![UNHCR - The UN Refugee Agency]

Risk management tool

TACKLING SEXUAL EXPLOITATION AND ABUSE

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BACKGROUND AND PURPOSE

Sexual exploitation and abuse (SEA) by humanitarian workers targeting persons of concern to UNHCR is an unacceptable breach of the fundamental rights of the people UNHCR serves and a betrayal of the organization's core values. Whether from an "Oversight, Accountability and Ethics" or PoCs' "Security from Violence and Exploitation" perspective, SEA is a major concern in UNHCR's country operations and features among the most commonly and increasingly identified high risks.

The 2003 UN Secretary General's Bulletin on Special Measures for protection from sexual exploitation and sexual abuse (STSGB/203/13 and the 2018 UN Protocol on Allegations of Sexual Exploitation and Abuse involving Implementing Partners provide the framework for the UN's zero tolerance approach of both of sexual exploitation and abuse, and of inaction in response to sexual exploitation and abuse – and prescribe concrete measures for prevention, risk management and response to allegations of SEA for UN agencies. UNHCR's 2020-2022 Strategy and Action Plan Tackling Sexual Exploitation and Abuse and Sexual Harassment outlines our priorities in this area, in particular the importance of not just looking at SEA from the perspective of the organization, but instead putting the needs, rights and preferences of the victim at the centre of all we do.

The Enterprise Risk Management Unit (ERM), in collaboration with the Office of the Senior Coordinator on Protection from Sexual Exploitation and Abuse and Sexual Harassment and the Implementation Management and Assurance Service of the Division of Strategic Planning and Results, has developed this tool to assist field operations in ensuring that possible SEA risks have been adequately identified and analysed, and relevant treatments – proactive and reactive – thoroughly considered and agreed upon within the operation.

This tool is purely an advisory resource; the authority to issue mandatory instructions and guidance regarding SEA rests with the Senior Coordinator (SEA/SH) and the Division of International Protection (DIP). UNHCR country operations should conduct a comprehensive risk assessment, including a situation risk assessment of the operational context during the planning phase, and conduct periodic sectoral risk assessments.

While UNHCR has focused on tackling both forms of sexual misconduct, SEA and sexual harassment, this tool intends to address primarily risks of SEA faced by persons of concern (PoC). In line with relevant guidance provided by the Interagency Standing Committee (IASC), UNHCR's Gender Based Violence (GBV) Policy notes that sexual exploitation and abuse (SEA)[1] by humanitarian workers is a form of GBV, and victims of SEA should be fully incorporated into existing GBV referral pathways and programmes.

Further, the UN Protocol on SEA Allegations involving Implementing Partners notes that there are certain indicators in relation to partnerships, that should immediately elevate the risk level, including new allegations of SEA, or a change in the operational context.

The tool comprises of a number of key risk events, with examples of causes, consequences and treatments that may apply in your operation. These risks and treatments are the result of an analysis of the operational risk register, sectoral policies and guidelines, and field colleagues' contributions.

While attempting to be as exhaustive as possible, there may still be elements of risks and treatments that have not been captured. Operations are welcome to contribute to future updates of this tool by sending additional proposals and comments to hqerm@unhcr.org, with a copy to hqpseah@unhcr.org subject: SEA - Risks.

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[1] The terms "sexual exploitation" and "sexual abuse" are defined by the 2003 Secretary-General's Bulletin, as follows: "The term 'sexual exploitation' means any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another. Similarly, the term 'sexual abuse' means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions". See the Secretary General's Bulletin on Special Measures for Protection from Sexual Exploitation and Sexual Abuse (ST/SGB/2003/13).

REMARKS

SEA inflicts intolerable harm on victims, their families and their communities. It also seriously undermines the fundamental values which UNHCR stands for, as well as UNHCR's and our partners' credibility, funding and programmes. All UNHCR personnel have an obligation to report to the Inspector General's Office (IGO) any allegation of SEA, in line with the SG's Bulletin. Donors also hold UNHCR accountable in this area. Not adequately managing risks of SEA poses significant operational risks, security risks and reputational risks[2] to UNHCR.

