



## Reporting Complaints Mechanisms, Barriers to Reporting and Support in the Aid Sector for Sexual Exploitation, Abuse and Harassment

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**Query:** Please map what has been done (a literature review) on: i) non-digital reporting complaints mechanisms; ii) barriers to reporting; and iii) support in the aid sector for sexual exploitation, abuse and harassment survivors/victims.

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### 1. Overview

This document offers findings from a six-day literature review of the evidence on non-digital reporting complaints mechanisms, barriers to reporting, and support provided to survivors and victims of sexual exploitation, abuse and harassment (SEAH) in the aid sector.

It should be noted that these are illustrative examples identified within the scope of the query and the literature review is not intended to be comprehensive. Section 2 briefly outlines the methodology and limitations, before Section 3 maps existing reporting complaints mechanisms, Section 4 outlines evidence of barriers to reporting and what has been done to reduce these (if any), and Section 5 discusses approaches to providing support to survivors and victims of SEAH as part of broader prevention of sexual exploitation and abuse (PSEA) initiatives.

This report recognises that ‘sexual exploitation, abuse and harassment’ is an all-encompassing term for different kinds of violence experienced by different groups (sexual exploitation and abuse refers to “persons of concern”, so an abuse of someone’s position of vulnerability, whereas sexual harassment affects personnel).<sup>1</sup> The literature included in this report reflects varying terminology on these concepts; as a result different terms are used somewhat interchangeably. In recognition of the query request having included harassment, some information on whistleblowing has been included

Key observations include:

- Many of the challenges encountered in non-digital reporting mechanisms are due to: inadequate implementation, lack of information on the mechanisms (also rights, code of conduct), lack of suitable/accessible formats which allow for safe and effective reporting, lack of trust in the system, not lastly due to a widespread perception of impunity based on past experience which

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<sup>1</sup> Also see UNHCR (2018a)

discourages users from taking a personal risk to report. Some formats of these mechanisms are outlined in this report (see Section 3), such as trusted named advocates in beneficiary communities, which can be effective in supporting reporting in contexts where the reporting culture is enabling (i.e. it can be seen that there is a response/organisational accountability, there is confidentiality and protection for those reporting). Complaints boxes have been deemed to be useful and effective in conjunction with other structures – but are often not accessible for different groups of people, and anonymity can make follow-up hard and affect trust in this mechanism.

- The format of the reporting channels (while needing to be suitable to the context) does not appear to be that important, rather it is the surrounding organisational culture which needs to encourage individuals or groups to come forward without fear that reporting will place them at risk.
- It appears important to carefully choose appropriate terms for complaints mechanisms and involved staffing. In contexts where the concept of complaining evokes negative perceptions of confrontation or a lack of trust, more neutral framing of the mechanism (such as a ‘feedback mechanism’) and involved officers (such as a ‘community liaison officer’ may be more appropriate (Martin, 2010). When complaints mechanisms are framed more neutrally rather than SEAH-specific due to a number of sensitivities, it is crucial that the channel is supported by other measures for serious and very sensitive issues – such as creating safe spaces as part of women’s centres or community health clinics which beneficiaries are already familiar with and feel comfortable visiting and reporting to trusted persons.
- Under-reporting appears to be considerably influenced by fear and a lack of trust in agencies or their reporting and response systems. Often reporting and complaints mechanisms are not being accessed out of fear, because they do not exist or are not accessible, or because the mechanisms is perceived to be flawed (such as being biased, not functional, offering impunity, and the like). Consulting with community members on the definition of appropriate and inappropriate behavior of development workers can familiarise community stakeholders with aspects reflected in policies (such as rights and responsibilities of staff and community members), and help feel them more comfortable reporting misconduct (Martin, 2010). Innovative beneficiary engagement methods which allow for more open communication can be key in creating more trust between beneficiaries and agencies. The Listening Project case study illustrates an important concept of two-way communication with beneficiaries, rather than simply sharing information: it plays a key role in building trust between communities and agencies, and can facilitate more open sharing of concerns and perspectives. Given the sensitivity surrounding SEAH, it could be inferred that employing such listening methodologies may support efforts to create an enabling environment for reports to occur, due to beneficiaries’ greater confidence and trust in development agencies and their work.
- To date, there has been limited evidence on the effectiveness of existing complaints reporting mechanisms (as with much of the safeguarding and reporting discourse), particularly in the context of lower and middle income countries. There are very few evaluations or studies of effectiveness, with some reported results from individual studies having been included where these were available – usually from humanitarian settings.
- The evidence on what has been done to reduce barriers is limited. Considerably more work is needed to ensure that all beneficiaries are aware of existing code of conducts, ways to report misconduct in a way that is feasible and safe for them, and what kind of response/support they can expect.

- There is a general challenge to obtain an oversight of what is being done and where,<sup>2</sup> and what is being learned. Harmonisation appears a work in progress.
- It appears that existing protective policies for reporting and response are applied inconsistently and inadequately by organisations, with little recourse for those experiencing abuse and vulnerability due to a wide range of barriers (see Section 4) – largely due to a lack of accountability, leadership and insufficient resourcing. A fully implemented response to disclosure – including through suitable support and follow-up – is crucial to support such an enabling environment for reporting.
- It appears that support provided in the aid sector for sexual exploitation, abuse and harassment survivors/victims is still largely inconsistent and lacking despite existing guidelines, significantly hindered by sufficient resourcing and infrastructure in place – particular in settings where services are not always available, accessible or of sufficient quality. However, there are also accounts of local NGOs stepping in to raise safeguarding incidents, provide support to survivors and victims, and persevere in efforts to obtain accountability from institutions who have been failing in their safeguarding duties (World Bank, 2017), and efforts to improve this by organisations (UNFPA, 2018).
- The evidence indicates that reporting and whistleblowing is hindered or even discouraged by institutional structures and practices. With a recent media flurry of disclosures and reports of institutional failures by current or former staff from different agencies, including the UN, some small insight into current shortcomings regarding support for survivors and victims can be gleaned. The included examples of institutional barriers within the UN are not intended to be unfairly critical of the UN and the constraints within which it operates as more information on this has come to light; they are intended to shine a light on the wide-ranging challenges that exist to reporting and achieving accountability and transparency within the response for SEAH survivors and victims within institutional settings and programming contexts. It is, however, much more difficult to understand the many context-specific barriers and available responses that are being faced in-country by beneficiaries, as available evidence does not provide substantial insights into this – not lastly because they are unlikely to have the same access to recourse within organisations (or the media).
- It can be seen that there are numerous recent and currently ongoing efforts to review relevant policies and protective measures, including on functional reporting mechanisms and a strengthened response. This is hoped to be a promising start to address the challenges outlined in this report, however, addressing the current significant lack of sufficient resourcing, as well as further strengthening visible leadership the clarity of organisational policies and guidelines, will be a key factor for the development sector's progress on PSEA efforts. It is anticipated that significantly more attention will be paid to ensure that reporting mechanisms meet certain minimum standards to safeguard vulnerable individuals and prevent SEAH; more efforts will be made to inform people of their rights and ways to report misconduct; and that more work is undertaken to collate complaints data, the kinds of incidents and their satisfactory resolution.

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<sup>2</sup> For example, a 2017 mapping of country level protection from sexual exploitation and abuse networks and global initiatives by the Inter-Agency Standing Committee Task Team on Accountability to Affected Populations and Protection from Sexual Exploitation and Abuse notes for Somalia and Sudan that while a PSEA Network was established, "information has yet to be received whether the network has been continuing and who is leading it" (IASC, 2017)

## 2. Methodology

This rapid research query has been conducted as systematically as possible, under time constraints (six days). The methodology is described below.

Search strategy: Evaluations and studies were identified through searches using Google and relevant electronic databases. Key search terms included: safeguarding AND sexual exploit\* AND abuse OR harass\* OR violence OR exploit\* AND complaint\* OR report\* AND response OR mechanism OR channel; also “victim assistance” “victim support”; NGO\*

Criteria for inclusion: To be eligible for inclusion in this rapid mapping, literature had to fulfil the following criteria:

- Focus: Non-digital reporting complaints mechanisms, barriers to using these mechanisms or to reporting more broadly, literature on current support provided to survivors and victims of sexual exploitation, abuse and harassment within the aid sector; with an exclusive focus on literature from lower and middle income countries.
- Time period: completed between October 2000 and September 2018.
- Language: English.
- Publication status: publicly available – in almost all cases published online.

Limitations:

- Availability of evidence: A lot of current literature on reporting complaints mechanisms is generally limited to published sectoral policies and strategies outlining commitments, particularly from large international organisations, though with little further information on implementation. Obtaining more detailed insights from a wider range of organisations working in the sector would likely involve interviews with key organisations and requests to share. Furthermore, there is a lack of peer-reviewed publications on these mechanisms, and a limitation that SEA-specific mechanisms are often subsumed within these mechanisms<sup>3</sup>. There is further inconsistency in the terminology and definitions being used, and very little information is available on the use of submitted feedback (hence, the effectiveness) regarding these mechanisms.<sup>4</sup> The availability of data on investigation and response measures is significantly affected by current pervasive underreporting, making complaints “rare and investigations even rarer” (Lattu et al., 2008)
- Methodological limitations: A challenge in obtaining insights into adopted complaints and reporting mechanisms for sexual exploitation, abuse and sexual harassment is the organisational sensitivity of the involved information, particularly given the current climate in the development sector.
- Geographical limitations: The reviewed literature focused on lower and middle income countries. More discourse on reporting complaints mechanisms exists for Europe, Australia or North America, with some literature from sub-Saharan Africa and Asia. No research was identified from Latin America or the Middle East and North Africa during the research process.
- Quality: It is beyond the scope of this rapid review to provide a comprehensive analysis of the quality of evidence, which was relatively weak in most cases. Using DFID’s (2014) How to Guide on Assessing the Strength of Evidence<sup>5</sup>, the overall body of evidence in low and middle-income countries is assessed to be ‘limited’ in size and scope, with moderate to low-quality quantitative

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<sup>3</sup> For example, a 2013 Save the Children programme accountability document notes that for safeguarding concerns such as child abuse or sexual exploitation, community-feedback mechanisms are “another (very important) entry point for such concerns to be raised” (Ghadially, 2013). Therefore, evidence on general feedback mechanisms has also been included.

<sup>4</sup> Bonino and Warner (2014)

<sup>5</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/291982/HTN-strength-evidence-march2014.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/291982/HTN-strength-evidence-march2014.pdf)

observational studies, while general literature did not offer detailed insights into adopted complaints and reporting mechanisms and their effectiveness. It is hoped that with more attention paid to safeguarding within the development sector, this will be rectified in the future.

### 3. Non-digital reporting complaints mechanisms on SEAH: Community-based mechanisms

A complaint mechanism is a basic accountability tool in humanitarian response, required to help address serious grievances and issues raised by those the development sector is supposed to support and protect (Danish Refugee Council, 2016). These mechanisms are a mandatory step as outlined in the Secretary-General's Bulletin on SEA (2003) and a routine feature of many organisations for quality assurance (Hileman and Burnett, 2016); however the implementation field is disparate and often ad hoc (Jump, 2013).

