effective triangulation of the information provided either through observation, group discussions or access to a wider range of actors. An element of subjectivity would inevitably form part of the information provided in the one-to-one telephone interviews and the written answers from national actors.
4. It was unlikely that the team would collect information that would allow it to make statements about change in practice, although it expected that it might be able to say whether the practitioners felt that they had observed change and cite any examples that they gave.

Approach

Consultation with the UNCTCO in Liberia led to agreement on the following approach:

- 1 Review of key documents by the UNCTCO. Some proposed documents were owned by other organisations and though permission to share them was requested not all were forthcoming.
- 2 Phone interviews were carried out with key informants, representatives of UN agencies and INGOs in Liberia. Unfortunately, it was not possible to interview the Deputy SRSG who was unavailable during the period of the desk study.

- 3 Consultation with Government and national agencies: national stakeholders were also interviewed by telephone and this worked well.
- 4 A short report was prepared presenting a summary of key findings, which were shared with the UNCTCO and other key stakeholders identified in Liberia for their comments.

Annex 5

Liberia: documents reviewed

- Committee on the Elimination of Discrimination against Women, Forty-Fourth session, 20 July–7 August 2009.
- 'Establishing Country-Based Mechanisms for Assisting Victims of Sexual Exploitation and Abuse by UN/NGO/IGO Staff and Related Personnel', April 2009.
- Evaluation of National SEA Awareness Campaign, 13 August 2009. Summary paper, untitled.
- 'The Example of Country Support Teams as an Integrated Mission: Approach at the Local Level in Liberia', UNDP/DPKP, November 2007.
- Frequently Asked Questions for Sexual Exploitation and Abuse Training, Liberia. Prepared for training purposes by UN personnel, untitled.
- 'From Camp to Community: Liberia Study on Exploitation of Children', Save the Children UK, 2006.
- 'Incidence of Violence against Women and Girls in Liberia: A Quantitative Study using the "Neighborhood Method"', Ann Warner/International Rescue Committee, October 2007.
- Liberia Gender-Based Violence Joint Programme Annual Report.
- Liberia National Action Plan, 2009–2013, Republic of Liberia.
- Minimum Operating Standards – Protection from Sexual Exploitation and Abuse by UN and NGO Personnel (MOS –PSEA), draft, February 2009.
- National Gender-Based Violence Plan of Action, Republic of Liberia, 2006–2011.
- 'Neighbourhood Study', International Rescue Committee, 2007.
- 'No Borders: In-Country Network Assessment into Sexual Exploitation and Abuse of Women and Children in Border Communities in Liberia', February 2009, ICN inter-agency assessment.
- 'No One To Turn To: The Under Reporting of Child Sexual Exploitation and Abuse by Aid Workers and Peacekeepers', Corrina Csaky, 2008 (Côte D'Ivoire, Sudan, Haiti).
- Preventing Sexual Exploitation and Abuse in the Kenya Refugee Programme, checklist. Kenya Refugee Programme Prevention of Sexual Exploitation and Abuse Committee, June 2005.
- Poverty Reduction Strategy Paper, Republic of Liberia 2008,
- SEA UN Common System⁴ for staff.
- SEA Jingles and Messages training toolkit, National GBV Task Force, SEA Campaign Sub-Committee, Ministry of Gender and Development, Liberia, 2006.
- Secretary-General's Bulletin Special Measures for Protection from Sexual Exploitation and Abuse ST/SGB/2003/13.
- Secretary-General's Special Measures Report for 2008, A/63/720.

- Secretary-General's Special Measures Report for 2007, A/62/890.
- Secretary-General's Special Measures Report for 2006, A/61/957.
- Secretary-General's Special Measures Report for 2005, A/60/860.
- SIDA workplan, 2009–2010.
- 'Six Core Principles Relating to Sexual Exploitation and Abuse', IASC, July 2002.
- Standard Operating Procedures for Prevention and Response to SGBV, UNHCR, Kenya 2006.
- Statement of Commitment on Eliminating Sexual Exploitation and Abuse by UN and non-UN Personnel, December 2006, UN and non-UN entities, December 2006.
- Strategic Inquiry on Prevention and Response to Gender-Based Violence in Liberia, Government of Liberia and UN GBV Joint Programme, August 2009. M. Sarkar, S. Syed and M. Nzau. SEA Case Study, 26 November 2008.
- 'To Complain or Not to Complain, Still the Question', HAP, 2008.
- Terms of Reference for In-Country Coordination Officer, IASC Task Force.
- United Nations Victim Assistance Strategy A/RES/62/214, 7 March 2008.

Annex 6

Liberia: interview questions

Dear Colleague,

Thank you for being willing to be interviewed as part of the IASC PSEA Review. I would like to introduce myself and this piece of work to you, and am also forwarding the list of questions that I would like to discuss with you.

I am part of a two-person consultant team, led by Moira Reddick, to deliver the IASC PSEA Review, with both of us having had some previous experience in Liberia.

PSEA Review

The review has the following overarching objectives:

- To promote accountability by providing a baseline of the extent to which PSEA obligations have been implemented and recommend how to strengthen accountability for implementation in future;
- To promote learning by identifying key challenges and gaps/needs and recommend how to overcome them;
- To develop benchmarks that can be used to assist organisations to track individual and collective progress in future.

Methodology

The review is composed of three elements: the Liberia desk study, a self-assessment questionnaire at HQ level and country visits. The self-assessment questionnaire is currently underway, with 13 participating agencies. Two country visits are proposed to DRC and Nepal in March 2010.

Liberia desk study

The purpose of the Liberia Desk Study, as part of the PSEA Review, is to:

- Identify lessons from a good practice example that might be applied elsewhere in relation to the above objectives;
- Explore further challenges and proposed ways forward on these.

The intention is to build on previous documentation, in particular the Case Study for Prevention and Response to Sexual Exploitation and Abuse that highlights achievements and challenges as of 2008.

Subject areas

I have included a list of the subject areas and questions that I would like to discuss with you in the 45 minutes of time that we have together. I imagine the different questions will be more relevant for some agencies than others, depending on agency mandate or purpose. I may also want to ask further questions during the interview for the purposes of clarification and understanding, but broadly do not

intend to introduce new topics into the discussion. I have structured the questions around the four PSEA pillars of management and coordination, prevention, response and community engagement.

