

**REPORT ON THE
PSAE FOCAL POINT WORKSHOP
14-15 FEBRUARY 2008**

**PREVENTING SEXUAL ABUSE AND EXPLOITATION (PSAE) IN
THE THAI-BURMA BORDER REFUGEE CAMPS**

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DAY 1: Thursday, 14 February 2008

MORNING SESSION: PART 1

REGISTRATION OF PARTICIPANTS AND WELCOME

Registration started at 8:30 a.m. with 28 attendees coming from 16 different organizations¹. These were as follows:

1. Ms. Chele DeGruccio, PSAE Advisor/Workshop Facilitator
2. Ms Saengchan Wanachaloempin (Poepee), PSAE Trainer
3. Ms. Titima Wanwilaiwan, Adventist Development & Relief Agency (ADRA)
4. Mr. Peter Mushenko, Adventist Development & Relief Agency (ADRA)
5. Mr. Chuck Schumacher, American Refugee Committee (ARC)
6. Ms. Karina Jaume, Aide Medicale Internationale (AMI)
7. Ms. Farida Langkafah, Catholic Office for Emergency Relief and Refugee (COERR)
8. Ms. Julie Wallis, Ruammit – DARE
9. Ms. Subin Nandilok, International Organisation for Migration (IOM)
10. Mr. Tim Swett, International Rescue Committee (IRC)
11. Ms Sylvie Boivin, International Rescue Committee (IRC)
12. Sister Evelyn, Jesuit Refugee Services (JRS)
13. Ms. Rachanee Sareechaithawepong, Jesuit Refugee Services (JRS)
14. Ms. Julie Hannah, Oversees Processing Entity (OPE)
15. Ms. Chantiporn Kawinum, Shanti Volunteer Association (SVA)
16. Ms. Aungkie Sopinpornraksa, Thailand Burma Border Consortium (TBBC)
17. Mr. Miles Jury, Thailand Burma Border Consortium (TBBC)
18. Ms. Namwan Khiriaphirak, Taipei Overseas Peace Service (TOPS)
19. Mr. James Gray, UNICEF
20. Mr. Patrick Hurely, UNHCR
21. Ms. Maria Corinna Miguel – Quicho, UNHCR
22. Ms. Seda Kuzucu , UNHCR
23. Ms. Nancy Wah, Women's Education for Advancement & Empowerment (Weave)
24. Mr. K. Maler H'too, Women's Education for Advancement & Empowerment (Weave)
25. Ms. Liberty Thawda, World Education
26. Mr. Fred Ligon, World Education
27. Ms. Duangporn Saussay (Puk), ZOA Refugee Care

INTRODUCTIONS, GROUND RULES, TRAINING OBJECTIVES

Introductions/Expectation Checks and Ground Rules

Ground rules and logistical matters that would be followed throughout the workshop were introduced. Participants were asked to introduce themselves, their positions in their respective organisations and asked them to share one thing they had heard or had knowledge of with regards to sexual abuse and exploitation (SAE).

Participants expressed various responses ranging from:

¹ The words 'agency/agencies' and 'organization/s' which basically refers to the CCSDPT member-agencies/organisations will be used interchangeably in this report. The words 'victim/s' and 'survivor/s' were also used interchangeably throughout the workshop discussions as well as in this report.

- hearing about instances of SAE going on in the refugee camps but do not know what and where it happened exactly
- being aware that cases of SAE that have happened especially on agencies/organizations working on HIV-AIDS projects
- giving vague understanding and general perspective about abuses and exploitation of sexual background, specifically placed against women and children, that is happening all over the world
- wanting to know more about SAE and to clarify if the stories of SAE that they were hearing could be classified as SAE
- hearing some issues of SAE happening in the refugee camps and that certain agencies like IRC are working to address the problem
- giving specific cases of SAE (e.g. driver who delivers goods in the refugee camps, cases of sex trafficking in Pattaya that involves mainly the asylum seekers)
- expressing the need to know more on the SAE issues and PSAE
- conveying among organizations the importance of making sure that the refugees as vulnerable people who have suffered so much already from their country must not be victimized furthermore by people who are supposedly mandated to help them and that vigilance in reporting any instances of SAE is a must. This was strongly pointed out by a participant from UNHCR who stated that international protection for refugees is the heart of the agency's work.
- sharing similar experiences with regards to issue of SAE in refugee camps (.i.e. in West Africa), how PSAE was implemented in these as well as guidelines on how to respond to concerns like this
- expressing appreciation that SAE and PSAE in Thailand setting will be tackled in the workshop
- admitting the fact that the cases of SAE that most are hearing were just the tip of the iceberg

After the participants' self-introduction and this particular sharing of expectations, the facilitator acknowledged the 16 agencies that were represented for the meeting and expressed optimism that the background information and key issues that will be provided during the workshop will be as engaging as possible for everyone.

Workshop Objectives

The objectives of the 'Focal Point' workshop were provided:

1. To introduce and provide overview of the PSAE project for agency focal points
2. To review basic protection issues needing consideration in refugee programs
3. To share lessons learned from similar initiatives in other regions
4. To review current Codes of Conduct and inter-agency protocols for preventing and responding to allegations of SAE
5. To adapt and adopt tools and resources that agencies can use to minimize SAE in their operations, as well as respond should cases arise.

The aim of the workshop was to introduce and provide an understanding of what the PSAE project is about as well give a general overview of the issues behind the initiative. As designated focal persons for their agencies, it is expected that the participants will then take this information back to their agencies and provide thorough briefings and awareness raising with their staff.

The workshop is primarily a venue for brainstorming amongst CCSDPT member-agencies with an end-goal of increasing the capacity of each agency and stakeholder working in the Thai-Burma border refugee camps to respond effectively and humanely to any case of SAE that may transpire during the course of delivering goods and services by the humanitarian staff in the field. The facilitator encouraged every delegate to share their ideas especially on the processes that must be considered in coming up with a sort of inter-agencies agreement on how to prevent and respond as a coordinated CCSDPT approach. By the end of the workshop it was hoped that all representatives would be willing to adopt a 'Zero Tolerance for Sexual Abuse and Exploitation' policy within their organisation.

As the agencies were all involved in the field of humanitarian work and addressing various sectoral issues, it was suggested that those which have existing protection mechanisms already in their respective organisations could freely share their experiences as discussions were undertaken. Similarly, those participants who had first hand experience of working on SAE issues, whether in Thailand or in other regions, were encouraged to contribute to the presentations. The UNHCR representatives were particularly asked to help in discussing the protection mechanisms at the UN level in relation to PSAE.

It was stressed that in refugee camp settings, incidences of SAE were not just confined in only one particular country or region in the world. Cases of sexual abuse and exploitation committed by humanitarian workers against the refugees/beneficiaries did and still do exist—in East Africa, West Africa, India, Nepal, and so on. As much as we might not want to accept it, SAE incidences are happening as well in the Thai-Burma refugee camps. Because there has been so little awareness raising undertaken on this issue to date, there are cases of abuse and exploitation happening where the victims do not even realize their rights and entitlements have been violated. This is a matter needing urgent attention by all the agencies present at this workshop.

Agenda for DAY 1 :

Morning session: registration of participants and welcome; introductions, ground rules, training objectives; protection considerations in humanitarian assistance programs; and, introduction of PSAE, overview of program, key concepts, background to initiative.

Afternoon session: review of Codes of Conduct and UN Secretary General's Bulletin; inter-agency protocols for prevention and response; and, recap and close for the day.

It was expected that DAY 2 Sessions would include significant discussion and group work, therefore, it was requested for all the attendees to be present and come back the next day.

Protection Considerations in Humanitarian Assistance Programs

As an introduction to this particular topic, three basic questions were posed:

PROTECTION CONSIDERATIONS:

- **Who needs protection?**
- **What particular groups are most vulnerable that need special consideration?**
- **Who should be responsible for protecting?**

Responding to the first question, “In operation in which we work, *who needs protection?*” broad response from the participants was the *‘beneficiaries’*.

To further narrow-down the response, the facilitator asked, “Which particular beneficiaries?—All of them? The staff? Everyone?”—which basically led to the second question, “*Are there any particular groups who need protection more than others?*” Responses were:

- the women and children
- handicapped people, may it be children or adults
- refugees and migrant populations
- the elderly and children
- in the women and children category—single women, children and separated minors, orphans.

“*Who should be responsible for protection?*” General response was *‘all of us’* pointing out that we all have to follow up and be responsible and even at the community levels, people must take responsibility to protect each other.

It was further asked, “How protection is addressed particularly here in the Thailand context” and UNHCR’s experience as the lead protection agency was requested for a brief overview of protection sector issues in the Thai/Burma border operations.

Corinna from UNHCR shared the agency’s work and shed light on the specific operational context here in Thailand. As Thailand serves as the host country in this setting, its government should in principle be responsible to provide protection for the refugees. As an agency under the United Nations (UN), UNHCR acts on behalf of the UN and must also be responsible for ensuring that the international standards for the protection of the refugees are being followed and implemented. However, it has to be noted that the agency has no territory and cannot in practice impose on the government of Thailand, UNHCR enters into agreement with Thailand in assisting its government to provide the basic needs of the refugees and on ensuring that the rights of the refugees are being respected and upheld. It also involves itself on finding durable solutions like resettlement of the refugees which at the moment includes:

- *voluntary repatriation* which basically means refugees deciding voluntarily to be repatriated to a third country (e.g. US, Norway, etc.);

- *local integration* which indicates those who decided to stay on in Thailand and seeking permanent status within the Kingdom, though, procedures for this is still being studied further as it entails many paper works/documents and so on.

UNHCR started its mandate in 1951 to primarily focus on refugee issues but it experienced difficulty in establishing its clear presence in Thailand. During the 1975 to mid-1990s, many agencies and non-governmental organisations (NGOs) have already started working in the refugee camps and at that time, there have been many attempts by the UNHCR to at the least have a little bit of presence to exercise its mandate. It was only in 1999 that its presence was felt as it established a field office in Tak province, but still, this was just a limited presence. It helps then in coordinating food, health and other services that were being executed already by various organizations with the help of the government of Thailand. Its role became more of a complementary one and it then narrowed its focus on protection issues.

As 'protection' is a very broad term, UNHCR defined its role as making sure that people in the refugee camps are well, their rights are being respected, they should also be well-informed of the laws and policies in Thailand as well as how these laws and policies work, ensuring that their basic needs are being met—food, shelter, freedom of movement and in principle, they should also have livelihood or regular job opportunities and so on. Responding to the question 'who is protecting them' (the refugees), it was stressed again that it is 'all of us' (especially the ones working on humanitarian work) who must protect them. As an agency working under the UN, it was pointed out that UNHCR has its own standards to follow, though, declined to elaborate further on those as Thailand is not an active member. However, Thailand does create several policy standards to address some of the problems pertaining to the refugee issues. For example, having the Ministry of Interior to govern the camps which in practice has its advantages and disadvantages. Ideally, the government should implement and regulate the running and operation of the camps but then, the Camp Committees are the ones doing that at the moment. UNHCR expressed that the refugees should ideally be protected by the Thai government, not really by the NGOs.

