

SECTION 2:
CROSS-CUTTING
ACCOUNTABILITY
ISSUES



CHAPTER 4:

Protection from sexual exploitation, abuse and harassment

Sexual exploitation, abuse and sexual harassment (SEAH) of crisis-affected persons by aid workers are among the most egregious failures of accountability.

SEAH is characterised by some of the most brutal and life-changing acts of violence and aggression, often, but not always, against women and girls, including rape and sexual assault.

Every time a case of SEAH occurs, the system is completely failing those it is there to support. Each time a survivor, victim, volunteer, or staff member does not feel confident or know how to report abuse safely, it is a failure. Every time a complaint or report is made, but not effectively addressed, is a failure.

In the last decades, and particularly the last five years, protecting people in vulnerable situations from SEAH has seen greater sustained attention within the aid system. Many donors now also

require organisations they are funding to adhere either to the CHS or the IASC Minimum Operating Standards.⁴² There are also promising signs of a more concerted systemwide effort to clarify and harmonise expectations and actions to prevent SEAH.

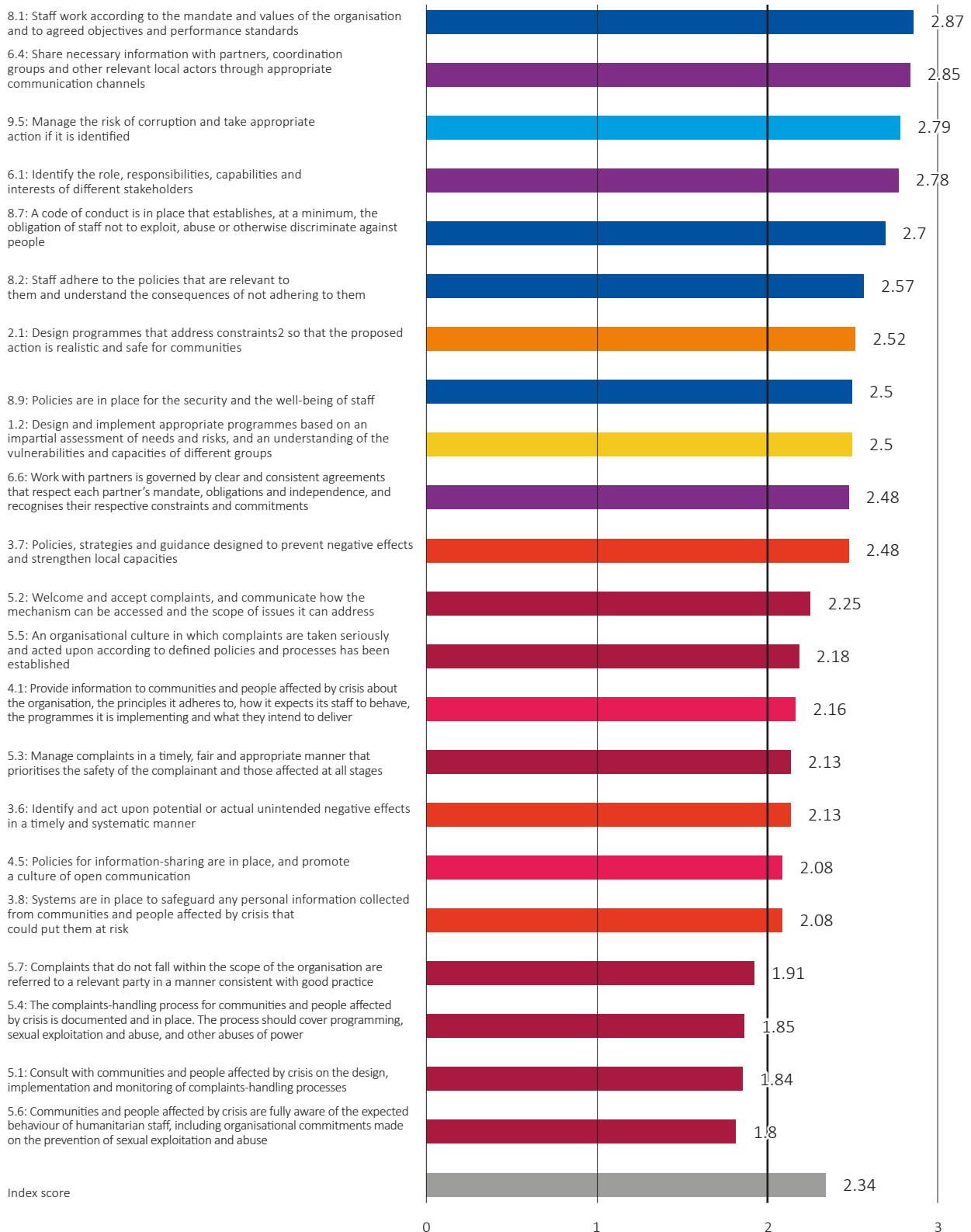
This is essential. We need to be absolutely clear about what needs to happen to translate requirements into action in order to ensure positive results for people affected by crisis. Key to this is addressing inequality and power, and the sense of aid worker impunity that prevails.