However, there are some significant challenges or risks if the mechanism is poorly designed for the context. A key lesson on reporting complaints mechanisms is that their name and framing should be carefully chosen, with a focus on neutral presentation – such as a 'feedback mechanism'<sup>6</sup>: Calling attention to the fact that the mechanism is focused on preventing SEAH has been perceived as negative and confrontational in some settings, such as in IDP and refugee camps in Ethiopia and the DRC (Danish Refugee Council, 2016; Hileman and Burnett, 2016). For example, efforts by a CARE project in Timor Leste to reduce the risk of sexual exploitation and abuse illustrated a number of challenges when setting up a complaints mechanism system with an explicit focus on preventing SEA (the officer in charge's title was 'sexual exploitation and abuse officer')<sup>7</sup>. While the complaints mechanism was also designed to capture any project oversight issues, this was not communicated clearly. Staff members were showing resistance to the mechanism, as they felt uneasy about a mechanism seemingly designed to monitor any misconduct on their behalf. Community members, having been consulted about the purpose and use of the reporting mechanism, clearly stated that they would not use the mechanism, due to a fear of losing aid, upsetting the existing relationship with NGO staff, or the possibility that the complaint may be taken to the police. Notably, they expressed dislike of the term 'complaint'. As a result, CARE's designated SEA officer was renamed to 'community liaison officer' and the complaints mechanism was reframed around 'feedback and sharing', with clarification around any misunderstandings regarding the mechanism and the attached officer. CARE also consulted with community members to define what constituted appropriate and inappropriate behaviour (including non-SEA-related behaviour that was deemed unacceptable), and facilitated a discussion of staff and community members' rights and responsibilities. The consultation process involved community members' identification of preferred feedback mechanisms: locked complaint boxes, direct communication with the project officer or through a community leader who could act as a liaison between them and CARE. As a result, community members felt more comfortable reporting concerns about programming and staff misconduct.

There is generally little insight into feedback mechanisms, due to few evaluations. A 2014 review of humanitarian feedback mechanisms<sup>8</sup> indicated that there are only few peer-reviewed publications on such mechanisms (with little evaluative work being commissioned on this topic area), with a large majority of evidence emerging from grey literature including case studies, field research reports and agency-specific guidelines, affecting the review's ability to undertake cross-case and cross-contextual analysis. In the evaluations reviewed which do consider feedback mechanisms, feedback use is not explored. Analysis of feedback mechanisms is further complicated by inconsistent use of terminology

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<sup>6</sup> Notably, such a neutrally framed 'feedback mechanism' would ideally still hold links to a familiar and trusted institution depending on the context, and needs to uphold the same formalised procedure of processing information and providing a response on the basis of relevant complaints policies (Danish Refugee Council, 2016).

<sup>7</sup> Humanitarian Accountability Partnership – International, cited in Martin (2010)

<sup>8</sup> Bonino and Warner (2014), though this did not include a review of mechanisms on SEAH.

that is used to define these mechanisms; with existing studies offer only intermittent analysis of the similarities, differences and complementarities between complaints and feedback processes (Bonino and Warner, 2014).

A Community-Based Complaint Mechanism (CBCM) is a system that is anchored within a community and its input, so it is crucial that the structure is both culturally and gender-sensitive, maximising its safety and effectiveness. The primary concern of the mechanism is to aid known and potential SEA survivors, facilitate SEA reporting and allegation referrals, and to fulfill a prevention function through training and awareness-raising.<sup>9</sup> According to Hileman and Burnett (2016), experience has demonstrated that CBCMs are a vital and effective component of a comprehensive response to SEA in emergency operations<sup>10</sup> – as well as in other contexts.

Good practice guidelines for effective local complaints mechanisms in-country include<sup>11</sup>:

- Ensure cultural and context appropriateness, including through undertaking community consultation: Participation by community members in targeted communities in designing the complaints mechanism(s) with multiple reporting channels catering to different groups and needs. As CBCMs are rooted in community input, they need to be adjusted to the local cultural context to be culturally and gender-sensitive, and to maximise use and effectiveness. This includes sensitivities around the use of the term “complaints”, taboos on discussing sexual issues, and fears related to politicizing the use of the mechanisms.
- Multiple channels to maximise access and integrity: Make it accessible for all stakeholders – including through appropriate channels for marginalised populations e.g. children and young people (including street children, orphans). These must allow for reports submitted verbally or in writing, including an allowance for anonymous suggestions. Direct in-person reporting should be one entry point (such as the organisation’s focal point, a staff member at a medical facility or a GBV centre, or trusted and trained community members).
- Multi-functional reporting to ensure discretion: Make the reporting mechanism as simple as possible, in a way that caters to a range of reporting categories so as not to expose what type of complaint is being made.
- Keep the reporting process simple, with clear guidance on how complaints can be raised, and who to complain to.
- Expectation setting and knowledge of access: Raise awareness of the CBCM, how it can be accessed, and what it can be used for.
- Prioritise the anonymity, confidentiality and safety/protection of those reporting, and share information on how to ensure these principles and to communicate them: Offer individuals the choice of anonymity and support them throughout the process. Internally the process should map and select the right people to handle the complaint, keeping the complaint contained to selected advisers who are included on a ‘need-to-know’ basis.
- Ensure prompt action on all enquiries and that they are treated with equal importance, including through adequate individual and organizational support. Complainants should be given

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<sup>9</sup> Hileman and Burnett (2016)

<sup>10</sup> A commitment to providing communities and people affected by crisis with access to a safe and responsive mechanisms to handle complaints is part of the Core Humanitarian Standards (CHS, 2014) The standards are the effective successor to the Humanitarian Accountability Partnership (HAP), a recognized leading provider of concrete guidance to organizations aspiring to improve their accountability and quality management; with one of the six HAP benchmarks focusing on effective complaints handling (HAP, 2010, cited in Martin, 2014)

<sup>11</sup> Adapted from Bonino and Clarke (2013), cited in Cechvala and Jean (2016); Martin (2010); Fraser and Naidu (2018); Danish Refugee Council (2016); Hileman and Burnett (2016); IASC (2016)

assurance that their report is being handled – a rapid response time for the initial enquiry should be within 48 hours.

- Where possible, draw on an independent body to receive complaints: It has been suggested that an independent entity, such as from local women's rights organisations or other civil society actors would be well placed to receive confidential reports from beneficiaries and to support them through the necessary investigations, especially as there is a significant need for reporting channels which do not require survivors and victims to contact aid agencies due to numerous accounts of abusers being staff members of these agencies.<sup>12</sup>
- Methods of sharing information on CBCMs with communities: It is crucial that agencies and organisations share information about the available feedback and complaint channels with beneficiaries, as well as how to use these channels and what kinds of concerns and complaints can be reported. This can be done in a variety of ways, as outlined by some examples of projects' use of non-digital engagement formats below.<sup>13</sup> However, according to Wood (2015), there is currently no information on the effectiveness or to what extent such methods are used to raise awareness of available channels.
  - Community meetings, use of the village/town crier, consultation groups including local authorities, youth leaders and influential people (Sierra Leone);
  - An awareness festival (Jordan);
  - Workshops, focus groups, audio-visuals and sign boards (El Salvador);
  - Child friendly engagement such as: Interactive and child-friendly meetings and focus group discussions, as well as colourful leaflets and comics (Philippines); Focus groups with child-friendly language (Brazil); Leaflets for school going children, and painting and drawing for illiterate or younger children (Nepal); Communication staff working on information sharing with children (World Vision, South East Asia).
  - Formats allowing for individuals with low literacy: Illustrations (Somalia); General community meetings for those with low literacy (Nepal);
  - One-to-one and group sessions, through visits by social assistants, outreach officers and design, monitoring and evaluation officers (DRC).
  - Face-to-face meetings (Mali);

Various organisations have implemented a range of community-based complaints mechanisms. For example, complaint mechanisms have been a key component of the Danish Refugee Council's programming since 2009: complaints handling and feedback is part of its operational principles and accountability framework, and the solicitation of beneficiary and stakeholder feedback is used to uncover and address any serious misconduct by staff.<sup>14</sup> It publicises the channels adopted in different contexts (including complaint/feedback boxes), and the involved procedure of using these channels. For example in Uganda, brochures on the complaints mechanisms are available to be handed out in targeted communities.<sup>15</sup>

Some other examples are outlined below.

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<sup>12</sup> International Development Committee – UK Parliament (2018b)

<sup>13</sup> Wood (2015)

<sup>14</sup> Danish Refugee Council (2016)

<sup>15</sup> See [here](#) for a brochure used in Uganda

### 3.1 Inter-agency or joint community-based complaints mechanisms

The Inter-Agency Standing Committee (IASC) Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises, composed of a number of UN and nongovernmental entities, was established in March 2002. It advises the UN on specific measures, developed agreed definitions of sexual exploitation and sexual abuse, provided guidelines for investigations and adopted six standards of behaviour to be included in UN and NGO codes of conduct. The goal is to provide a consistent and effective approach across all agencies.<sup>16</sup> *Inter-agency CBCMs allow for such mechanisms to receive complaints against actors from multiple organisations, with complaints then referred to the responsible department within each organisation for follow-up* (Hileman and Burnett (2016).

- Experiences from a two-year pilot project of an inter-agency CBCM to handle reports of sexual abuse and exploitation in two humanitarian settings with distinct characteristics – one working with IDPs and refugees in a remote and fluid context with ongoing displacement and a peacekeeping force present (DRC), the other working with refugees in a closed, controlled camp environment (Ethiopia) – have informed a comprehensive set of recommendations which can both be applied in humanitarian settings, as well as in transition and development contexts.<sup>17</sup> Insights from the pilot project illustrated the following lessons<sup>18</sup>:
  - Creating and building on existing safe spaces can encourage reporting: Women’s Centres or similar spaces serving as community or safe spaces can act as complaint intake channels if they also exist as safe community space which encourage trust to report SEA allegations. In Ethiopia, a women’s safe house was established as part of an existing health centre – ensuring that victims and survivors were not immediately identifiable from other health centre visitors. Because women were familiar with this structure, they reportedly felt much comfortable visiting and reporting to a trusted person. Half of the six SEA allegations received in Ethiopia were received through the health centre.
  - Improved knowledge, confidence and perception of safety: Community members reported an increased perception of safety and community confidence in the CBCM (approximately 80% of beneficiaries in both sites stated that they felt safer from SEA compared with the year before). In the DRC, adolescent girls reportedly felt better able to ‘say no to SEA’ and perceived more respectful treatment by humanitarian staff. Understanding of SEA improved across both sites: in DRC, recognition of SEA and knowledge of where to report increased from 10% to 70%, whereas in Ethiopia this increased from 30% to 81%.
  - Neutral framing of complaints boxes: It was learned that staff retrieving and/or opening the complaints boxes in the presence of community stakeholders should not wear SEA-branded clothing, nor should the boxes be labeled with SEA messaging – linking complaints boxes visibly with SEA can be detrimental for reasons noted above.
  - Protection for whistleblowers was weak in both pilot sites: policies were not in place or not trusted by the staff, with a particular reported difficulty for female staff to report.
- Humanitarian agencies and existing evidence indicates that inter-agency CBCMs are a relevant and efficient means to respond to SEA, and can be more effective than individual organisations’ mechanisms<sup>19</sup>. Despite a greater need for coordination, they can be more advantageous for

<sup>16</sup> <http://pseataaskforce.org/en/achievements>

<sup>17</sup> Hileman and Burnett (2016). The IASC’s Best Practice Guide provides comprehensive guidance for establishing and operating an inter-agency CBCM to handle reports of sexual abuse and exploitation by humanitarian aid workers.

<sup>18</sup> Hileman and Burnett (2016)

<sup>19</sup> Hileman and Burnett (2016)

community members to understand and access safely, and to feel that PSEA is a “collective, all-important issue” to all agencies. A complainant (whether it is a beneficiary or a staff member) has the opportunity to submit their complaint to another agency which does not employ the alleged perpetrator itself and so may feel more comfortable if they do not have to fear potential reprisals. In addition, if beneficiaries have difficulty distinguishing between different agency workers, a joint mechanism can ensure that reports can be made in any of the active agencies and facilitate the process of reaching the right agency. One coordinated mechanism also improves oversight and maximises resources as duplication of efforts is reduced (Hileman and Burnett, 2016 and IASC, 2012).

