



**INTER-AGENCY PROTOCOLS FOR THE
PREVENTION OF SEXUAL ABUSE
AND EXPLOITATION (PSAE)**

**Committee for the Coordination of Services to
Displaced Persons in Thailand
(CCSDPT)**

DRAFT

October 2008

PART ONE: INTRODUCTION

(a) These “Protocols” have been developed by CCSDPT agency PSAE focal points for adoption by all members of the committee. The Protocols are an additional tool to be used in implementing the commitments set out in the Inter-Agency Code of Conduct for Humanitarian Workers in the Thai-Burma Refugee Programme adopted in August 2008 and are part of the on-going activities of the Prevention of Sexual Abuse and Exploitation (PSAE) Project launched in Thailand in September 2007. The Protocols are to be used by all members to consistently address complaints of sexual abuse and exploitation (SAE) that may be brought to them or their staff by or on behalf of their beneficiaries.

(b) The Protocols are the result of a series of workshops and consultations among the signatory agencies and were developed according to the IASC’s *Model Complaints and Investigation Procedures and Guidance Related to Sexual Exploitation and Abuse*¹, although adjustments have been made according to the particular issues and circumstances on the Thai-Burma refugee operations. They have been elaborated in the same spirit as the Inter-Agency Code of Conduct.

PART TWO: THE PROTOCOLS

Protocol I: Acceptance of a CCSDPT Inter-agency Code of Conduct for Humanitarian Workers

1.1. The humanitarian agencies working on behalf of refugees in Thailand are committed to prevent and combat sexual abuse and exploitation. Accordingly, they have agreed to institutionalize a common inter-agency Code of Conduct (Annex A).

1.2. The Code of Conduct is intended to serve as a guide for staff in sustaining ethical behavior. It is designed to assist humanitarian agencies and their staff to better understand the ethical obligations placed upon their conduct and to act accordingly. The agencies party to these Protocols are determined to follow the Code of Conduct provisions and carry out the undertakings. They commit themselves to not tolerate sexual abuse or exploitation within their operations.

¹ This document was originally prepared by the Inter-Agency Task Force (TF) on Protection from Sexual Exploitation and Abuse (PSEA) funded by and developed on behalf of UNICEF. A Sub Group of that Task Force, co-chaired by UNICEF and Save the Children, and including representatives from the United Nations High Commissioner for Refugees (UNHCR); the Department of Peace Keeping Operations of the United Nations (DPKO); OXFAM; the International Rescue Committee (IRC); and the Office for the Co-ordination of Humanitarian Affairs (OCHA) later adapted the original document and issued the guidelines referenced in this footnote in March 2004 as a draft.

1.3. In this regard, it is reiterated that the CCSDPT inter-agency Code of Conduct has been developed in the spirit of complementing and strengthening pre-existing Codes of Conduct or other instruments within each agency, rather than replace to detract from them.

1.4. It is recommended that each agency of the CCSDPT share the Code of Conduct with their staff, and ensure that the principles outlined in the Code are well understood and acknowledged.

Protocol II: Consistent Reporting and Complaints Mechanisms to be Developed and Implemented within the Thai-Burma Border Operations
--

2.1. Member agencies of the CCSDPT want to encourage complaints of SAE to be reported in whichever manner individuals feel most comfortable and safe.

2.2. Agencies agree that an initial complaint of SAE can be raised at any level and through any method. The report might come through an existing structure such as a CBO, the SGBV committees, through a complaints box, or the report might come directly to the agency from the community member.

2.3. Agencies hereby agree that field based staff will be designated at each operational site as the primary PSAE focal point(s) to be responsible for receiving reports and sending them to the Head of Agency for action and investigation.

2.4 PSAE focal points will also be responsible for following up on support services which the survivor might need as prescribed in the SGBV standard operating procedures. They will communicate with the relevant agencies, community groups and organizations within the camps to ensure the necessary support services are provided to the survivor, and ensure consistent communication regarding the status of the administrative and investigative procedures until final action has been taken.

2.5. The agencies agree to take responsibility for distributing information about the reporting and referral system widely among their staff and the beneficiary communities. Information on the process, how to report, whom to report to, and what will happen once a report is made will be shared through consistent and coordinated communication and outreach campaigns initiated at each work site (Annex B).

Protocol III: Acceptance of the Investigation Procedures and Guidance Related to Sexual Abuse and Exploitation (SAE)

3.1. The signatory agencies have considered the IASC Task Force's *Complaints and Investigation Procedures and Guidance Related to Sexual Exploitation and Sexual Abuse*. The agencies find that this document outlines a comprehensive and useful set of procedures on how to conduct investigations and interviews in cases involving allegations of sexual abuse and exploitation.