IMAGE ABOVE
Mural painted by women in Zone 18, one of the most violent neighbourhoods in Guatemala City April 2018.

© UN Women/
Ryan Brown.

Figure 4: PSEAH trends

This graph shows the average scores from all CHS verified organisations for each of the indicators that make up the CHS PSEAH Index. Scores between 1-2 mean that CHS verified organisations are not making systematic efforts to fulfill the requirements of the indicator. Scores between 2-3 mean organisations are making systematic efforts, but not addressing all the requirements. Scores above 3 mean organisations are meeting all the requirements for the indicator.



Source: Data from CHS verifications (all options) for 95 organisations from 2015 to 2021

Key: Commitments 1 2 3 4 5 6 7 8 9



“

Verified organisations show that, on aggregate, they have not met the requirements to fulfil the indicators of the CHS PSEAH index.”

WHAT THE DATA SHOWS

Despite the sustained attention given to PSEAH, there is a long way to go. Verified organisations show that, on aggregate, they have not met the requirements to fulfil the indicators of the CHS PSEAH index (see more below). The CHS PSEAH index is the lowest scoring of all three CHS indices, with no indicators reaching 3 as illustrated in Figure 4.

Central to the analysis of each theme is a selection of CHS indicators that together make up an index or grouping that is considered indicative of the theme. For PSEAH, this consists of 22 indicators across the CHS Commitments, known as the CHS PSEAH index.

To assess progress on the index, two sets of data are considered:

1. the compilation of verification scores from all 95 CHS-verified organisations (“data set one”); and,
2. compilation of verification scores from the 12 organisations that have undertaken a full CHS certification cycle (“data set two”).

PROMISING PERFORMANCE

PSEAH Index Commitment 8 indicators (*communities and people affected by crisis receive the assistance they require from competent and well-managed staff and volunteers*) score higher, showing that organisations have made more systematic efforts to apply the requirements of this Commitment.

The highest indicator score is for 8.1 (*Staff work according to the mandate and values of the organisation and to agreed objectives and performance standards*).

This suggests that verified organisations have robust recruitment and screening processes to promote safeguarding from SEAH and possess human resources policies with a clear outline on disciplinary actions for staff misconduct, including SEAH.

Some promising developments in this regard are the efforts seen with the Misconduct Disclosure Scheme (MDS) which aims to stop perpetrators of sexual misconduct from moving between aid organisations undetected.

*In the three years since the Scheme’s launch, it has been used by more than 130 local and international NGOs, as well as private sector organisations. With nearly 30,000 checks conducted, it has helped to detect more than 140 applications with negative or absent misconduct data.*⁴³

WHERE WE NEED TO IMPROVE

Again we see the lowest scores are those indicators connected to Commitments 4 and 5 – which rely on engagement with the communities.

What should concern us all is that the lowest indicator score was 5.6, which commits organisations to ensure that communities and people affected by crisis are fully aware of the expected behaviour of humanitarian staff, including organisational commitments made on the prevention of sexual exploitation and abuse. The second-lowest score was for indicator 5.1, whereby organisations commit to *consult with communities and people affected by crisis on the design, implementation and monitoring of complaints-handling processes*.

The importance of addressing this weakness has been acknowledged within the aid system.

A 2020 UNICEF study in the DRC made some powerful findings on PSEAH, including the extreme lack of awareness of the existence of community-based complaints mechanisms for SEAH; the lack of confidence in local and national judicial systems and in mechanisms designed to punish perpetrators of SEAH; and women feeling powerless to demand justice from aid workers given their status and belief that they will not be held to account for their actions.⁴⁴

These two low-scoring indicators point to a widespread lack of communication between organisations and affected people on expected behaviour and what should happen if organisations fall below that standard.

