

Terms of Reference for in-country Focal Points on Sexual Exploitation and Abuse

Competencies and Experience:

The in-country Focal Point for Sexual Exploitation and Abuse (SEA) and his/her Alternate shall be a staff member, normally appointed at a sufficiently senior level (P4 and above). Either the Focal Point or the Alternate shall be a female staff member.

The Focal Point and the Alternate shall have the following competencies and experience: Proven integrity, objectivity and professional competence; demonstrated sensitivity to cultural diversity and gender issues; fluent in relevant languages; demonstrated experience of working directly with local communities; proven communication skills. Upon appointment, the Focal Point and the Alternate shall undergo specific training on prevention of and protection from sexual exploitation and abuse, as soon as is feasible.

Duties and Responsibilities:

The Focal Point and the Alternate shall participate in the in-Country Network on SEA, focusing in particular on sharing and implementing best practice in SEA prevention and response, and coordinating induction briefings and training on SEA for all staff, including raising awareness among staff of their responsibilities to report all suspicions of sexual exploitation and abuse committed by colleagues, pursuant to ST/SGB/2003/13 section 3.2 (e).

The Focal Point/Alternate shall be responsible for making appropriate recommendations to management on enhancing prevention strategies especially in situations where the volume or type of complaints received indicate that patterns of sexual exploitation and abuse may exist. This could include collecting and analysing information on actual/potential risk factors for vulnerability to sexual exploitation and abuse and elaborating measures to address these. The Focal Point/Alternate shall prepare quarterly reports to management containing statistics and analysis of complaints received, follow up actions taken, and recommendations that flow from the analysis. Where relevant, the Focal Point/Alternate shall liaise with field focal points to ensure information from the field is incorporated into the quarterly reports.

The Focal Point/Alternate shall regularly attend and actively participate in internal coordination meetings

The Focal Point/Alternate shall receive, in complete confidence and in a conducive environment, complaints and questions about alleged acts of sexual exploitation and abuse committed by all categories of the [Agency/Mission]'s personnel. (A complainant may choose which of the two s/he wishes to contact regarding his/her complaint.) Appropriate measures shall be taken to ensure safety and confidentiality for all visitors to the Focal Point/Alternate, whether staff members or members of the local community.

The Focal Point/Alternate shall also receive, if requested, complaints about alleged acts committed by national or international personnel from other organisations, or about alleged acts when the institutional affiliation of the perpetrator(s) is unknown or uncertain.

The Focal Point/Alternate shall maintain (to the extent feasible in view of security considerations) an "open door" policy with regard to members of the local community, including refugees and other beneficiaries of assistance, national and international NGO personnel and all United Nations personnel, national and international.

The Focal Point/Alternate shall ensure the appointment of field focal points at all his/her organisation's field/sub-offices with significant staff presence. The field focal points shall be trained and delegated to receive complaints on his/her behalf in field locations and to pass these on to the capital-level Focal Point/Alternate for action and follow up.

The Focal Point/Alternate shall ensure that all materials pertaining to complaints and referrals are held securely and handled strictly in line with applicable reporting and investigation procedures.

Upon receipt of a complaint, the Focal Point/Alternate (or his/her delegated field focal point) shall:

- a. Obtain the complainant's informed consent (on the attached Referral Form) to document the complaint and to pass on the data recorded to the relevant management authorities, as well as to the RC/HC. Agreement may

- be secured on a separate consent form for possible disclosure of information to other external entities, including the police.
- b. Record the details of the allegation on the attached Model Complaints Referral Form and in line with the guidelines in the Model Complaints and Investigation Procedures and Guidance Related to Sexual Abuse and Sexual Exploitation;
 - c. Immediately attend to the safety, security, health and legal needs of the complainant (in line with the abovementioned guidelines), including by providing necessary referrals;

If the complaint implicates a staff member of the Focal Point's own organization:

- d. Forward the completed Complaints Referral Form and any other pertinent material(s) to the relevant management structures at Headquarters [insert organisation's Headquarters' focal point for sexual exploitation and abuse issues here] with recommendations for follow up action (e.g. an investigation, contact with local police, etc.);
- e. Act, if requested, as liaison between the complainant, including his/her family, and those persons conducting any subsequent investigation, ensuring at all stages that the safety, security, health and legal needs of the complainant are taken into consideration and that s/he is not subject to intimidation as a result of lodging the complaint.
- f. Be kept fully informed of the investigation's proceedings and outcome, and help complainants understand how the investigation and discipline processes work.
- g. Refer the complainant to local police, if appropriate and if s/he is interested in this option. (N.B. The Focal Point/Alternate should not get involved in acting as an advocate for complainants or victims with the local authorities).
- h. Refer complainant to relevant NGOs or support groups for victims of sexual violence.

If the complaint implicates a staff member of a different organization:

- i. Forward a copy of the completed form to Focal Point for sexual exploitation and abuse in the Accused person's organisation, as well as to the RC/HC, and meet up with the Focal Point to agree on responsibilities for follow up on the safety, security, health and legal needs.
- j. Refer the complainant to local police, if appropriate and if s/he is interested in this option. (N.B. The Focal Point/Alternate should not get involved in acting as an advocate for complainants or victims with the local authorities).
- k. Refer complainant to relevant NGOs or support groups for victims of sexual violence.

If the complaint is a rumour or the alleged perpetrator(s)' affiliation is unknown:

- l. Forward a copy of the completed form to the RC/HC and - where one exists, the SRSG. The RC/HC will immediately call for a meeting of the Focal Points' Network and ask it to develop a strategy for assessing the veracity of these rumours or allegations.
- m. The RC/HC or SRSG will then pursue the issue through the appropriate channels (if necessary launching a preliminary investigation) and also determine responsibilities for follow up and for responding to victims' needs.

If the complaint implicates a member of the local community:

- n. Refer the complainant to local police, if appropriate and if s/he is interested in this option. (N.B. The Focal Point/Alternate should not get involved in acting as an advocate for complainants or victims with the local authorities).
- o. Refer complainant to relevant NGOs or support groups for victims of sexual violence.