3.2. The signatory agencies have also agreed:

3.2.1. To adopt the procedures and guidelines as a guide for conducting investigations of any cases of sexual abuse and exploitation reported to them.

3.2.2. In each case reported to an agency, it is vital that clear and comprehensive information should be gathered about the complaint by completing the Incident Report Form (Annex C), as well as on the situation of the complainant/survivor and accused.

3.2.3. Agencies agree to follow the recommended guidelines when processing complaints of SAE from the time reports are received by an organisation until the time the organisation closes an investigation. The main goal of an investigation into allegations of SAE is to gather information that proves, or disproves, the allegation, in order to determine whether the abuse or exploitation occurred. Investigations should be conducted by designated agency staff who have been trained in the IASC approved investigations procedures, and can undertake the proceedings in a professional, responsible, objective manner while maintaining confidentiality, thoroughness and respect for all concerned at all times throughout the process.

Protocol IV: Acceptance of a Standardized Procedure for Supporting the Needs of Survivors, Complainants and Accused
--

4.1. A comprehensive approach is necessary to ensure that the protection needs of survivors, complainants, their families, as well as the accused. The medical, psychosocial care, legal referral, protection, security and other service needs should all be taken into account and addressed properly as prescribed in the SGBV standard operating procedures. A list of the services available and the agencies which provide them in the respective camps is contained as Annex D.

4.2. The agencies are also aware that allegations of SAE are sometimes made maliciously and without foundation. The need to support the victims of such false allegations is also fully recognised.

4.3. In view of all the above, the signatory agencies hereby agree that:

4.3.1. The focal point who receives the complaint should consider the protection/health/assistance/legal/security needs of the complainant/survivor, seeking advice from senior staff as appropriate. Information on the services available within the organisation receiving the complaint should be provided to the complainant and access to those services facilitated in every way possible.

4.3.2. Where the services are available elsewhere, the agency receiving the complaint should still help the complainant or survivor in gaining access to them, if necessary providing staff to accompany him or her. As much as possible focal points

should follow the already existing SGBV standard operating procedures for referral of support services.

4.3.3. All efforts must be made to protect and support the privacy, confidentiality and needs of the survivor, complainant, witnesses, and the subject of complaint.

4.3.4. While all agency staff should be approachable with an initial report of SAE, designated focal points to process the complaint must have the appropriate information at hand and be provided with sufficient training to take on this responsibility to receive and channel reports and provide follow-up support.

4.3.5. Where it is clear that a person has been the victim of malicious, unfounded allegations, every effort should be made to help clear and restore his or her reputation. Coaching and managerial support should also be provided for any psychological strain that may have been caused.

4.3.6. Irrespective of the nature of the complaint, agencies have a duty of care to the subject of complaint throughout the reporting and investigation process. Protection and support issues must be considered and addressed to ensure the safety and security of staff.

Protocol V: Inter-agency Coordination in Situations when an Agency Receives a Complaint about Another CCSDPT Member.

5.1. Fear of repercussion is often a key reason why staff and beneficiaries may not report cases of SAE. To ensure that systems are put in place to dispel such fears, the following are agreed upon as recommended practices.

5.2. Complaints can be made to another organization with established protocols for the prevention of sexual abuse and exploitation. These circumstances include, but are not limited to, the staff member or beneficiary genuinely believing that raising the matter within that specific organisation directly would not be effective or would result in further victimization. They also include cases where he/she may have already disclosed the matter to the concerned organisation but no effective action has been taken.

5.3. An organization may receive a complaint against another, or may, even without receiving a formal complaint, become aware of an apparent case of SAE allegedly perpetrated by staff of another agency. The following procedures shall be adhered to in dealing with these situations:

5.3.1. The wishes of the survivor must be respected at all times. The agency receiving the complaint shall seek the permission of the person reporting it to draw his or her report to the Head of the Agency concerned. If the complainant agrees, then the agency receiving the complaint can share that complaint accordingly. This

report shall be made in writing by completing the Incident Report Form and sending it to the Head of the Agency concerned, with a copy to the UNHCR field office.

5.3.2. The agency employing the subject of the complaint shall receive such report and carry out investigations and the relevant administrative and disciplinary measures in good faith, properly, urgently, seriously and professionally.

5.3.3. It shall also share information about status of the case with the reporting agency in good faith either directly with that agency or in the meetings of the PSAE Steering Committee.

Protocol VI: Establishment of a CCSDPT Inter-agency PSAE Steering Committee

6.1. A *PSAE Steering Committee* is hereby established. The Steering Committee shall be comprised of sectoral representation of the member agencies of the CCSDPT and UNHCR, and will be housed within the CCSDPT Protection Working Group (PWG) which meets in Bangkok.