These findings are confirmed by the ongoing CHS Alliance project, *Closing the Accountability Gap to Better Protect Victims/Survivors of SEAH*. This project highlights that although there has been an effort to raise awareness of SEAH, affected people are not consistently listened to and their concerns are not consistently responded to.

Survivors have found it difficult to find ways to report their experiences, often due to social and cultural barriers. In Bangladesh, the project focused on the largest Rohingya refugee camp in Cox's Bazar. Due to inadequate security, a sense of impunity among perpetrators, and inaccessibility to or lack of justice for survivors of sexual and gender-based violence (SGBV) in the camps, there was a rise in sexual harassment, abuse, and exploitation of children, adolescents and women reported. Similar concerns were found in Ethiopia and the occupied Palestinian territories (oPt): a lack of trust and confidence in reporting mechanisms and beliefs that complainants will not be assured of confidentiality reduced the likelihood of complaints being filed.⁴⁵

In 2021, the CHS Alliance and the Steering Committee for Humanitarian Response (SCHR), together with the UK Foreign, Commonwealth and Development Office (FCDO), launched an initiative to develop a harmonised framework for SEAH data collection and reporting in the humanitarian system.⁴⁶ The report made three significant findings:

- 1 Currently NGOs do not take a common or comparable approach to collecting and reporting information on cases of SEAH.
- 2 Organisations are using very different reporting systems and so information is not available or useful for analysis to better understand the extent of SEAH in aid work.
- 3 The current arrangements of NGOs reporting different SEAH information to different donors can lead to challenges in maintaining the confidentiality of the people involved.

Survivors have found it difficult to find ways to report their experiences, often due to social and cultural barriers.

CHANGES OVER TIME

Certified organisations have shown improvements on both the lowest scoring PSEAH indicators during the audit cycle (indicators 5.6 and 5.1 – relating to consulting with communities on complaints mechanisms) indicating that organisations which focus on these, and other crucial areas of accountability (such as Commitment 4 on information sharing) can improve their performance over time, even if incrementally.⁴⁷ However, the biggest decrease in scores over time for certified organisations is on indicator 5.4, which requires documented SEAH complaint handling investigation processes to be in place, indicating that there are still considerable efforts needed.

Other progress in PSEAH includes the efforts of individual organisations and the sector collectively to focus on establishing PSEAH guidelines and processes to ensure that allegations of SEAH are responded to.⁴⁸ Examples include BOND's set of eight principles for building back trust through feedback.⁴⁹

From a regional perspective, the Regional Inter-Agency Community-Based Complaint Referral Mechanism in the Americas was developed under the umbrella of the Regional PSEA Network and the Regional Safe Spaces Network in the Americas with the support and coordination of the UNHCR's Regional Legal Unit of the Americas Bureau. The mechanism obliges service providers to fulfil the commitments, obligations and requirements to ensure adequate safeguards and appropriate actions are established on PSEAH.⁵⁰ As highlighted above, practical action remains far behind the development of PSEAH policies and guidance.