Update since 2008

1. Could you give a status update since the 2008 SEA case study of progress against your plans, with a particular focus on sensitisation efforts; complaints mechanism; investigation modalities – what has changed since 2008? What areas continue to be a challenge and where do you see the successes?
2. Can you explain what has changed in practice for your agency on the ground as a result of this progress? Please be as concrete as possible.

Management and coordination

3. The ICN is described in several documents as being effective because it has achieved a common focus and tasks and because it has built on national mechanisms (GBV TF and plan of action). How was this achieved? How are agency differences/agendas resolved? Is there ever a time when the environment feels too crowded – ICN, FP network, PCG, CFC – or there is role confusion?
4. The overall structure for coordination and management appears well established but several reports indicated a breakdown in the coordination in the field between agencies and between the field and Headquarters. Is this your view and if so how could or is this being addressed?
5. Has your agency built zero tolerance into your management culture and, if so, how did you do it? To what extent would you consider this has been institutionalised? Do you consider there are other stakeholder agencies in the sector who are yet to achieve this, and does this have an impact on what your agency can do?

Prevention

6. All documentation highlights structural and systemic causes to SEA in Liberia (poverty, cultural norms, sexual discrimination and gender inequality), making prevention perhaps the biggest challenge. What do you see as the priorities and what progress do you consider is being made on these? For Liberian colleagues – who do people in the community listen to and how are attitudes changed most effectively?
7. How have the PSEA networks linked with non-PSEA agencies working on structural issues? How much of a priority is it to focus on this?
8. Could you explain the approach taken on training of staff and, if relevant, volunteers in your agency and how you seek to institutionalise the outcomes of such training?

Response

9. A referral pathway has been established. How was this achieved and to what extent has it been understood and utilised in the field/at local level? What are the priorities in making this a more effective system and what are the gaps in being able to achieve this?
10. How are the victim assistance guidelines being applied and what are the lessons in this to date?
11. The SEA case study indicates a common recording system is in progress. To what extent is this being implemented and where do you see the main challenges?

Community engagement

12. Several documents highlighted either community lack of information about reporting mechanisms or a variety of complex reasons why they did not feel able to use them (fear of retaliation, lack of

confidence, material losses). Which areas do you see as falling within the ICN/TF arena to address and how is this being achieved?

13. How far are community participants involved at the local and national level to shape the mechanism and ensure improved reporting and monitoring outcomes? Depending on the answer to this, is it a useful engagement or could it be? What are the implications of this involvement financially and logistically?

Conclusion

14. Liberia is seen as a country leading best practice in PSEA prevention. What do you consider are the remaining weaknesses? Do you have any learning tools that you can share with the wider humanitarian community outside Liberia?

15. How do you think funding can or should be maintained for this work?

16. What do you consider the single most important element that has contributed to the success of the work on PSEA in Liberia?

Thanks very much.

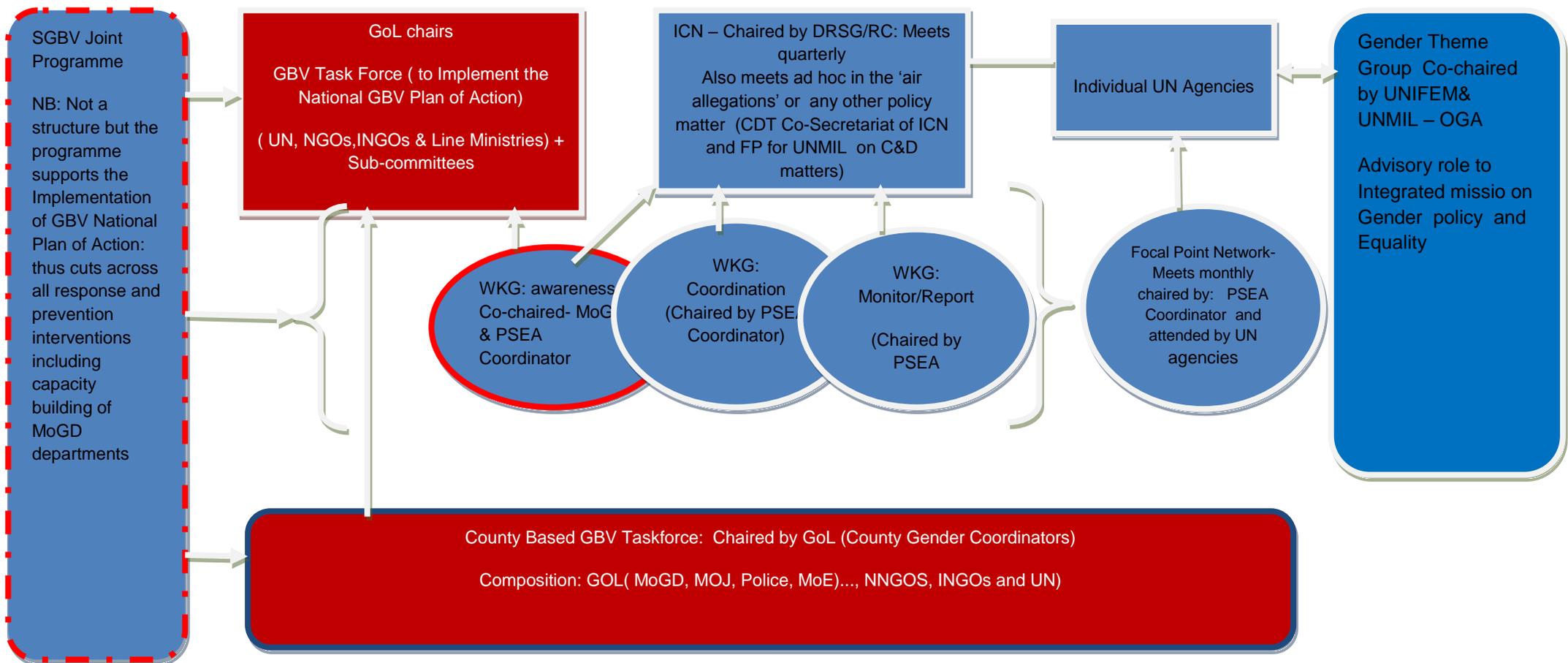
I look forward to speaking with you all in the coming days.