6.2. The role and functions of the Steering Committee shall be to address issues and concerns relevant to the full and effective implementation of the Inter-Agency Code of Conduct and the CCSDPT Protocols. The Steering Committee shall be responsible for reviewing best practices when addressing reports of sexual abuse and exploitation.

6.3. The Steering Committee will meet every four months to receive information and updates on the actions that have been taken to address SAE complaints, and discuss other relevant issues that arise. It shall review the lessons learned from the PSAE activities of the agencies, trend analysis, and agree on ways for better and more effective implementation.

6.4. The Steering Committee will serve as the decision making body for networking and collaboration with other regional initiatives, and shall assume responsibility for representing the CCSDPT inter-agency PSAE initiative to external parties. The Steering Committee shall assume responsibility for reporting back to all CCSDPT agencies on PSAE developments and information gathered.

6.5 At its first meeting, the Steering Committee will approve and adopt its Terms of Reference which will be in effect for a duration of one year. The Terms of Reference (Annex E) has been developed following consultations with agency representatives and members of the Protection Working Group.

PART THREE: IMPLEMENTATION AND ADHERENCE

These Protocols are signed for and on behalf of the parties by their respective Heads of Agency appearing below. By so signing the Protocols, the signatories undertake:

- (i) That they have read, understood and are in full agreement with the content of the Protocols.
- (ii) To disseminate the contents of the Protocols within their respective agencies, and take all necessary steps to ensure their implementation and adherence by all their respective workers.
- (iii) To work together in collaboration and create an environment in which the spirit of the Protocols is fully enforced.
- (iv) To disseminate the Protocols publicly to their staff and beneficiaries and in the local languages.
- (v) To ensure that any and all breaches of the CCSDPT Inter-Agency Code of Conduct for Humanitarian Workers are dealt with according to these Protocols decisively and without delay.

These Protocols are considered as a living document which shall continue to be developed for greater effectiveness. They shall be open for signature by humanitarian agencies on an on-going basis.

ANNEX A: CCSDPT Inter Agency Code of Conduct

Committee for Coordination of Services to Displaced Persons in Thailand (CCSDPT) **INTER-AGENCY CODE OF CONDUCT**

I. INTRODUCTION

(a) Background

Conflict and displacement inevitably erode and weaken the social and political structures that protect communities and individuals. The resources available to affected populations and humanitarian agencies assisting them are frequently insufficient to meet basic needs. All too often, mechanisms for protection are not fully effective or given sufficient priority. Against this background, affected populations find themselves in situations where they can be exploited or abused. Such environments can give rise to abuse of power by humanitarian workers and others providing assistance.

(b) Code of Conduct

The humanitarian agencies working with refugees in Thailand are determined to prevent and respond to the possibility of abuse or exploitation. Among the steps towards this objective, they agree to institutionalize a common inter-agency Code of Conduct.

The Code is intended to serve as an illustrative guide for staff in sustaining ethical behavior. It is designed to assist humanitarian agencies and their staff to better understand the ethical obligations placed upon their conduct and to act in accordance with the public trust endowed on them. The agencies party to this Code will not tolerate abuse, exploitation and corruption within their operations. They shall pursue vigorously any breaches of the Code according to their respective administrative rules, regulations and sanctions.

This Code of Conduct has been developed in the spirit of complementing and strengthening similar Codes or other instruments within each agency, rather than replace or detract from them.

(c) Humanitarian workers

Not only the internationally engaged workers of humanitarian organizations have the obligation to demonstrate ethically upright behavior. Large numbers of personnel are engaged in refugee programs in a variety of capacities ranging from volunteers, incentive workers, researchers, casual labourers, interns, drivers, and guards to decision-makers at the country, regional and international levels. Many of these workers are drawn from the beneficiary communities themselves. As far as this Code is concerned, by accepting employment of any kind in these situations, all such workers accordingly also assume the special duty of humanitarian care and ethical conduct that goes with their responsibilities.

In adopting this Code of Conduct, the signatory agencies signal their responsibility to uphold its standards of behavior. Senior managers acknowledge that they have a special duty to personally set good examples and maintain a working environment in which their workers can sustain ethical behavior in the discharge of their responsibilities.

II INTERPRETATION

For purposes of this Code of Conduct:

“Accountability” : refers to the moral and legal responsibility of a humanitarian worker for his or her duties and actions in a proper and responsible manner. It also includes institutional measures and systems established to maintain appropriate standards of behavior and effective performance of duties by workers.

“Affected populations” : are the individuals or groups for whom the humanitarian activities of the respective agencies are intended.

