

SEA Victim Assistance Guide

**Establishing Country-Based Mechanisms
for Assisting Victims of Sexual Exploitation and Abuse
by UN/NGO/IGO Staff and Related Personnel**

April 2009

**Produced by the ECHA/ECPS UN and NGO Task Force
on Protection from Sexual Exploitation and Abuse**

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FEEDBACK FORM: SEA Victim Assistance Guide

Date: _____

- 1) Did you use this Guide to develop and/or work with a mechanism to assist survivors of sexual exploitation and abuse by UN/NGO/IGO personnel?

Yes No Explain:

- 2) Does the Guide clearly explain how to establish and operate SEA/VAMs?

Yes No Explain:

- 3) What additional information/charts/tools would be useful for your work on SEA/VAMs?

- 4) Would you prefer the Guide to be different in any way?

Yes No Explain (be specific):

- 5) Additional remarks? (These may be on both content and format.)

If you would be willing to speak with someone regarding your feedback, please provide your contact info:

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Section 1: Introduction

Since sexual exploitation and abuse at the hands of personnel of the United Nations and non-governmental organizations (SEA) came to the forefront of public attention in 2002, the UN/NGO community has increasingly recognized the need to provide assistance to SEA victims. In December 2006, the United Nations and NGOs alike committed to doing so in a Statement of Commitment on Eliminating Sexual Exploitation and Abuse by UN and Non-UN Personnel (see Annex 3). A year later, in December 2007, the United Nations General Assembly helped strengthen this commitment by adopting a resolution requiring the UN to assist and support victims of sexual exploitation and abuse perpetrated by UN staff and related personnel (GA resolution 62/214, see Annex 3). In order to implement this resolution, an SEA Victim Assistance Mechanism (SEA/VAM) needs to be established in every country in which the UN operates. In light of these developments, the UN and NGOs have worked together through an inter-agency task force to formulate a joint approach to victim assistance. This joint approach, described in the present guide, is grounded in but also expands upon the UN resolution so as to include the full community of the UN, NGOs and inter-governmental organizations (IGOs).

Victim assistance vs. Survivor assistance

In order to conform with the use of the term “victim” by the UN General Assembly in the context of SEA assistance programming, the present guide uses the term “victim assistance”. It should be noted, however, that developers of SEA assistance programmes in compliance with the GA resolution are free to determine whether to employ the term “survivor assistance” or “victim assistance”. The terms “survivors” or “persons victimized by SEA” used in this guide refer to all persons eligible for assistance through an SEA/VAM.

Purpose of this Guide

This booklet offers guidance on how to establish an SEA/VAM to assist and support survivors of sexual exploitation and abuse by UN/NGO/IGO staff and related personnel. Each country will develop its own SEA/VAM to assist survivors according to its local context. The mechanisms of assistance may vary between and even within countries, however there are a number of fixed characteristics and components shared by all SEA/VAMs. The present guide identifies and explains these common traits.

SPECIAL NOTE

The SEA Victim Assistance Mechanism does not replace or negate the responsibility of perpetrators of acts of sexual exploitation and abuse, who should be held accountable for their actions **both legally and financially**. The assistance provided by the United Nations or any other organization does not in any way diminish or replace individual responsibility. Likewise, the provision of assistance does not serve as an acknowledgment of the validity of the claims, a form of compensation nor an indication of acceptance of responsibility by the alleged perpetrator.

Section 2: What is an SEA Victim Assistance Mechanism?

SEA Victim Assistance Mechanisms (SEA/VAMs) help persons victimized by sexual exploitation and abuse to access the services they need as a result of such abuse.

Country-wide survivor-centred approach

Assistance and support should be consistently provided to all survivors of SEA perpetrated by UN/NGO/IGO staff and related personnel, regardless of the agency, department or organization associated with a specific SEA incident. In order to achieve this, **there should be a system-wide victim assistance mechanism in each country serving all survivors of SEA by UN/NGO/IGO staff and related personnel** (further referred to as “staff and related personnel”).

This system-wide programming is rooted in a survivor-centered approach. Such approach acknowledges that survivors are usually less concerned with the distinctions between different parts of the UN/NGO/IGO community than they are with accessing services through clear and simple procedures and in a fair manner.

Covering the UN/NGO/IGO community

In circumstances where it is not possible to develop a mechanism that covers all survivors of SEA by staff and related personnel in a given country, there should be a mechanism in place that covers at least survivors of SEA by UN staff and related personnel. As a next step, protocols should be developed between the United Nations, NGOs and IGOs to ensure that the level of care is consistent for all in each given location, regardless of the alleged perpetrator’s UN, NGO or IGO affiliation.