- Contexts where inter-agency CBCMs are used include the DRC<sup>20</sup>, where CBCM was established in 2015 in 12 IDP camps in North Kivu to prevent and respond to SEA allegations through awareness raising, training and PSEA mainstreaming and response (including victim assistance and referrals of allegations for follow-up and investigation). The mechanism is run by a Steering Committee composed of 12 organizations, including from the Government, international NGOs, national NGOs, international organizations, and UN agencies; with Save the Children as the Coordinator. The structure also includes member agencies’ PSEA focal points, a Complaint Management Cell and an Optional Investigation Pool (IASC, 2017).
- There has been a lack of clear guidance and oversight of what is being implemented: A global review on the state of PSEA by UN, NGO, IOM, and IFRC personnel undertaken by the Inter-Agency Standing Committee (IASC) concluded that with the exception of 3 out of 14 agencies, agency headquarters were not providing clear guidance on PSEA to their field staff; with awareness raising and complaint mechanisms also not being in place. Furthermore, monitoring of activities or sharing of good practices among agencies was not occurring (IASC, 2012). For example, a joint CBCM initiative focusing on SEA in Haiti<sup>21</sup> after the 2010 earthquake (initiated after rumours of SEA by humanitarian workers) was only partially implemented and information on this is incomplete. While a PSEA coordinator was appointed, only 6 months after the start of implementation this role was terminated, without an exit strategy or project sustainability plan. Seemingly little consultation and awareness raising on GBV, SEA, violence and safety was carried out in many of the camp communities. There was also a lack of involvement by community members on the design of the reporting mechanisms, and by the end of the initiative, many of the camps did not have formal SEA reporting channels in place – nor was it clear to what extent awareness has been raised around any complaint procedures. The inter-agency joint complaint and response mechanism allowed for complaints to be submitted via a complaints box, the camp committee (who would capture this in a log book), or through agency staff visiting the camp – it is unclear to what extent these channels were used and complaints resolved. Approximately 40% of the consulted beneficiaries said they had received information or were involved in any SEA discussions by the five organisations; their understanding of the CBCMs and reporting channels was not assessed. In another instance, an IASC (2017) mapping of country level protection from sexual exploitation and abuse networks and global initiatives noted for example for Somalia and Sudan that while a PSEA Network had been established, information on whether this had been continued and if it had, who was leading this network.
- Creation of standard operating procedures for inter-agency cooperation on CBCMs: In collaboration with other agencies, the IASC has drafted Global Standard Operating Procedures on inter-agency cooperation in community-based complaints mechanisms, which were endorsed in 2016<sup>22</sup>. This fills a major gap in field-level coordination by providing senior-level agreement on

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<sup>20</sup> See IASC (2017) for a more comprehensive overview of existing SEA country level networks and global initiatives

<sup>21</sup> IASC, 2012

<sup>22</sup> See Inter-Agency Standing Committee (IASC) (2016)

many procedures which have hampered joint mechanisms in the past. These Global SOPs provide a template for drafting CBCM-specific procedures – minimally tailored to reflect the local context and account for existing structures – by showing CBCM stakeholders how they can share information while respecting their internal SEA reporting and data-protection policies (Hileman and Burnett, 2016; see IASC, 2016)

### 3.2 Trusted named advocates with beneficiary communities

- Information and Complaints Desks and Beneficiary Reference Groups, Save the Children: As part of child protection and livelihoods programming in Dadaab, Kenya, Save the Children piloted these mechanisms in 2011 after establishing buy-in from management and staff, and consultation on preferred reporting mechanisms with children and their parents/guardians in the community. Children preferred face-to-face interactions over providing written complaints through suggestion boxes (though these were still used to gather general feedback and suggestions) and were attended to by designated staffed helpdesks. Adults in the community could raise concerns in Beneficiary Reference Groups, led by a trained community representative who acted as a confidential liaison on complaints between the community and Save the Children. Through awareness raising of the existence of this mechanism and how to use it through notice boards, meetings, posters, newspaper and community representatives, Save the Children staff invited feedback and complaints about programme-related concerns and staff and representatives' behaviour (including behaviours violating staff code of conduct or child safeguarding rules). All Save the Children staff were bound by mandatory reporting on any incident of child abuse that comes to light, with clear reporting and escalation guidelines, including for any complaint about other staff members or representatives or stakeholders from another NGO or the UN. Serious child abuse by community members were referred to local child safeguarding focal points or follow local procedures for referring to relevant local authorities (Save the Children, 2012). The initiative was part of Save the Children's Accountability to Children Breakthrough initiative, which included setting up feedback and complaints mechanisms in all countries where it operated between 2010-2013 (Jump, 2013).
- Tearfund has used Beneficiary Reference Groups in some intervention communities to receive and process queries, complaints and feedbacks: These groups were composed of respected youth, women, elders and church volunteers who were not part of any Tearfund committee (and so did not control any resources). Acting as their community's 'eyes and ears', they received questions, feedback and concerns from community members (particularly from more vulnerable groups), and could work with staff from Tearfund and other NGOs to communicate concerns and address issues promptly. Tearfund found that these groups played a crucial role in enhancing community members' participation and transparency during the emergency programme. Their neutrality meant that they could also help ensure that beneficiaries were identified fairly, and support conflict resolution (HAP International, undated; cited in CAFOD, 2010).
- Community-based GBV grievance and redress desks: In the Great Lakes Region, a World Bank trade facilitation project is looking to address GBV in small-scale cross-border trading, including through introducing a Charter of Rights and Obligations for traders and officials, along with a Code of Conduct and Action Plan to prevent and mitigate GBV risks in border construction projects. The contractor is required to develop a costed GBV Action Plan and a Code of Conduct for preventing GBV. The Action Plan includes standard operating procedures regarding reporting and response protocol, as well as an awareness raising strategy, a monitoring strategy, a clear division of roles and responsibilities between internal teams tasked to manage GBV-related issues and a community-based GBV grievance and redress desk, and supportive actions for staff

affected by GBV. It is a new approach being tested in response to recent safeguarding failings in Uganda (World Bank, 2017).

- Child Feedback Committees, made up of elected child representatives in intervention communities to provide other children with a safe peer-to-peer forum to voice concerns, complaints and suggestions (linked to specific projects or agency presence) to help address the needs of children and support children to raise complaints. These child representatives are trained through formal workshops and practical on-site visits, while their involvement is accompanied by detailed consultation with parents/guardians and community leaders. Complaints received in the forum can be progressed and responded to in a number of different ways, such as being presented directly to the agency or dealt with by an independent institution (such as an ombudsman or a special hearing committee). Save the Children in Zimbabwe has used Child Feedback Committees in association with an Ombudsman, where the committees support needs assessments of the most vulnerable children. Notably, child focus committees must be accompanied by community consultations explaining the key roles of the committees, as sometimes child-led committees can be perceived as ‘agency’ spies who may cause the community to lose their benefits (Wood, 2011). A child feedback committee has also been used in IDP camps<sup>23</sup>: ‘Child Voice Out’, implemented by World Vision in Tanzania, as part of efforts to prevent and reduce the occurrence of SGBV in Lugufu camps, and to support the Child Protection Programme which was also implemented in the camps. The programme provided children with a forum (based on age and gender) to build their confidence and break the silence on issues they would never have raised: Children ‘voiced’ out about rape and other forms of sexual abuse, as well as other issues of concern to them. Selected child committee members, elected by the children, assisted in coordinating meetings, organising campaigns and reporting cases at a village level.

### 3.3 Complaints or suggestion boxes

Complaints or suggestion boxes have become a commonly used practice as part of a broader complaints reporting mechanism, and are often requested by beneficiaries. They are a popular format for community members to submit their concerns (often anonymously), including in Nepal and India.<sup>24</sup> The format allows for anonymous complaints by individuals who are not comfortable to file a complaint in person to voice a concern, and can reduce the risk of stigmatisation. However, good practice requires<sup>25</sup>:

- Regular attendance to the boxes, opening complaints in public so that the community knows that the complaints are being received, and providing updates and responses via an officer or community representative to build continuity and trust.<sup>26</sup>
- Presenting boxes as ‘suggestion boxes’ or ‘general complaints’ boxes to communities in order to reduce stigma for any SEAH complaints,
- Including a visible, accessible list of contact information for the relevant agency’s unit to undertake investigations or receive complaints
- Never using complaints boxes as the only complaints reporting method for stakeholders to report complaints.

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<sup>23</sup> Vat Kamatsiko (2006), cited in Wood (2011)

<sup>24</sup> Martin (2010); World Vision (2016)

<sup>25</sup> Hileman and Burnett (2016)

<sup>26</sup> Hileman and Burnett (2016)

There are a number of factors which restrict access and can pose protection risks with such boxes, which can outweigh the benefits and put complainants at risk, including through<sup>27</sup>:

- A lack of discreet or confidential retrieval of complaints
- A poorly planned location, which may be geographically inaccessible to many complainants – particularly in remote areas
- A lack of an in-person, guided interview which ensures that all vital information is captured for referring the complainant. For eliciting useful written feedback, it is important that accompanying forms strike a careful balance of offering enough structured guidance without being overwhelming. In India, pictorial forms on different topics with options for including comments were very popular among groups of women targeted by the organisation Child In Need India (CINI),<sup>28</sup>
- Lack of accessibility for those with low literacy
- A challenge of providing feedback, as a direct response to complaints is not possible. Without acknowledgement of receipt, documentation or referral, the complainant has no means of knowing if their complaint was ever received or acted upon, potentially presenting the suggestion box as a ‘black hole’ which can affect the trust placed in it, as well as ultimately the effectiveness of the mechanism overall.

A few examples of where suggestions or complaints boxes have been used are outlined below.

- Tearfund has used suggestion boxes alongside its Beneficiary Reference Groups in Northern Kenya<sup>29</sup>: A Beneficiary Accountability Officer established the need for an alternative, written channel for feedback and complaints, which could be used anonymously if need be, as staff and reference group members felt such boxes were instrumental to get feedback from community members that they did not feel comfortable voicing in person. In consultation with the reference groups in the communities, the concept of complaint boxes was amended to ‘suggestion boxes’ due to a fear of a negative perception if the boxes were associated with complaints, and that filing a complaint may result in the loss of aid. Local chiefs helped the reference groups choose the location for the boxes, including considerations of access and safety for users. Boxes were accompanied by guidance, and awareness of the mechanism raised in communities.
- A pilot of complaint boxes by member agencies of the Inter-Agency Standing Committee in IDP and refugee settings in Ethiopia and DRC<sup>30</sup> saw several boxes being destroyed: Staff carried out community consultations after the destruction of the boxes, which was understood to indicate resistance or lack of trust in this mechanism. The lack of trust was possibly further affected by the destroyed boxes remaining visible in their broken state for a longer period of time while the situation was investigated; hence the protocol now dictates that corrective action for destroyed boxes must be taken within 10 days to ensure continuity.
- In some settings, boxes are not trusted and reporting processes not well understood: In a study commissioned by the Humanitarian Accountability Partnership (HAP) International as part of its contribution to improving policies and practice on prevention of sexual exploitation and abuse (PSEA) in humanitarian action<sup>31</sup>, it emerged that in Kenya, complaint boxes were not well

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<sup>27</sup> CAFOD (2010); Hileman and Burnett (2016); Wood (2015)

<sup>28</sup> World Vision (2016)

<sup>29</sup> HAP & Tearfund (2007), cited in Ammerschuber and Schenk (2017)

<sup>30</sup> Hileman and Burnett (2016)

<sup>31</sup> Davey et al. (2010)

received due to a (perceived or actual) lack of confidentiality, combined with missing clear guidelines for reporting mechanisms – including a lack of knowledge of the focal points or staff to report to. Beneficiaries that were able to describe the reporting process often expressed using a route they had created themselves, rather than drawing on a formal reporting mechanism. Female beneficiaries requested a specific place where reports could be made, to help them access formal reporting channels.

#### **Case Study: The Listening Project Methodology, CDA**

CDA's collaborative listening methodology, launched in 2005 with The Listening Project, is a core component on the organisation's work on aid effectiveness, accountability and feedback loops with development, humanitarian and peacebuilding policy makers, practitioners, and organisations. The listening methodology features unscripted, open-ended conversations with people in recipient communities about their experiences with international aid efforts, as well as an analysis of collective impacts in their communities. The project has facilitated 20 listening exercises around the world, listening to 6,000+ people who have received international aid between 2005-2009, engaging 130 international and local aid agencies and over 400 staff and volunteers, and continues to be used in different contexts through individual exercises in specific sites to gather feedback.<sup>32</sup> The mechanism has been deemed a promising initiative, effective at garnering feedback and establishing feedback loops, and facilitating learning from practice.