“Beneficiary” : a person to whom the humanitarian agencies or their workers provide one or another form of protection, assistance, service, or other intervention.

“Discrimination” : means exclusion, treatment, or action against an individual based on social status, race, ethnicity, colour, religion, gender, sexual orientation, age, marital status, nationality, political affiliation, or disability.

“Gender” : cultural or societal differences between men and women in terms of roles and responsibilities, expectations, power, privileges, rights and opportunities. It also refers to the differences between men and women rooted in culture, tradition, society or religion.

“Harassment” : means any comment or behavior that is unwelcome, offensive, demeaning, humiliating, derogatory, or is otherwise inappropriate or fails to respect the dignity of an individual. It can be committed by or against a beneficiary, partner, employee, official, or any other person involved in any way in the refugee program.

“Human Rights” : the agreed international standards that recognize and protect the dignity and integrity of every individual without any distinction.

“Humanitarian standards of behavior” : the professional and moral attributes established in this Code of Conduct which must be demonstrated by humanitarian workers in fulfilling their assigned tasks, without exploiting or abusing their positions of authority.

“Humanitarian worker” : includes all workers engaged by humanitarian agencies, whether international or national, formal or informal, retained from the beneficiary community, sub-contracted, permanent or temporary, to conduct the activities assigned by the employing agency. Any worker that is directly or indirectly involved with refugee communities is considered to fall under this definition, including community leaders, camp committees, local authority representatives, etc.

“Minor” : a person under the age of 18 years of age and corresponds to the definition of a child according to the Convention on the Rights of the Child (CRC).

“Power” : the authority or ability to materially affect various forms of rights, entitlements, or relationships. Power arises from position, rank, influence, status, or control of resources. Unequal power relationships provide the most critical settings for sexual abuse and exploitation to occur in a refugee environment.

“Protection” : measures that are necessary or are actually taken to ensure that individual basic human rights, welfare, and physical security and integrity are recognized and safeguarded in accordance with international standards.

“Refugee” : means a person entitled to be provided protection, assistance or other services by the agencies party to this Code to international refugee law or their respective agency mandates.

“Sexual abuse” : actual or threatened physical intrusion of a sexual nature, by force or under unequal or coercive conditions, and includes inappropriate touching.

“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 or favours. Sexual exploitation also includes taking advantage of a position of vulnerability, differential power, or trust for sexual purposes.

“Sexual and gender based violence” : or SGBV, includes actual or threatened physical, sexual and psychological violence occurring in the family or community. SGBV may take the form of battering, sexual abuse, dowry related violence, marital rape, female genital mutilation, and other traditional practices harmful to women.

“Sexual harassment” : any unwelcome sexual advance, comment, expressed or implied sexual demand, touch, joke, gesture, or any other communication or conduct of a sexual nature, whether verbal, written or visual, by any person to another individual. Sexual harassment may be directed at members of the same or opposite sex and includes harassment based on sexual orientation.

“Survivor” : refers to those who have suffered the abuse, exploitation, corruption, or abuse of power as outlined in this Code of Conduct and may include their family members, dependents, relatives, or close associates.

III. UNDERTAKINGS

3.1 Humanitarian workers assisting refugees from Burma who are living in Thailand shall:

3.1.1. Respect and promote the fundamental human rights of all, without discrimination of any kind and irrespective of social status, race, ethnicity, colour, religion, gender, sexual orientation, age, marital status, national origin, political affiliation or disability.

3.1.2. Treat all beneficiaries and other persons fairly and with respect, courtesy, and dignity according to the laws of Thailand and international refugee law.

3.1.3. Never commit any act or form of harassment that could result in the physical, sexual, or psychological harm or suffering to individuals.

3.1.4. Never exploit the vulnerability of beneficiaries, especially women and children, or allow them to be put into compromising situations.

3.1.5. Never engage in any sexual activity with children - persons under the age of 18 - regardless of the age of majority or consent. It shall not be a defense that one was mistaken as to the age of the child concerned.

3.1.6. Never engage in sexual abuse or exploitation of beneficiaries under any circumstances.

3.1.7. Never condone or participate in any corrupt or illegal activities.

3.1.8. Never accept or exchange money, employment, goods, or any other services for sex, including sexual favors for services which would otherwise be provided to the beneficiaries by duty and free of charge.

3.1.9. Never engage in any other forms of humiliating, degrading, or exploitative behavior under any circumstances.

3.1.10. Never abuse their authority, position, or influence by withholding protection, humanitarian assistance, nor give preferential treatment in order to solicit sexual favors, gifts, payments of any kind, or any other advantage.