In countries with a Resident Coordinator (RC), the SEA/VAM should be operated under his or her auspices, with support from the United Nations Country Team and, where applicable, from the United Nations Mission and Humanitarian Country Team. This falls within the sexual exploitation and abuse responsibilities of the RC’s job description.

“[T]he RC is responsible for ensuring that a network of focal points for the implementation of the provision contained in the SG’s “Bulletin on special measures for protection from sexual exploitation and sexual abuse” is operational and supporting the development and implementation of a country-level action plan to address the issue.”

UN Resident Coordinator Generic Job Description, 29 January 2009

Who should receive assistance and support?

Assistance and support should be provided to **all persons victimized by staff or related personnel of UN/NGOs/IGOs** (further referred to as “entity”). Related personnel refers to consultants, volunteers (including United Nations Volunteers), individual contractors, personnel of partner organizations, experts on mission (e.g. UN Police, Military Observers) and peacekeeping uniformed personnel (i.e. military contingents).

Three categories of persons victimized by sexual exploitation and sexual abuse should receive assistance and support under an SEA/VAM: **complainants, victims and children born as a result of sexual exploitation and abuse.**

Complainants are persons who allege or are alleged to have been sexually exploited or abused by UN/NGO/IGO staff or related personnel before such allegations have been substantiated or dismissed through either a UN/NGO/IGO administrative process or a governmental judicial process. To receive assistance as a “complainant,” the allegation should be officially registered in accordance with established procedures of the relevant entity, e.g. through Conduct and Discipline Teams in peacekeeping operations. This should be done either prior to entering the SEA/VAM or within a reasonable time period once entered into the SEA/VAM. However, the complainant does not need to identify the perpetrator if s/he is unable to do so, nor does s/he need to agree to cooperate with investigative processes in order to receive assistance. It is sufficient to make the allegation in order to receive assistance. In some cases certain types of assistance, such as urgent medical care, will need to be provided before an allegation can be fully processed. Should a person not wish to have his/her allegation officially registered, s/he should receive emergency assistance in the same manner as other survivors of violence, particularly gender-based violence (GBV).

Victims are persons whose claims of sexual exploitation or abuse by UN/NGO/IGO staff or related personnel have been substantiated **through either a UN/NGO/IGO administrative process or a governmental judicial process.** All persons in such circumstances fall under this category, regardless of their sex and age.

Children born as a result of sexual exploitation and abuse are children who are found by a court of law in any country with jurisdiction – be this the host country, the country of origin of the staff or related personnel or otherwise – to have been born as a result of sexual exploitation or abuse by staff or related personnel.

All persons included in any of the categories above should receive assistance and support regardless of when the claim was submitted and whether their cases predate the establishment of the SEA/VAM.

What assistance and support should be provided?

The SEA/VAM provides assistance and support with respect to **medical, legal, psychosocial and immediate material care as well as the facilitation of the pursuit of paternity and child support claims.** Direct financial assistance should not be provided under the SEA/VAM. The nature and scope of the assistance to be provided is determined

on a case-by-case basis and depends on the services which are locally available to other GBV survivors. Guidelines are available from the UN and NGOs (see Annex 1 for examples).

Assistance and support is to be offered based on individual needs directly arising from sexual exploitation or abuse.

For complainants

Complainants should be provided with **basic assistance and support**. Basic assistance refers to services and treatment which cannot await the substantiation of claims. In many cases, for example, complainants will need to be helped to access medical treatment to meet urgent needs resulting from the suffered sexual exploitation or abuse. Given that some of the more damaging consequences of sexual exploitation and abuse can be greatly reduced or even prevented if medical assistance is provided within 72 hours from the time of the abuse, complainants may need to be helped to access medical care in a timely manner. This applies, for example, for the prevention of certain sexually transmitted infections, such as through provision of HIV/AIDS Post Exposure Prophylaxis kits, where available. Similarly, emergency medical care may also be needed to treat injuries resulting from the abuse suffered.

In addition, complainants should be helped to access psychological counselling when needed to address, for instance, trauma suffered as a result of sexual exploitation or abuse. Complainants should be helped to find shelter, clothing or food when the suffered sexual exploitation or abuse impedes them from using their own. They should be provided with protection if their security is at risk. Complainants should also be assisted or referred for assistance with to understand how to pursue claims, both administrative and legal, against the alleged perpetrators. Beyond referrals, the SEA/VAM should help complainants navigate the relevant entity's administrative process in pursuit of their claims. To do so, it should inform complainants of the options available at each stage of the process and of actions taken in their cases.