'Power' in Relation to the Protection Issues

POWER!

- **What is power?**
- **Who holds the power?**
- **How can power be used in positive and negative ways?**
- **How can this influence our operations as humanitarian actors?**
- **What are some examples of misuse of power in our operations?**
- **What are the consequences?**

In relation to protection issues, the question, "*What does the word 'power' mean?*" was asked. Responses from the participants included:

- those who have money or the rich people
- those with authority
- those who are working as team
- people who have the ability to influence and control other people, e.g. those in the upper hierarchical ladder of an organisation, agency or group.

Follow up question raised was, “*Who has these aspects of power in our operational environment?*” Those identified were:

- the government, the NGOs giving out food, health care and providing services
- the parents who have power over their children
- camp leaders
- the refugee themselves
- the camp leaders
- the contributors of food and services who might not necessarily have a high position in the organization, the driver for example
- the check point guards
- the religious leaders.

In responding to the third question “*How can these people have power in a positive and negative ways?*” responses included:

Positive

Negative

providing service

withholding service

free good for all

personal gain

to protect

to exploit

to help

to harm

to build

to destroy

In response to the question “*How do these consequences affect our work us as humanitarian agencies?*” participants raised the following points:

- the pace of the delivery of goods and services in the field; it could slow down or accelerate the execution of the agency’s work.
- The reputation of the agency might be jeopardized as beneficiaries and other organisations it deals with could lose trust on them; the image of the agency or its program could be tarnished
- It could put pressure on the agency regarding their strategic direction

Concerns on how to design a check and balance were raised by one of the participants. It was shared by the facilitator that there were some instances when those who have been using their power in a positive way, even with the best and most honourable of intentions, sometimes end up having negative consequences on their beneficiaries if all the issues are not adequately taken into consideration when designing and planning programmes. The concept of “Do No Harm” was discussed, and most participants were aware of the approach in programming. In addition, due to the fact that in the protection is not a stand alone issue, a great deal of power dynamics occur

that need to be considered. For instance, male/husbands might have power over their wives and so on, which then led to the discussion on the concepts of gender and sex, and sexual and gender based violence.

Gender-based Violence (GBV)

Gender-based Violence (GBV):

- **What do we mean by GBV?**
- **What are the consequences of GBV: health, psycho-social, emotional, social?**
- **What are some of the causes and contributing factors that make GBV possible?**

To ensure understanding the basic terminologies, the participants were asked to differentiate between *gender and sex*. Gender is said to be socially structured, how society perceived a person as such while sex is based on biological differences between man and woman.

The next question posed was “*What is gender-based violence?*” One definition that was given was that ‘GBV is basically violence against women.’ According to Sylvie from the IRC, gender-based violence is any violence that relates to relationship of men and women e.g. domestic violence, sexual abuse, etc. Gender-based violence is universal, differing only in scope from one society to the next. Much of this violence is inflicted on girls and women by husbands, fathers, or other male relatives. The United Nations Declaration on Violence Against Women provides a basis for defining gender-based violence. According to Article 1 of the Declaration, violence against women is to be understood as: *Any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivations of liberty, whether occurring in public or private life.*

The participants were then asked to refer to the different types of gender-based violence that were included in the workshop kit in their informational packs.²

Power and Gender-Based Violence:

- **Examples: rape, sexual assault, sexual harassment, forced prostitution, sexual abuse and exploitation**
- **Not only limited to sexual abuse, can also include: domestic violence, early or forced marriage, denial of education, cultural norms placing restriction on women’s involvement and participation**
- **Sexual abuse and exploitation is one form of gender based violence**

The facilitator gave inputs—on key concepts and terminologies—and posed more questions for discussion, most notably:

² See Annex B, Different Types of Gender-Based Violence.

What are the consequences that might be for the victims of gender-based violence?

Those identified by the participants were the following:

- might commit suicide
- might be ostracized or isolated by the community
- could die from the act
- might become violent themselves and harm others
- could lead to mental illness
- the community might not pay attention thinking that it's normal occurrences, for example, being hit by the husband hitting the wife to show affection and attentiveness, etc.
- could acquire HIV-AIDS or any sexually transmitted diseases
- victimized children might be so shamed as not to go to school or might not allowed to study by the school i.e. girls becoming pregnant, etc.
- for the sexually abused children, they might think the act is normal and then lose sight of what is good and bad
- the perception of the victims/survivors themselves might put restrictions on themselves

What are the Contributing Factors that Make GBV Possible?

- damaged or non existent social and support structures
- for domestic violence—drugs and alcohol abuse due to boredom
- Feeling of not being able to do anything, can't be productive
- grief and lost
- Lack of income or employment opportunities, boredom
- restriction on movement, confined to one place
- pressure from the community, the government, peers
- customary and traditional practices, etc.

Equal Power Relationship...What Does It Mean in Practical Terms?

Consent/Informed Consent

- **Consent = mutual agreement**
- **Informed consent = having the ability to make an informed choice, having ALL THE INFORMATION, and able to make a decision freely and voluntarily by persons in an equal power relationship.**
- **Question: can this happen in a refugee camp environment between humanitarian staff worker and beneficiary?**

Clarifying 'consent' and 'informed consent'

- Consent can be (case given): Security guard and refugee – a refugee wanted to go out of the camp premises and the security guard allowed it but with benefits (this is an example of consent but not an informed consent)

Question: Is there any possibility in the form of consent or consensual relationship between a humanitarian staff worker and the beneficiary?

One point raised by one of the male participants was that this was usually the problem being faced by humanitarian workers for 'there is always a possibility for getting into relationship with the beneficiaries'.

The facilitator acknowledged this difficulty and that there were going to be grey areas. However, that is why there is clear guidance provided that agencies can follow to minimize risk of SAE, as well as ensure the safety of their organizations and their staff. In certain situations, there might be some ambiguity about consensual relationships, for instance if it involves a refugee incentive worker from the same community, or if there is a legally acknowledged marriage. However, the key issue to consider is whether or not there is any potential for abuse or exploitation to occur in that relationship. If the humanitarian worker, even if he/she is a refugee incentive worker, has control, authority or power over the services and goods being provided to his/her romantic partner, then perhaps he/she should be transferred to another position where there is no longer an unequal power dynamic. The issue was not prevention of all relationships, but prohibition of abusive or exploitative ones. It was pointed out that as humanitarian workers, the staff must hold themselves to a higher code of conduct, to protect themselves, to protect the agencies and to protect the beneficiaries with whom they work. It was stressed that it is not really the place of our agencies to ascertain whether there is a 'genuine love relationship' and therefore it is really better to just avoid the situation altogether.

UN Declaration on Human Rights

The participants were asked to refer to their copies of the 1948 UN Declaration on Human Rights that was available in their kit and highlighted some of the important concepts such as rights, human rights, universality, inalienability and primacy of human rights (see box below).

Key Concepts of Human Rights

- **Universal Declaration of Human Rights (UDHR)**: recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family, it is the foundation of freedom, justice, and peace in the world

- **Rights**: the rules that say the needs of men and women should be met, honored, and protected
- **Human Rights**: the basic needs that all governments have agreed that men and women are entitled to, founded on respect for the dignity and worth of each person
- **Universal** : applied equally to all people without discrimination
- **Inalienable**: something that cannot be taken or given away.
- **Primacy**: governments have agreed that when human rights conflict with local laws and customs, the human rights are the ones to be respected and take highest priority

As these international principles under the UDHR mainly serve as cornerstones for all the international standards and instruments as well as a guide for all States to follow, it was also noted that these principles are sometimes applied in theory but not in reality. However, it was also emphasized that these key concepts in human rights were important foundations in molding the humanitarian work which we are all undertaking.

The participants were then asked to turn to their handouts to review the three key human rights instruments which were key resources to developing PSAE initiatives.

Three Key Human Rights Instruments

- **Handout 10: Types of Gender Based Violence (and CEDAW)**
- **Handout 11: Simplified version of the Universal Declaration of Human Rights**
- **Handout 12: Convention on the Rights of the Child**

MORNING SESSION: PART 2

For the second part of the morning session, the facilitator cautioned the participants that there would be quite sensitive topics that would be discussed, some emotional issues and issues that some might disagree with. The facilitator advised participants that if the discussions became too heavy and they felt they needed a break, they were welcome to go outside or take a walk or get some fresh air, returning to the discussion when they felt comfortable. Nevertheless, everyone was encouraged to engage in the whole process of the discussion if they could.

Key Concepts of SAE

Inputs by the facilitator on the actual definitions of key concepts on SAE followed and gave room for participants to make any clarifications before continuing further on the discussion.

Key Concepts on Sexual Abuse and Exploitation

- **Sexual Abuse**: actual or threatened physical intrusion of a sexual nature, by force or under unequal or coercive conditions.
- **Sexual Exploitation**: sexual coercion or manipulation, whereby a person in a position of power, authority, or in control of resources seeks or accepts to provide protection, assistance or service in exchange for sexual acts of favors. Sexual exploitation also includes taking advantage of a position of vulnerability, differential power, or trust for sexual purposes. Examples can include but are not limited to:
 - monetary, social or political gains derived from the sexual exploitation of survivors
 - demand or acceptance of sex in exchange for protection, material assistance, favors, or other services or privileges

One of the participants asked for clarification on the words 'victim/s' and 'survivor/s' and why they were being used interchangeably. The facilitator clarified that in some trainings that she had attended or facilitated previously, some participants had preferences on using the two words differently as the word 'victim' connotes that the person has no power over their situation, whereas the word 'survivor' suggests that a person survived the experience of being victimized and has been able to go on with his/her life.

Exercise

A quick 10-minute Exercise was conducted wherein the participants were asked to discuss with their neighbors what they thought would be an act of sexual abuse or exploitation. Responses were written down on small post-it notes and they were requested to tape these pieces of papers onto the flip chart situated in front of the room.

Examples of sexual abuses identified by participants included:

- NGO worker raping female neighbor who is staying home alone
- forced sex/rape or threat of rape
- woman being rape while collecting firewood
- refugee woman raped by one of the NGO staff
- doctor performing exam takes advantage and goes further
- incest (child abuse by parents), rape (no consent), sexual harassment
- inappropriate physical touch by the supervisor/boss in the work situation
- step father abusing his step daughter
- security guard raping refugee women

Examples of Sexual Exploitation identified by participants included:

- food distributor agreeing to give a woman more food if she has sex with him
- prostitution, someone who ask for sex for exchange of services
- travel permission for sex
- refugee woman forced to perform sexual favors for a zone leader in exchange for a household registration document
- teacher asks children to come and have photos taken (pornography) for grades/qualification
- prostitution, sexual act to get any kind of help (food, protection, etc.), forced marriage (for money)
- man who provides for a girl for pornography video
- Or Sor gives money to camp lady in exchange for sex
- Mother sells her daughter/son to old foreigners
- A driver of an organisation brings a woman out of the camp in exchange with sex

Suggested examples were discussed one by one. As some of the examples given did not indicate if the act of sexual abuse and/or exploitation were committed **by humanitarian staff** against the beneficiaries/refugees, the facilitator reminded the participants that as long as these relate to the humanitarian worker-beneficiary relationship, then it applies to PSEA. If it is a situation where it involves refugee to refugee, then it would be considered SGBV. It was important to understand that the PSAE project focused on humanitarian staff conduct and accountability of the agencies, as opposed to community interventions for empowerment to address SGBV. It was advised that no matter if the humanitarian staff is working in local or international organization, or if s/he is a national Thai staff or expatriate, refugee incentive staff or researcher, intern, volunteer, etc... as long as s/he is working on behalf of the humanitarian agency, then s/he is prohibited from sexual abuse and exploitation of the beneficiaries.