Timely and effective response to a developing situation involving acts of SEA perpetrated by personnel of UNHCR, its contractors, or partners implementing programmes on behalf of UNHCR, is critical to ensure the impact of the risk is mitigated. Where there is a significant potential reputational risk, it is advised, in addition to the Bureau, to immediately advise the Bureau Communications Focal Point and the HQ Crisis Communications Focal Point who will provide the necessary support and guidance to handle the communications aspects of a possibly emerging crisis.

[2] Reputational risk is defined as "a threat to UNHCR's public image, brand and credibility that has not materialised but could have a significant negative impact".

HOW TO USE THE TOOL?

Operations can select one or more risk event(s) that apply to their operation, as well as the applicable causes, consequences and treatments[3]. Please note that proactive or reactive treatments can be applicable to one or several causes or consequences. All statements (cause, event, consequence and treatments) should be adjusted to your operational context; some may not be relevant in a given context. Key risks should also be reflected in the operation's overall online risk register tool. If multiple risks from the tool are relevant to your operation, it is suggested they be captured in one or two higher-level risks to keep the overall risk register as a streamlined management tool for the Representative and senior management team.

[3] A risk statement consists of four parts, namely, an event, causes, consequences and a name. A risk may have multiple causes and consequences but has only one risk event. The risk name should be succinct and clearly identify the risk. Risk treatments are actions to reduce the likelihood and impact of the risk. Proactive risk treatment actions are implemented before a risk event occurs, based on identified causes of the risk event. Reactive risk treatments are executed after a risk event occurs, thus addressing the consequences of the risk event occurring

Risk event | Protection from SEA not given due attention

Causes

Protection from SEA not perceived as an immediate ("life-saving") priority in the country operation

Prevention and response to allegations of SEA are not prioritized in resource allocation

Lack of knowledge / understanding of SEA by UNHCR and partners' personnel, including with respect to relevant PSEA policies and standards

Lack of trust in effective responses to SEA

Cultural attitudes / prevailing gender norms of UNHCR or partner personnel that tolerates or condones certain forms of SEA

Lack of strong management messaging and commitment within UNHCR and/or partners towards PSEA

Proactive treatments

Ensure inclusion of PSEA as a strategic priority: identified risks of SEA are reflected in the narratives of the situational analysis and the protection and solutions strategy and in resource allocation to strengthen outreach, community engagement, key protection services and inter-agency collaboration

Appoint PSEA focal point(s) with clear ToRs

Refresher sessions on Code of Conduct and SEA (including completion of the mandatory online course) for UNHCR personnel

Conduct / support partners training and ensure appropriate measures to reinforce SEA prevention for UNHCR/partner personnel, contractors, suppliers and PoC incentive workers

Carry out regular /effective messaging, information dissemination towards PoCs and host communities (community centres, schools, health facilities, etc.) about free of charge services and expectations of humanitarian workers' behaviour. Involve all UNHCR & partner personnel, government/local authorities, coordinate with UN agencies / UN Missions and NGOs

Conduct SEA risk assessment across all sectors, looking into opportunities for committing SEA, who is likely to commit SEA, who is most vulnerable to SEA, how likely are victims and the general population to report SEA

Ensure partners adhere to SEA clauses in Partnership Agreement (PA) and all work contracts, including workers or hired or volunteers engaged among PoCs

Undertake periodic PSEA capacity assessment as part of partner selection, retention and engagement

Consequences

No strategy in place to address SEA, including prevention (training, awareness raising) and response mechanisms – or strategy not implemented

Allegations of SEA not reported in a timely manner, leading to difficulty in substantiating them and impunity for the perpetrator

Reports of SEA not acted upon, which fuels impunity and erodes community trust

Occurrence of SEA is not known / tackled

Victims' needs are not addressed

UNHCR and operations discredited, reputational risk

Lack of awareness on SEA among PoCs and host community

No awareness of safe programming among partners in delivery of services

Reactive treatments

Representative, PSEA Focal Point and the protection team to ensure country-level strategy is designed to immediately and fully implement all PSEA-related standards and guidance; follow up through e.g. regular management / unit meetings

Establish a multi-functional team with responsibility for prevention and response to sexual misconduct, including SEA, led by a senior level colleague

Initiate, with the involvement of communities, wide ranging awareness and information dissemination campaigns on SEA (including face-to-face meetings with communities, use of social media, etc.) and seek feedback from communities

Establish / enhance adequate mechanisms to receive complaints and reports on SEA (seek PoCs' views and contributions as to the most suitable and acceptable modalities)