For victims

Once a person's claim has been substantiated, that person's status shifts from complainant to victim. At this point s/he can receive not only the basic assistance described above, but also additional help referred to as **expanded assistance and support** to address the broad range of consequences of sexual exploitation or abuse. For example, in the case of a girl who has to drop out of school upon becoming pregnant as a result of sexual exploitation or abuse, the SEA/VAM could assist her **to access alternative educational or vocational programmes on income-generating skills** so that she can support herself and her child. All assistance to victims is to be provided according to both the specific needs resulting directly from sexual exploitation or abuse and the services locally available to other GBV survivors.

The SEA/VAM should also facilitate the pursuit of paternity and child support claims for victims, where desired and legally applicable. This should be undertaken in conjunction with the relevant national governments – be they the host government, the government of the country of nationality of the alleged perpetrator or otherwise. The process may include the

coordination of DNA testing, which may take the form of DNA test financing or direct DNA collection, among others.

If paternity is substantiated during pregnancy, the SEA/VAM can assist the victim/mother to access natal care and other support associated with the pregnancy.

For children born as a result of SEA

Under the SEA/VAM, children born as a result of sexual exploitation and abuse should be entitled to receive medical, legal and psychosocial care to meet the specific needs that may arise as a direct result of sexual exploitation or abuse. **There is no time limit for the provision of assistance to these children.** However the ultimate goal is to enable the guardian/caretaker to address their children's relevant medical, psychosocial, legal and material needs without further assistance from the SEA/VAM. In this respect, caretakers could be provided, for example, with educational or skill-building opportunities as a way to help them to be socially and economically stable.

How should assistance and support be provided?

The main goal of SEA/VAMs is to facilitate access to locally existing services. Such assistance mechanisms are meant to serve as a helping hand, a guide or companion to complainants, victims and children born as a result of sexual exploitation or abuse so as to make it as easy as possible to receive the services they need. The process of locating and gaining access to such services is often time consuming, difficult to navigate and full of obstacles. **For this reason, under the SEA/VAM each and every person qualifying for assistance is coupled with a Victim Support Facilitator,** who acts as a case worker to help him/her through the system.

Victim Support Facilitators

The Victim Support Facilitator, essentially a case worker, will help the complainant, victim or child born as a result of sexual exploitation or abuse – also referred to as the client – to access services in a number of different ways. Depending on individual needs, the Facilitator can:

- ✓ provide referrals, which are the primary vehicle for assistance and support;
- ✓ accompany or provide transport to their clients to the facilities where services are provided;
- ✓ contact services providers to help their clients gain entry;
- ✓ act as guide to and liaison with UN administrative processes.

In a given geographical area there should be multiple Victim Support Facilitators in order to give clients in the SEA/VAM the possibility to choose one with whom they feel comfortable.

In most cases, Victim Support Facilitators will not be new positions but rather roles taken on by persons in existing positions given that, in most geographical areas, there are not many

reported cases of SEA and as such the roles will not require significant time commitments. Victim Support Facilitators may be social workers, persons in community-based organizations or NGOs, community or religious leaders or Focal Points on Protection from Sexual Exploitation and Abuse (PSEA). **Facilitators could be part of an existing gender-based violence assistance system, such as GBV committees in camps.** They will often already be working with vulnerable members of local populations and other beneficiaries. Most importantly, they should be trusted by the local community and be able to provide gender-sensitive and child-friendly services. (See sample Terms of Reference for Victim Support Facilitators in Annex 3 of this Guide, as well as suggestions for how to identify partners to provide them in Section 4).

Service provision

Under the SEA/VAM, persons qualifying for assistance should be directed to the closest available services based on local capacities available to other survivors of violence and abuse. It should be pointed out that the SEA/VAM relies on existing services. All assistance and support under the SEA/VAM should be provided in accordance with local protocols for the provision of assistance to victims of other forms of sexual and gender-based violence.

Promoting new services

The SEA/VAM can help bridge existing service gaps by supporting the establishment of new services. While the SEA/VAM would not fund new services in full, it could contribute proportionately to them depending on how much its clients may use such services compared to survivors of other forms of violence and abuse. In addition, regardless of its financial contribution to new services, the SEA/VAM may play an active role in advocating for them, although it should not be used as the main vehicle for filling service gaps for survivors of gender-based violence in general.