Yours faithfully,

Liz Hughes

Annex 7

Liberia: structure of SGBV prevention and response mechanisms



Annex 8

Terms of reference

SC volunteers to support Nepal Field Mission

Review of Protection from Sexual Exploitation and Abuse (PSEA Review)

Background

For a background to the overall PSEA Review, see the attached Terms of Reference for the External Review Facilitator (Annex 1) and the attached Country Methodology paper (Annex 10).

The Review Team has been directed by the Steering Committee to collect data at the Headquarters level of entities, from the field offices of entities and from the beneficiary and community levels.

Initially three field missions were planned to ensure that the field data gathered could be from an appropriate range of contexts. The countries selected by the Steering Committee were: DRC, Haiti, and Nepal. Following the earthquake in Haiti in January 2010, the planned visit was cancelled. A visit to DRC took place in March 2010 and a visit to Nepal is planned for the week of the 12 April 2010.

The visit to DRC lasted ten days and yet it proved difficult to ensure that an adequate range of agencies was consulted. With the time available for field work, it also proved impossible to undertake in-depth and systematic data-gathering at the community level, as naturally both the Review Team and facilitating agencies were worried about either putting pressure on community members to discuss such sensitive subjects too rapidly or raising issues relating to international community obligations and community rights and potentially raising expectations of rapid change.

The visit to Nepal will be even more time-pressured, although of course Nepal is a much smaller country. The lessons learnt from DRC are:

- That it must be a three-person team to allow division of work/meetings and increase coverage. This means that the SC entities must supply two volunteers as per the original terms of reference.
- That an appropriately experienced and skilled local consultant must be engaged to concentrate on the field work to ensure sensitive solicitation, collection and documentation of case studies which illustrate the community experience of the application of PSEA mechanisms and tools.
- Both the SC volunteers and the local consultant must be available for a two-hour phone briefing the week prior to the mission and must prepare themselves by reading the TOR, the field methodology and the draft DRC report. The local consultant must be prepared to draft for the approval of the Team Leader the community case studies and the SC volunteers must come equipped and be prepared to write their own meeting notes and to draft sections of the Nepal report as requested by the Team Leader.

SC Volunteers must be prepared to work to support the Team Leader and tasks allocated may vary based on timetables/logistics/preferences and skills. The list of tasks to be undertaken include:

- Presentation and documentation at the introductory and feedback workshops.

- Undertaking semi-structured interviews at the leadership level based on a pre-prepared questionnaire.
- Undertaking semi structured interviews at the focal point level based on a pre-prepared questionnaire.
- Undertaking a document review of tools provided by entities.
- Accompanying a national consultant to the field to collection community level case studies.
- Participating in team discussion and internal feedback sessions.
- Drafting sections of the final report as requested.
- Liaising with the UNDP focal point on timetables, logistics etc.

Person specification

- The SC volunteers should have an interest in PSEA and an open mind on the value of the different approaches adopted by entities.
- The SC volunteers should be comfortable and confident to work independently if required and meticulous in documentation.
- The SC volunteers should have time (one day minimum) to prepare for the mission prior to departure and this should include a conference call with other team members and time to read some key documents.
- The SC volunteers should come equipped to undertaken documentation and to draft sections of the report if required – i.e. they should bring a laptop.
- It is essential that the SC volunteers regard all information provided that directly relates to the performance, conduct, attitude, or culture of individual entities or staff or entities as confidential.

Annex 9: Terms of reference

National consultant to support Nepal Field Mission

Review of Protection from Sexual Exploitation and Abuse (PSEA Review)

Background

For a background to the overall PSEA Review, see the attached Terms of Reference for the External Review Facilitator (Annex 1) and the attached Country Methodology paper (Annex 10).

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The visit to Nepal will be even more time-pressured, although of course Nepal is a much smaller country. The lessons learnt from DRC are:

- That it must be a three-person team to allow division of work/meetings and increase coverage. This means that the SC entities must supply two volunteers as per the original terms of reference.
- That an appropriately experienced and skilled local consultant must be engaged to concentrate on the field work to ensure sensitive solicitation, collection and documentation of case studies which illustrate the community experience of the application of PSEA mechanisms and tools.
- Both the SC volunteers and the local consultant must be available for a two-hour phone briefing the week prior to the mission and must prepare themselves by reading the TOR, the field methodology and the draft DRC report. The local consultant must be prepared to draft for the approval of the Team Leader the community case studies and the SC volunteers must come equipped and be prepared to write their own meeting notes and to draft sections of the Nepal report as requested by the Team Leader.

The purpose of the field case studies is not to collect experiential case studies of abuse. The purpose is to collect case studies which illustrate the range of experience communities members have in relation to the procedures and systems of PSEA that entities have in place. This experience may be as a community leader, a witness, a local partner, a complainant or a victim.

Job purpose

To work together with the Team Leader for the Nepal Mission in the collection, recording and presentation of the community case studies. To take the lead in working together with participating entities and ensure that the approach adopted for data collection is appropriate given the subject matter and culture. To draft case studies for the approval of the Team Leader and to deliver said case studies within one week of the conclusion of the field mission.

Tasks

1. To participate in the initial telephone briefing of the team the week prior to the mission.
2. To participate in the initial workshop in Kathmandu and work together with entities who have a presence in the field location selected, to identify any concerns they may have about the proposed field work, develop solutions to any concerns, agree on an approach, and develop a timeline for the field work.
3. To go with one other team member to the field and through a variety of mechanisms (focus groups, one-to-one interviews etc.) collect a range of case studies and experiences.
4. To present the documented cases to the Team Leader and to be prepared to redraft as requested. It is not expected that any one case study may be longer than two pages and they may be only a paragraph long.
5. To participate in the debrief meeting in Kathmandu at the end of the week.
6. To read and comment on the draft Nepal report.
7. It is essential that the Consultant regards all information provided that directly relates to the performance, conduct, attitude, or culture of individual entities or staff or entities as confidential.

Person specification

1. Experience of the context in which the field work will take place.
2. A good solid understanding of participatory enquiry techniques.
3. Understanding, and ideally experience, of implementing PSEA tools and mechanisms.
4. Excellent written and spoken English.
5. Ideally excellent command of local language in the area where the field work will take place.
6. Proven writing skills with an ability to write concisely.
7. Ability to plan and to manage time efficiently.

Annex 10

Field visit methodology

PSEA Review

Background

Accompanying this Field Visit Methodology should be the PSEA Review Terms of Reference (Annex 1) which details that the overall review should be conducted through a hybrid methodology of:

1. Headquarters level facilitated self-assessment process by entity and a Headquarters level key informant interview process;
2. Country level monitoring missions;
3. Beneficiary level case studies.