Establish mitigation measures to address the specific risks identified through sectoral SEA risk assessment

Re-assess partner capacity with respect to minimum PSEA standards. Formulate and monitor partner improvement plans to resolve identified capacity gaps

Risk event | Occurrence of SEA

Causes

Unethical behaviour of humanitarian personnel, including PoC personnel – abuse of power

Vetting of candidates for local recruitment against ClearCheck through DHR not applicable for new recruitment outside of the UN system

Local reference checking with previous non-UN employers is not completed or ineffective in the recruitment process

PoCs' lack of knowledge as to modalities for accessing protection and assistance services, and their "free of charge" nature

Insufficient / lack of UNHCR and partners' capacity for assessment and response to needs, e.g.:
- Delayed distribution / insufficiency of assistance
- Delayed processing for registration or refugee status determination (RSD) / documentation enabling access to assistance
- Small numbers of resettlement places

Cultural attitudes / prevailing gender norms tolerate or condone SEA, open and legally tolerated commercial sex industry and high prevalence of Gender Based Violence

Large humanitarian emergency, requiring the rapid recruitment of new workforce without proper vetting and reference-checking

Proactive treatments

Reinforce on a regular basis (e.g., in management and partner meetings) messaging on SEA, consequences for committing acts of SEA and obligation to report SEA

Ensure that all new personnel immediately undertake the mandatory training and are briefed on PSEA

Ensure inclusion of clauses on prevention of SEA in partnership agreements and all work contracts, including workers hired or volunteers engaged among PoCs – apply to suppliers and contractors as required

Ensure community-based complaints mechanisms (CBCM) include dedicated capacity to receive sensitive disclosures are safe, confidential, transparent and accessible

In consultation with communities - reiterate messaging on free of charge services and expectations of humanitarian workers' behaviour

Advocate for / increase resources (internally, and with donors) in view of enhanced protection and assistance to most vulnerable PoCs; establishment of a safe shelter (join resources with other agencies if feasible), collaboration with national structures, relocation of victims

Enhance needs assessment among PoCs, put in place processes and mechanisms to provide the required assistance to mitigate risks of SEA

Awareness raising on PSEA for all stakeholders, including communities, with attention to engagement with persons with specific needs

Consequences

PoCs are harmed / health and psychological impact as well as their safety and security

Ostracization of PoCs – impact on well-being and livelihood

PoCs lose trust vis-à-vis humanitarian workers

Reputational risk for UNHCR and/or partner and loss of funding

Loss of donor/stakeholder confidence in UNHCR and/or partner

Reactive treatments

Report any allegations, suspicions or concerns of SEA to the Inspector General's Office (IGO), whether or not the alleged perpetrators work for UNHCR - duty to report

Ensure following the UN Protocol on the provision of assistance to victims of SEA when engaging with partners

Ensure implementation of the policy on a Victim-Centred Approach (VCA)

Immediate referral of victim(s) to relevant services (needs assessment), through established gender-based violence and child protection programming, and ensure follow up – irrespective of case investigation or outcome

Ensure victims' physical protection (relocation to safe shelter, national structure or other camp or city, resettlement)

Continued awareness raising campaign with communities

When perpetrator is a government official, report and liaise with government authorities at appropriate level

Causes

Lack of awareness and training on SEA by UNHCR and partners' personnel

Severe poverty and the lack of livelihoods opportunities, leading to widespread exploitation (such as survival sex and other forms of transactional sex, and labour exploitation)

No safeguards against SEA built into the delivery of services

Prevailing/traditional gender norms in country that do not acknowledge equality of women and legal framework that does not criminalise all forms of gender-based violence

Lack of oversight over provision of services, including all protection-related interventions such as registration, refugee status determination and resettlement, child protection, GBV, community-based protection

Proximity of UN missions/forces

Proactive treatments

Through inter-agency structures ensure humanitarian personnel are trained / sign binding Code of Conduct

Prioritise persons with specific needs / at heightened risk for protection processes and targeted assistance, such as:
• Economic strengthening for women and children at risk, including protection-sensitive targeting of livelihoods and CBI; partnerships with development agencies
• Engage UNICEF and local authorities (social, educational) to support school attendance of PoC children
• Clear communication on UNHCR's programmes, e.g. on protection processes (registration, RSD, RST) / timelines