3.1.11. Ensure that all information, including reports of breaches of these standards by other workers or obtained from beneficiaries, is channeled correctly in accordance with the CCSDPT established reporting mechanism and handled with utmost confidentiality.

3.1.12. Uphold the highest standards of accountability, efficiency, competence, integrity and transparency in the provision of protection, goods and services in the execution of their responsibilities.

3.1.13. Create and maintain an environment that prevents sexual abuse and exploitation, corruption, or abuse of power and promotes the implementation of this Code. Managers at all levels have particular responsibilities to support and develop systems that maintain and enhance this environment.

3.1.14. Not intentionally make false allegations or accusations against another worker of breaching the provisions of the Code of Conduct.

3.1.15. Report immediately, in accordance with the agency's internal structure and CCSDPT reporting mechanism, any concerns or suspicions of sexual abuse and exploitation of humanitarian staff. Failure to report concerns of sexual abuse and exploitation will constitute misconduct and be considered grounds for disciplinary measures, including termination of employment.

IV. SEXUAL RELATIONS WITH BENEFICIARIES

4.1. Humanitarian workers occupy positions of authority, power and control of resources and services. It is thus crucial that there should be concern over sexual relationships between them and beneficiaries, including those which may be said to be proper and consensual. The agencies party to this Code of Conduct unanimously favor the position that sexual relationships between humanitarian workers and beneficiaries are strongly discouraged.

4.2. As refugees themselves are covered by this Code of Conduct, and many of them have relationships, including marriages, with other refugees, the discouragement of sexual relations between beneficiaries and humanitarian workers who are refugees would deny them the opportunity of establishing consensual and proper relationships.

4.3. Therefore, the following standards shall apply on this issue:

4.3.1. Sexual relationships with beneficiaries which are consensual and proper shall not be discouraged provided the employee is not abusing or exploiting his/her position as a humanitarian worker.

4.3.2. It is however reiterated that each and every standard in the Code of Conduct guarding against abusive or exploitative sexual relationships with beneficiaries will otherwise apply.

4.3.3. Sexual relations between beneficiaries and other categories of humanitarian workers, particularly international staff, are strongly discouraged.

4.3.4. Any humanitarian worker who finds himself or herself involved in a relationship with a beneficiary shall advise his or her head of agency or supervisor of the relationship.

4.3.5. The heads of all agencies party to this Code shall ensure that when informed of relationships between staff and beneficiaries, appropriate measures are taken to prevent the potential for abuse or exploitation.

V. CODE OF CONDUCT: A LIVING DOCUMENT

5.1. This Code of Conduct is intended to serve as a “living document”. It shall be revised so as to make it more responsive to changing circumstances, at the initiation of the signatory agencies and with their full agreement.

5.2. Upon coming into force, the Code shall be binding upon the agencies which will have actually signed it. At the same time, it shall remain open for signature by any other agency working directly or indirectly with the members of the CCSDPT.

VI. IMPLEMENTATION AND ADHERENCE

6.1. This Code of Conduct is signed for and on behalf of their respective agencies by the Heads of Agencies appearing below. By signing the Code, they hereby undertake:

6.1.1. That they have read, understood, and are in full agreement with the contents of the Code.

6.1.2. To disseminate the content and standards of the Code comprehensively within their respective agencies, and take all necessary steps to ensure implementation and adherence to the Code.

6.1.3. To create and develop an environment that prevents sexual abuse and exploitation, abuse of power, and corruption and promote adherence to the Code.

6.1.4. To prevail upon their respective staff, according to formats that they will develop accordingly, to personally sign the Code, thereby signifying their commitment to adhere to its provisions.

6.1.5. To disseminate the Code publicly and in the local languages understood by the staff and beneficiary communities.

6.1.6. To monitor the implementation of and adherence to the provisions of the Code within their respective agencies, and their staff.

6.1.7. To ensure that in every reported breach of the Code, the necessary investigative, administrative and disciplinary measures are taken decisively in accordance with their organizational policies.

6.1.8. All agency personnel remain accountable to the individual policies and Codes of Conduct of their respective agencies at all times and in all circumstances.

ANNEX B: Sexual Abuse and Exploitation (SAE) Reporting Mechanism

This reporting system diagram outlines the procedures to be followed when a report of sexual abuse or exploitation by a humanitarian worker is made. The purpose of this system is to ensure consistent and effective inter-agency approaches to reports in order to provide a coordinated strategy for SAE response.

All complaints concerning possible violations of sexual abuse and exploitation should be taken seriously, whether or not they constitute illegal or prohibited acts in Thailand. Agencies must conduct thorough investigations when such concerns are raised about its staff.

