

# Sexual exploitation and abuse *by aid workers*

- Sexual exploitation and abuse is endemic in all societies and walks of life
- A particular challenge for the humanitarian sector, because of the difficult environments we work in, and the exceptional vulnerability of the people we aim to assist
- It is a breach of our duty of care to communities and crisis-affected people
- Victims of SEA are ‘hurt twice’ – first by disaster and conflict, and second by the people who are there to help them.
- An ethical, practical and reputational challenge for aid organisations
- There is limited availability of information from NGOs on the scale of the problem. UN agencies reported 99 SEA allegations globally in 2015, and similar numbers in the preceding five years.
- Currently, worst-affected countries seem to be Central African Republic, followed by Democratic Republic of Congo, Somalia, and Haiti.

## IASC Core Principles on SEA (S-G Bulletin, 2003)

- Sexual exploitation and sexual abuse are grounds for disciplinary measures, including dismissal.
- Sexual activity with children (persons under the age of 18) is prohibited.
- Exchange of money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour, is prohibited.
- Sexual relationships between staff and beneficiaries of assistance are strongly discouraged.
- Where a staff member develops concerns or suspicions regarding sexual exploitation or sexual abuse by a fellow worker, he or she must report their concerns.
- Staff are obliged to create and maintain an environment that prevents sexual exploitation and sexual abuse, with managers at all levels having a particular responsibility for this.

# IASC PSEA Minimum Operating Standards

- Policy on PSEA
- PSEA focal point/department
- Code of conduct in employment contracts & partnership agreements
- Staff inductions and refresher training on code of conduct
- Awareness raising on PSEA with communities
- Reference checking as part of recruitment
- Complaints mechanisms and victim assistance
- Whistle blower policy for staff
- Investigation procedures

## IASC PSEA MOS on investigations

- Investigation procedures in place
- Investigations to be undertaken by experienced and qualified professionals
- Information about the outcome shared with the complainant
- Substantiated complaints result in disciplinary action or contractual consequences

## CHS Alliance services on investigations

- Investigation training – first level and follow up, open workshops and *ad hoc*
- Remote support and advice
- Approved investigations trainers and recommendations for investigators
- *Guidelines for Investigations*



## **GUIDELINES FOR INVESTIGATIONS**

**A guide for humanitarian organisations on receiving and investigating allegations of abuse, exploitation, fraud or corruption by their own staff**

Revised November 2015



CHS Alliance investigations workshop, Bangkok, 30 Aug-2 Sept 2016

## Meeting of investigation experts, Geneva, July 2016

- Where do PSEA and investigations sit within an organisation's structure?
- Control of rumours, management of confidentiality
- Recognising the potential overlap of allegations of SEA with fraud and corruption
- The challenges of following due process in our contexts
- Organisations' limited capacity on investigations
- Potential for prejudice and bias in investigations.





Save the Children

# Collaborating with Different Departments during an Investigation.

A Save the Children Experience





## Safety of the Child is the most important consideration

Any victim, especially beneficiaries  
will be at further risk from being  
harmed by family, community or  
the SOC if we do not take  
particular action.



# What aspects of the Investigation require support from others

- ✓ **Primarily the Safety and Well being of the affected victim**
  - ✓ Often the Reputational risks, the legal aspects and the rights of the SOC or Witnesses takes precedence over the victim
  - ✓ Our first obligation and duty of care should be to the child
  - ✓ For this, we will need the support of a Social Worker or a Counsellor who is in our **Programme/ Child Protection/ GBV Unit**
- ✓ **Legal Implications**
  - ✓ Law of the land/ labour laws
  - ✓ **Internal Legal Counsel or external**
- ✓ **Safety of the Investigators, witnesses, SOC, and on going programmes**
  - ✓ \_A serious incident could mean a possible crisis where the organization, its programmes and personnel could be under threat from the community or other groups
  - ✓ Reputational issues may arise
  - ✓ **Safety and Security** teams should be consulted



# In the Humanitarian Context Investigating SEA is a huge challenge



# What other Departments do we need the support of

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## ✓ **Evidence and Data Protection**

- ✓ Evidence from official laptops , smart phones etc
- ✓ Need the support of the **IT Department**

## ✓ **Evidence**

- ✓ Location where the incident occurred, log records etc
- ✓ The **Logistics Department and Admin Department**

## ✓ **When Exploitation Occurs**

- ✓ Exchange of relief items for sex, money for sex
- ✓ The **Counter Fraud Department**