Differentiating SAE from SGBV

One participant asked if the camp leaders and Thai authorities could also be categorized as 'humanitarian staff/workers' in this PSEA workshop for power differential, control, etc as these issues were obviously present in our operational environment.

For clarification, the facilitator explained that the particular target of this PSEA workshop was the humanitarian workers, ensuring their accountability on their actions and practices. It was viewed that different steps (e.g. disciplinary actions, etc.) are applied for people working as humanitarian workers compared to others who are not. However, if a refugee or a Thai is working as a staff under a certain agency dealing with humanitarian work, then, it is also applicable to them for they too wield power and fit into the definition of humanitarian worker-beneficiary relationship. Nonetheless, it was recognised that there would need to be different approaches developed to roll this project out to the next level, primarily the community groups and refugee workers such as members of the camp committees, camp justice committee, etc. The same would hold true for the teachers/volunteers in the community who are providing educational services to the children. On a personal level, the facilitator shared that these people should abide by the same standards of

conduct and behavior as other humanitarian workers since they are in positions of authority and make decisions about who receives assistance in the Camps. It will be on the agencies to conduct more training and awareness-raising on PSEA to prevent any cases of SAE from happening with their partner community groups who directly implement the programs.

It was added that if an act of sexual abuse and exploitation is being committed by a humanitarian staff against another humanitarian worker, this becomes an internal issue within the organisation, hence, not covered by this PSAE project. Again, it was pointed out that the workshop and this particular project is not designed to address the issue of sexual harassment inside the workplace, although the facilitator encouraged participants to raise the issue with their country directors and ensure the issue was covered by staff policies and procedures.

Overview of Program, Key Concepts, Background to Initiative

History of PSAE Initiative

- West Africa 2002
- Nepal
- India
- DRC
- Ethiopia
- Kenya / East Africa

Tim Swett of the IRC shared his experience in West Africa in 2002. He explained that it all started when they started getting evidences of sexual abuse in IDP camps particularly in Sierra Leone and the report also hit the media wherein the names of offenders were listed. In the report, 1,000 male teachers working in the camps were part of the list. In a way, the issue was like a time bomb going to explode as the situation at that time was very chaotic. Investigations were executed as a team of hired experts from New York came. Then, a code of conduct was developed and enforced among the humanitarian agencies.

It was shared by the facilitator that SAE in the refugee camps in all parts of the world was a reality and it has been happening for years, long before the scandal in West Africa broke. She personally attested to her experiences working in the refugee camps in Kenya/East Africa. The governments and donor agencies were horrified to learn that this had been going on for years and pressed agencies to put systems in place to hold their staff accountable and enhance prevention and response mechanisms.

Seda from UNHCR volunteered to share what she said was the 'other side of the story' regarding the rape issue in the refugee camps in Nepal. Some cases of rape were reported and they did 3 months of investigation. As the investigators were saying that rape victims will be resettled, so it happened that many of the refugees falsely reported that they have been raped because they wanted to be resettled. It was also added that in Bhutan, many humanitarian staff were married with minor Bhutanese refugees.

The facilitator added that in Nepal, the reports of the number of girls committing suicide in the camps after being victims of SAE brought the issue to light in those operations; referring back to the points regarding consequences of SGBV: depression, shame, ostracism from the community and other psycho-social and traumatic consequences. The facilitator stated that in Kenya and East Africa where she used to work, it was true that some of the refugees took the opportunity to file false allegations to give them better chances of resettlement. However, she stressed that this does not mean that we should not look into and check on the allegations. Investigating the case will help the agencies ascertain if the allegation made is true or false, and can possibly assist the agencies identify and develop stronger psycho-social support programs in the camp.

In addition, it was pointed out that there was an overwhelming belief that 'SAE is not happening in Thailand'. It was highlighted that instances of SAE in refugee camps was indeed happening in the country; if it weren't an issue then the participants would not have heard about it as they indicated in their introductions. This was not a problem happening only on the dark continent of Africa, SAE was a reality happening all-over the world. Moreover, it was concluded that, 'when an entire population is dependent on humanitarian agencies to provide for their every basic rights and needs, the potential for SAE is there.'

Introduction of PSAE: Project Objectives

The CCSDPT PSAE Project Objectives were provided, and it was stressed that this project is not only an IRC initiative but for all the agencies of the CCSDPT. Key terminologies were also discussed.³

CCSDPT PSAE Project Objectives

- to increase the capacity of organizations and stakeholders working in the Thai/Burma border camps to quickly, effectively and humanely respond to cases of sexual abuse and exploitation;
- to increase awareness among refugees about their rights and entitlements;
- to establish a zero tolerance policy towards exploitation and abuse, ending the culture of impunity for abusers;
- to ensure the mainstreaming of prevention strategies of sexual exploitation and abuse into all programmatic and operational sectors in the Thailand refugee program.

Citing her conversations and group discussions with refugees and community groups, the facilitator said that most of the feedback she received indicates the refugees do not know that they can hold humanitarian workers accountable for their behavior or can complain if an incident of SAE occurs. They were not aware that an incident could be classified as SAE, or even if some knew that they just keep quiet on the issue because they did not want their services to be stopped. This was supported by one of the participants saying that refugees were really afraid that if they raise a concern or report an incident, they would not get the rations anymore and so on. In sum, it was strongly suggested that everyone should practice 'Zero tolerance' against any act of SAE. The main message was that humanitarian workers must not tolerate it within their

³ See Annex C for the copy of PSAE Project: Key Concepts.

organizations, and the refugees as well must be made aware that they do not have to tolerate such acts.

The UN Secretary General's Bulletin (SGB)

The participants were directed to refer to their kits and read through the UN Secretary General's Bulletin⁴ on protection from SAE.

The SGB was intended for the UN staff, all the agencies working under the UN's mandate as well as the UN partners and even other agencies rendering humanitarian services. The six (6) particular standards outlined in the SGB were specifically highlighted for this PSAE Project:.

Section 3: Prohibition of sexual exploitation and sexual abuse

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 defense;
- (c) Exchange of money, employment, goods or services for sex, including sexual favors or other forms of humiliating, degrading or exploitative behavior, 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.

Discussion Points:

- 3.2.b – on prohibition of having sexual activity with a person under the age of 18

⁴ See Annex D for the copies of the: Annex D1, UN Secretary General's Bulletin (SGB); Annex D2, FAQs on SGB; and Annex D3, the IASC Report on Task Force.

Q: Point raised was that some communities legally or officially allow person to enter into sexual relationship or marriage at the age of 16 years. In this regard, does this particular standard apply?

A: It was made clear that this can still be classified as abuse or exploitation because the SGB states the clause refers to 'any person under the age of 18'. It was reiterated that the official age recognized in the Convention on the Rights of the Child (which all but two countries are signatory to) indicates a child is anyone under the age of 18 years. If local traditions and law allow minors i.e. 16 years of age as marrying age, this could be permissible **if** the humanitarian staff entering the marriage is as well from the same local community. However, this does not allow for foreigners or staff from outside the community to come in and use local custom as an excuse to engage in behavior that would be considered illegal in their home countries. For example, if marriage to a girl of 15 years is accepted in Burma, this does not mean a man from New Zealand can use this as an excuse to marry a girl who would be considered an underage child in his home country. Such behavior is prohibited under the CRC and the SG Bulletin.

It was shared by a Thai participant that there was an existing Anti-Trafficking law already which included the prosecution of any person who will be engaged in sexual relationship with minors under 18 years old.

- 3.2.e – on reporting concerns or suspicions regarding sexual exploitation or sexual abuse by a fellow worker

Q: What if the allegation of SAE against a person is faulty?

A: This particular standard is based on the idea that a person should be able to report any concern or suspicion **in good faith**. If the report turns out to be false and cannot be substantiated, the complainant should not be disciplined as long as the report was made from a genuine concern and was not filed under malicious or harmful intent.

- 3.2.c – Exchange of money, employment, goods or services for sex

It was discussed that 'profiting' not only refers to monetary gain but any other benefit a person may gain from the exchange of sexual favours.

Group Exercise: SAE Case Studies

The participants were asked to group themselves into four and to review the case study assigned to each group. They were asked to discuss as a group the scenarios outlined and identify the potential issues at hand with regards to SAE. They were requested to answer the questions posed at the end of the case study and to assign one person from the group to report back after 15 minutes.

Case Study 1:

Michele is an international recruit with one of the medical NGOs operating in Mae La. She is always on the lookout for good business opportunities since she has to support her family back home in the Philippines. She has been asked by a local colleague to contribute some money towards renovating his bar in town, in Mae Sot, in return for a portion of the bar's profits. Michele

soon finds she is getting a steady income from the bar, and gives more money to hire more staff, including security, etc. She does not go to the bar herself, but knows that there is a lot of prostitution going on there and that security personnel, Or Sors, NGO and UN staff use the bar often. However, she doesn't think that concerns her, since she is not directly involved in those issues. She's just glad of the extra money.

Questions for consideration:

- What issues related to SAE are outlined in the scenario above?
- Has the SG's Bulletin been breached?
- Which particular clauses of the SG Bulletin are being violated?
- What would you, as a manager, do if the above scenario were reported to you?

CASE STUDY 1 – The group reported that they agree if this could be PSAE issue for the case was a little bit tricky. There were a lot of grey areas regarding the case as it did not state if the beneficiaries/refugees were being used or were also benefiting. However, it was agreed upon that prostitution was going on and this was also being facilitated by Michele, therefore, this was against the SGB and SGB should also be applied on this particular case as the person involved was considered a humanitarian worker.

Additional comment raised was that PSAE must be narrowed down. Also, the need to be extra clear on the issue of exploitation of women e.g. issue of prostitution in particular as it was highlighted in the SGB 'any sexual act in exchange of money'.

The facilitator commented that as Michelle and her colleague are humanitarian workers, they can be considered to at the very least be aiding and facilitating the propagation of sexual exploitation. Michelle is in breach of the SG's Bulletin section 3.2.F as an aid worker she is obliged to create and maintain an environment that prevents sexual abuse and exploitation.