The purpose of this document is to describe the methodology for the country-level monitoring missions planned for DRC and Nepal and the beneficiary level case studies.

The country level monitoring missions will be concentrating on systems and measures put in place, understanding the level of awareness of these procedures, looking at what progress has been made, and what gaps and blockages both country staff and beneficiaries feel continue to pose problems.

The Terms of Reference state that the country-level monitoring missions would focus on the In-Country or Field-based Networks (where they exist), the United Nations Country Teams or humanitarian country teams. It is assumed that field-based networks (where they exist) will include relevant NGOs; however, care will need to be taken that all key actors are included in the process.

For the beneficiary-level case studies, focus group discussions with affected populations – where feasible – will take place during the monitoring missions. This, however, is subject to discussion with the in-country teams and will only be undertaken when confidence is high that this can be done with extreme sensitivity and where some PSEA measures have been taken with regard to affected populations.

Team composition

Key assumption: The team will be composed of one or two consultants and one or two agency representatives based outside the mission country. The initial TOR suggested that a local consultant may form part of the team and, if so, that role would be focused on the collection of data at the beneficiary level.

All team members will attend the initial workshop and, after that, will work in parallel in the capital to ensure adequate time is spent at the premises of each entity participating (a minimum of three hours will be required at each entity, for document study, one-to-one interviews with the focal point and head of entity and a roundtable with additional personnel). The team may also travel to different field locations, dependent on the schedule and availability of translators where needed.

Logistics and preparation

The monitoring mission will be coordinated by a designated representative of the RC/HC in country. It is hoped that this representative will have an opportunity to widely circulate the PSEA Review TOR amongst key informants prior to the monitoring mission taking place.

Given the extremely short duration of the monitoring missions, it will be necessary for the designated representative to have arranged a schedule and organised all logistics, in accordance with this methodology, as well as translators, before the arrival of the team in country.

It will be necessary for the team to have time in advance of meetings beginning to brief the translator and ensure that s/he understands the purpose of the Review and of individual questions. For the DRC, the Review team are not fluent in French and will need English/French translation where it is necessary to conduct key stakeholder meetings in French, both in Kinshasa and in the field.

Dependent on the schedule, it is likely that the consultants will work in parallel (attending different meetings, focus groups or perhaps even travelling to different locations). This will, of course, increase the need for translation capacity wherever English is not understood.

Methodology

Capital level

Upon arrival in country, the Review Team will meet with the UN Country Team, the humanitarian country team (where in place), the Resident/Humanitarian Coordinator, the SRSG or RSG (as relevant) and the Force Commander (where in place), in separate meetings if possible, in order to: explain the purpose of the Review and the monitoring missions, ask for support during the course of the Review, and ascertain the views of these critical opinion-makers on progress in PSEA to date and challenges they are experiencing in progressing PSEA.

Then the Review team will hold a workshop at the working level with the in-country PSEA network (should it exist) or entity focal points to explain the review process and data collection framework and respond to questions. It is likely that this is also the place where final decisions about logistics and participation of different entities will be agreed. The participants at this workshop will be consulted on the best form of engagement with beneficiaries when visiting the field in order to ensure that the contextual challenges are understood and respected and that whatever beneficiary consultation work is targeted at gathering information on the key contextual issues. It will be stressed that the team is seeking case studies that are truly reflective of the entire range of beneficiary experience with PSEA systems and measures. At this workshop, a presentation on the activities and achievements of the in-country PSEA network should be given by the coordinator or other designated representative and there should be time for the Review Team to ask questions following the presentation. The data from the Headquarters-facilitated self-assessment will inform the content of the workshop.

A series of one-on-one interviews with focal points and heads of key agencies will then be conducted by the team members. These will be semi-structured interviews, following a list of interview questions drawn up in advance by the Review Team. The questions will be informed by data from the Headquarters-facilitated self-assessment and will address the four pillars of protection from sexual exploitation and abuse (i.e. management and coordination, engagement with and support of local populations, prevention and response).

Each focal point interview should be scheduled to last for one hour, while each agency head interview should be scheduled for half an hour. Ideally, these interviews will take place within the premises of the entity so that documentation on internal policies and procedures and/or case studies can be easily

referred to. The list of key documents required will be discussed at the initial workshop. During the same visit to the premises of the entity, it would be good to have a short roundtable meeting with additional working-level personnel who have frequent contact with the field to gauge awareness and conduct a reality check.

The designated representative in-country for the mission may suggest additional components of the schedule, such as observance of PSEA-related trainings or meetings of the PSEA network.

It is estimated that two or possibly three days in the capital city may be required for this work to be completed.

Upon return from the field and prior to departure from the country, a debriefing should be held with the in-country PSEA network where initial findings should be shared and discussed. This will give an opportunity for focal points to feed back in real time; to triangulate information; to gather data to substantiate or contradict points previously made; and for the Review Team to test the feasibility of draft recommendations.

Field

Two different field locations should be visited. Additional interviews should be conducted with staff of participating entities using the same semi-structured list of interview questions and, if there is a PSEA network established at field level, then a focus group discussion will be conducted focused on ways of working, achievements, blockages and sustainability.

Suggested criteria for field locations include:

- Presence or absence of UN offices;
- Presence or absence of NGO service providers;
- Distance from HQ and other logistical issues (e.g. access by road being disrupted by rains etc.);
- Availability of key personnel;
- Prevalence of PSEA activity or previous complaints.

Where appropriate, the PSEA Review Team will have contact with beneficiaries to hear about their awareness and experience of the PSEA systems put in place in their environment. The Review team would hope to gain an understanding of what beneficiaries know about their rights, recourse to mechanisms etc. and also to hear about experience when utilising the mechanisms. Possible approaches may include focused discussions with a self-selected group, with a pre-selected group, with key informants who understand the context, or it may be that group work is inappropriate and it is about having one-to-one meetings with individuals who have stories to tell which bear on their own experience (they may be a complainant, a witness, a victim or a local community leader). It may be that it is inappropriate or inefficient for the Review Team to personally gather the case studies and that a local consultant or appropriate representative of an entity would be best placed to do this under the guidance of the Review Team. The capital-level workshops will have had a key role in guiding the Review Team towards the best possible approach.