## ✓ **In a Crisis**

- ✓ Media gets to know and need a holding back statement
- ✓ **Media and Communications Department**

## ✓ **External Organizations**

- ✓ Donors
- ✓ Other Agencies
- ✓ State Authorities

# **If all are involved how do we Maintain Confidentiality?**

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## **BEGIN AT THE BEGINNING**

**STAFF SHOULD RECEIVE PROPER TRAINING ON THEIR OBLIGATIONS UNDER THE CODE OF CONDUCT TO MAINTAIN CONFIDENTIALITY AND TO SUPPORT ORGANIZATIONAL PROCEDURES**



TAKE AWAY 1  
LIVES ARE AT STAKE IN AN  
INVESTIGATION, SO BE  
THOROUGH, GET THE SUPPORT  
OF ALL RELEVANT  
DEPARTMENTS TO CONDUCT  
YOUR INVESTIGATION.

TAKE AWAY 2  
LIVELIHOODS ARE AT STAKE, SO  
BE ABSOLUTELY ACCURATE IN  
YOUR PREPARATIONS,  
DELIBERATIONS AND FINDINGS.





TAKE AWAY 3  
LEGAL OBLIGATIONS ARE  
ALSO AT STAKE. WORK AS A  
TEAM TO ENSURE THAT YOUR  
INVESTIGATION WILL BE  
USEFUL EVEN IN A COURT OF  
LAW.



**Save the Children**

# THANK YOU



**Save the Children**

Menaca Calyaneratne

International Child Safeguarding Director

5<sup>th</sup> September 2016 – for CHS Alliance

# CHS Alliance Protection from Sexual Exploitation & Abuse Conference 2016

05 September 2016

Investigating SEA in UN peacekeeping missions  
and the United Nations Population Fund - challenges

Morgan Pillay  
United Nations Population Fund

# United Nations Peacekeeping and PSEA

## **Basics of peacekeeping**

- United Nations Resolution
- A peace to keep
- Chapters 6 and 7 of UN Charter
- Memorandum of Understanding
- Status of Forces Agreement

# Democratic Republic of the Congo 2002

- SEA allegations in international media => UN uniformed personnel

## *Challenges investigating SEA*

- Complainants mechanism – who to complain to?
- Complaints – insufficient detail (identification)
- Geography
- Timeliness of complaint and migration
- Most vulnerable – survival sex, no comprehension SEA prohibited
- Under reporting/non-reporting: Fear + intimidation + retaliation + stigmatism => young boys
- UN – no dedicated full-time investigative unit with skills to investigate SEA
- Pre-deployment training of military personnel + equipment
- Cultural beliefs
- Status of Forces Agreement
  - ✓ Repatriation only
  - ✓ Justice not seen to be done
  - ✓ Unwilling or unable to take action
  - ✓ Response and degree of sanction

# UNFPA

- Mandate: Sexual and Reproductive Health + Population and Development + Youth + GBV
- Health clusters in countries -> Government, INGOs, NGOs, UN
  - ✓ GBV + SEA awareness
  - ✓ Not only conflict/post-conflict
- Humanitarian and Fragile Contexts Branch – training for surge/emergency rosters
- Challenges investigating SEA – essentially same as peacekeeping
- Strengths
  - ✓ Dedicated, professionalised investigations unit
  - ✓ Joint investigations
  - ✓ Monitoring by UNFPA staff in field
  - ✓ Referral to national authorities for criminal prosecution
  - ✓ UN + partners = consolidated approach -> Community Based Complaints Mechanism (CBCM)

## **Recent updates**

- CBCM
- Central African Republic
- South Sudan



**Learning from SEA Investigations**

**CHS Alliance PSEA Conference**

**Bangkok, September 2016**



# Challenges

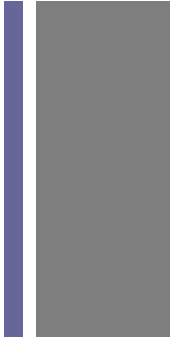




# 1. Communication/confidentiality

- Communicate on a 'need to know' basis – must be a confidential process, don't share unless you really need to with those involved directly
- Beyond investigation 'insiders', communicate cautiously...but communicate! May need a comms strategy/comms support
- Aim to stay in control of communications – everyone should be aware of consequences of unauthorised communications inc. via social media
- Speak with one voice to media, control the flow of information – through *positive media engagement*
- Communication must be transparent

## 2. Watertight investigations?



- Can't always be watertight - so many obstacles to SEA investigations!
- Run the best process you can given the circumstances/constraints and record why it has not been possible to do things 'by the book'