Case Study 2:

Somsak is a logistics officer with your organization. He has helped set up a boy's soccer club in Tham Hin. Somsak enjoys the soccer games but seems to particularly enjoy being with the youth and teenagers. He gives presents (magazines, candy, sodas and pens) to many of the boys. You have heard rumours that he offers these gifts in exchange for sexual acts. However, when you ask around, you are told that the boys making the allegations are always fabricating stories like this. Finally, your field coordinator who has reported the allegation to you finds it hard to believe, as last summer he went on leave with Somsak to Bangkok. While there, he and Somsak visited a brothel together.

Questions for consideration:

- What are the issues with regards to SAE outlined in the above scenario?
- Has the Secretary General's Bulletin been breached?
- Which specific clauses in the SG's Bulletin relate to the above scenario?
- What would you, as the senior manager, do about the above situation?

CASE STUDY 2 – The group decided that this case needed further investigation. Particular SGB clauses involved here were 3.2.b, 3.2.c and 3.2.e. There was a need to clarify too if the use of

brothels was prohibited even if it already involved the personal life of the person that was not connected anymore with his work.

The facilitator added that if it is true that Somsak has offered gifts in exchange for sexual acts, then he has abused his position of differential power for sexual purposes; the exchange of money for sexual services violates the standards of conduct expected of any category of NGO staff. Such acts constitute serious misconduct under the SG's Bulletin section 3.2.C. In addition, Somsak is in breach of the SG's Bulletin section 3.2.B for performing sexual acts with children (anyone under the age of 18 years, regardless of the local age of consent). Somsak and the field coordinator visited a brothel while on leave, and this violates the SG Bulletin section 3.2.c. Aid workers are expected to be held to a strict standard **even when they are abroad or not on duty**.

Case Study 3:

Richard is a 19 year old locally hired driver for an NGO. He transports relief items from the warehouse to the refugee camp where the items are distributed. On one of his trips he recognizes a 17 year old refugee girl walking on the side of the road and gave her a ride back to the camp. Since then, to impress her, he frequently offers to drive her wherever she is going and sometimes gives her small items from the relief packages of his truck, which he thinks she and her family can use. The last time he drove her home she asked him to come inside and meet her family. The family was pleased that she had made friends with an NGO worker. Richard really likes the girls; he wants to start a romantic relationship with her and to ask her parents permission to marry her. He knows her family will approve. The local age of consent is 16 years old.

Questions for consideration:

- What are the issues for consideration with regards to SAE in the above scenario?
- Has the SG Bulletin been violated?
- If yes, which particular clauses are addressed in this situation?
- What would you, as a manager, do if the above situation were reported to you?

CASE STUDY 3 – The group reported that if there was no disciplinary action for using the vehicle to pick up the girl, then, the Richard did not commit any violation. But if he had engaged in any sexual act with the girl, clauses 3.2.b and 3.2.c of the SGB were involved. Clause 3.2.d must be considered for further investigation. This case entailed violation of the rights of the child (minor) as well as misappropriation of the resources that the person was using for personal gains. However, it could also be taken into consideration that Richard was a local of the community so there might be a problem if these particular SGB clauses apply to him.

The facilitator added that under the SG Bulletin section 3.2.B, Richard is prohibited from sexual activity with anyone under the age of 18, regardless of the age of consent. Moreover, the rules also strongly discourage sexual relationships between NGO staff and beneficiaries of assistance, since they are based on inherently unequal power dynamics and undermine the credibility and integrity of the humanitarian work (see SG Bulletin section 3.2.D.). This said, there is an exception which allows LOCAL staff to marry girls of less than 18 years if they are over the age of consent in their country of citizenship. However, Richard cannot engage in any sexual activity with the girl **UNTIL THEY ARE LEGALLY MARRIED**.

AFTERNOON SESSION: PART 1

A recap of the morning's sessions was undertaken, with key points being highlighted for emphasis. Following the overview of major discussion points, the facilitator asked participants to engage in an interactive plenary discussion.

Group Discussion: Agree or Disagree?

Participants were asked to say whether they agreed or disagreed with the following statements. Comments were welcomed for each response.

- People should be allowed to engage in sexual relations with people under the age of 18 if the local age of consent is younger.

Response: Disagree

- A refugee who is employed by an NGO should be expected to abide by the same codes of conduct and standards of behavior as any other humanitarian worker.

Response: Agree

As for the first two responses, it was raised that it might be difficult to apply the PSEA on the local people within in the camps as environment for this must be set up first. However, the facilitator stressed again that it was not the purpose of the project to stop people from falling in love or becoming romantically involved. As long as there was no unequal balance of power involved and as long as no one was being abused or exploited, relationships between members of the refugee community were not prohibited.

- If a driver working for an organisation contracted by an INGO or UN is found to be sexually abusing the beneficiaries, the agency hiring the driver should ensure he is disciplined.

Response: Agree

On this case, it was asked who should be responsible? It was explained that the humanitarian worker, whether international or national staff, contracted by the agencies, should be held responsible. However, the agencies outsourcing services should also be accountable for the actions of the contractors that they hired. They could make a contract null and void if the contractors failed to uphold the code of conduct. For example, several agencies from other countries were cited to be having three screening process for the contractors which served as a check and balance for the safety of all parties involved. The facilitator also gave the example of her previous logistics department included a clause in every contract stating that the agency was committed to the prevention of sexual abuse and exploitation, and any violations of the attached Code of Conduct would result in immediate cancellation and possible criminal action against the contracted company. Suppliers/vendors were required to read the Code of Conduct and sign it as well as the contract prior to the contract being awarded. This is just one example of how agencies can ensure the issue of PSAE is being taken up throughout their organization by different departments and at different levels.

Aungkie from TBBC shared that in her agency, as part of the check and balance processes, their organisation reviewed vendor performance and renewed contracts every two years, etc.

- The sex life of an employee or partner agency of the UN or INGO is his/her own business, and organisations should not get involved with what happens outside of working hours.

Response: Agree and Disagree

It was expressed that it was quite difficult to delineate between what was personal and work of a humanitarian worker, nevertheless, supporting the idea that the humanitarian staff too need to have privacy in their own personal life.

Replying to the point raised, the facilitator explained that as humanitarian workers, we all agree to conduct ourselves to a higher standard of morals and conduct, and this applies to our private as well as professional lives. She asked the participants: if a person thinks it's alright to abuse the people they're entrusted to protect and serve when they're off duty, should he / she really be working in this field? Is it okay to abuse and exploit others in our private time just because we're not "on the clock"? And do we really want to be employing people who think this sort of behavior in one's personal lives is acceptable? If someone has an issue with being expected to conduct themselves to these standards of conduct when off duty, that's their personal choice, but they SHOULD NOT necessarily be entrusted with the protection and care of the refugee communities.

- Sexual violence or abuse among highly respected members of the community, such as a doctor or headmaster, are very rare.

Response: Agree

- Girls who have sex with their teachers are just as much to blame for the relationship.

Response: Disagree

A question was then raised regarding the student-teacher relationship, if the student or the girl was 18 years above and having relationship with the teacher, then, there probably was no issue of PSAE there. The facilitator pointed out that if the girl were 19, therefore, above the age of a child, however, was still only enrolled in standard class 5 and needed a passing grade to ensure her continuing education, she might feel pressured to engage in the relationship in order to meet her education needs. Therefore, although she's above the age of a child, the teacher would still be exploiting her position of vulnerability and reliance of the teacher for her services ,therefore, it would still be considered an incident of SAE.

Prevention and Response Tools for Aid Workers

Prevention and Response Tools for Aid Workers

- **UN Secretary-General's Bulletin**
- **Codes of Conduct**
- **Individual agency policies/procedures (Administrative and Human resources)**
- **IASC Complaints and Investigation Procedures and Guidance related to Sexual Abuse and Sexual Exploitation**

Before going into the details of the prevention and response tools, the facilitator emphasized that there were a wide variety of tools that have been developed over the years that agencies could

use to ensure that PSEA could be addressed. One such tool, which would be discussed in further detail, was the IASC model complaints and procedures for investigations of SAE. An 'Investigation Workshop' will take place on April 7-11, 2008 in Bangkok and the facilitator encouraged all participants to go back to their agencies and discuss who from their staff should attend. As it will be offered just once, everyone was asked to be there or to ask their respective agencies to let somebody from their office attend the workshop. This training will help to build the internal capacity of the agencies to conduct their own investigations so they will not have to rely on external experts to conduct the investigations for them.

The facilitator said that people attending the workshop, or the PSAE 'focal points', were not necessarily the same people who should conduct investigations for their agencies. This was an issue which needed to be discussed with their country directors and agreed upon within their agency.

Review of Codes of Conduct and UN Secretary General's Bulletin

The participants were then asked to check through their handouts and read through the Sample Codes of Conduct (CoCs) and the Six Core Principles to PSAE⁵ for five minutes. It was also requested for them to think if these principles of CoCs were already included in their agencies CoCs and suggested for them to highlight those that were not included yet or those that needs to be included in their CoCs.

Question posed was: "Why it is necessary to have guidelines as humanitarian aid workers?"

It was emphasized that the ICRC Code of Conduct was established prior to the sexual exploitation and abuse incidents by aid workers in West Africa and their exposure through the Save the Children UK report. However, it was not until after the scandal that most people started taking CoCs more seriously. The SGB's Bulletin was then discussed again briefly.

The CoC clause 4.3.1 was highlighted by the facilitator: "*Sexual relationships with beneficiaries which are consensual and proper shall not be considered to be improper or prohibited on the ground only that one or both of the persons concerned is a humanitarian worker as defined in this Code.*"

With this, agencies could ensure that there would be no power imbalance, even for example, between a refugee working as humanitarian worker who could be involved with another refugee, etc. It depended on how strict the agencies wanted to be on this clause, whether staff could or could not be involved with the beneficiaries. The facilitator shared one example of an agency who decided they wanted to avoid any perception of misconduct of staff altogether, so had their CoC stricter and outright prohibited all relationships between staff and beneficiaries. The agency did not want to be put into a position where it was up to management to determine whether a relationship was genuine, therefore, avoided the situation altogether by including a more rigid clause in their CoC.

Again, the question of relationships was raised, and it was pointed out that the project was not supposed to stop people from falling in love. If staff want to engage in relationships with the beneficiaries/refugees, then, perhaps it is best for that staff member to resign from their agencies as to not breach any Code of Conduct. Agencies were advised to be very clear and specific with their CoC so as to not create confusions, misconceptions and so on. The big role of the awareness-raising was also highlighted.

⁵ See Annex E for the copies of: E1, Sample Code of Conduct; and, E2, Six Core Principles to SAE.

CoC Issues for Consideration

Inputs on the issues for consideration followed (see box below).

Issues for Consideration

- 'Morality' versus 'law' will come up.
- Some scenarios that arise in our work settings may not be considered illegal according to current legislation, but are prohibited by humanitarian organizations.
- Although something is not 'illegal' it does not mean that it is not wrong.
- Regardless of legality, SAE activities will not be accepted by humanitarian organizations. Violations of the code of conduct will result in disciplinary action and possibly termination of employment.