Feedback

Prior to leaving each location, the Review Team will offer a debrief with entity focal points and solicit feedback on its evolving findings.

As previously stated, there will be a final workshop in the capital with the in-country PSEA network before departure from the country where a presentation of initial findings and recommendations will be made.

A final high-level meeting to present the initial findings and recommendations will also be sought with all of the following: the RC/HC, UNCT, SRSG or RSG (as relevant) and Force Commander (where in place).

The draft report will be sent to the designated representative of the RC/HC in country for circulation and collation of comments within an agreed timeframe.

The Review Team is committed to ensuring feedback to all participants and will discuss with the designated representative and at the initial workshop how best to ensure that this happens. At a minimum, it will be the responsibility of this designated representative to ensure that an executive summary of the synthesis report will be made available to for distribution to all personnel and communities who participated in the review process. This should be done in an appropriate language(s).

Moira Reddick February 2010

Annex 11

Field mission interview questions

Key questions for leadership level (field)

[How long in post?]

What is SEA?

What is your sense of how significant a problem SEA is in this context? (If prompts needed then... more or less frequent, widespread/isolated/geographical centres). Why is this?

What HQ directives have you received about SEA and PSEA and what support have you received from HQ in implementing these?

Do you feel that the support received from HQ has been of the right type? (e.g. practical, clear, applicable?)

How often have you personally given messages to your staff about the agency's position(s) on SEA?

What has been done by the agency to ensure an enabling environment for PSEA activities? Has it been successful? Follow-up question: how do you see your role in PSEA?

What achievements have there been? (Prompts: membership of PSEA network, establishment of internal action plan, appropriately senior focal point (FP), training of FP, training of staff, establishment of complaints mechanism, monitoring of progress against agreed indicators, systematic staff training.)

Does SEA get discussed at your management meetings? What aspects of SEA are discussed? (If prompts needed, use the four pillars.)

What barriers do you see, and how can they be overcome?

Can you talk us through some of the cases you have had to respond to here?

Can you talk us through how your complaints and investigations mechanisms function?

Key questions for working level (field)

What is SEA?

What issues relating to the context both enable and inhibit SEA?

How would you describe the agency's attitude to SEA? Do you think that other colleagues here would share that estimation?

What is your role with respect to PSEA (how long, reporting to whom, trained how, supported how, engaging with senior management how)?

What has been done by the agency to ensure an enabling environment for PSEA activities? Has it been successful? (If necessary, follow up by asking how FPs selected, trained, supported.)

What barriers do you see, and how can they be overcome?

How consistent has the application of policy and procedure been? (Follow-up question regarding what the complaints process is and does everyone on staff know about it – SOPs, referral pathways etc. in place?)

Please describe how the agency ensures effective community engagement?

What written guidance do you (or don't you) have for victim assistance?

How reliant are you upon the attention of senior management to ensure consistent application of policy and procedure?

What is the agency's engagement in inter-agency PSEA work? Is the agency part of the inter-agency network? How active? What collective work? Four pillars?

Annex 12

Extract from ‘Review of Mechanisms put in Place by the International Community in DRC to Eliminate Sexual Exploitation and Abuse by Humanitarian Aid Personnel’, Esther Dingemans, 2008, commissioned by UNICEF DRC with support from OCHA DRC

Recommendations

This section puts forward a step by step plan for UN agencies and INGOs operating in DRC for strengthening PSEA measures. It also makes a number of recommendations for consideration by outside actors such as headquarters offices and the ECHA / ECPS Task Force.

The section is organized around three core recommendations corresponding to three subsequent phases of implementation:

- **The foundations for effective roll-out should be laid**
- **The SGB should be implemented**
- **Systems in place should be regularly reviewed and evaluated**

For each recommendation a set of step by step actions is suggested, assigning specific responsibilities to the actors involved. Some actions should be implemented at the interagency level (i.e. the network) while others require agencies to take action individually/internally. The relevance of the suggested internal actions for any given agency depends on its progress made to date. Annexed to the report is a checklist that agencies can use to self-assess their performance and progress as well as a sample *agency specific* action plan, including objectives and indicators that can be used by agencies as a tool for planning, monitoring and evaluating internal PSEA activities.

A summary of the action plan can be found at the end of this section, making clear distinction between actions to be taken at network level, and actions to be taken by agencies’ internally. The summary also includes a suggested timeframe, and refers to specific tools developed for the implementation of the recommendations.

1. The foundations for effective roll-out should be laid

Steps that need to be taken as a matter of priority to prepare for the roll-out of key PSEA measures:

- **Re-establish the network and appoint the Network Coordinator**

Responsible Actor: RC/HC with assistance from OCHA and UNICEF

As a matter of priority the RC/HC should ensure the re-establishment and functioning of the network and appoint the network coordinator, either directly or with assistance from UNICEF and/or OCHA. Key task of the network would be to finalize and implement the interagency action plan developed as part of this consultancy.

Several scenarios of chair / co-chair are imaginable: the RC/HC; OCHA and UNICEF; one UN agency and one NGO or MONUC; or the RC/HC and UNICEF/OCHA. The capacity of each agency to provide

a strong coordinator should be a determining factor in the selection process. Coordinating the network should not be an additional task to an individual's pre-existing workload; it is recommended to be at least part-time but preferably full-time dedicated, at P4 level (see sample job description for network coordinator). If it is not feasible to establish a post for this position it is recommended to run a pilot period with a full-time coordinator. One way to approach this would be to hire a PSEA expert on an 11 months Special Service Agreement (SSA), situated in either one of the offices. Another option would be to employ a GenCaP adviser to support the process of setting up the network and coordinating PSEA activities. Based on the outcome of the pilot, agencies can decide if creating a full-time post is feasible and desirable or explore other options.

In order to ensure the coordinator is tied in to both human resources and Programs, it could be considered to identify a 'neutral' department to host this post; such as the Planning, Monitoring and Evaluation Unit.

"The Liberia UN Country Team [] realized that in order to strengthen the UN and NGO system-wide programme to address sexual exploitation and abuse, a full-time dedicated coordinator under the Resident/Humanitarian Coordinator would be needed. In June 2006 the UNCT pooled funds to hire a full-time [] expert on protection from SEA [] at an L3 level. [This] Coordination Officer brings together UN agencies and NGOs to implement and oversee implementation of the Secretary-General's Bulletin and zero tolerance policy. [As it is] not likely that this funding will continue at the same level [the RC/HC] is now looking to alternatives – such as UNVs and national staff".