Regularly validate that community-based complaints mechanisms are Age Gender Diversity sensitive and meet the needs of affected people, especially women and girls

Ensure supervision and training of humanitarian workforce, including PoC incentive workers engaged in distribution / provision of services with clear ToRs for their functions and clearly identified through visibility clothing

Include the risk of SEA in all MFT monitoring activities, including post-distribution monitoring:
• Ensure timely and effective monitoring of distribution; establish remote monitoring system
• Increase monitoring of services (e.g. use of video/audio recording of interactions with PoCs, during registration, RSD, RST and counselling interviews)

Gender-sensitive approach to direct interactions with PoCs:
• Female personnel for home visits; informing women, girls and boys of the option to be interviewed by female personnel
• Gender parity in distribution teams

Limit access to distribution lists and contacts of recipients to prevent the use of this information to attempt/perpetrate SEA

Provide for separate and secure distribution of assistance for the most vulnerable

Consequences

Reactive treatments

Risk event | Instances of SEA not reported or under-reported

Causes

VICTIMS (PoCs)
SEA by humanitarian workers not perceived by PoCs as sanctionable behaviour

Reporting mechanisms are not known to affected communities or are not accessible by all community members

Fear their credibility will be questioned / that inadequate or no action will be taken to investigate and sanction perpetrators

Reporting perceived by victims as doing them more harm than good: fear of retaliation by perpetrators; fear of ostracization by families and communities

Cultural attitude ("acceptance", "fate")

Financially dependent victims reluctant to report (they will lose the transactional benefits they receive in exchange for sex without these being replaced by adequate assistance or support)

HUMANITARIAN PERSONNEL
Lack of awareness on SEA among UNHCR and partner personnel

Internal controls not in place, including reporting and referral mechanisms

Lack of trust in effectiveness of existing system (lack of confidentiality/fear of retaliation; past allegations of SEA not acted upon)

Cultural attitude of personnel that tolerates or condones transactional sex

Proactive treatments

Awareness campaign, messaging towards PoCs and host communities as to expectations of humanitarian workers' behaviour (design information campaign in consultation with communities)

Actively engage affected people in the establishment and validation of culturally sensitive reporting channels / Community-based complaints mechanism (CBCM) / Global SOPs on inter-agency cooperation in CBCMs (IASC best practice guide)

Ensure protection of victims and witnesses against retaliation by ensuring confidentiality, taking protective measures such as security assessments, safe shelter, relocation or emergency resettlement where necessary

Develop and update security plans to identify and mitigate security risks that may arise during or after investigations.

Expand outreach monitoring and remain accessible to PoCs

Ensure PSEA focal points are appointed, including at field level

PSEA focal point(s) to design learning plan for UNHCR and partners' personnel

Ensure all personnel are aware of and familiar with mechanisms in place for reporting

Messaging, including from leadership of both UNHCR and partner(s), and involve government/local authorities

Consequences

Negative impact on PoC victims; needs not addressed

Perceived tolerance of acts of SEA

Perceived impunity of perpetrators (further deterring reporting)

Continued impunity of perpetrators and occurrence of acts of SEA

Failure to fulfill responsibility to protect PoCs

Credibility with PoCs suffers; lack of trust

Possible threat or harm to personnel

UNHCR's reputation at stake

Reactive treatments

Enhance consultations with communities and review complaints mechanisms

Reinforce training to PoCs on SEA reporting and complaints mechanisms in a culturally sensitive manner

Establish adequate and effective referral mechanisms as per UN guidance (such as material support, health, security management and psycho-social and legal support to victims) and ensure monitoring

Strengthen SEA messaging to UNHCR and partner personnel

Provide transparent, regular and timely feedback to PoCs

Implementation of Administrative Instructions on protection against retaliation

Risk event | SEA incidents remain unaddressed

Causes

No / inadequate / ineffective referral mechanisms in place

Personnel not aware of referral mechanisms

Necessary support services not available or not sufficient

Attitude of UNHCR and partners' personnel that play down the importance of SEA

SEA not perceived as a frequent / common occurrence in the operation and tackled on an ad hoc basis

Government authorities, including security personnel, involved in SEA

Interference of traditional justice system that favours settlement with perpetrators