Current Codes of Conduct (CoCs) in Place

It was then asked *how many agencies attending the workshop have CoCs?* With the 14 participating agencies in the meeting, responses were:

ADRA – No, in draft stage

ZOA – No, using the ICRC CoC but also trying to develop (drafting) its own

AMI – No, using UNHCR's CoC

IOM – Yes, English translated in Thai and Burmese

TBBC – Yes

WEC – Don't know/Maybe

OPE – using IRC's

COERR – Yes

WEAVE – no, in draft stage

DARE – Explained that PSAE principle was already incorporated to the work that they do and the staff knew the principles of PSAE, though, they did not have the written document for it.

TOPS – No

UNICEF – Yes

JRS – Yes

IRC – Yes

SVA – no, using UNHCR’s CoC

ARC – Yes

How many have clauses in their CoCs specifically related to PSAE?

The majority of the participants were not entirely sure if PSAE was specifically included in their CoCs, many had to go back and refer to the documents again. It was stressed that if the document exists but no one knows what’s included in it or what they’ve signed onto, it is not a very effective resource. More awareness raising amongst staff, orientation and trainings need to be undertaken at agency level.

The facilitator then shared her own experience that she said might be similar for some of the participants. She explained that in her current position, she signed a document stating she had read their CoC without having been given a copy of it yet. She had to sign the document in order to get the job and start the relocation process, but it wasn’t for another month after she’d already arrived in country and been in her job for 3 weeks before she was actually given a copy of the document. A follow-up question posed then was, “How many of us here have really read the CoC of our agencies?” Not many of the participants could admit they had read it, or if they did that they could remember what was in it. It was then advised that it would be good to have a kind of refresher course or to review the CoCs of their own agencies, both to those who said they have it and to those who did not know if they have one.

Aungkie from TBBC shared that her organisation was doing workshop for management level and another one for the staff every once or two-year. She emphasized that during these workshops, they also review their manuals. The facilitator agreed that this was a positive human resource system to have in place, but cautioned that there is often a ‘disconnect’ between the management and field staff regarding the policies in place, and it is easy for some staff members at camp level to slip through the cracks and miss out on these discussions. When interviewing agency staff in the field, the facilitator pointed out that very few knew their agencies had CoCs, had commented they’d had no orientation, or were unaware of their agency’s policies with regards to staff conduct.

Agreement for a Unified CoC

Going back to the project’s objectives which basically aimed to stop SAE committed by humanitarian workers from happening, the facilitator then asked the participants that as a representative of their respective agencies, ***“Is there a possibility to explore having a unified CoC for the member agencies of the CCSDPT?”***

It was then unanimously agreed that the participants were in favor of having one CoC specifically relating to PSAE for all members of the CCSDPT, and that the focal point workshop participants would take this discussion to their respective agencies, highlighting the six principles of PSAE, and ask for feedback from their country directors on this towards a unified Code of Conduct for CCSDPT member-organisations.

There was some confusion over the use of the term focal points, and the different levels of engagement in this initiative. The facilitator pointed out that ‘focal points’ in the workshop did not necessarily automatically correspond to ‘focal points’ in the field or the agency representative who would be tasked with investigating complaints. It was clarified that for the purposes of this workshop when she said ‘focal points’ she was referring to those people attending the workshop who will be her first point of contact for the PSAE project, who will provide her with feedback and updates on agency progress, and be responsible for sharing information about this initiative and awareness raising for their respective agencies and amongst their beneficiary populations.

These participants could also impart or train the other staff of their agencies on what transpired in this particular PSAE workshop, and conduct follow up information sessions and planning to keep PSAE on the agenda in future to ensure sustainability of the initiative.

Group Exercise: SAE Scenarios

Participants were requested to divide into smaller groups (3 or 4 people), review the Handout on Sexual Abuse and Exploitation Scenarios. They were asked to determine, using the COC, which clauses, if any, of the CoC were breached and why? One person from each group was assigned to report back to the plenary after 20 minutes. Feedback should include details outlining which Standards their group decided were breached. It was possible to have more than one possible answer for many of the scenarios. Their answers should be highlighted on the flipchart.

The SEA Scenarios

Education:

Betty is a 16 year old girl living in a small community in Nu Po. Betty has 4 younger brothers and sisters. Her parents do not have very much money and find it very difficult to provide the costs for education, clothing and food for all of the children. There had even been some discussion about Betty dropping out of school to assist her mother doing petty trading to bring in extra money. However, all of the problems have been solved as Betty has started a relationship with one of the CBO teachers in her school. He has promised to pay for her school fees and help to pay for her brothers and sisters to continue with their education. Betty's parents are very relieved that this opportunity has come and encourage Betty to maintain the relationship. It has really helped the family and now all of the children can continue in school.

Camp Management:

David is part of the camp management committee in one of the refugee camps. It has come to his attention, through one of the camp refugees, that another member of the camp management committee, Kennedy, has been spending extra time with Lola, a single mother in the camp. Kennedy spends hours alone in her shelter where he states he is offering Lola and her 10 year old daughter counseling because of the trauma they faced when fleeing across the border. Recently the 10 year old daughter was taken to the camp clinic complaining of stomach pain. It was found that she had an STI and was treated by the medical staff. David heard about this through his refugee friend and was concerned that maybe Kennedy had been involved with the child. However, he had no proof of this and not wanting to cause trouble didn't say anything.

Refugee Woman

A refugee woman has come to UNHCR protection officers with a complaint. One of the NGO employees in the camp keeps making comments to her 18 year old daughter saying "You are so fine", "I want to sex you" and other comments of a sexual nature. The mother has asked him to stop, but he says he is only kidding. It is not against the law and when confronted the man says he never said anything like that and was only teasing the girl.

Refugee Incentive Staff

Edward is a refugee that has been hired by one of the NGOs in his camp to work as a camp mobilizer. His salary is good and he is happy to get the work. Other refugees in the camp are envious of his position and he is quite proud to be so responsible. Because of his job he gets to meet most of the refugees in the camp. One 20 year old girl in particular catches his eye. He makes an effort to meet her and asks her to be his special friend. He now can afford to buy her gifts, like any good man should.

Commercial Sex Worker

Rosaline is a 30 year old commercial sex worker in Mae La. On Saturday night she was picked up by Donald, an NGO worker in an NGO car. As prostitution is so common in the town he figured he was doing nothing wrong. When Rosaline took Donald to her room, she decided that she did not want to have sex with him and asked to leave. Donald laughed and forced her saying that was her job and she should stop playing with him. When she left he gave her an extra Baht 5,000 because she looked sad.

Group Report

Scenario#1: Education

- 3.1.4; 3.1.5; 3.1.6; 3.1.8 (school fees); 3.1.10 (giving preferential treatment to the expense of others)

Breaches regarding the age of the student in question. Although Thailand allows for sexual relationships to occur from age of 16, according to the CRC, as she is still under the age of 18 she should be afforded additional protection in regards to sexual relationships since as a child she cannot really give informed consent.

Scenario#2: Camp Management

- The group said that they did not really investigate because they think nothing was being breach as there was no proof yet.
- Failure to report a suspicion was definitely a problem. It was also suggested that though there was no proof yet on the reported allegations, it must still be looked into and investigated by management.

Numbers one, two and three – all dealing with actions of Kennedy with regards to the underage girl. Although nothing yet has been proven (that Kennedy did have sex with her), there is enough information available to warrant an investigation and the management should look into the matter.

Scenario#3: Refugee Woman (no group addressed this scenario)

Scenario#4: Refugee Incentive Staff

- 4.3.4...

Comment from the facilitator was that number two – lack of respect and courtesy afforded to the woman, not maintaining a conducive work environment, and number three – words in this scenario are being used to perpetrate psychological violence.

Scenario#5: Commercial Sex Worker

- 3.1.6...

Facilitator responded that number one – human rights are violated as the woman was raped. And clause number two, she was not treated with respect or according to any laws. And lastly, rape can result in physical, sexual and psychological harm which violates the clauses in section three. Therefore, almost all of the clauses were breached and the person should be held accountable, and terminated from the agency.

AFTERNOON SESSION: PART 2

Quiz

- Under the CoC six core principles, beneficiary employees are prohibited from having sex with persons under the age of 18? True or False?
- Humanitarian workers are prohibited from having sexual relations with beneficiaries under all circumstances? True or False?
- If you suspect that a staff member has violated the CoC, you must:
 - (a) Tell him/ her to stop
 - (b) Investigate on your own
 - (c) Report to the Country Director or Human Resources Manager
- The Code of Conduct only applies to behavior that takes place during working hours? True or False?

Answers from the participants:

1 – True

The facilitator asked participants WHY employees are prohibited from sex with persons under 18, and it was reiterated that this was the age specified in the Convention on the Rights of the Child, therefore, below the age of 18 is considered a child regardless of age of majority or age of consent.

2 – False (Many of the participants responded “true”; the facilitator stressed that it was not prohibited but rather **“strongly discouraged”**.)

3 – c

4 – False

Inter-agency Protocols for Prevention and Response

Inter-agency Protocols for Addressing PSAE

- Ensure consistent, coordinated approach to prevention AND response across the CCSDPT agencies
- Addresses complaints of sexual exploitation or abuse that may be brought to them or their staff by or on behalf of their beneficiaries, above all refugee women, girls and children.
- Protocols represent a further development of the instruments for the implementation of commitments set out in the SG Bulletin and agencies’ Codes of Conduct for Humanitarian Workers
- Protocols will be the result from a series of consultations among the CCSDPT agencies, UN, community groups, beneficiaries.
- Should enhance and promote the concrete implementation of not only the Codes of

Conduct, but also other Codes, Protocols, policies, standards and regulations already in place (other SOPs and referral systems) The Protocols are not intended to replace or in any way detract from them.

- The Protocols will be adapted and revised from the IASC Guidelines (Handout 15), although adjustments or additions will be necessary to cater to the particular issues or circumstances in the Thai/Burma border refugee program.

What does this mean?

The facilitator explained that basically this was to ensure coordinated response on the issue and minimize confusion not only by the staff but for the beneficiaries as well. It was also highlighted: the need to talk to different communities, especially to those who the refugees were comfortable talking to or confiding in, and so on; that if we could mesh together all these different ideas that we wanted to put together and encourage the agencies to start discussion with their beneficiaries; that this CCSDPT CoC that we would like to develop as another tool was not supposed to change or to contradict the existing CoCs of the agencies but to enhance it or complement it.

Guidance for PSAE

The participants were asked to check from the kit the Guidance on Inter-agency Protocols and the Protocols to Consider for Inter-agency Agreement.⁶

In general terms, the Guidance was aiming for the following:

- Zero Tolerance for SAE
- Inter-agency Code of Conduct that everyone would sign on to
- Following the model complaints and procedures for conducting investigations of SAE (BSO project – which the training in April would provide guidance on)
- Mechanisms on how to put the recording system in place, for the complaints, consistent recording for all agencies that all the beneficiaries would accept and be comfortable with, implementation, and so on.