Where should the network be seated?

Should it be a stand alone coordination group? Part of the gender coordination group? In the integrated office? Or a working group of the Protection Cluster? Although there may be something to say for all options, it is important that the group has its own membership and its own meetings specifically focused on SEA. It is recommended that the network reports to a high level of management, e.g. HC/RC or the UN Country Team, to raise the level of accountability.

Which agencies should be represented?

It is recommended that the agencies represented in the network follow the existing IASC model for PSEA in-country networks, which includes UN agencies, Peacekeeping Operation, NGOs and the ICRC. Some respondents feared a certain hesitation from NGOs to participate in a network with MONUC (related to the impartiality issue). However, it is important that the Conduct and Disciplinary Unit of MONUC is represented in the network. This is to benefit from MONUC's extensive experience and resources, to make sure consistent messages are sent out to communities, to facilitate interagency reporting of complaints and to coordinate assistance to victims as required by the General Assembly.

○ **Invite Representatives / Heads of Office for Senior Management session and launch the network**

Responsible Actor: RC/HC with assistance from Network Coordinator

An important lesson learned in the past is that engagement of managers at the highest level is critical for achieving sustainable results in the implementation of PSEA measures. It is recommended that the network RC/HC, together with the network coordinator, invites Representatives / Heads of Office to a half-day training session where the network is formally launched. This session serves to raise awareness on the role and responsibilities of Senior Managers and Focal Points (yet to be designated) in addressing SEA. A module for Senior Manager training is currently being developed and field-tested by the ECHA / ECPS Task Force and should be available early 2009.

As a follow-up to the initial training session the Representatives / Heads of Office will have the following tasks (1.3 and 1.4):

- **Conduct self-assessment and develop internal action plan**

Responsible Actor: Representatives / Heads of Office

Annexed to this report is a self-assessment tool that Managers can use to self-assess progress made within their organisation. This may help them to identify areas where efforts are needed most, and will serve as a tool to develop an internal action plan to prevent and respond to SEA that includes time-bound, measurable indicators of progress to enable performance monitoring. The action plan in this report can serve as a model, and will have to be refined in accordance with agency specific circumstances and progress. The action plan should be shared with Headquarters and Field Managers and quarterly reviews presented at Management meetings in country.

- **Designate Focal Points at capital office level**

Responsible Actor: Representatives / Heads of Office

Representatives / Heads of Office are to designate a Focal Point and an alternate at capital office level (at least one female). Good practice shows success can be achieved when an HR staff member serves as one of the focal points. It is strongly recommended that the agencies with a high number of staff in the field appoint a full-time dedicated Focal Point / SEA expert in their capital office. If this is not feasible, the focal points responsibilities can be shared by, for instance, someone from programme and someone from HR. Representatives / Heads of Office should make addendums to the job descriptions to recognize and clarify the Focal Points' role and to allow sufficient time to fulfil their tasks as outlined in the Terms of Reference for Focal Points developed by the ECHA / ECPS Task Force. This ToR suggests Focal Points should be of P4 level but this is not considered realistic. A Focal Point could in fact be a national staff member, provided he/she is adequate to the task.

A number of agencies have designated full-time SEA experts within their organizations. IRC and SC UK in Liberia are examples in this respect. In addition to receiving complaints, their SEA advisors conduct staff training, support field-based Focal Points, oversee the implementation of complaints mechanisms and community awareness activities, participate in the in-country network, provide technical support to HR and work with management in monitoring progress.

- **Train Focal Points at capital office level**

Responsible Actor: Network Coordinator

The Network coordinator should conduct a two-day training for Focal Points and their alternates, using the existing interagency module (currently reviewed by the ECHA / ECPS Task Force) specifically designed for this purpose.

1.6 Designate Focal Points in the field

Responsible Actor: Focal Points / Field Managers

Together with Managers in the Field, the Focal Points at capital office level should designate Focal Points (+ alternates) in all field offices (again; at least one of the two female).

1.7 Train Focal Points in the Field and support field based Managers

Responsible Actor: Network Coordinator

It is important that all Focal Points are adequately skilled to carry out their tasks and alternates receive the same training as Focal Points at capital office level. There are several ways to approach this; Each Focal Point designated in capital offices train field-based Focal Points of his/her agency; or: the network coordinator travels to various field sites to facilitate an interagency training for field-based Focal Points. If feasible, the latter option is preferred and this would provide an opportunity for the network coordinator to help Focal Points organize themselves in a field-based network. In addition, the network coordinator could organise a session for Field-based Managers to ensure they take full note of their responsibility in supporting Focal Points and rolling out the action plan.

Head Quarter Offices: It should be noted that progress in effectively rolling out these actions requires support from agencies' Head Quarters, throughout all stages of implementation and monitoring. Most headquarters have a SEA focal point who should be kept informed of progress and provide support to Heads of Agencies and Focal Points in DRC.

ECHA / ECPS Task Force: DRC is a country at high risk for SEA. At present, momentum exists to tackle this issue. The fact that limited progress has been made offers the opportunity for SEA policy roll-out systems to be created from the start. However, it is essential that the agencies –and in particular the network lead- are guided through this challenging task; both making available technical support and providing human and financial resources. It is therefore strongly recommended to put DRC on the list of focus countries for support.

2. The SGB should be implemented

To carry out PSEA measures as required by the SGB the following steps are needed:

Engagement with and support of local populations

- **2.1 Establish a Complaints Mechanism with community participation**
- **Responsible Actor: Network**

Arguably the most important but also most challenging element of an effective PSEA system is that community members are aware of and have confidence in the complaints mechanism. For this purpose Focal Points in each geographical area should, together, engage with communities in establishing an accessible, safe and confidential system for reporting allegations or rumours of SEA. There should be a single mechanism common to all agencies in a given location so as to avoid confusion among communities [reference May meeting report]. The ECHA / ECPS Task Force is currently developing technical guidance material on how to engage communities in this process.

2.2 Develop interagency information campaign to create community awareness

Responsible Actor: Network

To avoid fragmentation in the dissemination of information to communities, a country wide information campaign should be part of the inter agency network action plan. The network coordinator should play a key role in overseeing the campaign. It is important that the messages are sent out using multiple communication channels, targeting specific groups in the community –including children and women- and are conducted in local languages. For this purpose community-friendly materials should be developed, drawing on work undertaken in other countries. The campaign should be developed with participation of communities, including children, men and women.