The methodology has been used with communities in Haiti in the aftermath of the 2010 earthquake, where it was found that listening from the side of international responders, and the process of communication with disaster survivors (perceived by Haitians to be as important as the information being communicated) was crucial.<sup>33</sup> A lack of feedback channels had created resentment among the population, and many people stopped engaging with efforts because they felt they were not being listened to. The aid workers, on the other hand, felt overwhelmed with the amount of disparate information received, requesting data for their work.<sup>34</sup> Noting that often information sharing is based on a one-to-many model (focused on distributing certain messages or extracting information for research), models that moved beyond this to facilitate genuine dialogue and allow for a listening to perspectives and concerns of local community members are rare, yet in Haiti this was deemed to be much more effective on multiple levels and helped build relationships and trust.<sup>35</sup> While aid recipients are often surveyed and assessed on countless occasions by different agencies (particularly in concentrated emergency settings), many are keen to also make their voices heard in response. Survey formats do not sufficiently allow for questions, challenges, reflections, suggestions or complaints – and often community members do not know how to express them or who would listen to them. An open-ended listening exercise allows for this, and can also be crucial to uncover other problems not covered by organisational surveys.<sup>36</sup>

The listening methodology appeared to fill an important communication gap, as the Haiti response did not include a system-wide approach to handling complaints, questions, comments feedback from survivors – almost completely excluding voices of disaster-affected communities and local partners from decision-making process, and constituting a transparency and accountability issue and impinging on survivor rights.<sup>37</sup>

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<sup>32</sup> CDA (undated) and Jump (2013)

<sup>33</sup> Infosaid (2010)

<sup>34</sup> Carlson Robillard (2015)

<sup>35</sup> Infosaid (2010)

<sup>36</sup> Carlson Robillard (2015)

<sup>37</sup> Infosaid (2010)

#### 4. Barriers to reporting on SEAH

It is widely understood that there is a “chronic under-reporting” of abuse of all kinds in the development sector, which has made “data collection on the scale and type of SEA difficult, analysis of the problem inaccurate and remedial measures ill-targeted”.<sup>38</sup> Particularly abuse of children is likely to go under-reported, with evidence indicating that between 30-80% of survivors and victims of any childhood sexual abuse do not disclose their experiences until adulthood, with many others never disclosing – not lastly because they feel powerless to speak up and fear being blamed or not being believed when they do speak out about abuse.<sup>39</sup> Sexual exploitation and abuse incites deep stigma, shame and silence – particularly when the perpetrator was perceived to be trustworthy by the child; or when families deem it better to hide these incidents to protect their children’s reputation, or if they lack guidance as to how they are able to report or who to report to.<sup>40</sup> Meanwhile, data from a number of countries shows that individuals would not report without the support of a parent or adult (Csaky, 2010).

The success of any measure to tackle SEAH depends on the willingness and the ability of survivors and victims (along with parents or guardians where appropriate), to report the abuse they have experienced – however there are numerous powerful factors and barriers which prevent those affected from speaking out and often interact, and which affects the effectiveness of complaints mechanisms in place (Csaky, 2010). It is well recognised that recent efforts to foster an enabling environment to report abuse of any kind have been largely inadequate, and that many existing barriers play a key role in the vast under-reporting, resulting in a lack of oversight of the true extent of the problem, which is often combined with an inadequate response to assisting those affected and holding perpetrators accountable (Martin, 2010).

Some of these barriers are outlined in this section. While barriers to reporting are well represented in a wide range of recent discourse, they are also context-specific, as has been illustrated by a study with communities and international organisations across Cote d’Ivoire, Haiti and Southern Sudan (Csaky, 2010). Common overarching themes which interact to create these barriers to reporting include:

- Lack of adequate support and encouragement for communities (and particularly children and young people) to speak out about the abuse against them;
- Recognised good practice and new processes are sufficiently implemented, requiring stronger and more consistent leadership in the development sector;
- A critical lack of investment in tackling the underlying causes of SEAH in communities, perpetrated by both development workers as well as wide-ranging local actors.

##### 4.1 Institutional culture affects implementation of effective reporting mechanisms

- The effectiveness of whistleblowing mechanisms is closely linked to an organisational culture which encourages people to speak up without fear: A survey<sup>41</sup> of 137 heads of internal audits across a range of sectors noted that “there is a symbiotic relationship between whistleblowing and an organisation’s culture” – the right organisational culture encourages people to speak up, and effective internal whistleblowing arrangements are a key part of a healthy corporate culture. In contrast, a review of two years of UN Dispute Tribunals and UN Appeals Tribunals found that whistleblowers were subject to ‘intense retaliation’, leading to a situation where “almost every

<sup>38</sup> Csaky, C. (2010); Overseas Development Institute, cited in International Development Committee – UK Parliament (2018b)

<sup>39</sup> Alaggia (2005); United Nations Special Representative of the Secretary General on Violence against Children (2012)

<sup>40</sup> United Nations Special Representative of the Secretary General on Violence against Children (2012)

<sup>41</sup> Chartered Institute of Internal Auditors (2014), cited in Fraser and Naidu (2018)

complainant and employee we spoke with believed that UN employees are afraid to speak up when they have information about potential misconduct in a peacekeeping mission”<sup>42</sup>

- A lack of visible leadership also affects the functionality of effective mechanisms: A review of 14 UN agencies and NGOs, including country studies in DRC, Nepal and Liberia, observed that senior management were not communicating policies to field-level with “sufficient authority or clear direction”, for example, PSEA focal points were not being supported; effective personnel awareness raising and complaints mechanisms were not in place; and monitoring of activity or sharing of good practice was not happening.<sup>43</sup> The importance of visible leadership in the success of PSEA efforts has also been highlighted in Davey et al. (2010).
- Depending on the context, reporting may not always have been mandatory: A report as recent as 2015 recommended making it mandatory within the UN (UN, 2015). Now, staff members are required to report any concerns or suspicions regarding SEA by any fellow workers.<sup>44</sup>

#### **4.2 Intersecting factors of fear, stigma, unawareness or powerlessness<sup>45</sup> act as a barrier to effective reporting mechanisms**

- Power imbalances between beneficiaries and aid agencies: The extreme power imbalances between those delivering and those receiving aid and support has been highlighted; with many agencies reportedly operating “under some of the most entrenched power imbalances that you can imagine”.<sup>46</sup> Not reporting abuse due to respect for/fear of a senior officer and/or expatriate staff member (IASC, 2004) can be linked to a recent statement by the UK International Development Committee that a full response to SEA must consider the interlinked dimensions of empowerment, reporting, accountability and screening.<sup>47</sup>
- Power relations active within communities: Lack of permission to attend meetings or confidence to speak up in groups, due to low power or standing of individuals (World Vision, 2016)
- Belief that complaining or challenging those in authority is not acceptable (Hileman and Burnett, 2016; IASC, 2004; World Vision, 2016);
- Impunity for abusers and fear that authorities could be bribed by abusers or side with them (Hilton, 2008);
- Fear of not being taken seriously or not being believed – this is also a factor for children (IASC, 2004; Csaky, 2010; Wood, 2015)
- Lack of awareness that sexual exploitation and abuse is wrong, SEAH is seen as a normal or acceptable (or at least unimportant) practice in that context<sup>48</sup>;
- Lack of rights awareness: Some beneficiaries indicated that if they knew their rights better, they might be more likely to report (Csaky, 2010). However, a study with humanitarian aid beneficiaries and their perceptions of PSEA efforts in Kenya, Namibia and Thailand showed that despite an awareness of ‘pervasive misconduct’ in their communities, a large majority were not going to file a complaint for a number of reasons, including a concern that they would be seen as a ‘troublemaker’ or potentially cause harm to their peers (Lattu et al., 2008);

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<sup>42</sup> Walden and Edwards (2012), cited in Fraser and Naidu (2018)

<sup>43</sup> IASC (2010), cited in Fraser (2018)

<sup>44</sup> <https://www.chsalliance.org/files/files/UN%20Leaflet%20Reporting%20SEA.pdf>

<sup>45</sup> A combination of stigma, fear, ignorance and powerlessness is a key factor which prevents people from reporting, based on qualitative research undertaken with people living in chronic emergencies in Côte d’Ivoire, Haiti Southern Sudan and humanitarian, peace and security professionals and secondary research (Csaky, 2010)

<sup>46</sup> International Development Committee – UK Parliament (2018a); Parker (2018)

<sup>47</sup> International Development Committee – UK Parliament (2018a)

<sup>48</sup> Csaky (2010); IASC (2010); Hileman and Burnett (2016); IASC (2004)

- Fear of losing benefits from an intervention, a job, status, income or prospects, or fear that aid would be withdrawn (particularly food aid in some settings)<sup>49</sup>;
- Personal safety concerns: Many fear retribution, stigmatization or discrimination as a result of complaining (particularly if a complaint is not treated confidentially, which can pose serious risks to safety)<sup>50</sup> – as well as being blamed for their experience.<sup>51</sup> In a study of under-reporting conducted in Haiti, one third of respondents said children who reported abuse feared physical reprisal (or even death) by the perpetrator or the perpetrator’s family, while others feared abuse by parents (Csaky, 2010);
- Fear of ‘getting it wrong’ (IASC, 2004)
- Fear of retaliation experienced by whistle-blowers: Humanitarian staff members (volunteer, incentive and salaried) consulted in a study of PSEA efforts in Kenya, Namibia and Thailand were reluctant to report on fellow aid workers for fear of retaliation (Lattu et al., 2008).
- Gender-specific factors include:
  - Boys and their caretakers may experience further barriers to reporting if approaches taken only emphasise the vulnerability of girls and women: A study from Cambodia (Hilton, 2008) illustrated that boys who experienced sexual exploitation and did not report this were influenced by factors similar to the above, however notably also by a fear and belief that their abusers would not be held accountable to the same extent as abusers of girls (whom authorities are perceived to want to protect more or have less negative attitudes towards when they experience abuse)
  - Girls fear losing the opportunity to exchange sex for food, but also fear stigma: A study of girls in Cote d’Ivoire who were engaging in exchanging sex for aid did not want to report this due to a fear that they would be stigmatised by the community, and be seen as “spoiled” and unmarriageable (placing more culpability on girls in this scenario); cases of forced sex were more likely to be reported (Csaky, 2010). In Liberia, girls who were being abused or sexually exploited sometimes expressed benefitting from the transaction and did not want others to report their cases; sometimes parents refrained from reporting as they were benefitting from their children’s activities (Save the Children, 2006). In Southern Sudan, a study of under-reporting showed that a girl who is revealed as having been abused will no longer merit a high dowry of cattle, reducing the family’s expected income to nothing. Thus the negative economic impact of the abuse is great and therefore inhibits reporting (Csaky, 2010)

#### 4.3 Existing reporting mechanisms are not well publicised or shared with communities

- A spot check of recent Accountable Now<sup>52</sup> reports indicates that information on complaints mechanisms and how they work is still not shared sufficiently. For example, World Vision’s 2016

<sup>49</sup> IASC (2004); Csaky (2010); Lattu et al. (2008); Martin (2010); Save the Children (2006)

<sup>50</sup> Simply the act of data collection carries risks for the survivors and victims in case of breaches of confidentiality. Beneficiaries worry about the lack of confidentiality and lack of security assurance. There is also a risk of exposing survivors and victims to additional harm if incidents are non-discriminately referred to authorities without consent (Lattu et al., 2008; International Development Committee – UK Parliament, 2018b).

<sup>51</sup> Hileman and Burnett (2016); Hilton (2008); IASC (2004); Lattu et al. (2008); Martin (2010); Save the Children (2006); Wood (2015); World Vision (2016).