Other proposed protocols for consideration might include: acceptance of standardised procedures for supporting the needs of survivors/complainants; situations where an agency receives a complaint against another agency; centralisation of reporting for monitoring of trends and analysis on implementation; systematised procedure for referring cases to the appropriate legal authorities when possible crimes have been committed ; how should cases involving more than one agency simultaneously be handled in terms of both reporting and investigating procedures ; how can staff make a complaint if a Manager is the alleged perpetrator? ; systems for inter-agency implementation monitoring and adherence.

⁶ See Annex F for the copies of: Annex F1, Guidance; Annex F2, Inter-agency Protocols and, Annex F3, the Protocols to Consider for Inter-agency Agreement.

Recap for Day 1

Questions, clarifications and comments were welcomed from the participants. One point raised by a participant was a clarification if it was expected that they should start to make a CoC that was comprehensive or should they stick to the 6-principles? Another point raised was that the whole process for that e.g. asking the beneficiaries for feedback, etc. was a long process itself. Another one was suggesting that the beneficiaries should also know about the mechanism and to whom they could turn to for the complaints, etc. It could be part of the process also to have focal points in the field. Picking up from this point, another one wanted to clarify about the different responsibilities or over-lapping roles of the focal points.

The response from the facilitator was that, first, ensure that all agencies have their own CoCs in place, and if not, have an inter-agency document which assists to provide guidance on PSAE. She stressed that this CoC was supposed for the agencies internal use, therefore this was not necessarily an issue which had to be passed by the refugees/beneficiaries first. Responding to the next question, she clarified that the focal point for her was the persons from the agencies who were attending the workshop and whom would be her first point of contact on this initiative as it developed and progressed. Focal points in the field whom the refugees would liaise with on this issue would need to be determined by the agencies themselves, to determine who among their staff would be most appropriate. Replying to the last question, there would be different responsibilities for the focal points in the field as those will be the persons approached first within the camps by the refugees and will take the initial complaint, referring it on for further action. It was suggested that the points raised should be discussed more for the second day of the workshop.

Pending Decision

There was some question regarding how detailed the agencies wanted to get with the inter-agency CoC. Would participants want to start with the full, 5 page draft document provided as a sample, or stick to the six core principles of the SG Bulletin only? The facilitator asked participants to think about it overnight, and she would come back to it the next day during the recap session.

DAY 2: Friday, 15 February 2008

MORNING SESSION: PART 1

Review of Day 2 Evaluations

As part of the review of the discussion points the previous day, participants' feedback taken from the first day evaluation were taken into consideration. Feedback included:

- Need a recap of main issues discussed
- Need more time to read through all the documents / resources
- Would have been good to read through the six core principles together
- Plans for the future of the project and its scope still unclear, as well as expectations of member agency involvement
- In relation to the group exercises, identify group reporters before work
- More group discussion

Responding to Feedback: Propelling the Project Forward

With regards to the project itself, the facilitator expressed optimism that each agency would have the proper tools and resources to continue the initiative on their own momentum after the project officially closes. It was stressed that the primary focus of the current one year project was to build the capacities of the agencies to address PSAE, therefore, it was dependent on the agencies to ensure the sustainability of the initiative within their own organizations and programme operations. Agencies could be putting activities into place now that would ensure PSAE is mainstreamed into their operations, such as including budget lines in project proposals for funds to implement activities. Orientation, awareness raising sessions with staff, strengthening PSAE prevention in sector operations, producing information awareness raising materials, etc. could all be done at individual agency level to ensure the momentum of the initiative is continued and carried over into future years. There is hope that the project will receive multi-year funding to continue the inter-agency CCSDPT initiative, however, if that is not available the agencies themselves can be looking at ways to continue PSAE efforts within their own individual operations.

A review of the project objectives was undertaken to remind participants of the current scope of this particular project, namely:

- To increase the capacity of CCSDPT organizations and stakeholders working in the Thai/Burma border camps to quickly, effectively and humanely respond to cases of sexual abuse and exploitation, as well as mainstream PSAE into all programmatic and operational sectors.
- To increase awareness among the refugee population about their rights and entitlements through appropriate mediums and information dissemination of key messages.
- To assist CCSDPT agencies in strengthening organizational systems to establish a zero tolerance policy towards abuse and exploitation, and develop coordinated consistent mechanisms for response.

- To provide training, awareness raising and technical assistance on the Secretary General's Code of Conduct and Inter Agency Standing Committee (IASC) protocols and procedures, as well as the development of tools and resources for us by all members of the CCSDPT.

By the end of year one, humanitarian agencies and coalition partners in Thailand will have staff and focal points equipped with the knowledge and tools to carry on PSAE activities, however, it will be up to the agencies themselves to commit to keeping the issue at the forefront so the momentum does not fizzle out.

Responding to the first point raised from the feedback, a quick review of the topics discussed the previous day was provided including the: Protection Issues for Consideration, Power / SGBV, International Human Rights Tools, PSAE background and development of the CCSDPT initiative, UN Secretary General's Bulletin, Codes of Conduct and the Inter-agency Protocols.

On the Prevention and Response Tool for Aid Workers, the facilitator reminded participants that there were a number of ways to begin incorporating PSAE into current operations, starting with Administrative and Management processes. For example, people applying for jobs/positions with the agencies, including vendors, suppliers and sub-contractors, can be held to the codes of conduct and same standards of accountability through the use of explicit clauses in contracts or job descriptions which reflect the agencies' commitment to PSAE; thorough reference and background check on the applicants; continuous awareness-raising and staff trainings; including PSAE tasks in job descriptions and reviewing on regular basis during performance assessments; etc. Tapping certain sub-committees working in the field could also be included as lobby points which the focal point group could explore further, for instance: the child protection network, the protection working groups, the HR working group, the CCSDPT sub committees on education, health, environmental health, etc.

A review of the six core principles of the Secretary General's Bulletin for the protection against SAE was then undertaken, in order to allow participants to read through again and discuss any outstanding issues requiring clarification:

1. SAE by humanitarian workers constitute acts of gross misconduct and are therefore grounds for termination of employment
2. Sexual activity with children (under 18) is PROHIBITED
3. Exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating or degrading behavior is PROHIBITED.
4. Sexual relationships between humanitarian workers and beneficiaries are STRONGLY DISCOURAGED.
5. When a humanitarian workers develops concerns or suspicions that SAE is taking place, he / she is obligated to report such concerns via established agency reporting mechanisms.
6. Humanitarian workers are obliged to create and maintain an environment which prevents sexual exploitation and abuse and promotes the implementation of the Code of Conduct.

Inter-agency Protocols (continued from Day 1)

The previous day's session on inter-agency protocols was revisited, and it was reiterated that such protocols were a way to ensure a consistent, coordinated approach to prevention AND response to PSAE amongst all the CCSDPT agencies. Such protocols would assist agencies to address complaints of sexual exploitation or abuse that may be brought to them or their staff by or on behalf of their beneficiaries, above all refugee women, girls and children. Protocols represent a further development of the instruments for the implementation of commitments set out in the SG Bulletin and agencies' Codes of Conduct for Humanitarian Workers. These should

be the result from a series of consultations among the CCSDPT agencies, UN, community groups, and beneficiaries, and should enhance and promote the concrete implementation of not only the Codes of Conduct, but also other Codes, Protocols, policies, standards and regulations already in place (other SOPs and referral systems). It was stressed that any protocols developed would not be intended to replace or in any way detract from any of the policies already in place, but rather would serve as a complementary tool to strengthen PSAE efforts.

Protocols for possible consideration for the CCSDPT agencies might include, but not be limited to:

- Common language on zero tolerance of SAE in agency Codes of Conduct
- Acceptance of the ISAC Complaints and Investigation Procedures for SAE
- Common reporting and complaints mechanisms to be put in place
- Acceptance of standardised procedures for supporting the needs of survivors/complainants
- Situations where an agency receives a complaint against another agency
- Centralisation of reporting for monitoring of trends and analysis on implementation
- Systematised procedure for referring cases to the appropriate legal authorities when possible crimes have been committed
- How should cases involving more than one agency simultaneously be handled in terms of both reporting and investigating procedures.
- How can staff make a complaint if a Manager is the alleged perpetrator
- Processes for inter-agency implementation and monitoring of adherence

Key words to keep in mind when considering effective protocols were 'consistent', 'coordinated' and **confidential**. Participants were encouraged to work with their agencies to get input and feedback from the beneficiary/refugee populations with whom they work, as beneficiary consultation was imperative in order to ensure the refugees would feel safe and confident in the PSAE processes.

A group exercise was then conducted in order for the representatives of different agencies to brainstorm on the various possible ways by which the PSAE project could realistically be designed and executed here in the Thai / Burma border operations. Participants were reminded that current standards and procedures were already in place for other sectors, i.e. standard operating procedures (SOPs) and referral systems for Child Protection Referral System (CPRS), SGBV, and LAC. It was not the aim of this initiative to create totally new and contradictory systems but to use the existing SOPs in place as much as possible. Participants were encouraged to refer to the IASC Guidelines in their handouts for ideas and discussion points.

GROUP EXERCISE

The facilitator asked the participants to break into groups (4-5 persons) to review the IASC Guidelines, as well as the CoC and SG Bulletin, and as a group, brainstorm what protocols they would recommend which could realistically be agreed upon by all the agencies. It was suggested that their work be recorded on flipchart with one person from each group designated to report back to the plenary. They were given one hour to work on this exercise.

Group 1:

The first group focused mainly on the complaints mechanism, specifically, on the role of the 'focal point' who would take care of referring a complaint onto the appropriate person/agency for follow up and investigation. This focal point would be the first point of contact that a SAE survivor can report to and have confidence that the matter will be followed up accordingly.

Issues for consideration raised by the group included:

- Can the victim/survivor speak to any staff of any agency?
- What is the role of the agency Country Directors (CD) and level of involvement in this process? Should he / she just ensure the investigation is undertaken by a team of trained staff, or are they expected to also be part of the investigation team?

Response: It is suggested by the IASC that the Country Director should not necessarily be involved in the investigation, as he/she will ultimately be responsible for taking the decision about the outcome of the investigation and action going forward. The investigation team should be made up of ideally two persons at least, who conduct an objective investigation and report the facts of the case. The report is then referred to the Country Director for decision on what action will be taken as a result of those findings.

- Arm bands, shirts, or some form of identifying mark should be provided to field based focal points in the field so that the community members can recognize them.
- An accessible complaint box/drop box should be set up at various points in the camps where beneficiaries can anonymously file SAE complaints.

Response: It was noted that there are such complaints boxes in the camps right now, however, there is little awareness raising being undertaken to inform the communities what they are for or what will happen once a complaint has been made.

- Computerised system in the camps for beneficiary access.

Response: after much discussion, it was agreed by participants that this idea was not really feasible, given the lack of electricity and telecommunications connections at camp level.

