

Steering Committee
Legal Review of Aid Worker Registration Scheme

Geneva, 30 July 2020

CHS Alliance Submission on Legal Review of Aid Worker Registration Scheme

Dear Steering Committee,

With appreciation for sharing the Aid Worker Registration Scheme – Legal Review. We find it an incredibly insightful report into an issue that requires urgent attention.

We would like to thank you for the opportunity to comment and request to be engaged in the consultation and further discussions.

In response to the Review, the [CHS Alliance](#) would like to provide the following feedback.

- a) Our overall reflections of the review (p1)
- b) Two areas we would like to provide more information (p2)
- c) Feedback on the specific questions asked (p 3)

a) Overall reflections

We wholeheartedly agree with the following premises upon which the report is based:

- That there is an “acute need for more effective regulation of the international aid and development sector in terms of safeguarding generally, and prevention, detection and investigation of sexual exploitation abuse and harassment specifically.” (para 5)
- That we need to “build on and operate concurrently with multiple existing initiatives than to replace them” (para 5)
- That a new registration scheme would need to go hand-in-hand with “promoting it with setting and enforcement of common international safeguarding norms and standards of investigation” (para 7)

We give our strong support for Recommendation 3 and its accompanying propositions:

As a condition of funding, donor mandated minimum core safeguarding standards, and independent inspections

- *International standards already exist and donors should require partners to adhere to them.*
- *Independent inspections of aid organisations provide an objective and independent assessment of where an organisation stands in the application of a reference standard (e.g. Core Humanitarian Standard) and; gives confidence to all parties that an organisation fulfils or is continuously improving the quality and accountability of its services to affected populations.*

- *Independent audits¹, both of organisations generally, and during any project, are absolutely essential to ensuring appropriate safeguarding standards and misconduct procedures are delivered; and (2) as and until they are mandated by donors, a high proportion of aid organisations will not conduct them.*

b) Further information on two areas - building on current standards and promoting verification

As one of the copyright holders of the Core Humanitarian Standard (one of the two standards recognised by the donors in the commitments made at the 2018 Summit), the owner of the [CHS Verification Scheme](#) and a membership of more than 150 + aid organisations, we would like to strongly advocate for the following actions in relation to Recommendations 3 and 4:

1. *Building on the current Standards – The Core Humanitarian Standard*

We fully support the Review’s findings that “there is no need to recommend the creation of such standards; they are widely available and mature”² and that we should build on what already exists (para 167).

The Core Humanitarian Standard (CHS) was designed as a broad accountability framework—capturing the essential elements of principled humanitarian work—rather than as a specific PSEAH tool. However, as protecting people from sexual exploitation and abuse and sexual harassment is so fundamental to principled humanitarian work, almost one third of the CHS’s 62 indicators address aspects relating to PSEAH. Despite this, the CHS Alliance secretariat is aware that gaps exist in the Standard. Since 2018, we have been working on strengthening the CHS’s associated guidance to make sure it is stronger on PSEAH based on the continued learning from the sector.

As DFID is aware, we will launch the updated CHS PSEAH Index in October 2020, alongside a revised and improved [CHS Alliance PSEAH Implementation Quick Reference Handbook](#) to support its implementation.

We will include updated PSEAH requirements in the CHS Verification Framework, which means that organisations will be scored on their implementation of these additional requirements in their verification process³. It also will work as a stand-alone tool, for those organisations that wish to focus solely on PSEAH⁴.

¹ While we would promote independent audits as the ideal, we need to recognize the value of the self assessment as part of this process towards independent audits to create a sustainable model.

² To note - HQAI is the organisation that audits against the CHS under the CHS Verification Scheme. It does not own a separate standard – which paragraph 167 implies)

³ All three forms of CHS Verification – Self Assessment, Independent Verification and Certification

⁴ However, we will continue to advocate that PSEAH has to be part of a wider accountability framework (the CHS) to drive the cultural change we need to see.

To guide this work, we undertook a thorough review of all the existing PSEAH standards / assessments (IASC MoS, MOPAN, DFID due diligence, UNICEF PSEAH Assessment). We believe this new tool could provide a harmonised framework for these standards.

In summary, we strongly believe that the sector should continue to build on what currently exists with the CHS and the related standards mentioned above, making improvements as required, as opposed to creating a new standard. This is based on the take up of CHS verification in the sector, a critical aspect for implementation – which we turn to next.

2. Increasing Verification

As stated, with the updated CHS PSEAH Index and the IASC MoS, the sector has the standards necessary to guide PSEAH. The critical challenge however is making sure that organisations are measuring themselves against these standards and making the necessary improvements to create the changes required. This is where we need donor support for a stronger drive for CHS Verification.

While we acknowledge the numbers cited in para 181 on independent verification, we would like to highlight that we actually have more than 90 organisations who have undertaken verification if we include self-assessment. Self- assessment is recognised as a very valuable precursor to moving to independent verification and is one of the three verification options in the [CHS Verification Scheme](#). The new self-assessment tool (launched in 2020) means that these self-assessed verification results will be validated by the CHS Alliance and provide a pathway towards independent verification.

While objective rigour of independent audits is critical, we feel strongly that the overall progress of organisations towards becoming verified needs to be acknowledged and built on. After five years of implementation of the CHS, the efforts by these 90 organisations is an impressive commitment by these individual organisations and the broader sector. This year's 2020 Humanitarian Accountability Report (to be launched in October 2020) will show that CHS verification (particularly highlighting certification) is making a difference in how organisations assess their performance and is leading to demonstrable improvements.

While the Legal Review report points out, the CHS is viewed more for the humanitarian sector than the development sector, we know the aspects that relate to PSEAH are equally applicable to both humanitarian and development organisations, as both types of organisations—as well as many dual or multi-mandate organisations—have verified themselves against the Standard.