<sup>52</sup> Accountable Now members are required to publicly report annually against a set of accountability commitments. Principles include ‘strong leadership’ (making reference to taking internal and external complaints seriously, and creating safe spaces and appropriate mechanisms to address them) and ‘justice & inequality’ (making reference to promoting human rights and not doing harm; supporting people to know their rights and accountability for respecting, protecting and fulfilling them) (Accountable Now, 2017)

report<sup>53</sup> elicited the assessment that “*World Vision has a complaints and feedback mechanism, but these are not clearly explained or easily accessible to stakeholders*”. The review panel also requested further information on the different channels available to submit feedback and complaints for beneficiaries (both digital and non-digital).<sup>54</sup>

- Other common factors relating to a lack of knowledge about existing mechanisms include:
  - Not knowing about the right to provide feedback/report complaints and what issues feedback can be provided on (World Vision, 2016)
  - Limited accessibility of relevant agency guidelines and codes of conduct for community members, particularly children.
  - Children’s lack of awareness of the existence of channels or how to access them: Survey responses indicate that children are unlikely to come forward on safeguarding issues (such as breaches of codes of conduct) unless they have first received awareness raising and sensitization. While some agencies have produced child-friendly versions of agency documents, it is not known how agencies then use this material and the effectiveness in raising awareness among children (Wood, 2015).
  - Lack of knowledge concerning the reporting process<sup>55</sup>: In one study across three countries, beneficiaries did not know how to report abuse, although two-thirds of respondents said they would report it – and both beneficiaries and staff were not clear what the roles were of various reporting procedures (Csaky, 2010).
  - Lack of clarity on who to report to: In the same study (Csaky, 2010), most respondents said they would report to a family member, with ‘only a handful’ referencing an actual protection officer, no mention was made of the SEA focal point in the camps, and both beneficiaries and staff were not clear what the roles were of various reporting procedures.

#### **4.4 Mechanisms are not in place, not fully functional, accessible and/or inclusive**

- Lack of complaints mechanisms for SEAH and GBV, Syria: Findings from a humanitarian needs overview assessment<sup>56</sup> show that women and girls in Syria experiencing SEAH by aid workers and other stakeholders is a common experience, with some women refusing to receive aid due to ‘provocative treatment’ from distributors. Some women are reportedly asked for sexual favours in exchange for providing services, while others report being coerced into taking photographs during the receipt of aid, as a condition for receiving it (including children and the elderly). Women and girls without male ‘protectors’, such as widows, unmarried women and IDPs were regarded as particularly vulnerable to sexual exploitation. Insights from qualitative research with beneficiaries and GBV experts highlight that SEAH taking place in the context of distribution has seen a significant increase in comparison to last year, with GBV experts noting the lack of existing complaints mechanisms in many distribution sites.
- Non-existent or confusing complaints mechanisms, combined with weak code of conducts and poor awareness of rights: A study with humanitarian aid beneficiaries and their perceptions of PSEA efforts in Kenya, Namibia and Thailand showed that there were “*weak or nonexistent codes of conduct, poor awareness of rights and duties, nonexistent or confusing complaints*

<sup>53</sup> <https://accountablenow.org/wp-content/uploads/2017/01/2016-World-Vision-International-Accountability-Report.pdf>

<sup>54</sup> <https://accountablenow.org/wp-content/uploads/2017/01/World-Vision-International-Feedback-Letter-October-2017-1.pdf>

<sup>55</sup> IASC (2004); World Vision (2016)

<sup>56</sup> Whole of Syria Gender-Based Violence Area of Responsibility, UNFPA (2018)

*mechanisms and few (if any) on-staff investigators.*”, leaving beneficiaries with too few suitable channels to complain.<sup>57</sup>

- A lack of focal points has left beneficiaries wondering how they would reach managers or other stakeholders to report abuse.<sup>58</sup>
- Some reporting channels are not in accessible locations or do not allow physical access (for example, people may be prevented access to a humanitarian agency’s office, or are unable to access an agency’s office due to a disability or hardship).<sup>59</sup>
- Responses are often inadequate, supporting a perception that the mechanism is not functional and/or trustworthy: A recent study of international civil society organisations’ accountability practices undertaken for Accountable Now revealed that only three out of 40 organisations had an appropriate response to a complaint test within three weeks – indicating alarming shortcomings for their feedback mechanisms.<sup>60</sup>
- Although there was some awareness regarding who people should report abuses to, there was no clear focal point; some interviewees listed up to seven persons to report a complaint to. Despite this knowledge, the majority of people stated that they would not report cases.
- Mechanisms are not inclusive for minority and vulnerable groups: Some groups that are particularly vulnerable (e.g. children, young people, people with low literacy levels, people living with disabilities, LGBT) might be excluded from reporting if the mechanism is not designed to take their needs into account.<sup>61</sup>
  - Lack of gender-sensitivity in reporting channels or involved staff: Many female community members often feel more comfortable discussing complaints with female members of staff, especially if these are over sensitive issues<sup>62</sup> – in contexts with few female staff, the gender balance of those responsible for reporting mechanisms should be considered.
  - In Haiti, a study of children and parents illustrated concerns about discrimination based on race, ethnicity, and class, which would limit reporting.<sup>63</sup> Insights from a survey on feedback and complaint mechanisms accessible to children and youth in programming of five INGOs and 15 country and regional programmes indicated that most children were able and willing to access the established mechanisms, however accessibility was not yet universal and some children remained unable to use existing agency feedback and complaint channels (although it was not known how many children were affected, what kinds of profiles they held, and what could be done to improve their access).<sup>64</sup>
  - Translation of information on reporting mechanisms into the ‘national’ language is often not enough: Many beneficiaries require information in their local language or in pictorial formats for those with low literacy. Community members with low literacy also often depend on others to submit responses for them – this can affect confidentiality. It is therefore important to consider different community languages and customs from the start.<sup>65</sup>

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<sup>57</sup> Lattu et al. (2008)

<sup>58</sup> Martin (2010); Csaky (2010); Hileman and Burnett (2016)

<sup>59</sup> (Wood, 2015; World Vision, 2016)

<sup>60</sup> Direct Impact (2016)

<sup>61</sup> Hileman and Burnett (2016); IASC (2004); Martin (2010).

<sup>62</sup> CAFOD (2010)

<sup>63</sup> Csaky (2010)

<sup>64</sup> Wood (2015)

<sup>65</sup> CAFOD (2010); World Vision (2016); Davey and Taylor (2017)

- Chosen methods are not suitable to the target population: Anecdotal evidence from development workers indicates that agencies are receiving only a small fraction of the feedback and complaints that they would expect from children, in particular from the harder to reach and more vulnerable children within programme communities.<sup>66</sup> Good practice suggests to consult with beneficiaries and CBOs from the design stage, in order to maximise use and sustainability – this should include vulnerable groups such as single women and children; however consultation with children on the design of the mechanisms is not yet common practice.<sup>67</sup> Channels deemed to be accessible for children by surveyed agencies include focus group discussions (although there are sensitivities around disclosing concerns and opinions openly in a group, in which case individual follow-up is preferred), and generally face-to-face approaches, particularly in rural contexts and settings where children with low literacy are being supported.<sup>68</sup>
- Existing structures can be implicated in abuse, rendering the mechanism dysfunctional: A study by Save the Children UK (2006) in Liberia noted under-reporting of SEA because beneficiaries did not know where to report it, as the Camp Management Committee and block leaders were themselves involved in an exploitation scandal including humanitarian workers, peacekeepers and local businessmen.

#### **4.5 A lack of confidence in the system, perceptions of reporting not being encouraged, an ineffective response to reporting or weak enforcement of policies**

It is important that complaints mechanisms are seen to be fully functioning and having a positive impact: For community members to have an incentive to lodge a complaint, there needs to be clear evidence of consequences for those who have been involved in misconduct. For example, Lattu et al. (2008) outlined how the letting go of humanitarian staff for misconduct had caught beneficiaries' attention across three countries studied, potentially changing this perception in the longer term.

Other factors affecting confidence in the system include:

- A sense of isolation, lack of management and support (IASC, 2004)
- A lack of access to anyone with power or will to intervene (IASC, 2004)
- At the grassroots level international agencies are not yet perceived as responding effectively to allegations, so many survivors and victims cannot see the point of reporting abuse. Qualitative research undertaken with people living in chronic emergencies in Southern Sudan, Côte d'Ivoire and Haiti<sup>69</sup>, and humanitarian, peace and security professionals indicated that a key factor preventing people from reporting incidents is that grassroots-level international agencies are not perceived as responding effectively to allegations – which limits survivors and victims and communities' willingness to report abuse (Csaky, 2010).
- A lack of follow-up from authorities on a report (Hilton, 2008)
- Beneficiaries also note that they have no effective legal services to promote accountability (particularly in a post-conflict or emergency setting). There can little faith in the police (Csaky, 2010).

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<sup>66</sup> Wood (2015)

<sup>67</sup> Davey and Taylor (2017); Wood (2015)

<sup>68</sup> Wood (2015)

<sup>69</sup> Csaky (2010)

- Lack of confidence in the value of reporting can also dissuade victims from bringing an allegation: If a case is reported, no action taken can potentially put others off coming forward. Therefore, there is value of feeding back to survivors and victims about what action has been taken<sup>70</sup>
- Criticism of feedback mechanisms is context-specific but carries some commonalities (such as a lack of follow-up) – potentially affecting levels of trust in the system and levels of engagement<sup>71</sup>: In a study of existing feedback processes using different digital and non-digital channels in Afghanistan (using informal conversations with local community representatives), South Central Somalia (using phone-based mechanisms) and Syria (using face-to-face interaction with local agencies and councils, and social media), respondents' views were "remarkably similar and skeptical": There was frequent criticism that agencies rely too much on local community representatives for consultation and not following up with communities after feedback has been provided. Consulted communities requested regular face-to-face communication with aid representatives, as well as independent stakeholders not directly associated with programme implementation, so that they may talk freely about sensitive issues or general concerns not related to agencies' actions. The same study noted that the majority of humanitarian staff expressed dissatisfaction that the chosen mechanisms did not deliver the type and volume of feedback that the agency expected; with reports on SEA being rare.
- Lack of code of conduct-informed complaints mechanisms, leaving little basis for complaint: In a review of 35 codes of conduct in a report by Loyd and de las Cases (2006), only ten were linked with any complaints mechanisms at all. No recent data was found on whether there has been an improvement in complaints mechanisms being linked to Codes of Conduct

#### 4.6 Lack of sufficient resourcing for reporting mechanisms

- The International Development Committee in its recent inquiry has stated that despite evidence of harmonisation work for reporting mechanisms between different organisations, there is a persistent lack of implementation and resourcing for reporting mechanisms; with a lack of funding being the "reported main obstacle to progress in the improvement of reporting of SEA"<sup>72</sup>
- A reported major issue in the humanitarian sector is that despite agencies often outlining their existing reporting channels on paper, their human resources departments are often not well equipped to deal with complaints (Einbinder, 2018).

#### 5. Support in the aid sector for SEAH victims/survivors

Regarding the response provided to victims or survivors in the aid sector, much of the available literature focuses on commitments (for example, the Core Humanitarian Standards commit organisations to "identify and act upon potential or actual unintended negative effects [as a result of humanitarian action] ... in a timely and systematic manner"<sup>73</sup>); and guidance for victim and survivor assistance in development and humanitarian settings (such as the Essential Services Package for Women and Girls Subject to Violence<sup>74</sup> developed by the UN Joint Global Programme on Essential Services for Women and Girls Subject to Violence; and the Interagency Gender-based Violence Case

<sup>70</sup> International Development Committee – UK Parliament (2018b)

<sup>71</sup> Ruppert et al. (2016)

<sup>72</sup> International Development Committee – UK Parliament (2018b)

<sup>73</sup> CHS (2014)

<sup>74</sup> UN Women, UNFPA, WHO, UNDP and UNODC (2015) Essential Services Package for Women and Girls Subject to Violence: Core Elements and Quality Guidelines, cited in Bishop and Hassan (2018)

Management Guidelines<sup>75</sup>). These guidelines identify essential services to be provided by health, social services, police and justice sectors, and offers direction on governance and coordination; with the aim of supporting countries in their efforts to provide services for survivors and victims of violence (Bishop and Hassan, 2018). Bishop and Hassan (2018) have also pointed out that “very little exists in the way of comprehensive best practice guidance on supporting survivors of SEA and sexual harassment”; with the UN having developed a draft Victim Assistance Protocol for SEA that has not yet been published. There is also a 2009 SEA Victim Assistance Guide by ECHA/ECPS UN and NGO Task Force on Protection from Sexual Exploitation and Abuse<sup>76</sup>, which is “likely to be in need of updating”. The UN has also issued a number of high level policy statements around addressing SEA and sexual harassment within the UN system.