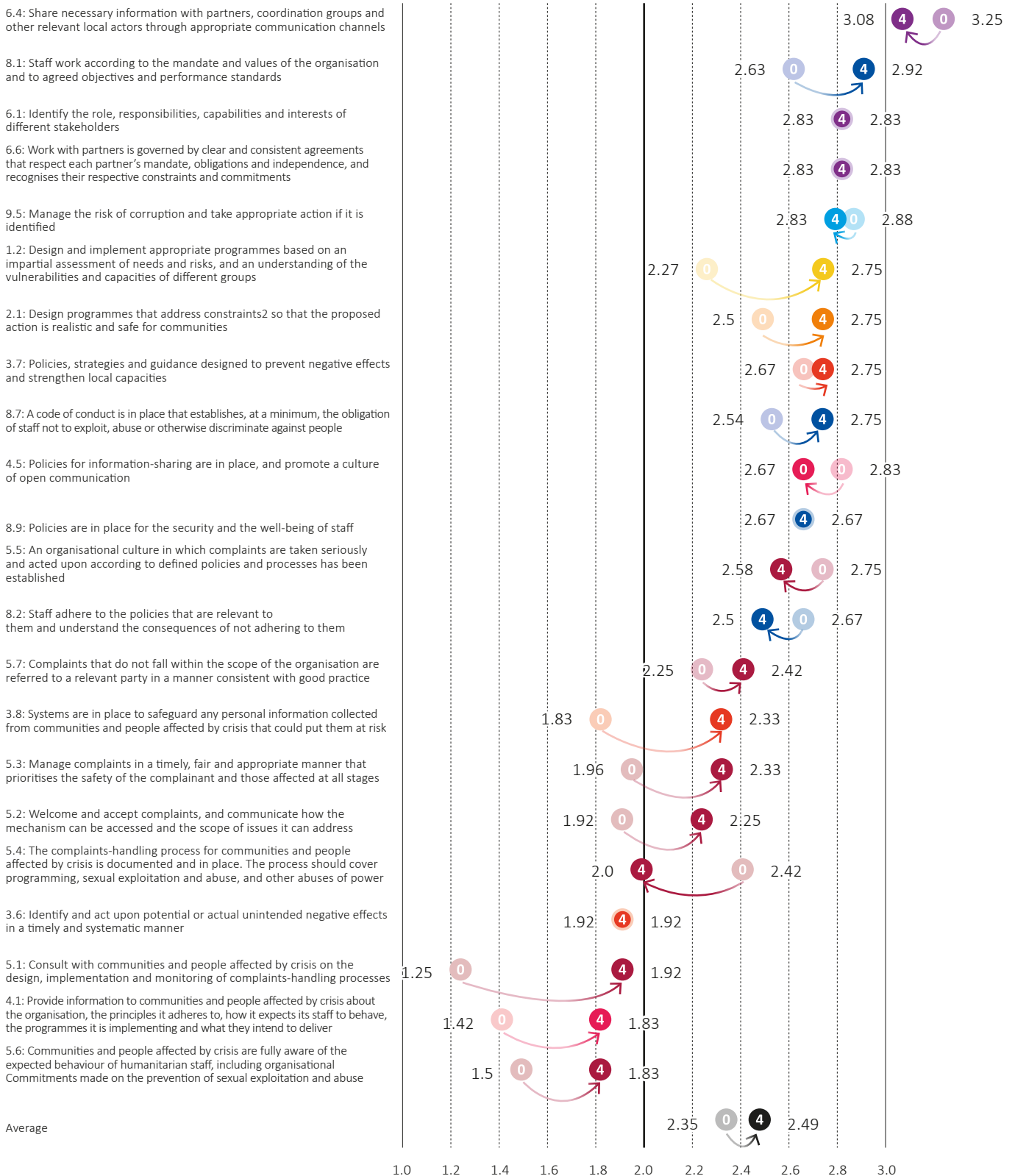
“

Beliefs that complainants will not be assured of confidentiality reduced the likelihood of complaints being filed.”



Figure 5: Average PSEAH Index scores

Measuring change over time: average PSEAH Index scores for CHS-certified organisations at the start and end of four years using the CHS



Source: Data from the 12 organisations that have completed at least one four-year CHS certification cycle. Scores shown are the average aggregated scores at the initial audit, compared to those at the recertification audit.

Key: 0 4 Year of audit



How Takaful Al Sham improved their ability to protect crisis-affected people from sexual exploitation, abuse and harassment by using the CHS

A group of volunteers established **Takaful Al Sham** in 2012 to respond to the Syrian crisis. They work in Syria and Turkey to ensure equal rights, an opportunity to live in dignity and security, and to end human suffering for all those caught up in the conflict.

Takaful Al Sham started its certification process in 2020 to gauge the strengths and weaknesses of their systems and policies. They were granted a subsidy through HQAI's Facilitation Fund to cover 90% of the audit costs.⁵¹

In the initial CHS certification auditors found that Takaful Al Sham was not fully ensuring that communities and people affected by crisis were aware of the expected behaviour of staff, including organisational commitments made on the protection from sexual exploitation and abuse (CHS indicator 5.6). They were given one year to improve this weakness.

The organisation was already working on protecting communities from sexual abuse, exploitation or harassment from staff, but not in a systemic way. The CHS certification audit made clear that their organisational policies needed to be explicit on staff duties around PSEAH and communicate these expectations with the people they served.

In response, Takaful Al Sham leadership created a new PSEAH policy and updated others to be clearer on banned and accepted behaviour, including in their complaints policy. Practically, they became more systematic in raising awareness with staff of what acceptable behaviour around SEAH looks like in practice, making it part of the project management cycle.

They created new project management guidelines, which also included CHS indicator 5.6 (people affected by crisis are fully aware of the expected behaviour of humanitarian staff) for the first time.