Key points of an effective investigation:

# Investigations tip...

■ **T**horough

■ **I**mpartial

■ **P**rotective

- Well planned
  - Gather/test as much evidence as possible
- 

- Objective/independent
  - Free from personal bias/prejudice
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- Consider safety of all parties- assess and manage risks throughout
- Best interests/Confidentiality

# 3. Role of managers

- Need strong management commitment to, and clear structure for, PSEA including investigations
- Designated senior managers with authority/decision-making power
- Training for managers on their roles and responsibilities viz. SEA investigations
- Resourcing and supporting investigations
- Accountability of and support to managers in general – ensure effective implementation of PSEA measures including investigations

# What we still need...

- Adequate resourcing of investigations
- Openness within and between organisations on the problems faced re SEA - sharing case experiences/knowledge/practice
- Appropriate (including *courageous*) action on outcomes of investigations
- Better coordination across sector re investigations

# The Experience of NGOs in Thailand in dealing with SEA

Aungkie Sopinpornraksa

At Windsor Suites Hotel, Bangkok.

5 September 2016

# THANK YOU

- HAP/ICVA/CHS Alliance – investigation Trainings in 2006 & 2007 and this conference.
- Sally Thompson (TBC) & Pauline Aaron (JRS), and Luc Ferran (CCSDPT PSEA Coordinator)

# **The experience of NGOs in Thailand in dealing with SEA issues**

- TBC (2006 – 2013)
- JRS (2013 – 2015)
- Steering Committee Member of PSEA of The Committee for Coordination of Services to Displaced Persons in Thailand (CCSDPT 2008-2013)
- CCSDPT is the coordinating committee for 18 NGOs working in nine refugee camps along the Thailand / Myanmar border.



## **A) Code of Conduct (CoC):**

- Review and revise org CoC refer the context protection SEA of UN Secretary General's Bulletin (ST/SGB/2003/13, Oct 2003)
- CCSDPT CoC (2008)
- KRC & Karenni RC CoC (2010)

## **B) Complaint and Reporting Mechanism (SEA, Fraud & Corruption)**

## **C) Trainings:**

- General PSEA include CoC to org staff
- Field Focal Point Persons – receive the complaint (field staff , CMP & KRC staff)
- Join with Luc Ferran (CCSDPT) – co-facilitators for Investigation Workshops.
- Join with ICVA/CHS Alliance – co-facilitators for Investigation Workshops for humanitarian workers.

## **D) Lead Investigations of SEA in TBC & JRS:**

- Work closely with Investigation Manager
- Handle Investigation of SEA with co-investigator, and translator (when it is needed)
- Interview witnesses (average 8-13 persons)

## **E) CCSDPT Investigation Summary, cases occurring between Oct 2008 – Feb 2010 (16 months)**

- 12 incidents reported concerning 7 different organisations
- Almost 50% subjects of complaint are camp-based staff.
- Almost 50% of victims under 18 years-old
- 25% of subject of complaint are drivers

## **F) Good practices and learning**

1. Management Commitment – sincere, understand, support, make decision – policy
2. Investigation Manager – be trained, responsible and support for investigation process.
3. Revise and review – CoC, Complaint & Report Mechanism, CoC for sub-contractor, CoC for drivers (Bio Data, photo, copy of driving license & ID card).

4. Investigators, translator – skills , knowledge, possible be trained from HAP/ICVA/CHS Alliance, humanitarian work experience.
5. Continue provide training and awareness to staff and related partners, update related manual, forms, language for them to refer easily when it is needed.
6. PSEA in the Thai-Burma Refugee Program Mainstreaming Checklist – one of good tools for org to update annually or every two years.