The key to a clear reporting system is that SEA complainants know to whom they should report and what sort of assistance they can expect to receive from the health, legal, psycho-social, security, and other sectors. All potential and actual survivors of SEA must be fully informed about how the complaint mechanism works, including the reporting process, and to receive feedback on the development and outcome of their case (IASC, 2016). In Iraq, UNFPA and the World Food Programme are co-chairing the Iraq Network to Protect from Sexual Exploitation and Abuse, where UNFPA and PSEA network partners have been training humanitarian workers across Iraq on the principles of PSEA, including how to prevent abuses and respond if they occur.<sup>77</sup> Alongside efforts to strengthen confidential reporting mechanisms, training has been provided to staff on the policies in place and the obligations for response when complaints are made or abuses witnessed (including the requirement of reporting misconduct to the PSEA Network). As the trainings have been carried out, other agencies as well as some government agencies have expressed an interest in participating in the training with their staff.

All efforts to tackle SEA need to centre around survivors and victims – and make them part of policy-making processes on an ongoing basis. This is also reflected in the Global Standard Operating Procedures for Inter-Agency Cooperation in Community-Based Complaint Mechanism (2016), which mandate a “respect for ... the rights and dignity of the survivor”, requiring that “*all responses are developed in a manner that balances respect for due process with a survivor-centered approach in which the survivor’s wishes, safety, and well-being remain a priority in all matters and procedures*” during the reporting and investigation process, as well as provision of assistance to the survivor or victim. The document also highlights the recognised good practice of culturally sensitive mechanisms being informed by “the active participation of affected communities and individuals, both during the design and implementation of the CBCM” – this is deemed good practice (IASC, 2016).

Existing policies and good practice also outlines that victims should be provided with access to relevant assistance and support services, including health, psychological, protection, social and other relevant services and the means of accessing such services, as well as legal or other advice or representation and emergency financial support, where relevant or appropriate, as soon as authorities become aware of a victim (regardless of whether formal reporting has taken place).

However, a recent inquiry<sup>78</sup> of survivors and victims’ access to support and assistance, and access to reparation (including, but not limited to compensation) in response to SEAH by peacekeepers and other peace operations personnel found that such access is impeded by a number of factors:

- Too little consideration is afforded to the scenario if there is a lack of agencies willing or able to provide support in the vicinity of the victim or survivors (and complainants) are located.

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<sup>75</sup> Inter-Agency Standing Committee (2017) Interagency Gender-based Violence Case Management Guidelines: Providing Care and Case Management Services to Survivors of GBV in Humanitarian Settings, cited in Bishop and Hassan (2018)

<sup>76</sup> <https://www.chsalliance.org/files/files/SEA%20Victim%20Assistance%20Guide.pdf>

<sup>77</sup> UNFPA (2018)

<sup>78</sup> The Redress Trust (2017)

- NGOs such as relief agencies or humanitarian groups, and civil society groups supposed to provide support and assistance do not always have sufficient resources to help, causing services to be inadequate or too short-lived to address needs.
- Decisions on suitable ‘solutions’ to address harm for survivors and victims are often not made by neutral arbiters but by a *“restricted club of actors who arguably bear some responsibility (and consequently, liability) for the harm caused”*<sup>79</sup>.
- Survivors and victims are rarely consulted or engaged in the process of finding suitable solutions, contravening best practice and international standards regarding victims’ rights. Rather, they *“are treated as the lucky recipients of benevolence as opposed to active subjects with bona fide and inalienable rights that need to be respected”*, further worsening their disempowerment.
- There also appears to be a striking lack of support for those who do come forward to report – exacerbated by a lack of beneficiaries’ understanding of their rights: for example, in Cote D’Ivoire, Haiti and Southern Sudan, only very few people knew of a victim or survivor having received medical, legal, psychosocial or financial report – this was allegedly also not mentioned by aid agencies as a requirement of their response (Csaky, 2010). At a minimum, activities targeting beneficiaries and host communities should enhance their understanding of SEA, appropriate standards of conduct for aid workers, beneficiaries’ rights in regard to SEA, and available reporting channels. Messaging should also include information on the possible agency actions as a result of receiving a complaint (e.g. investigation, potential disciplinary action, etc.) so that complainants can make an informed decision on reporting and that community expectations are managed. (IASC, 2016)

### 5.1 Provided services (including health care and psychosocial services)

On an international level, many organisations appear to have a clear understanding of what services survivors and victims should be provided with – including as a result of past failures. For example, a recent report by the World Bank’s Global Task Force on Gender-Based Violence<sup>80</sup> outlined that in the event of abuse occurring as a result of programming, survivors should have access to integrated support services, in line with global guidelines for timely, confidential, survivor-centered care that is responsive to survivors’ needs and preferences and seeks to protect survivors from stigma, discrimination, retaliation or other harmful repercussions. This includes health care, psychosocial support, security and/or police support, shelter, and access to justice (through the formal system or other means).

A number of World Bank initiatives have reportedly started to explore ways to address abuse as a result of programming, including through partnership with local organisations<sup>81</sup>: For example, an aviation investment programme in Vanuatu stipulates contractor responsibility for the implementation, enforcement and monitoring of a Code of Conduct and action plans covering GBV and child SEA, with guidelines that establish mechanisms for reporting, addressing and monitoring for GBV and child abuse on the work site and in the immediate surrounding communities. The project has also established a working partnership with local organisations to manage referrals and provision of services for those who experience GBV in the event an incident occurs. This approach is being tested and monitored to ensure rigorous learning on effective practices and holds the potential to offer a model for implementation to be deployed across the region.

<sup>79</sup> This is also reflected in Parker (2018), where reportedly “chummy” relationships between the board and chief executive played a key part in failing to undertake rigorous Save the Children’s investigations

<sup>80</sup> World Bank (2017)

<sup>81</sup> World Bank (2017)

The World Bank (2017) also makes note of the importance of identifying and working with trusted local actors or influencers such as women’s groups, clergy, teachers, and health care providers – as part of this, it is crucial that they are provided with sufficient resources to play a partnership role in the role of preventing, reporting and responding to SEAH. Tapping into their knowledge about locally relevant risks and protective factors, as well as their networks, is key to build trust in communities and provide contextually appropriate care for those affected. In the safeguarding failures in the Ugandan infrastructure programme, a local NGO (Joy for Children) was central to identifying incidents and providing support to survivors: it raised the alarm for girls who were sexually abused by external construction workers, provided support to the survivors and victims, and demonstrated persistence to receive attention for the complaints.

However, based on available evidence elsewhere, there is a considerable gap between what is supposed to be provided, and what is in place:

- Lack of adequate resourcing for implementation of response and assistance: Despite policies and procedures often being in place, implementation of these policies has not always been successful, with even “new worthwhile initiatives” in response to SEA being hampered by underfunding.<sup>82</sup> A report on *victims’ access assistance for SEAH found that the NGOs and local civil society groups offering the assistance may not always have enough funding or resources to help* (The Redress Trust, 2017). In a number of refugee reception centres in Greece, it has been reported that not only were survivors and victims reluctant to report cases out of fear, helplessness, concerns about discrimination, stigma and lack of trust, but that those who do report and require services are met with overcrowded conditions: It has been reported that in Moria, 30 government medical staff, psychologists and social workers shared just three rooms to conduct examinations and assessments, offering no privacy to individuals (UNHCR, 2018b).
- A recent assessment of the Redress Trust (2017) also outlines that the “shortcomings of the policies now in place to provide redress to victims of sexual exploitation and abuse ... stand in contrast to the international norms establishing the right to justice, truth and reparation for victims of crime and victims of human rights violations stemming from an abuse of power”. It has been pointed out that for example, support provided by the UN to victims of SEAH exploitation appears “to be inconsistent, inadequate or difficult to obtain” (Boghani (2018). While the UN says it provides “basic assistance” to those who report being sexually exploited and abused by UN peacekeepers (including medical care, help accessing psychological counseling, finding shelter, clothing, food and protection) even before investigations are completed; in 2013, an independent team of experts that assessed four peacekeeping missions found that only the ‘bare minimum’ of victim assistance had been provided – with much of it depending on the goodwill of UN agencies and its member states, including peacekeeping troops.<sup>83</sup> Since then, the UN has endeavoured to provide more support, including through greater outreach efforts in communities and new complaints and report mechanisms. In 2016, it also created a trust fund to address gaps in services for victims of sexual exploitation and abuse (funded by voluntary contributions from a number of member states, as well as payments that have been withheld from peacekeepers who have been found to have committed abuse or exploitation. This trust fund has been used to improve the process for filing complaints in the DRC, to cover health and legal services for survivors and victims in the Central African Republic, and to support education and vocational training for victims in Liberia. It is also now rolling out a database to peacekeeping missions worldwide to keep track of survivors and victims and the assistance they receive later in 2018 (Boghani, 2018).

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<sup>82</sup> International Development Committee – UK Parliament (2018b)

<sup>83</sup> Awori et al. (2013), cited in Boghani (2018)

- Access to assistance and services is severely hampered in some places: it can be ‘almost impossible’ to access basic services in areas with a lack of security and reliable infrastructure inhibiting basic movement, especially where services are located in distant centres – this is currently the case in the Central African Republic, for example (Boghani, 2018; The Redress Trust, 2017).
- Among aid workers, there is a widespread lack of adequate physical and, especially, psychological and emotional health care available for victims/survivors of sexual assault. In addition, work-related injuries are rarely compensated for, particularly for those with post-traumatic stress disorder (PTSD) or other psychological and emotional care needs. (Mazurana and Donnelly, 2017).

## 5.2 Investigation, Response and Recognition of Incidents

Investigation and response is a key area where further work is required. For example, Fraser (2018) has outlined how there is a growing body of evidence of this in the peacekeeping field, including the UN’s (2015) Independent Review on sexual exploitation and abuse by international peacekeeping forces in the Central African Republic which found that multiple UN agencies failed to investigate, report and follow up on violations. Complaints of child abuse were raised as early as 2014, but “were passed from U.N. agency to agency ‘with no one willing to take responsibility’” – when the French government became aware of the issue, the UN reportedly resisted French attempts to investigate.<sup>84</sup> Several recommendations were made, including: creating a Coordination Unit; mandatory reporting and the need for a specialised investigation team.

Other examples include:

- Organisational responses vary and are often not consistent with existing policies and procedures: A global review of sexual assault against humanitarian and development aid workers<sup>85</sup> indicated that only a few agencies have formal policies and procedures, and even for these organisations, there was a weak enforcement of policies, leaving some workers particularly vulnerable (lesbian, gay, bisexual, and transgender (LGBT) aid workers reported sexual identity harassment, blackmail, threats, and assaults against them). Organisational response to sexual harassment and assault varied widely, with some blaming, firing, or blacklisting victims/survivors to—much more rarely—robust and careful formal responses. Women and LGBT aid professionals who did report were widely dissatisfied with the organisation’s responses and experienced more harmful professional and personal consequences than those of their alleged perpetrators, who at times remained in their positions and continued perpetrating. Responses notably differed for international and national staff, with national staff disadvantaged, particularly in terms of levels of care.
- Assistance offered, even for UN staff, is reportedly inadequate in view of existing policies: One woman who was reportedly assaulted while working for the UN was told by the ombudsman that a complaint could not be pursued due to threats by senior UN staff – there are other victims who said they were told not to pursue a complaint. In addition, four further individuals who were formerly or are currently employed by the UN (including those not pursuing formal complaints) have stated they were not provided with adequate medical care or counselling, with one woman having to seek care from three different doctors within 24 hours of her assault due to inadequate expertise among the UN’s medical team to deal with such issues – she also did not receive any crisis rape counselling until six weeks later (Ratcliffe, 2018).