Connection between the SEA/VAM and other PSEA Efforts

- Persons in charge of receiving allegations of sexual exploitation and abuse may often also serve as Victim Support Facilitators in the SEA/VAM.
- Persons receiving assistance from the SEA/VAM will often engage with other PSEA response systems, such as investigation and disciplinary processes.
- Victims will often reach the SEA/VAM through other channels of the PSEA framework, such as the complaints mechanism and missions' Conduct and Discipline Units. In fact, ensuring that complaints mechanisms are in place alongside the SEA/VAM is critical since they will likely be a primary vehicle for identifying persons in need of assistance under the SEA/VAM.

Section 3: Tools

Tool 1: Principles to guide the establishment of SEA Victim Assistance Mechanisms

There are a number of principles to guide the development and operation of SEA/VAMs, including the following:

1. SEA/VAMs should be designed based on what is most effective in local contexts and according to the best interests of those being assisted by such mechanisms.
2. All assistance and support is to be provided in accordance with individual needs arising directly from sexual exploitation or abuse, as well as with local protocols for the provision of assistance to victims of violence and other forms of abuse.
3. Every attempt should be made to ensure that all survivors in each geographical area have access to a similar level of assistance.
4. The duration of the provision of assistance and support should be set in accordance with individual needs directly arising from sexual exploitation and abuse. The aim is to, in the shortest possible time period, enable the person receiving assistance to address such needs independent of the SEA/VAM.
5. SEA/VAMs should be simple, safe and respect the need for confidentiality, compassion, dignity and non-discrimination for all the persons connected to the incident of sexual exploitation or abuse.
6. Where children are concerned, their best interest should be a primary consideration in the design and implementation of the SEA/VAM.
7. All assistance and support should be provided in a manner that does not increase the trauma suffered by the survivor, cause further stigmatization or exclude or discriminate against other survivors of sexual exploitation and abuse.
8. Assistance and support under the SEA/VAM should complement rather than duplicate existing support to survivors of abuse and violence and, to the greatest extent possible, should be integrated into existing programmes.
9. Assistance and support should be able to be activated within a short time period, given that they are sometimes needed immediately.
10. Perpetrators of acts of sexual exploitation and sexual abuse hold responsibility for their acts; the provision of assistance by the United Nations or any other organization does not in any way diminish or replace that individual responsibility. Likewise, the provision of assistance is not an acknowledgment of the validity of the claims, a form of compensation or an indication of acceptance of responsibility by the alleged perpetrator.
11. SEA/VAMs should respect the rights of every complainant, victim and child born as a result of sexual exploitation or abuse, including the right to refuse certain assistance or to refrain or withdraw from participating in the SEA/VAM entirely.
12. SEA/VAMs should be separate from the allegation and investigation processes.

Tool 2: How can persons eligible for assistance enter the SEA/VAM?

Every survivor of SEA should be offered entry into the SEA/VAM. As such, if a survivor does not come forward for assistance of her/his own accord, the Victim Support Facilitator should approach her/him to offer her/him the opportunity to participate. Here are a number of ways in which a survivor might enter into the SEA/VAM:



The survivor might approach the Victim Support Facilitator. Per the SEA/VAM, the Victim Support Facilitator would then help the survivor access services.

or



The survivor might first report the incident of sexual exploitation or abuse to someone designated to receive and document allegations, such as in a complaints mechanism. This person should refer the survivor to the SEA/VAM, in particular to the Victim Support Facilitator.

or



The person who receives and documents the allegation may direct and/or accompany the survivor to the most urgently needed services if the survivor comes to him/her before going to a Victim Support Facilitator. This ensures that urgently needed services are provided in a timely fashion.

or



The SEA/VAM will need to inform local service providers that they should refer survivors of sexual exploitation and abuse by UN/NGO/IGO staff and related personnel to a Victim Support Facilitator. If a complaints mechanism is already in place in a given context, there should be coordination between such mechanism and the SEA/VAM to jointly determine whether service providers should refer SEA survivors to a Victim Support Facilitator, a person designated to receive and document allegations or both.

Tool 3: Do's and Don'ts

Do's

1. Establish a country-wide SEA/VAM for all survivors of sexual exploitation and abuse by UN/NGO/IGO staff and related personnel.
2. Facilitate access to medical, psychosocial, legal and immediate material care for complainants, victims and children born as a result of sexual exploitation or abuse.
3. Facilitate the pursuit of paternity and child support claims.

Don'ts



1. Under the SEA/VAM, never provide direct compensation in the form of money to complainants, victims or children born as a result of sexual exploitation or abuse. The SEA/VAM is not a compensation-based programme.