Group 2:

Suggestions for potential inter-agency protocols included:

- The need to consider humanitarian worker levels and clarify to whom the Codes of Conduct would apply (refugee incentive staff, community groups, volunteers, etc.)
- Each agency assigning field level focal points, chosen on staff who show a commitment to PSAE, an interest in being actively involved with the initiative, and whom the community members feel comfortable approaching. Focal points should then be trained on the project objectives, confidentiality and how to take initial / preliminary complaints and referrals
- Human Resource Protocols between agencies to ensure reference checks and past abusive and/or exploitative behaviour of candidates is addressed.
- Linking PSEA reporting and referral systems to the various SOPs already in place, particularly for referral processes for victim/survivor care and support.
- All agencies should have a Code of Conduct, if not the inter-agency CoC, which clearly define principles and standards of behavior they expect of their staff in relation to PSAE.

Group 3:

Recommendations for inter-agency protocols included:

- Common / inter-agency CoC specifically addressing PSAE and zero tolerance.
- Establishment of a trained pool of investigators for the CCSDPT that could be called upon if ever an incidence of SAE would take place.
- Annual review and signing of the inter-agency CoC and protocols to reaffirm agency commitment.
- Refugee Incentive staff should be obligated to sign and abide by the same CoC.
- Possible mediator for special cases which require special considerations.

Clarification: the role of the 'mediator' – participants not quite clear on what the responsibilities of this person would be, or the authority they would hold. After discussion it was agreed that it would be the role of the Country Directors to decide on the cases and so on, as discussed earlier.

- Inter-agency cooperation in case a manager was the one committing the abuse, that staff members could safely and confidentially approach other agencies for follow up action if a senior member of their own agency was involved in SAE.
- Strengthened human resource and administrative procedures to ensure PSAE is addressed from the very beginning of staff employment. For example, including reference to the agency's commitment to PSAE in job postings and announcements, including a copy of the CoC with job descriptions, thorough reference and background checks, etc.

Group 4:

Recommendations for inter-agency protocols included:

- Inter-agency code of conduct for all members of CCSDPT, or at very least common language on Zero Tolerance of SAE in each agency's CoC regarding beneficiaries, which must also be applied to all sub-contractors.
- Establishing a list of focal points from all agencies, at field level within the camps.
- Clear response and referral systems for survivors which complement the existing SGBV-SOPs.
- Need for centralization of reporting for monitoring of trends and analysis on implementation and further development on PSAE.
- Inter-agency network to ensure effective implementation and adherence to PSAE systems put in place, with possibly an inter-agency "deed of commitment" signed by the heads of agencies.

Discussion on who should be field level focal points: should this include community members themselves, possibly someone from the church, women organisations, etc. based in the camp so there is always someone on site who can receive complaints? Perhaps worth thinking about

having a few beneficiary focal points as well as staff? This issue needs to be discussed within the agencies.

- Initial focal point who receives the SAE complaint should also take responsibility for following up that the survivors has been referred for necessary care and support. Though it is NOT the responsibility of the initial focal point to ensure appropriate action by the agency involved is being taken.

Group 5:

Recommendations for inter-agency protocols included:

- Six core principles of the SG Bulletin must be included in inter-agency CoC, or at very least individual agency's CoCs.
- One (1) focal point per camp, per organisation (camp staff); Camp staff should report to Field Coordinator and the Field Coordinator should report to the Country Director (CD); if a complaint was made against a staff of a particular agency to another agency, CD of the latter agency where the complaint was lodged needs to contact CD of the former.
- Trained investigators for every agency of the CCSDPT.
- Standard reporting form agreed upon by all agencies for cases of SAE, with initial focal point being responsible to attend to referrals for victims/survivors medical treatment/psychological support
- Staff suspected of SAE would be suspended from work during the time of investigation
- If during investigations it is discovered the abuse/exploitation was of a criminal nature (e.g. sexual abuse of a child) the information is to be handed over to the authorities for prosecution.
- PSAE cases involving more than one agency will be discussed and agreed upon at country director level.

Regarding camp level focal points and the first point of contact, it was stressed by the facilitator that the refugees should be encouraged to approach any staff member or community member with whom they feel comfortable and safe. The communities should not be restricted to report to only assigned persons, as this might prevent them from raising their concerns. Any staff member should be approachable on this issue; the key issue to consider then is that these people must be informed of how and to whom to refer the case on for appropriate action. The need for awareness raising amongst staff and within the communities was stressed again, and focal points were encouraged to think of innovative ways their agencies could promote the information at their project sites.

Agreement: Way Forward for Inter-agency Protocols

After much discussion and review of the group feedback, it was agreed that participants would take back to the agencies the following key protocols for discussion and possible inter-agency agreement.

- Inter-agency Codes of Conduct for signatory by all members of the CCSDPT
- Acceptance of the ISAC Complaints and Investigation Procedures for SAE
- Common reporting and complaints mechanism to be put in place

- Acceptance of standardised procedures for supporting the needs of survivors/complainants, linking with the SGBV SOP
- Field based focal points appointed by agencies for first point of contact to take preliminary report
- Coordinating body for inter-agency monitoring of implementation and adherence

Participants were asked to bring these key principles back to their country directors and other staff members and get feedback on acceptability in order to move the initiative forward in a consistent and coordinated approach.

AFTERNOON SESSION: PART 1

Complaints Reporting Mechanisms and Coordinated Response

An effective complaints mechanism is all the steps and processes and organization adopts from the time the allegation of SAE is made up to the time the investigation is completed. Effective complaints mechanisms promote accountability as people of concern are better able to report abuse and access additional protection through deterrence. Effective mechanisms also help organizations become less attractive to potential abusers as work environments.

Complaints Mechanisms

- Purpose: to provide fair, CONSISTENT means of raising concerns about SAE and breaches of the CoC
- All reports should be taken seriously and looked into, irrespective of whether they constitute illegal or prohibited acts in the country of operation
- Agency has the responsibility to ensure a clear and ACCESSIBLE referral system is established in each setting
- Beneficiaries / communities must be aware and informed of the systems
- Number of options / entry points where reports can be made

As part of the inputs on complaints mechanisms, the facilitator highlighted the general idea 'fair and consistent' to minimise confusion as much as possible. Also, it was stressed that all reports must be taken seriously and looked into, and that the system developed needs to be accessible to all. If the refugees cannot access the reporting mechanism then there is no point in having it. Therefore, refugees must be provided with a variety of ways in which to lodge a report, so that the different members of the population are being considered. For instance, illiterate refugees would not be able to use a complaints box system, as they would be unable to write down their report. Similarly, children might not be able to use the complaints box, therefore, should be provided with an alternative method of voicing concerns of abuse or exploitation.

The mechanism developed should also be transparent, so that members of the community know it exists and have had input into its development, and possess sufficient information on how to access it and ensure it is adhered to. For example, people of concern should be able to speak to NGO staff regularly about the mechanism, information about the mechanism should be freely available and all communities should know who in the organization is responsible for handling complaints and communicating outcomes.

Complaints Mechanisms: Key Points to Consider

Key points to consider when developing complaints mechanisms (please see box below).

Key Points to Consider:

- Clear procedures understood by all (staff and beneficiaries)
- ACCESSIBLE to all
- Safe
- CONFIDENTIAL
- ANONYMITY
- Safety / security and protection needs addressed as first matter of priority

It was added that 'anonymity' of the victim or the one making the report must be respected, especially if the person is not comfortable putting their name as the complainant. For matters of safety and security of both the victim/ survivor and the complainant (if these are two different people), agencies must be prepared to follow up on their needs immediately, ensuring appropriate care (medical, psycho-social, etc) is provided. Already existing SOPs for referrals to medical treatment, counseling, etc. should be followed as much as possible rather than create entirely new and possibly contradictory procedures for this particular PSAE initiative.

Barriers to Making Complaints

Beneficiaries will not come forward with concerns of SAE unless they have faith in the agencies to take the issue seriously and protect him/ her from potential reprisal. There are many factors in refugee operations which might cause barriers to making a complaint, such as:

Barriers to Making Complaints

- Fear of reprisal
- Fear of not being taken seriously
- Respect for authority / persons in power
- Fear of losing services / resources
- Cultural issues and norms
- Attitudes towards women & children
- Lack of awareness that SAE is wrong

It was reiterated that the mechanisms for lodging a complaint need to be accessible to all, and that language, culture, age, physical ability, etc should not hinder access to the mechanism. For those women and children who have an impairment or disability, or are illiterate, it is essential that they have a means of being heard and that lack of mobility or oral/written communication does not exclude them. Lastly, a lack of understanding and awareness on the issue of SAE is in itself a barrier, therefore, agencies needed to ensure that information was being shared with staff and beneficiaries to promote awareness.

Inter-agency Mechanisms

It is recommended that there should be an overall inter-agency mechanism in country, coordinated by an appropriate body such as a focal point network for the CCSDPT. A terms of reference for such a network is included in the workshop reference information, see Annex G. The inter-agency network should comprise of focal points from the various stakeholders, including the NGOs, CBOs and UN.

Inter-agency Mechanisms

- IASC recommends: there should be overall inter-agency complaints in country, coordinated by an appropriate body.
- Comprised of agency focal points from UN, NGOs, INGOs and representatives from authorities if appropriate.
- Clearly defined roles and responsibilities within the system.
- Agreed upon process for monitoring and evaluation of effectiveness

Questions were raised regarding the level of involvement of the local Thai authorities, such as the Ministry of Interior, the Camp Commander, or the Ors Sors. It was noted that the involvement of national authorities in this particular operating environment might need to be reviewed at higher level among the country directors and with UNHCR. In other environments where there are national departments for refugee affairs it is more relevant to involve such officials in inter-agency mechanisms and outline their roles. In Thailand, as UNHCR has the mandate to work closely with the MoI on issues of camp management, it might be worth exploring such a discussion in future.

A clarifying question was raised regarding what should be done if an allegation is discovered to be criminal in nature. The facilitator clarified that if during the course of an investigation it was discovered that a crime had been committed, the investigators inform the country director and the case is then turned over to the local authorities for prosecution. All evidence gathered and materials from the investigation can be handed over to the police to assist in their proceedings.

Complaints Mechanism: Group Exercise

The participants were asked to break into small groups and review the IASC resources as well as to discuss what their agencies would consider appropriate PSAE mechanisms. They were asked to refer to the handout provided on IASC complaint referral chart. They were instructed to record

on the flipchart all the points that would come out of their group discussions and assign somebody from the group to report back to the plenary.

Group 1

The group report focused on the Child Protection side of protection mechanisms which was said to be camp specific. Identified possible focal points were the section leaders (who could be from religious groups, family, etc.), the child protection advocates (CPA) who were involved in community management and all those agencies engaged in areas of health, psycho and security work. All these agencies would be members of the child protection committee (CPC) and representatives of the SGBV programs. The guiding principles for this specific complaints mechanism were outlined as:

- the victim should receive assistance as soon as possible
- the organisation should receive the message immediately in order to begin appropriate investigation and take necessary disciplinary action

Refer to workshop informational pack resources, Annex Q, for CPRS standard operating procedures.