Agencies want to encourage complaints of SAE to be reported in whichever manner beneficiary communities feel most comfortable and safe. Therefore, an initial complaint of sexual abuse and exploitation can be raised at any level and through any method; the report might come through an existing structure such as a CBO, or reported through the SGBV committees, through a complaints box, or the report might come directly to the agency concerned from the community member him/herself. The most important issue is for the complaints systems to be accessible to all.

It is recommended that staff be designated at each site as the primary field based focal point(s) to be responsible for referring the report onto the Head of Agency for action and following up on referral support services which the victim might need. It is NOT the responsibility of the field based focal point to ascertain whether the complaint raised is true, rather, to report onward to the head of agency that a complaint has been made and ensure the immediate safety and protection needs of the victim are met immediately.

If a beneficiary does not feel confident approaching the agency concerned directly, the complaint can be raised with another agency for follow up. The focal point would then contact that agency's Country Director with the SAE complaint.

The following features have been considered in the design of the complaints mechanism:

- Designated field based focal points should be trusted staff members whom the community would feel safe and confident approaching
- Multiple entry points for lodging complaints should be established, catering to the most at-risk populations, including methods that can be used by people who cannot read or write
- Clearly explained roles for the parties to the complaint so there are realistic and accurate expectations of those involved in the process
- Clear information regarding disclosure of information and confidentiality about the complaint must be stressed to those involved
- Safe spaces should be provided for the victim, complainant, and witnesses who are affected by the complaint
- Procedures for making complaints by proxy (i.e. that allow one person to complain on behalf of another), as well as an option that allows people to make anonymous complaints

The key principles of the complaints mechanism include:

- **Safety** : The complaint mechanism takes into consideration potential risks to parties involved and consider ways to prevent injury or harm. This includes ensuring confidentiality, offering physical protection when possible and necessary, and addressing the possibility of retaliation against the victim and/ or witnesses.
- **Confidentiality** : Information is restricted to only those who need to know for the purpose of determining if a breach of the Code of Conduct has occurred and an investigation is necessary. Confidentiality is NOT the same as secrecy; information will need to be shared with authorized personnel in order to take appropriate action. Focal points cannot promise secrecy, however, ensuring confidentiality helps create an environment in which victims / witnesses are more willing to come forward to report SAE and recount their versions of events.
- **Transparency** : Members of the community know the complaints mechanism exists, have been consulted in its development, and possess sufficient information on how to access it and ensure it is adhered to. Information should be made available to community beneficiaries and partners, and know who in the organization is responsible for handling complaints and communicating outcomes.
- **Accessibility** : The complaints mechanism should be available to be used by as many people as possible from as many groups as possible. Communities should be informed how to complain, what will happen when they come forward to make a report, and be actively encouraged to make complaints when problems or concerns arise.

In some instances there will be a specific allegation. In other instances, beneficiaries will have experienced, heard or seen something less obvious and conclusive. These can be raised with the Focal Point. Vague stories or rumors might form part of a pattern of concern that would lead to an investigation and thus be taken seriously.

It is recognized that complainants may not feel confident or comfortable talking to the designated person at the agency in question. In these instances, a beneficiary may report concerns through a variety of routes, including through a complaints box, through a community based organization, through the SGBV committee, or to another agency focal point.

For a number of reasons, beneficiaries may want to make an anonymous complaint. The fact that a complaint is made anonymously does not automatically mean that it is less reliable or important than one in which the complainant identifies him/herself. Complaints boxes should be provided in each work site to facilitate this, and information shared with the communities about the purpose of the box, how often it is checked, by whom, and what action is taken as a result of a complaint being reported.