<sup>84</sup> Edwards (2018)

<sup>85</sup> Mazurana and Donnelly (2017), cited in Fraser, 2018.

Internationally, there is a clear understanding of what survivors and victims are entitled to after they have suffered harm. For example, the 2007 Nairobi Declaration on Women's and Girls' Right to a Remedy and Reparation outlines their rights *"to be informed of, and to be engaged in, the development of measures intended to assist them and/or designed to afford reparations to them"*.<sup>86</sup> Furthermore, they should be *"treated as rights holders and engaged meaningfully, in the conceptualisation and implementation of measures of assistance and support, as well as in measures for reparations."* Notably however, this is expected to occur through competent courts; and requires continuous two-way information sharing throughout the process, which can be hindered if survivors and victims are very vulnerable and hard to reach – the difficulty of achieving both these things can often result in non-engagement.<sup>87</sup>

While many organisations' policies and commitments are well publicised, it appears that on the ground efforts to first encourage a greater level of reporting through outreach programming, and then providing assistance for survivors and victims that have done so by supporting them in obtaining justice or compensation seem to fall short. Information on offered justice and compensation is difficult to access, not lastly because the route to first even obtaining access to these is extremely difficult, and agencies often do not provide it on behalf of their staff. Some of the factors hampering the provision of justice and compensation and a recognition of incidents reflected in the available literature include:

- Existing measures are not victim or survivor-centred: Investigation efforts as part of a Frontline film on the UN abuse scandal (broadcast in July 2018) indicated that women who were willing to report their cases of SEAH asked to do this in a discreet way and away from their husbands and communities, however the UN allegedly requested that women come to headquarters and did not appear to be accommodating to the women's requests for how they wanted to disclose their cases (Miller, 2018).
- A lack of justice mechanisms for SEAH and GBV<sup>88</sup>, such as in Syria<sup>89</sup>: In some parts of Syria, justice mechanisms such as legal services and judicial redress that are accessible and non-partisan for women and girls are absent, causing many to not speak about their experiences (one focus group participant estimated that 75% of women facing sexual violence would not seek out an official authority, often because they "know that there is no point", with few participants mentioning holding perpetrators accountable for their actions). Qualitative findings from the same governorate indicate that men and boys find it easier to seek justice through local judicial redress mechanisms, and often do – and that in legal proceedings they often have an advantage over girls and women's rights. In many areas, no services were reported to be available, including psychosocial, health, justice or specialised services for children. On the other hand, in governorates where services were available and offered confidential, integrated services packages, this was talked about very positively by research participants.
- A recent report by the Redress Trust (2017) noted that victims' access to reparation is not always executed sufficiently. For example, investigation efforts as part of a Frontline film on the UN abuse scandal included the account of a father whose daughter had been raped; he indicated no-one had been in touch with him about any assistance or compensation, nor did he find out what happened to the peacekeepers who perpetrated the rape (Miller, 2018).
- Deschamps et al. (2015)<sup>90</sup>, in a review of sexual exploitation and abuse by peacekeepers, concluded that the manner in which UN agencies responded to the allegations that international

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<sup>86</sup> The Redress Trust (2017)

<sup>87</sup> The Redress Trust (2017)

<sup>88</sup> Martin (2010)

<sup>89</sup> Whole of Syria Gender-Based Violence Area of Responsibility, UNFPA (2018)

<sup>90</sup> Cited in Fraser (2018)

troops serving in a peacekeeping mission in the CAR had sexually abused a number of young children in exchange for food or money was “seriously flawed” and multiple UN offices failed to investigate, report, and follow up on violations. The report includes a series of recommendations: (1) address the fragmentation of responsibility by creating a Coordination Unit to direct and coordinate the UN's response to all allegations of conflict related sexual violence; (2) mandatory reporting of conflict-related sexual violence by peacekeepers; (3) the need for a specialised investigation team; (4) reviewing policies on confidentiality; (5) Increasing investigative and prosecutorial transparency; and (6) stronger pre-deployment risk assessments, screening and certifications.

- Better accountability through prosecution of aid workers and peacekeepers is hindered by prevalent ‘immunity’ in the sector, perpetuated by internal investigations<sup>91</sup>: There appears to be a widespread impression that aid workers employed by INGOs or UN agencies are immune from investigation or prosecution by local authorities, however depending on their function and agency they are governed by different rules and exemptions, which complicates the understanding of a due response. UN staff are immune from national courts of host countries – rather, the UN has internal administrative investigation systems even for allegations of serious crimes<sup>92</sup>; while generally, INGO staff can be prosecuted in-country – although in practice, many NGOs have emulated the UN approach. While the UN has stated that it does not make use of immunity in cases of child abuse in view of many recent accounts of the prevalence of SEAH in the development sector, an internal letter has been leaked from the UN which illustrates it still insists on investigating cases itself, rather than involving the police – with criticisms voiced that this is because internal UN investigations *“drag on so long that the evidentiary chain goes so cold, that no prosecution could ever take place, and hence the immunity issue doesn’t come in to play”* (Hear Their Cries, 2018a). It has been claimed that this is in line with a pattern where the organization is *“sitting on dozens of cases of civilian peacekeepers, from as far back as 2015, among which not a single one has ever been referred to justice”* (Summers, 2018).
- The responsibility for compensation often ‘falls between the cracks’ as liability is situated with individuals rather than international/regional organisations – depending on what is being compensated for<sup>93</sup>: The UN has, to date, made a clear distinction between what it sees as its role (in essence, helping those affected by SEAH to receive support and assistance), and providing any reparation (including any compensation), which it perceives as the responsibility of individual perpetrators. It has been noted, however, that although the troop-contributing country retains sole responsibility for the prosecution of any offences committed by members of its troops, the lead organisation still holds a due diligence obligation to ensure that civilians in the host country are protected from criminal acts perpetrated by troop-contributing countries. On other occasions of petty claims related to, for example, personal injuries or property damages caused by the UN's presence, the UN has awarded compensation to individuals and entities after setting up UN-staffed local claims review boards. The Redress Trust (2017) has argued that in view of this, there is *“no justifiable reason for it to refuse to contemplate responsibility in the case of criminal acts perpetrated by troop contingents where the organization exercises effective control, experts on mission or other civilians employed by a peacekeeping operation .... the principle that the UN can be liable for acts which occur on its watch, must guide the response”*.

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<sup>91</sup> Edwards (2018)

<sup>92</sup> The UN can dismiss a peacekeeper, for example, however, it is the responsibility of the troop-sending country to hold their peacekeepers accountable. Often a perceived lack of evidence, or simply not wanting to garner any shame, leads to a lack of prosecution – this could in part be rectified by on-site court martials of sending countries trying their troops on the ground (Miller, 2018).

<sup>93</sup> The Redress Trust (2017)

- Compensation for peacekeepers fathering children: According to Boghani (2018), in cases where UN peacekeepers have fathered children with local women, the UN strives to facilitate paternity and child support claims. However, compensation and child support is the responsibility of the father and/or his native country according to the UN. A lawyer at the Institute for Justice and Democracy in Haiti who has worked with Haitian women to gain compensation for babies reportedly conceived as a result of peacekeepers' presence in the country, has outlined that women face 'major obstacles' to receiving any compensation, as often they do not know the real identity of the father and struggle to access his DNA to confirm the paternity in-country – or they may have already left, which creates almost 'insurmountable hurdles' for filing a claim.
- The current UN culture seems to bypass existing policies and systems for misconduct, leaving own staff vulnerable when reporting: A recent case surrounding the sexual misconduct of a senior UN gender and youth official which resulted in dismissal (but a lack of transparency throughout the process and a lack of early referral to the police) illustrated that it is still difficult for even UN staff to obtain a due justice process as complaints are investigated by its own internal departments rather than cooperating with authorities (which it is obligated to do, however a "system-wide policy of jumping the line ahead of police action" often jeopardises the justice process). Furthermore, there appears to be widespread fear of speaking out. A leaked staff survey has illustrated a lack of confidence in reporting misconduct without experiencing retaliation (only 45% expressed confidence that staff will be protected from retaliation for reporting misconduct or cooperating with audit or investigation), with almost half of all staff doubting that beneficiaries and staff are treated with respect, or held accountable for unethical behaviour – essentially discouraging reporting of misconduct with a fundamentally dysfunctional whistleblowing mechanism.<sup>94</sup>
- Weaker levels of protection for vulnerable groups: A review of sexual assault against humanitarian and development aid workers observed that LGBT aid workers reported sexual identity harassment, blackmail, threats and assault, but little attention was given to this issue. Responses also differed for international and national staff, with national staff disadvantaged particularly in terms of levels of care (Mazurana and Donnelly, 2017). Participants identified the need for: clear anti-harassment policies; support before, during and after deployment; sector and context-specific advice; and organisational time and resources for LGBT Staff Network Groups (RedR UK and EISF, 2016, cited in Fraser, 2018).

## 5.5 Recent efforts to improve reporting and complaints mechanisms and response to SEAH

Despite the challenges outlined above, a number of recent developments indicate a more concerted effort to address these challenges across the development sector. It is anticipated that these efforts will contribute to strengthened reporting mechanisms and response to – and ultimately the prevention of – SEAH. For example:

- Establishing working groups to respond to safeguarding gaps, including on reports and complaint mechanisms: The Bond network has been working with its members, the Charity Commission, DFID and an independent group of experts to progress actions to improve safeguarding in the development sector. As a result of the UK safeguarding summit in March 2018, four safeguarding working groups have been newly created to consider current best practice and harmonised new approaches to key accountability issues, with one group focusing on reports and complaints mechanisms.<sup>95</sup> It has been noted that is crucial that any efforts to improve the

<sup>94</sup> Hear Their Cries (2018b). Only 39% of staff responded to the survey, far lower than the 75% response rate normally achieved, potentially indicating that the fear of speaking out on these issues extends even to confidential staff surveys.

<sup>95</sup> <https://www.bond.org.uk/news/2018/06/safeguarding-where-next-for-the-sector>

reporting of SEAH are based on a recognition of the “extreme vulnerability of the people who are being asked to report” (International Development Committee – UK Parliament, 2018b).

- A greater commitment to accountability and transparency: A number of organisations have recently publicly committed to improving their standards and delivery of safeguards, including a ‘zero tolerance’ culture to sexual exploitation and abuse in all of their work.<sup>96</sup> As part of their efforts to improve their safeguarding, they have committed to ‘full accountability’ through ensuring that ‘concerns are heard and acted on’ through rigorous reporting and complaints mechanisms for any misconduct by their own staff, sub-contractors and partners; this will be pursued ‘to the fullest extent’ through organisational procedures and relevant regulatory authorities.<sup>97</sup> Organisations have also committed to demonstrating greater transparency about the complaints they have received (BBC, 2018b), with calls for reports on the number of allegations upheld.<sup>98</sup> It has been argued that such transparency can not only help build the body of evidence on SEAH issues in the development sector, but such a public demonstration of the action taken on complaints, can help to create a more enabling environment where individuals feel more confident to come forward and report their concern (CHS Alliance, 2015). However, it may take some time until the culture regarding transparency has shifted to an extent where this is the norm across the sector. Even in recent efforts to improve accountability, there has still been a hesitance to provide full disclosure.<sup>99</sup> While having sufficient reporting mechanisms in place is the first step to a better response, filed complaints should also be captured with an appropriate level of detail that allows for monitoring for their satisfactory resolution, as well as any other more systematic actions to ensure the same issues do not arise. Earlier this year, the international aid group Médecins Sans Frontières (Doctors Without Borders) disclosed the dismissal of a number of staff members after reports of sexual abuse in 2016 and 2017 (allegedly using local women for sex), in an effort to achieve greater transparency. However, the statement did not provide any details of where the incidents took place, who the dismissed staff were, and whether local law enforcement received these complaints (Reuters, 2018). The organisation has since published statements<sup>100</sup> on its concern about barriers to reporting and a subsequent under-reporting of cases, particularly in crisis settings with a lack of protection mechanisms, a high level of impunity and where communities are “highly dependent on external assistance”. It has stated it would undertake further work on its reporting, investigation and response processes, with a key priority being to reinforce its reporting mechanisms and strive to “ensure that everyone – from headquarters visitors to community members and patients – is aware of these processes and how to access them, and to protect victims and whistle-blowers at all times”.
- New safeguarding standards set by DFID, including stronger measure to support and protect whistle-blowers and survivors: After the UK Safeguarding Summit, a number of measures were announced, including an audit of whistleblowing practices across the sector to encourage reporting, mandatory standards to make organisations more accountable to beneficiaries by helping recipients identify concerns, and establishing clear guidelines for referring incidents and allegations, including to relevant authorities.<sup>101</sup>

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<sup>96</sup> Bond (2018)

<sup>97</sup> Bond (2018)

<sup>98</sup> BBC (2018b); International Development Committee – UK Parliament (2018a)

<sup>99</sup> For example, feedback from an independent review panel of BRAC’s 2015 Accountable Now accountability report indicated that the level of accountability demonstrated was ‘not acceptable’, with reports showing a “consistent lack of reporting filed complaints per type, quantity, and region as well as a total lack of information on how they were resolved”<sup>99</sup>.