The guidance explains how to ensure affected communities know about the PSEAH commitments of the organisations, their importance, and how to feedback if these are not met.

As a result, Takaful Al Sham started raising awareness of expected staff behaviours directly with the communities they assist for the first time, with a focus on how to complain if people saw or experienced unacceptable behaviour.

Takaful Al Sham asked the communities they work with how they would prefer to communicate with the organisation, and then set up channels based on this. All project locations now have posters which detail what to expect from Takaful Al Sham staff, and this information is also shared via WhatsApp (including videos) on burner phones provided to community members. The complaints and PSEAH helpline numbers are regularly shared on WhatsApp too.

Takaful Al Sham acted fast, rolling out these improvements in early 2021. By the next audit in the CHS certification cycle, auditors saw the new policies and heard community members say that they knew what to expect from staff on PSEA.

This evidence meant that in Takaful Al Sham's 2021 CHS certification audit report, the weakness against indicator 5.6 had been resolved.

Now, Takaful Al Sham hear from the people they assist that they have more trust in the organisation, particularly in terms of their information, accountability, and complaints systems.

They are seeing more complaints across all their projects, to which they respond well, and so encourage more to come forward. Before CHS certification, around 65-75% of programme participants knew how to complain; since the implementation of changes, this has increased to 90%.

“

Before CHS certification, around 65-75% of programme participants knew how to complain; since the implementation of changes, this has increased to 90%.”



In conversation with Lola Adeola-Oni, Jane Connors and Andrew Morley

To debate how to urgently tackle the scourge of SEAH in aid work, Jane, Lola and Andrew exchange their views on the PSEAH findings from the 2022 Humanitarian Accountability Report.



Lola Adeola-Oni

Safeguarding Resource and Support Hub, Chair of the National Expert Board of Nigeria, Abuja, Nigeria

Q. What are your reactions to the lowest scoring areas of the CHS PSEAH Index?

LOLA: *The low result on indicator 5.6 (people affected by crisis are fully aware of the expected behaviour of humanitarian staff) does not shock me, as both international NGOs and local civil society organisations (CSOs) are struggling to fully inform people affected by crisis of what they should expect. I know it's linked to resources, but for me it goes beyond limited resources – it's about how to communicate key PSEA messages and forms of abuse that constitute SEAH in local languages so that people affected by crisis can grasp what PSEA is all about. It is also about being culturally sensitive – in a way that empowers people to clearly understand what unacceptable behaviour is.*

ANDREW: *I think Lola hit the nail on the head, as we are all trying to move to a victim/survivor-centred approach, defining what that means and having common standards. From the perspective of communities in fragile contexts, we know that they may already have a mistrust of the local authorities and are reluctant to come forward. So, we have to work extra hard to build their trust in NGOs and CSOs.*

JANE: *Building on what Lola and Andrew said, a victim/survivor rights approach is essential, we need to step up and accelerate this. Look at the low scores around SEAH complaints – for people being consulted on how the process is run, for having proper investigations and for referrals. This shows **we need to re-think our reporting pathways; complaints mechanisms cannot only be “complaint boxes” – we need people on the ground to vocally champion the rights of the victims/survivors – someone that people can trust.***

People are unlikely to come forward if they are terrified as, understandably, they need to have some sort of support and protection. Yes, it is a resource-poor area across the system, but the more we think of protection from SEAH as a fundamental right, the more it is empowering.

Q. What are your reactions to the highest-scoring areas?

JANE: *As the CHS results show, the organisations are doing quite well on processes, such as recruitment checks as seen with the ClearCheck and the Misconduct Disclosure Scheme (MDS) – there has been a lot of buy-in and getting leadership support for these has been positive. But still, what is disappointing is that we haven't been sufficient in addressing the core issues – inequality and power – there is a still a sense of impunity among those whose engage in this behaviour. Setting the tone from the top has been useful and that our leadership takes these issues seriously is a good sign. We need to build on this.*

LOLA: *As Jane mentioned, the processes are mostly in place, we see safeguarding in job descriptions and onboarding of new staff. **Where the challenges remain is in embedding PSEAH in the everyday work of the staff – that is, how do staff know what is expected of them as they go about their day-to-day tasks?** We need to see more use of minimum annual safeguarding objectives for all staff and ongoing assessments of staff performance in meeting their personal safeguarding objectives.*