**Thank you**

# **CHS Alliance**

## **PSEA Conference 2016**

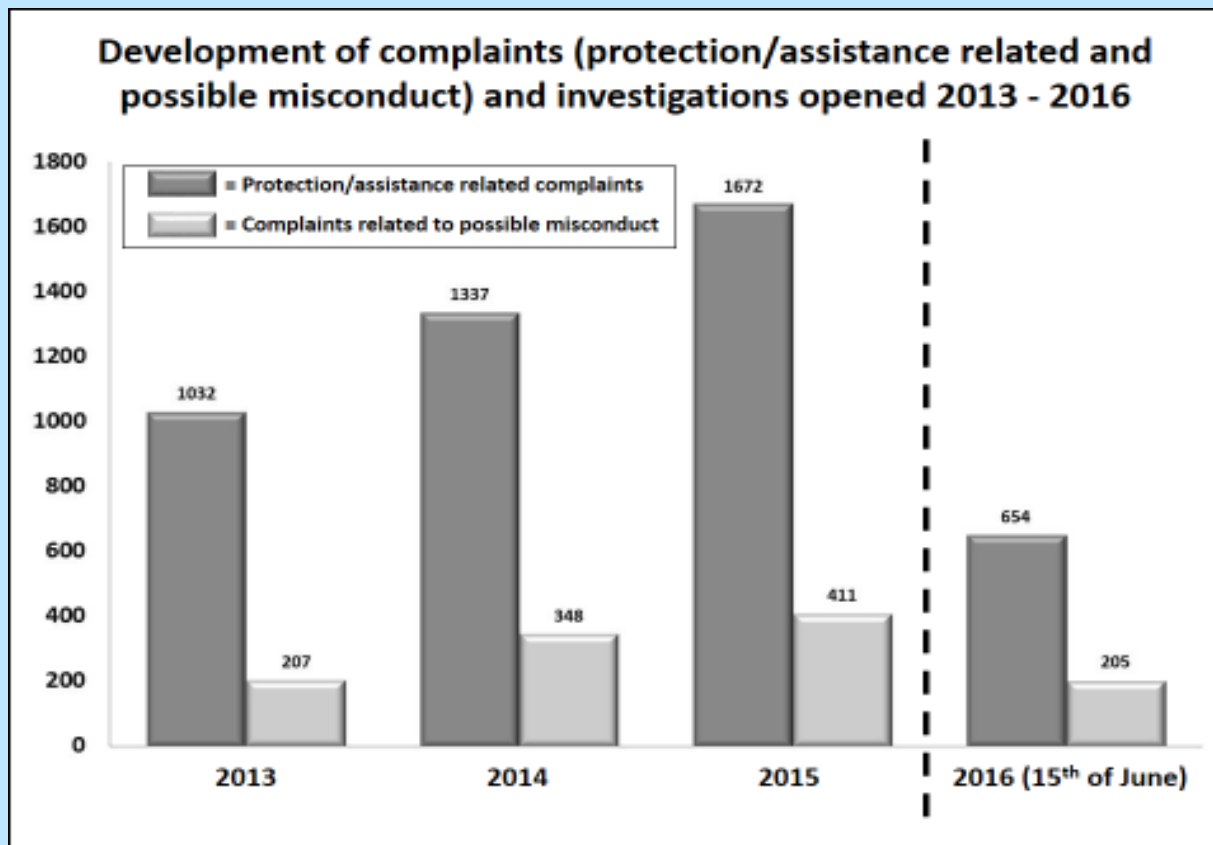
Bangkok, 5 September 2016



# UNHCR INVESTIGATION SERVICE'S ACTIVITIES IN 2015

- **17 staff, including currently 7 investigators**
- **2,195 complaints received**
- **79 investigation cases opened**
- **102 cases addressed**
  - ❑ **41 investigation reports**
  - ❑ **61 closures reports**

# DEVELOPMENT OF REGISTERED PROTECTION/ASSISTANCE RELATED COMPLAINTS



# BACKGROUND OF UNHCR / NGO PROJECT

- March 2012 discussions with NGOs to discuss coordination and strengthening investigative cooperation with partners
- More than 1,000 implementing partners, including 900 NGOs
- 40% of UNHCR's operational budget is given to implementing partners for projects
- Accountability and integrity are very important
- Donor pressure
- Limited UNHCR capacity to investigate allegations of staff of implementing partners

# ACTIVITIES UNDER THE PROJECT

1. **Standard Clause on Investigation and Ethical Considerations**
2. **Terms of Reference for joint investigations**
3. **Standard Operating Procedures for referral of cases**
4. **Standard Operating Procedures for sharing of material of a sensitive nature and case information**
5. **Regional workshops**

# CASE STUDY – EXAMPLE OF A UNHCR/NGO SEA INVESTIGATION

- SEA allegations received implicating several staff working for UNHCR, another AFP and 4 NGOs
- Contextual elements
- Referral of the cases to the Partners

# CHALLENGES

- Confidentiality / sharing of information
- Identification of victims and subjects
- Avoid repeating interviews of witnesses
- Evidence and Burden of proof

# LESSONS LEARNT

- Importance of the local context
- Collaboration NGOs/UNHCR
- Security concerns for witnesses
- Limits of the investigation

# QUESTIONS ?



# UNHCR Inspector General's Office