Inter-agency cooperation

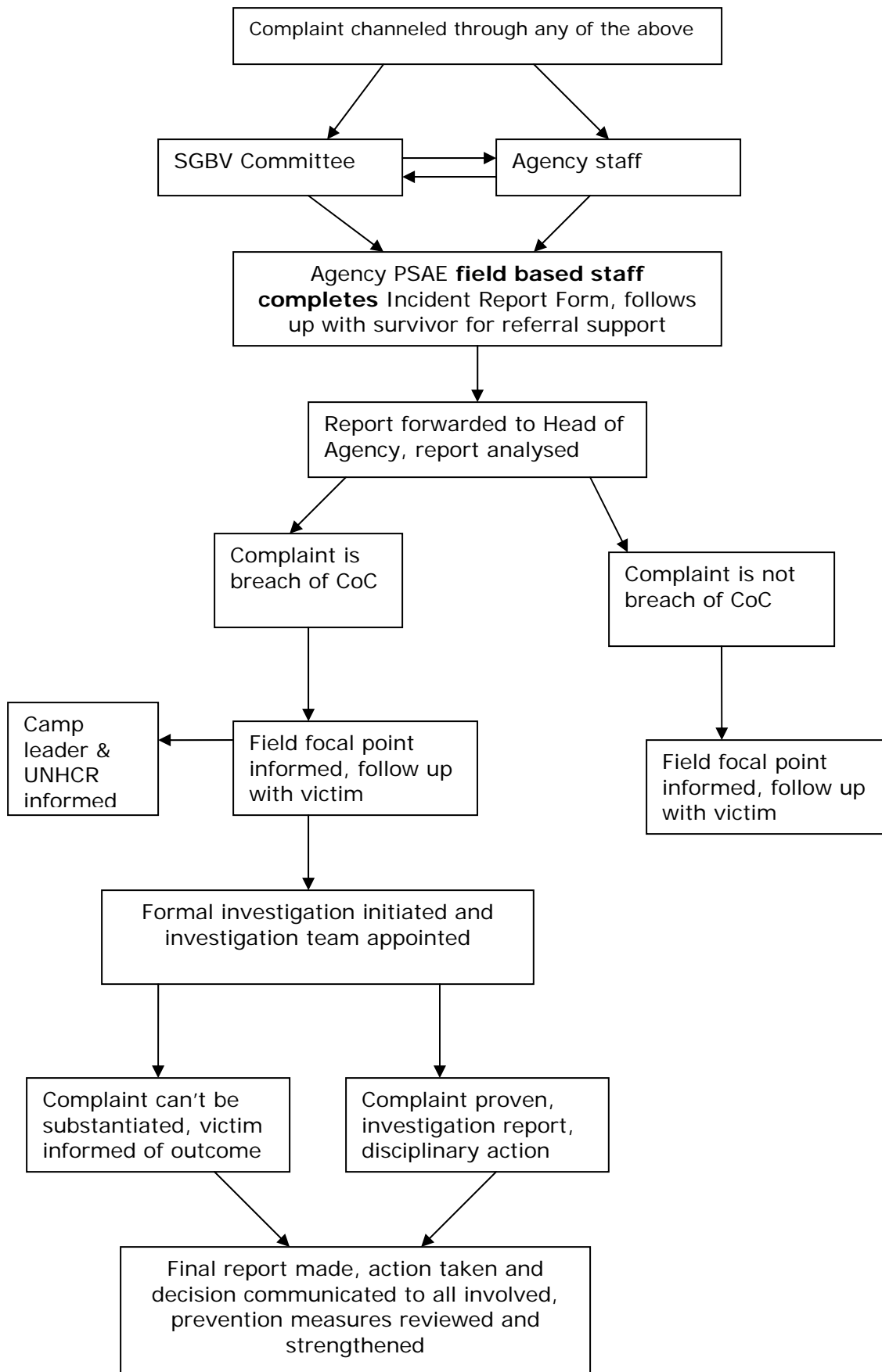
Organisations may handle SAE complaints that involve personnel from other agencies, whether as complainants, witnesses or victims themselves. This can create a number of issues for consideration:

- Complaints should be directed to the attention of the agency field based focal point for referral onto the Head of Agency
- As the first point of contact, the agency staff member receiving the initial report should ensure the victim is provided with necessary referral services. Once the agency concerned is notified of the report and begins to take action, responsibility for follow up and communication with the victim transitions to the concerned agency.
- Agencies should work together collaboratively in order to maintain confidentiality and ensure the safety and welfare of the victim / complainant.
- It is NOT the responsibility of the focal point receiving the complaint against another agency to ascertain whether or not the complaint is true by starting to investigate it. It is his/her responsibility to report the concern on via the process outlined herein, and follow up with the agency focal point involved to ensure appropriate action is being taken.

HOW MIGHT A COMPLAINT BE MADE in the CAMPS?

- Complaints boxes (though more awareness raising needed on what they are, how often they are opened, by whom, etc.)
- Through various CBO structures: Camp committees, KWO or SGBV Committee, Section leaders
- COERR Community Service Workers
- Through religious leaders
- Through the student or youth groups (KSNG, KYO)
- In the dormitories by the care takers
- Teachers and others involved in education services
- For the disabled populations, through Handicap International's Social workers
- Community health workers
- Refugee security committee
- Camp Justice system
- Direct to the agency concerned
- Through another agency
- Through the Legal Assistance Centres (LAC)

Reports then follow the proposed complaints mechanism structure:



When notifying UNHCR and camp leader, confidentiality of both the victim and the subject of complaint must be ensured. Specific details of the case do not need to be divulged; rather both parties should be notified that a report has been raised, the agency is looking into the case, and action is being taken.