In Liberia the interagency network organized a one-year information campaign to raise awareness with communities. Key messages highlighted what constitutes SEA, humanitarian

workers' standards of behaviour, and the reporting channels in place. Separate materials were designed to reach communities, children, teachers and other actors. The materials included visual aids, training modules, posters, bill-boards and radio messages. In Kenya the network reaches out to communities through a wide range of forums, including films on PSEA based on scripts written by children in a writing competition and endorsed by community leaders.

Prevention: Code of Conduct and Staff Awareness

2.3 Establish, endorse and display SGB / Code of Conduct and incorporate in HR systems

Responsible Actor: Representatives / Heads of Office + Focal Points + Human Resources

As a first step Focal Points should train staff of the HR department on how to confidentially handle incidents of SEA that are brought to their attention, on disciplinary procedures in response to breaches of the standards of behaviour and on their role in creating staff awareness. As a follow-up, INGOs that have not yet a Code of Conduct addressing SEA, either in country or globally, should develop one as a matter of priority. It is important that each Representative / Head of Office makes sure that all contracts make clear reference to SEA and have a copy of the SGB / or a Code of Conduct attached to it, as well as an acknowledgment that the employee has read and understood it. If this is not yet the case, appropriate contracts need to be introduced. Furthermore, whether upon signing their contracts or otherwise, all staff will need to have received the SGB. Finally, HR and Focal Points should ensure SEA policies are incorporated in the induction materials and that the Code of Conduct or a condensed version of the SGB, in easily understandable language, is clearly displayed in the offices of all duty stations.

Headquarters' Support: As most agencies work with standardized recruitment procedures, job descriptions and staff performance appraisal tools, integrating and SEA element in these HR procedures should be initiated by headquarters offices. The same applies if contracts do not make explicit reference to SEA standards.

2.4 Facilitate staff inductions on SEA

Responsible Actor: Focal Points at capital office- and field level

If in the past staff was hired without receiving an induction on SEA, it is crucial that they participate in an induction on this topic. A 40-minute induction was developed as part of this consultancy that can be used for this purpose.

2.5 Training of all staff

Responsible Actor: Focal Points at capital office- and field level

Training on PSEA (in addition to the induction) should be mandatory for all personnel. Periodically, with the support of Field Managers, Focal Points should organise a training session for newly recruited staff, ideally within three months of recruitment. The film "To Serve with Pride" can be a useful tool in this regard. It is recommended to incorporate an 'attitudes and beliefs' session in the training as many respondents highlighted this as the key obstacle to reporting. Further, emphasizing *mandatory* reporting requirements may help staff overcome their fears of sharing concerns about colleagues. The training should tell staff unambiguously: to whom to report, how to report and what may happen if they do not report.

Managers at all levels have an additional responsibility to remind their teams regularly of the standards of conduct and complaint procedures. This can be done through periodic refresher sessions, by putting SEA on the agenda in staff meetings, in informal conversations etc.

2.6 Develop and implement strategy to follow-up on compliance of implementing partners

Responsible Actor: Focal Points and Senior Managers

Focal Points and Senior Managers of agencies working with implementing partners will need to establish a strategy for greater compliance. One way to go about this is to require the partner to implement a set of clear and practical actions to be eligible for funding. These could include: induction / training on SEA for project staff (with technical support from the donor agency's Focal Point), establishing a Focal Point and developing a Code of Conduct. The partner agency could be contractually bound to provide feedback on progress on the implementation (e.g. through periodic reports, progress meetings and use of checklists).

Response: Internal Reporting, Investigations, Disciplinary Action, Victim Assistance

2.7 Establish Internal Reporting Procedures

Responsible Actor: Representatives / Heads of Office

All agencies should develop and formalize internal procedures for staff and other personnel to report incidents of sexual exploitation and abuse. In establishing the reporting channels it is important to take into account that Focal Points are to play a key role in receiving reports and that staff members do not have to follow the normal chain of command or go through their own supervisor if they wish to report an SEA related concern.

Once approved by headquarters, the procedures should be disseminated to all staff (in staff training and inductions).

2.8 Establish Investigation Procedures

Responsible Actor: Representatives / Heads of Office

If not yet accomplished, agencies should establish investigation procedures and disciplinary procedures with involvement of their headquarters. If the agency has the capacity to appoint investigators –at headquarters or in-country- they should be trained, with special attention for investigating cases involving children. The training materials developed by the “Building Safe Organizations” are recommended for this purpose.

Agencies that do not have the capacity to conduct timely and professional investigations should turn to the network and their headquarters for support. It is worth exploring if the UN interagency monitoring mechanism, the Office for Internal Oversight Services, in DRC can play a role in investigation of cases involving UN personnel.

Some respondents raised concerns in relation to staff protection, especially when the complaint involves a staff member of another agency. To protect persons from retaliation, Representatives / Heads of Office should ensure implementation of the UN's whistleblower policy.

Sanctions taken against staff charged of SEA should be “widely communicated to demonstrate a culture of ‘zero tolerance’ and an end to impunity”.

2.9 Implement Victim Assistance Strategy

Responsible Actor: Network

It is of critical importance that complainants of sexual exploitation and abuse receive immediate and appropriate care (health, safety, psychosocial care and access to legal and judicial systems). In December 2007, the United Nations' General Assembly issued the Victim Assistance Strategy; once the network is in place implementing this strategy represents an important piece of work.

3 The systems in place should be regularly reviewed and evaluated

The ECHA / ECPS Task Force is presently exploring the option of a managerial standards-based compliance mechanism, whereby each agency will compile annual compliance reports and submit this to the RC/HC. The mechanism would be binding to all UN entities, UN related personnel/groups and signatories to the Statement of Commitment. Meanwhile the following steps are recommended:

3.1 Monitor progress and report to headquarters

Responsible Actor: Representatives / Heads of Office

It is a responsibility of management to regularly evaluate the effectiveness of the PSEA measures and assess progress against the agency's action plan. Ideally PSEA is incorporated in existing M&E frameworks and regular progress updates are shared with headquarters. Field staff and Focal Points can contribute to monitoring by seeking regular feedback from the communities concerned.