For cultural reasons, PoCs reluctant to access support, even if referred

Proactive treatments

Establish / enhance feedback mechanisms that are accessible and acceptable to PoCs (e.g. ensure confidentiality) – seek PoCs' views and work at inter-agency level when feasible

Ensure adequate and effective referral mechanisms are in place (work at inter-agency level when feasible)

Address identified gaps in support services through an inter-agency approach

Train UNHCR and partner personnel on handling reports of SEA

Maintain regular contact / interaction with PoCs who reported SEA

Outreach and trust-building activities with PoCs (focusing on one-on-one discussions)

Consequences

Victims of SEA not supported, inducing greater vulnerability

Impunity of perpetrators and no deterrence of future acts of SEA

Perceived tolerance of acts of SEA among the communities and loss of trust

Negative media attention given to UNHCR and/or partners

Reputation of UNHCR at stake and potential loss of funding

Loss of donor support and confidence in UNHCR
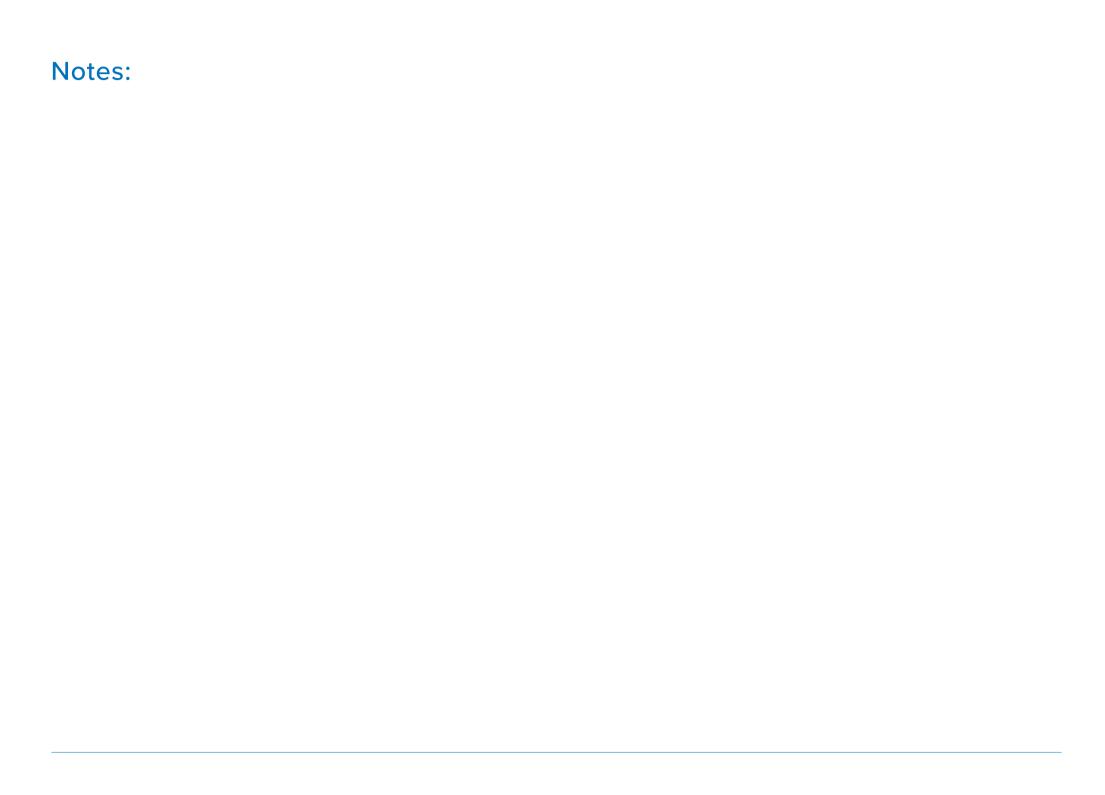
Reactive treatments

Set up or review referral mechanisms (material support, security (safe shelter), health, PSS, legal); monitor their effectiveness

Immediate needs assessment of SEA complainant and assistance, irrespective of case investigation or outcome, including security assessment if appropriate

Ensure follow up on reports of SEA and address complaints in a timely manner

Provide transparent, regular and timely feedback to PoCs on follow up to and status of their claim

Ensure implementation of the policy on a Victim-Centred Approach (VCA)

Notes:

Enterprise Risk
Management