<sup>100</sup> Médecins Sans Frontières (2018); Médecins Sans Frontières (undated)

<sup>101</sup> International Development Committee – UK Parliament (2018b). The new standards being rolled out by DFID means disbursement of funds will now have to undergo heightened scrutiny around safeguarding – organisations need to ensure proper vetting and monitoring of staff between organisations and across countries, as well as being required to implement measures that support and protect whistle-blowers and survivors of exploitation and abuse. The Charity Commission has also committed to working with organisation to support these changes (BBC, 2018b). It has been noted that new instruments such as reporting and compliance and community based complaints mechanisms, being enacted by donors pose “big institutional

- In August 2018, 183 organisations gathered in the UK to discuss the creation of sustainable sector-wide solutions to safeguarding. As part of six priority themes for action, they stated that a victim or survivor-centred approach is paramount, however there is ‘more work to do’ to ensure that such an approach “permeates our culture and processes” – with a suggestion being made that NGOs, DFID country offices and others could consider coordinating available support services in country.<sup>102</sup> This indicates that more attention is seemingly being paid to improving the current shortcomings in the support of survivors and victims of SEAH. It is likely that these efforts will be ongoing for a while.
- Modeling the process for developing or updating complaint handling policies among Australian NGOs<sup>103</sup>: To ensure a sector-wide model for a policy that constitutes best practice for complaints handling (ensuring confidentiality and safety, supporting community trust in NGOs’ work, and facilitating the collection and analysis of complaints data to ensure that lessons are learned and shared), 11 Australian peak bodies in the charity sector are involved in coordinating the provision of the procedure to accompany the model policy and guidance to stakeholders on how organisations should manage complaints in line with the policies in place.

Many organisations in the aid sector have also recently reviewed or are currently undergoing reviews of their policies and practices. It is expected that as reporting mechanisms are strengthened and made more accessible, creating safer spaces for survivors and victims to report, that demand for these mechanisms and assistance will rise. As a result, Parker (2018) has observed that these efforts should be reflected in budget lines for programmes, particularly where there are safeguarding risks. It has been confirmed that new UKAid funding will support the design of beneficiary-centred systems of accountability and transparency which integrate safeguarding throughout the employment cycle, secure accountability through complaints reporting mechanisms, and to ensure protection for whistleblowers and survivors of exploitation and abuse.<sup>104</sup> The Committee has also stressed that donors should communicate a recognition that increasing numbers of SEA reports will be an indication that systems for reporting have been improved, rather than that more incidents are occurring – it would be of more concern if large organisations do not identify any cases of abuse.

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challenges” for small organisations<sup>101</sup> - they will likely need substantial support in their efforts to meet these standards and a survivor and victim-centred approach.

<sup>102</sup> Mistry (2018)

<sup>103</sup> Humanitarian Advisory Group (2018)

<sup>104</sup> Parker (2018)

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VAWG Helpdesk services are provided by a consortium of leading organisations and individual experts on VAWG, including Social Development Direct, International Rescue Committee, ActionAid, Womankind, and the Institute of Development Studies (IDS). Expert advice may be sought from this Group, as well as from the wider academic and practitioner community, and those able to provide input within the short time-frame are acknowledged. Any views or opinions expressed do not necessarily reflect those of DFID, the VAWG Helpdesk or any of the contributing organisations/experts.

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## Annex 1: Organisational Reviews of Reporting Mechanisms

- In response to “sexual misconduct by Oxfam staff in Haiti and elsewhere”, Oxfam has repeatedly publicly apologised,<sup>105</sup> and has committed to improving its organisational transparency and accountability through its safeguarding policies, practices and organisational culture. It has created a 10-point action plan, for which it publishes progress updates, while also sharing consolidated data on its investigations. Action points related to complaints reporting include the below<sup>106</sup>:
  - An Independent High-Level Commission on Sexual Misconduct, Accountability and Culture Change which is gathering communities’ perspectives: In March 2018, Oxfam announced the creation of an Independent Commission (with Zainab Bangura, former United Nations under-secretary general, and Katherine Sierra, former World Bank vice-president, as co-chairs, leading a team of experts from different sectors) to investigate past and current cases, and scrutinise policies, practices and cultures, with a particular focus on the power of abuse and sexual misconduct. Using the Listening Project methods, the commission is gathering communities’ perspectives – it has agreed on its own protocols for speaking to survivors, whistle blowers, staff and concerned people (who are able to contact the commissioners through various channels). The commission is also setting up a survivor reference group. An interim report on its findings will be published in October 2018, with a public final report and recommendation due in May 2019.
  - Re-examining past cases and encouraging other witnesses or survivors to come forward: Oxfam has made available independent, external whistleblowing systems in five languages for reporting concerns and have publicized this to all staff. It has also put in place ‘Safeguarding Focal Points’ (experienced volunteer staff members) in all countries where it delivers programmes, supporting awareness and prevention activities and acting as initial points of contact for staff grievances.
  - Strengthening internal processes: As part of its development of new safeguarding policies and procedures that harmonise globally but which are adapted to local legal contexts (including a specific policy on SEAH), Oxfam is developing a survivor support policy and protocol.
  - Actively engaging with partners and allies, particularly women’s rights organisations: Oxfam are discussing ethical and safeguarding standards with a number of their partner organisations, including communication of Oxfam’s expectations for how the partner organisations protect their own staff and stakeholders against misconduct, how they report cases, and what they do to protect survivors. Oxfam has also created a survey to establish what partners have in place relating to safeguarding, fraud and community feedback.
- UNICEF has commissioned an independent review<sup>107</sup> of UNICEF’s response to SEAH (including but not limited to policies, protocols, programmes, systems, reporting and response mechanisms and capacity building initiatives). Notably, this also includes systems of the five pillars of UNICEF’s work on PSEA (reporting mechanism, victim assistance, investigation and accountability, governance, capacity strengthening and coordination, and prevention, including through safeguarding). The scope covers working with host countries, partnerships with International and local NGOs and private contractors, and UN Secretariat and Agencies,

<sup>105</sup> <http://oneworld.org/2018/07/30/oxfam-apologises-again-after-uk-aid-report-on-sexual-exploitation/>

<sup>106</sup> Oxfam (2018)

<sup>107</sup> [https://www.unicef.org/evaluation/files/PSEA\\_Independent\\_Review\\_ToR\\_Final\(1\).pdf](https://www.unicef.org/evaluation/files/PSEA_Independent_Review_ToR_Final(1).pdf)

including the UN Special Coordinator on Improving United Nations Response to Sexual Exploitation and Abuse. The review is anticipated to provide findings and recommendations for a 'comprehensive improvement' of UNICEF's response, so that it meets the "highest standards within the UN, the international aid system, and the public and private sectors".

- UNHCR has stated that it has taken 'decisive actions' over recent years to reinforce its own mechanisms for PSEA<sup>108</sup>. Its safeguarding team includes a senior coordinator for UNHCR's work on SEA since March 2018. Efforts to encourage survivors and victims to report abuse include greater awareness raising of wide-ranging reporting digital and non-digital mechanisms (which are currently being strengthened) and making these accessible and trusted by communities, with those lodging reports made to feel safe and protected through a survivor-centred approach. UNHCR is currently also undertaking efforts to improve "the experience of recourse, providing better medical and psycho social support, strengthening our policies, and developing additional protective measures".
- Save the Children also initiated an independent review by an expert in organisational ethics to strengthen its workplace culture in early 2018, after confirming that concerns had been raised about inappropriate behaviour. The Charity Commission has opened a statutory inquiry into Save the Children UK over concerns about its handling of serious allegations by staff members of misconduct and harassment by senior staff members in 2012 and 2015 (Preston, 2018). The review established that management culture at the time "did not sufficiently adhere to established and published policies and procedures", with "significant omissions and failures" to respond with an "appropriate degree of seriousness" to reported concerns and complaints regarding inappropriate behaviour, with little confidence in leadership's handling of the complaints. Notably, despite evidence of "uncomfortable and/or unsafe behaviour towards colleagues", the charity was still deemed to have a "positive workplace culture" (BBC, 2018a). This may be an indication that there is still some way to go in better understanding how to recognise and create an organisational culture which encourages both reporting of misconduct and a satisfactory response which holds perpetrators to account.
- Revised or newly published policies: Some organisations have published SEAH-specific policies since February 2018, reaffirming their commitment to zero tolerance. For example, Cesvi (an Italian humanitarian organization) published its PSEA policy in July 2018. In the policy – in line with the Inter-Agency Cooperation in Community-Based Complaint Mechanisms – it commits to a complaint handling mechanism for reporting SEAH that is in place and accessible (with implementation guidelines being developed for all operational countries) as part of a existing structures to handle feedback and complaints. Cesvi commits to ensuring that beneficiaries and community members know reporting routes and processes, and what kind of assistance they can expect to receive, Cesvi also commits to processing SEAH complaints in a timely manner and with immediate suspension of an alleged perpetrator with "a direct impact on beneficiaries and communities" until the investigation is completed – with a commitment to appropriate disciplinary actions such as immediate termination of employment and referral for criminal prosecution and legal action in accordance with national law. Complainants and survivors are entitled to feedback on the development and outcome of their case; and survivors and victims receive assistance, psychosocial counselling, medical treatment and legal assistance if "identified as not specious, unfounded or false, perpetrated by one of its staff members or related personnel" ( Cesvi, 2018).
- The World Bank created a Task Force to learn from past failures and provide recommendations to strengthen PSEA: In response to a transport sector development project in Uganda which involved serious allegations of sexual misconduct and abuse by contractors, the World Bank

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<sup>108</sup> UNHCR (2018a)

created a Task Force to provide recommendations for preventing sexual exploitation and abuse. Recommendations for reporting include stronger leadership from the World Bank on the provision of incentives for staff to report incidents (as part of active fostering of an internal culture signaling support for this), and providing consolidated guidance on operational policies and practices for preventing and responding to SEA, including through clear incident-reporting protocols supporting identification of new cases. The World Bank was also called upon to establish and implement “clear, confidential and timely internal reporting and response protocols of allegations of SEA”. The report also recognizes the importance of engaging with communities to build trust and transparency, and allowing for continuous communication that also integrates information sharing on mechanisms for reporting problems (emphasising both project-level grievance redress mechanisms and an independent complaints mechanism as a way for communities to appeal to the Bank when other channels fail, the Inspection Panel) (World Bank, 2017).

Going forward, it is crucial that these policy reviews result in changed organisational cultures and practices. This will require significant additional resourcing across the reporting and response processes. The International Development Committee (2018b) has emphasised the need for donors, including DFID, to provide funds to support the implementation of reporting mechanisms and broader programming that increases an understanding of rights, supports prevention of sexual and gender-based violence of all forms, and the provision of support services and follow-up for those who do report abuse.