However, while these efforts towards measuring and verifying performance need to be recognised, ourselves and our partner HQAI, acknowledge that the numbers are not at the scale we need. We therefore strongly support the Legal Review's finding that more organizations need to be able to demonstrate their adherence to these standards, and until the donors recognise this effort, we will not see the changes we know are needed.

The CHS Alliance commissioned a report this year⁵ to look into the possibility for the CHS to be a harmonised aspect of donor due diligence. This would promote increased take up of measurement against the standard and drive the push for improvement. It would also reduce duplication and time for partners, who often must compile similar information for a number of donors. An overview of the report's findings can be found [here](#).

One of the important issues raised in this CHS Alliance report is the importance of donor recognition in making this shift happen; in particular, we recognize that a shift by DFID in this regard would create a pathway for this change.

The report also proposes the idea of an open online platform, which would acknowledge and address (some of?) the constraints recognised in recommendation 4, (para 192), regarding more transparency for the CHS Verification Reports. This will be discussed more with our membership.

We highlight this report, as its findings align well with the Legal Review's Report; showing there is a building momentum for this change. We now need to find the mechanisms to build on these recommendations to deliver the change that is needed.

c) Response to the questions

Our points above have been mainly focused on Recommendations 3 and 4. However, we also welcome the opportunity to provide some feedback on the specific questions you raise:

1. *Are there any recommendations which you disagree with, and if so please say why, including if it is related to the legal basis?*

Broadly, we do not disagree with any of the 4 recommendations, though we feel more consultation is required with our membership, particularly on recommendation 2.

2. *What do you see as the most likely barriers to adoption of the recommendations?*

If the donor community agrees to mandating registration and independent inspections/assessments against an agreed standard or standard(s), then donors must agree on consistent reporting requirements among themselves pertaining to the reporting of misconduct and investigation data. If the donors do not achieve harmonisation among themselves yet mandate increased requirements, the burden on the NGOs could be a disincentive or barrier to adoption of Recommendations 2, 3 and 4.

We also recommend that the donors reach agreement on "passporting" of assessments against the existing acceptable standards (CHS, IASC PSEA MOS and UNICEF Assessment on PSEA).

⁵ Building on the HNPW session cited in the report (para 172)

3. *Do you think the recommendations will contribute to solving the problem outlined in slide 3?*

Recommendations 3 and 4 go beyond solving the problem pertaining to the employment of aid workers with previous misconduct. These two recommendations are geared towards addressing 3 of the 4 commitments made at the 2018 Safeguarding Summit, namely:

- i. Ensure support for survivors, victims and whistle-blowers, **enhance accountability and transparency, strengthen reporting** and tackle impunity.
 - ii. Incentivise cultural change through strong leadership, **organisational accountability and better human resource processes.**
 - iii. **Agree minimum standards and ensure we and our partners meet them.**
4. *Please rank the proposed recommendations in order of importance (1 = most important).*
- I. Recommendation 3
 - II. Recommendation 4
 - III. Recommendation 2
 - IV. Recommendation 1

5. *Do you have suggestions for other employment cycle initiatives to tackle SEAH in the aid sector?*

Enforcement of organisations' Codes of Conduct is critical. Codes of Conduct must be clearly stated in the employment cycle and continuously reinforced. More work is needed in the sector on best practice around Code of Conduct– including explicit references to zero tolerance for SEA –which the CHS Alliance is developing.

6. *Any other comments on the report are welcome.*

As the report points out, these recommendations have to be part of a holistic approach to PSEAH in the sector which involves: aid recipients playing an active role in the aid they receive and knowing their rights (the basis of the CHS); providing safe and accessible complaints mechanisms (an area in which the sector has a long way to go); having the capacity to conduct transparent and credible investigations; taking disciplinary action against perpetrators and reporting suspected crimes to the police.

7. *Please indicate if you would like to be directly involved in the further development and piloting of a Registration Scheme.*

Given the relevance to the CHS and the CHS Alliance's work, we would request to be directly involved in the further development and piloting of a "Registration Scheme" and offer to work with our membership on this.

8. *How likely is your organisation/you to engage with the Aid Worker Registration scheme (rec 2(ii))? Please indicate using Very/Quite/Unlikely. Explain the reasoning behind your response.*

Very likely to engage given the CHS Alliance's mission in advancing accountability and quality within the aid sector, including the prevention of sexual exploitation, abuse and sexual harassment. However, we feel more consultation is needed and we will actively be consulting with our membership on this initiative.

9. Are there any "red lines" that you can see in you/your organization being able to sign up to a Registration Scheme?

We would like to consult our members further regarding the Registration Scheme to determine as a collective the red lines.

10. Do you anticipate significant push back from employees and individuals working in the sector to being part of a Registration Scheme along these lines?

The Registration Scheme would need to clearly demonstrate to aid workers that it was in compliance with data protection laws and the limited use of the data to the sole purpose it is held. The Scheme will require a clear means/procedure for resolving/rectifying errors, if any found, with the data held within the Scheme.

11. If a central register is established, what type of entity would you want to see administering it?

We would like to be involved in this discussion further. As stated above, at the CHS Alliance we are considering how we can create a more open and transparent platform for the CHS verification (possibility linked to other standards). It would be incredibly useful to consider this alongside any proposed future central register database.

12. Is there key information that you think should be included in the register that isn't listed under recommendation 2(ii)?

As stated above, we believe the questions around the data capturing needs more analysis and we would be happy to host a discussion with our membership on this, to gauge their interest and concerns.

We thank you again for this opportunity to provide our views and we look forward to the continued collaboration on our mutual aim to protect people from sexual exploitation and abuse and sexual harassment.

Yours sincerely,



*Tanya Wood
Executive Director*