Jane Connors

United Nations' Victims' Rights Advocate, New York, the United States of America



Andrew Morley

World Vision International President and CEO, IASC PSEAH Champion, London, the United Kingdom

ANDREW: I agree with Lola and Jane on where we've seen strong results and improvements: organisations are putting more effort into having competent and well-managed staff and volunteers to help meet the CHS Commitments. What I've been championing in my role with the Inter-Agency Standing Committee is the MDS (Misconduct Disclosure Scheme); to really stop perpetrators moving between organisations undetected. Since its launch three years ago, it has been used by 130 organisations with over 10,000 checks and 140 cases detected with negative or absent misconduct data. This sends a strong message that the aid system is not a place that will tolerate abuse. We also know that such abuse is happening in other sectors and we can't ignore that it's a larger societal challenge.

JANE: To follow-up on Andrew's last comment, we have to understand that our personnel is working in entities that are built on principle, we are based on principles, and it is hurtful for some like myself that admires these organisations, to see that people are not abiding by these principles. We are privileged to be working in this sector and the predatory behaviour is more shocking than in some other sectors.

Q. What are the key actions needed now to combat SEAH?

JANE: From our discussion, I think we really need to have a common definition of what is a victim/survivor-centred approach, as it's a relatively new concept. We have to create an enabling environment, in prevention as well as in response. We should not put the reputation of the organisations before the rights of the victims/survivors. We need to work together, it's not a competition between organisations. The real issue is the harm being done to individuals and communities – not to the reputation of organisations. Sexual exploitation also needs more attention – being clearer about how unequal power dynamics can result in unacceptable exploitative situations.

LOLA: I'd add to what Jane said by saying that a victim/survivor-centred approach also means focusing on the sharing of information between organisations (indicator 4.5) and having a documented process for SEAH complaints mechanisms in place (indicator 5.4). We need to see more sharing of information between organisations who are all trying to fight SEAH, and part of this is ensuring that complaints and investigations are properly documented. There should be proper safeguards in place in the way SEAH incidents are being shared or used among different networks.

ANDREW: Building on what Jane and Lola said, we need a common language and approach for all organisations, whether it's a local CSO or an INGO. Leaders have got to lead from the top on this – we have to set the strategy for the organisations, and make safeguarding part of everyone's job. For example, at World Vision we had a "safeguarding week" where all staff learned and were tested on their safeguarding knowledge. It is challenging for organisations, but it is at the heart of our work.

JANE: Yes, it is challenging and we need all organisations to stop thinking that the victims/survivors are the predators, we need to change attitudes of our staff through initiatives such as the example provided by Andrew.

"Since the Misconduct Disclosure Scheme's launch three years ago, it has been used by 130 organisations with over 10,000 checks and 140 cases detected with negative or absent misconduct data. This sends a strong message that the aid system is not a place that will tolerate abuse."

Andrew Morley, World Vision International
President and CEO, IASC PSEAH Champion



Action needed for protection from sexual exploitation, abuse and harassment

On the basis of the identified gaps and progress to date, the following improvements are required to meet the commitments that have been made to crisis-affected people:

Aid organisations:

- ✓ Constantly raise awareness internally of what SEAH is and reinforce the message that misconduct will not be tolerated in an organisation; there must be no impunity.
- ✓ Create a safe environment for staff and volunteers to share concerns or report misconduct.
- ✓ Regularly check how complaints – particularly sensitive ones – are received and handled.
- ✓ Report publicly (and safely) on SEAH cases to bring transparency to the issue.
- ✓ Sign up to the Inter-Agency MDS and other mechanisms to check on new staff recruits.
- ✓ Measure how well they are delivering against the CHS PSEAH Index and use the data to plan how to improve – prioritising indicators that require deep engagement with communities.

Collective and multilateral efforts:

- ✓ Ensure PSEAH is not seen as a stand-alone topic, but a critical accountability issue that all aid actors must confront.
- ✓ Support different organisations to take a harmonised approach to reporting SEAH incidents.
- ✓ Foster more common learning around complaint and investigation handling.

Donors:

- ✓ Require more open and transparent reporting on SEAH to encourage actions to tackle it. Do not penalise for reporting, penalise only for inaction in tackling the issue.
- ✓ Use influence to bring greater coherence to tackling SEAH.
- ✓ Make the requirements on PSEAH explicit and integral to all funding in tandem with adequate support for different kinds of aid actors.