3.2 Monitor agencies' progress against the interagency action plan **Responsible Actor: Network Coordinator**

The network plays a key role in monitoring the efforts of its members in tackling SEA against the indicators of the action plan. The network should inform the RC/HC on progress made and challenges encountered by its members. If stronger efforts are required from a particular agency, the head of this agency should be informed and supported in the agency's efforts to reach greater achievements.

3.3 Arrange for external evaluation after one year

Responsible Actor: Network Coordinator

Some level of external monitoring is required. It is recommended to conduct an external audit after a period of one year, focusing on interagency achievements as well as progress within agencies.

Annex 13

Country Studies Approach

PSEA Review

Background

Please refer to the TOR contained in Annex 1 for a description of the purpose and initial proposed methodology of the PSEA Review.

As part of the initial methodology, the External Review Facilitator was asked to propose countries for the field missions (based on a set of criteria drawn up by the Steering Committee). This was done and the proposal was agreed by the Steering Committee at its meeting on 30 November 2009 for visits to three countries (Haiti, DRC and Nepal) and a desk study on Liberia. During the SC meeting, however, there was also useful discussions as to the value of taking information from a number of other countries, and a recommendation was made that this be attempted.

It was clear that it would not be possible to conduct any form of evaluative research into PSEA in these countries. The emphasis would be upon the collection of information on PSEA activities and, where possible, documentation of examples of good or innovative practice which might be included in the final report. It was unlikely that it would be possible to triangulate information received or to measure any change that might have occurred as a result of these activities.

Approach

- Contact the countries involved (clarify that a mission was not being planned), and ask to assign a focal point in the country if one was not provided already.
- Contact GenCaps where relevant.
- Arrange an interview with the above, explaining the purpose of the case studies (illustrate innovative/differing practices) and ask: 1) for documentation relating to the specific issue that is the subject of a case study; 2) whether there are any other practices that might be of interest in the country (in which case, consider including); 3) for contacts of relevant people.
- After studying documentation, re-interview the focal points as well as any additional contacts provided.
- Reporting might be by country or by issue; not more than a four-page report per country/issue.
- Use primarily qualitative research methods, focusing on why a particular practice was implemented, how, with what results, how results are measured, what could be done better, what are the implications for broader community of practice.
- Good practices that demonstrate innovation, improvement and transferability (ability to be replicated in different context) should be explicitly identified.

Annex 14

Persons met

Liberia

Mamadou Dian Balde, UNHCR

Masaneh Bayo, UNDP

Felicia Coleman, Ministry of Justice

Susan Grant, Save the Children UK

Rita Gray, WFP

James Kamanda, CESP

Maria Keating, UNDP

Sylvie Louchez, International Rescue Committee

Lorpu G. Manneh, Ministry of Education

Roselyn Odera, Complaints and Discipline Unit, UNMIL

Michael Musili Nazu, UNCRO

Susan Ngongi, UNICEF

Sayed Sadiq, UNFPA

Madhumita Sarka, UNDP

Rosana Schaack, THINK

Anna Stone, Norwegian Refugee Council

Bendu Tulay, Ministry of Health and Social Welfare

Democratic Republic of the Congo

Felix Acebo, Specialist, Chief of Protection Zone East, UNICEF

Regina Avognon, Senior Regional Community Services Officer, UNHCR

Marie Bapu, UNDP

Carl Becker, Director, Save the Children

Hendrik Bruyn, Head Political Affairs Section, Goma, MONUC

Godia Kandi Buanga, Officer, CDU

David Bulman, Head of Office, WFP

Bertrand Coppens, Chief of Staff, MONUC

Alessandra Dentice, Head of Child Protection, UNICEF

Abdou Dieng, Representative, WFP

Ciaran Donnelly, National Director, IRC

Alan Doss, Special Representative of the Secretary-General, MONUC

Lieutenant-General Babacar Gaye, Force Commander, MONUC

Jean-Pierre Givel, WFP

Adama Guindo, Country Director, UNDP

Maz Hadorn, Head of Office, OCHA

Andy Hart, MONUC

Roland Van Hauwermeiren, Country Director, Oxfam

Irene Hernandez, UNIFEM

Agathe Kahindo, EVA

Ndeye Yande Kane, MONUC Human Rights

Heather Kerr, Head of Office, Save the Children

Jean Roger Kuate, Training Officer, CDU

Julienne Lusenge, SOFEPADI

Oswald Masengo, MONUC

Marie-Claude Mbuyi, OMS

Animata Mossi, Office in Charge, DCU

Charlotte Mwarabu, WFP

Faida Mwangilwa, CAFCO

Philomene Matondo, UNESCO

Rosa Nda Ngye, MONUC

Nadia Nsabimbona, FAO

Dedo W. Nortey, Deputy Country Director, Save the Children

Matzi Notz, UNHCR

Yewande Odia, Chief, CDU

Heather Pfahl, World Vision

Kevin Ray, World Vision

Narcsco Rosa-Berlanga, Humanitarian Affairs Officer, OCHA

Esteban Sacco, Head of Sub-Office, OCHA

Fidele Sarassoro, Deputy Special Representative of the Secretary-General MONUC, Resident Coordinator/Humanitarian Coordinator, UNDP Resident Representative

Godelieve Sipula, OCHA

Astrid Tambwe, RAF

Ton Van Zutphen, Director Humanitarian Emergency Affairs, Eastern DRC, World Vision

Pierrette Vu Thi, Representative, UNICEF

Leila Zerrougui , Deputy Special Representative of the Secretary-General, MONUC

Nepal

Chanendra Adhikari, AMDA

Naeem Ahman, HR Specialist, UNDP

Amalraj, Caritas Nepal

Alain Balandi, Chief of Operations, UNICEF

Victoria Bannon, Representative, International Federation of Red Cross and Red Crescent Societies

Sakuntala Barel, INSEC

Richard Bennett, Representative of the High Commission for Human Rights

Keshala Bhandari, Vajara Foundation Nepal

Sudesh Bapat, ABC Nepal

Rita Bhatia, Women Security Pressure Group

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Anne-Isabelle Degryse-Blateau, Country Director, UNDP

Josh DeWald, Country Director, Mercy Corps

Rita Dhakal, OCHA

Michael Frank, National Director, World Vision

Tumburu Gautam, NGO Federation

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Diane Goodman, Deputy Representative, UNHCR

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Sanju Joshi, Mercy Corps

Aruna Kafle, Women Security Pressure Group

Tara Kanel, Save the Children

Nisha Kharel, Lutheran World Federation

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