The investigation of complaints shall be conducted with particular care given to ensuring confidentiality, safety, impartiality, thoroughness, timeliness, and accuracy. It is the responsibility of the agency concerned to do all in its power to protect the victim and witnesses and to promote their safety and well being. All individuals concerned, including the subject of the complaint (the alleged perpetrator) should be treated with respect and dignity throughout the process and kept informed of the progress. Irrespective of the nature of the complaint, agencies have a duty of care to the subject of complaint throughout the reporting and investigation process. Protection and support issues must be considered and addressed to ensure the safety and security of staff.

REFERRAL SUPPORT SERVICES

Urgent medical assistance, counseling and additional protective measures for the survivor must be made immediately available, through the already established referral systems which exist. For instance, where applicable, support services coordinated by the SGBV committees or KWO should be utilized to provide for the immediate needs of the survivor. The physical and psychological well being of the survivor must be a primary concern throughout this process, and field based focal points will be responsible to ensure such services are provided by referring to the sector agencies as appropriate.

Annex E: Terms of Reference (TOR) : CCSDPT Prevention of Sexual Abuse and Exploitation (PSAE) Steering Committee

Membership:

The Steering Committee will function under the auspices of the Protection Working Group (PWG) which meets monthly following the CCSDPT open session meetings in Bangkok. Membership will be open to representatives from each agency of the CCSDPT, including representatives from international organizations such as UNHCR and UNICEF. The Steering Committee shall meet once every four months to focus on PSAE developments and issues. Prior to each meeting the Steering Committee will issue invitations to the wider CCSDPT agency network to encourage wider sector participation and attendance. Membership on the Steering Committee should be comprised of designated agency senior staff or management able to represent their agencies on PSAE decisions and initiatives.

Responsibilities:

The Steering Committee on Sexual Abuse and Exploitation (SAE) will serve as the primary body for coordination, information and best practice exchange and oversight on prevention and response. The Steering Committee is NOT responsible for investigation or adjudication of individual complaints and shall not deal directly with complainants. These functions rest exclusively with the individual organizations or agencies.

The Steering Committee's primary responsibilities shall include:

Coordinating training, sensitization and community information campaigns:

- Coordinate plans for inter-agency training activities on the CCSDPT Code of Conduct.
- Coordinate specialized trainings of agency staff and managers on handling complaints and responsibilities pertaining to provision of referral services for SAE survivors.
- Ensure widespread dissemination of materials explaining rights of the beneficiaries, standards of conduct expected of humanitarian staff, reporting mechanisms and channels of recourse for members of the local community.

Sharing information on prevention and best practice:

- Coordinate sharing of information from agencies and field sites on prevention and response activities being undertaken, best practice and effective mechanisms for addressing SAE, and make recommendations to relevant agencies for action.
- Develop and assess an inter-agency plan for monitoring the effectiveness of implementation of recommended actions.
- Coordinate inter-agency collaboration on prevention and response measures in place and ensure that effective complaints and investigation mechanisms are implemented by all agencies.
- Explore and initiate possible victim assistance schemes with the view of ensuring inter-agency consistency in approaches and practice.
- Coordinate with UNHCR on reporting of statistics and analysis of complaints received from the field (excluding names of complainants, victims or accused persons, or any other confidential information) and follow up actions taken in order to assess trends and enhance prevention and response mechanisms as needed.

Coordinating and collaborating with other PSAE initiatives

- Serve as the decision making body for networking and collaboration with other national, regional and global PSAE initiatives.
- Represent the CCSDPT inter-agency PSAE initiative to external parties.
- Report back to all CCSDPT agencies on PSAE developments and information gathered from other initiatives.
- Serve as the link for networking with the UN-NGO joint Task Force on PSAE being piloted in Thailand and represent the CCSDPT initiative.

Reporting to the CCSDPT Directors and member agencies on PSAE progress

- Report on an annual basis to the Directors of the CCSDPT to provide an update on PSAE progress, major accomplishments and challenges faced by the member agencies during implementation of PSAE strategies.
- Develop and submit recommendations to the CCSDPT Directors for overcoming challenges and improving PSAE efforts, including specific actions required, responsible actors and timeframes.
- Circulate and disseminate Steering Committee meeting minutes to the wider CCSDPT agency network in order to share lessons learned and inform of key decisions made at Steering Committee level.
- Link directly with provincial level protection working groups and NGO coordination bodies in the camp sites to keep field staff involved with consultation and participation in PSAE initiatives.

While the Steering Committee shall meet consistently once every four months, ad hoc meetings may be called when time sensitive issues of PSAE arise.

This Terms of Reference shall be reviewed on an annual basis and revised as appropriate to consider revising the roles and responsibilities of the Steering Committee.