Group 2

The second group focused its discussion on the linkages between SGBV and PSAE and the collaboration between the two projects. The group felt the PSAE complaints mechanisms could follow the currently established SGBV SOPs, with a slight adjustment in that if the incident was discovered to be an SAE case by a humanitarian worker, then additional step is required in order to refer the matter to the agency involved and initiate an investigation into the staff conduct. Again, issues over what to do when a refugee incentive staff worker is involved were raised, and clarification was made by the plenary that these staff members as well should still be considered humanitarian workers and uphold the same standards of conduct as other national and/or international staff. It was recommended that additional input and feedback from the existing SGBV committees be requested, in order to ensure they understand the additional step required to be taken if the case is found to be SAE.

Refer to workshop informational pack resources, Annex M, for SGBV standard operating procedures.

Group 3

Group 3 reported that the elements included in the IASC recommended complaints protocols were generally acceptable to them, and they would endorse adopting similar complaints mechanisms and protocols for the CCSDPT. However, one concern raised was again about the consultation and level of involvement of the national Thai authorities. The group also emphasized that it should be stressed that it is mandatory for staff who are aware of SAE incidences to report their concerns. Failure to report would be considered as a breach of the inter-agency CoC and would be grounds for disciplinary action. It was also stressed that the needs of the victim should be immediately addressed by the agency receiving the initial complaint, and is a time sensitive issue. For instance, in cases of rape, etc. where women need to be given a medical exam within 72 hours.

Please refer to workshop informational pack, Annexes F1 and G1, IASC guidance on complaints mechanisms and IASC complaint referral chart.

Agreed Action: Way Forward Complaints Mechanism

After much discussion and review of group feedback, it was agreed to explore the possibility of using the IASC proposed complaints mechanism as provided in the information workshop packet, Annex G1 for action once an allegation of SAE has been made. It is important to note the key issues that came out of the group discussions, namely:

- safety and security of the victim/survivor needs to be of utmost importance
- linking as closely as possible with the existing SGBV referral system
- once a case is determined to be of SAE by a humanitarian worker, it follows the Annex G1 routing for follow up and action
- Timeliness of the initiation of an investigation is crucial; a case must be brought to the attention of the agency concerned immediately so appropriate action can be taken in timely manner
- Once the case is found to be SAE, action needs to be taken at agency level, with community support being provided for victim's needs but NOT involved in the actual investigation or decision about disciplinary action. It will however be important to keep the community members informed of process undertaken and eventual outcome of the case.
- Confidentiality is CRUCIAL to ensure the safety and security of both the victim and the subject of complaint. People should be informed on a NEED TO KNOW BASIS ONLY.

Participants were encouraged to take the complaints mechanism agreed upon at the workshop back to their country directors and relevant staff to get their feedback and input into the mechanism. If agreed upon, an awareness campaign will be rolled out within the community to ensure the community is aware of the process which will be undertaken.

AFTERNOON SESSION: PART 2

Mainstreaming PSAE into program operations

Participants were referred to their informational packs, particularly the last section which included two tools for mainstreaming PSAE into agency operations. The first tool was a mainstreaming action plan which agency's could develop internally to ensure they were addressing PSAE at all level of operation, from administrative to implementation of services. Participants were encouraged to take this action plan back to their agencies and discuss with other staff to develop a comprehensive plan for future reference. This tool will be addressed and discussed more thoroughly in follow up events.

The last resource in the pack, Annex K, was a PSAE mainstreaming checklist, which was the result of various PSAE initiatives in other regions and by the IASC, and which had been revised and edited. The facilitator informed participants that this was a highly valuable tool for agencies to use in order to review their own current systems in place, identify any gaps, and strengthen their PSAE prevention and response efforts. This resource is basically a self auditing tool which is aimed to better inform the agencies as to where they stand in relation to PSAE in their own operations.

In its current state the latest version was borrowed from the Kenya PSEA program, and as such needed to be reviewed and tailored to be more specific and relevant for the Thai / Burma border operations. Some of the points raised in this checklist version might not be relevant for operations here, or some points needing consideration might currently be omitted which would need to be added. For instance, in its current draft the resettlement operations had not been factored into the

checklist, and thus the CCSDPT had the opportunity to be the first consortium to design a checklist for this particular sector.

As time was limited and the Human Resource Working Group was meeting in a few weeks, it was agreed that the first section of the checklist, regarding administration and management areas, would be addressed at a later time and the participants would focus on sector operations in this session.

Once the checklist has been adapted and revised to more accurately reflect the Thai/Burma context, the tool can be used to measure the agency's progress for mainstreaming PSAE into all operational areas. The facilitator stressed again that though she is not intending to push this tool on the agencies and coerce them into using the resource, she did want to just reaffirm that in her work experience this has been an extremely helpful exercise, and she referred back to the checklist on a quarterly basis to assist her in monitoring her previous agency's progress on PSAE and to get feedback from staff and beneficiaries on how they felt the agency was doing in scaling up their PSAE efforts.

Mainstreaming Exercise

The participants were asked to break into smaller groups for the brainstorming session. They were asked to divide themselves by sector and analyse which of the points in the checklist were relevant for operations here in the Thai-Burma border setting, revising current points as necessary, deleting those points that were not relevant for this context, and adding any additional points they felt were not included which should be. They were again prompted that the resettlement issue could be added as it was not included in the checklist provided. Groupings created to look on certain issues were on: food distribution, health, shelter, psycho-social care, community services, youth and recreation, resettlement, education, livelihood or income generation. Time allotted for this particular exercise was 30 minutes.

Group Report

Group 1 presentation: Food distribution, NFIs, Infrastructure and Shelter

Comments from the group indicated all current statements are suitable, with the addition of the following additional points to be incorporated:

- Claimants are able to communicate in their own first languages with staff during distributions.
- Security staff are present during distributions.
- Suitably-located child-minding facilities are available during distributions.
- Unaccompanied children do not collect rations.

Non Food Items (No. 3)

All statements suitable except 'C', regarding security provided during collection of firewood. As this is not applicable in the Thai/Burma context, it was suggested this point be deleted.

Four (4) additional points were suggested:

- Claimants are able to communicate in their own first languages with go-down staff during distributions.
- Security staff are present during distributions.
- Suitably-located child-minding facilities are available during distributions.
- Unaccompanied children do not collect rations.

Infrastructure and Shelter (No. 6)

All statements suitable except 'E' - replace with statement referring to "Agencies provide appropriate quantities of building materials to enable beneficiaries to design buildings appropriate to the size and demographic nature of the household members".

Additional points suggested:

- Houses are neither too isolated or over-crowded.
- Size of shelters are appropriate and suitable based on the size of household, which will ensure privacy and reduce potential for PSAE in the homes.
- Safe houses, supported by the SGBV committees, should also be considered when allocating shelter materials and supplies provided to ensure safety and security of those taking shelter there.

Camp Management (No. 7)

All statements suitable.

One (1) additional point suggested:

- Camp management committee organises community events in celebration/ recognition of special annual days relating to SAE issues. Events such as 16 Days of Activism Against Violence Against Women, International Women's Day, etc could be used to promote PSAE within camp communities.

Group 2 presentation: Health, Water/Sanitation

Comments from the group indicated all current statements are suitable, with the addition of the camp management committee being involved in the monitoring of queues at water points to assess effectiveness and service delivery.

Group 3: Community Services, Youth and Recreation

Comments from the group indicated all current statements are suitable. There is a need to consider clarifying what is meant by an "open door policy" to minimize confusion that this might infer all meetings and counseling sessions are held in an open environment and accessible to anyone walking by.

Under the youth sector, a reworking of point D: "youth groups and youth leaders are promoted". Suggestion to consider rewording to read "Youth are encouraged to participate and engage in camp activities, to serve as positive role models, and to have a voice in decision making processes".

Group 4: Education / Income Generation

Comments from the group indicated all current statements are suitable, with the additional points to be included:

- Community teachers have their own specifically tailored CoC which they are required to sign upholding them to humanitarian standards of conduct.
- Increasing the number of female teaching staff might not be relevant, as the group felt it was more appropriate to include wording to encourage a more gender balanced teaching staff is retained.
- Under point H, there are no exam fees for students in this operating context, therefore the suggestion was made to rephrase this statement to read "school fees" instead.
- Additional point added regarding the need for thorough orientation of new teachers, including sessions on PSAE in the school settings.

- Request that point M, “clear information is provided that aid is free” be reworded to read “clear information is provided that educational services are free”, with specific details about what those services and resources are to minimize confusion.

For income generation, feedback included:

- Loans and funds were not available in this operational context, therefore rephrase point C to read: “female employees are involved in decision making processes”.
- Request that point D, “clear information is provided that aid is free” be reworded to read “clear information is provided that income generation services are free”, with specific details about what those services and resources are to minimize confusion.

Group 5: Resettlement

As there is currently no section included for resettlement operations, the group provided the following suggestions for points to include for this sector:

- Special consideration made for vulnerable women and children
- All relevant positions and staff are trained on PSAE (drivers, interns, field staff)
- Strive to provide fair representation of staff in provision of services
- Beneficiaries have complaints mechanisms
- CoC and complaint mechanism clearly posted throughout camp and facilities, stressing that resettlement is free and voluntary and how beneficiaries can raise a complaint
- Registration and fraud is minimized / prevented through transparent involvement of stakeholders (UNHCR, camp leadership)
- Referral system for victims of abuse and/ or exploitation
- Systems clearly explained to beneficiaries
- Information campaigns undertaken to promote awareness
- PSAE included in cultural orientation sessions so refugees are more aware of their rights and entitlements

The sectors focusing on legal assistance, protection and security activities were undertaken outside of the PSAE focal point workshop, and included feedback from LAC staff and UNHCR, Their comments have been incorporated into the draft revisions attached to this report as Annex K. Feedback on these points is welcome from all agencies.

Action Points and Way Forward

A review of the various discussions was undertaken, with a summary of action points needing follow up by participants with their agencies and beneficiary communities.

Action Planning

- Codes of Conduct – need to discuss with country directors and provide feedback on sample CoC provided in workshop resources about which clauses are acceptable and can be signed onto so an agreed upon inter-agency CoC can be developed.
- Focal Points at field level – discussion within agencies and with their close beneficiaries of whom in their projects should be first points of contact for taking complaints and referring cases on for appropriate action.

- Awareness raising in field – all focal points should be informing their fellow staff members and stakeholders of the information provided in the workshop and the PSAE initiative.
- Investigation workshop – will be held in BKK from 7-11 April and will be open to representatives from all members of the CCSDPT. Chele needs to receive agency nominations by the end of February in order to finalise participant list.
- Inter-agency protocols – review materials provided in the informational packs and discuss with their colleagues and country directors which of the protocols discussed in the workshop can be agreed upon at inter-agency level to ensure coordinated, consistent prevention and responses.
- Complaints mechanisms – same as above with the protocols, focal points are to take recommendations from the workshop on mechanisms back to their agencies and their beneficiary populations and request their feedback into systems.
- Mainstreaming plan – tool that can be used internally by the organizations to strengthen their operations to prevent and respond to SAE. This tool will be referred to again in future events, however, focal points were encouraged to begin reviewing the tool and discussing with their colleagues.
- Checklist by sectors – revisions made based on group feedback during focal point workshop. Participants are encouraged to review with their colleagues in the field and revert with any additional feedback of suggestions.