Section 4: How to Establish the SEA/VAM?

Who should establish and coordinate it?

RC/HC and the PSEA network

The UN Resident/Humanitarian Coordinator, in consultation with UN agencies, including heads of mission/special representatives of the Secretary-General of peacekeeping operations or special political missions, will need to designate a lead person(s)/entity(ies) to establish and coordinate the SEA/VAM.

The coordinator(s) should be someone who is a member of the country-level inter-agency network for protection from sexual exploitation and abuse (PSEA), since establishment and coordination of the SEA/VAM will need to fall within the terms of reference of the network. This will often be an existing staff member who assumes this coordinating role in addition to his/her other responsibilities or, if necessary, it could be created as a separate position. It could be taken on by one staff member or a whole team. From within the PSEA network, for example, a coordinator could be either a PSEA Focal Point or the Conduct and Discipline Team.

Where an inter-agency PSEA network is not yet in place

A PSEA network should ideally be created as a precursor to the SEA/VAM so as to ensure the necessary linkages with other efforts to protect from sexual exploitation and abuse (sample terms of reference for such networks can be found at www.un.org/psea/taskforce).

However, in order to ensure immediate implementation of assistance mechanisms where an inter-agency PSEA network is not yet operational, the RC/HC may designate two or more agencies to partner together to develop an SEA/VAM until the network is established. In countries with peacekeeping missions, one of the lead entities should be the Conduct and Discipline Team from the mission. Alternatively, an entity such as a member of the UN Country Team or the Conduct and Discipline Team can take the first step by proposing to the RC/HC how to proceed towards immediate implementation.

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How should it be established?

Steps to develop an SEA/VAM
1. Identify one/multiple coordinator(s)
2. Facilitate broad participation and consultation
3. Identify assistance and support services
4. Identify partners to provide Victim Support Facilitators
5. Develop a communications strategy
6. Train actors on their roles under the SEA/VAM
7. Ensure that complaints mechanisms are in place alongside SEA/VAM

1. Identify one/multiple coordinator(s)

The designation of one/multiple person(s) to lead the establishment and coordination of the SEA/VAM can take place in a variety of ways. Following are a few examples:

- The RC designates one or more individuals.
- The RC designates an agency, which then designates an individual.
- The PSEA network (or a GBV coordination group where no PSEA network exists) calls a meeting to identify one/multiple individual(s)/entity(ies) and submits their name(s) to the RC for his/her official designation.

2. Facilitate broad participation and consultation

The persons identified to lead the establishment and coordination of the SEA/VAM will liaise with the entire UN/NGO/IGO community given that the SEA/VAM will serve **all** those who have been sexually exploited or abused by the personnel of this community. The SEA/VAM must be approved at least by the relevant key entities on the ground and endorsed by the UN Country Team, the Mission, where a UN peacekeeping mission is in place, and the Humanitarian Country Team, where applicable.

With support from the network, the coordinator will also need to work with local actors throughout the country in order to establish needed structures, such as referral systems and Victim Support Facilitators.

3. Identify assistance and support services

A mapping of a variety of assistance and support services should be undertaken in relation to the medical, legal, psychosocial and material care that are part of the basic and extended assistance and support services (see page 3). This should be done for all areas of the country where the relevant entities are stationed. An analysis of the availability and quality of the services should be made and plans put in place for how SEA victims will be referred to these services.

Where services are poor or non-existent, plans should be developed with gender-based violence experts to establish or strengthen such services.

Once services are identified, procedures to ensure confidentiality should be put in place.

4. Identify partners to provide Victim Support Facilitators

It is envisaged that the UN entities in a specific location will enter into a partnership agreement with one or more appropriate NGOs, medical providers or other entities that will agree to allocate a percentage of a personnel member's time to fulfil the role of Victim Support Facilitator.

5. Develop a communications strategy

Communicating to survivors and local communities about the availability of assistance will naturally constitute part of a broad communication effort that addresses not only assistance but also information on survivors' rights, SEA, prohibited behaviour by UN/NGO/IGO personnel as well as how to report incidents of SEA. Each UN/NGO/IGO community will need to determine for itself whether to inform only identified SEA survivors about the assistance available to them or to inform local communities more broadly. There are pros and cons to the latter. **Cons:** publicizing free services might motivate false allegations and there may be no need to advertise a programme that will be offered to all survivors of reported cases anyway. **Pros:** being informed about available services might motivate some survivors to report SEA as there is often the belief that there is very little to gain, or actually everything to lose, from coming forward.

6. Train actors on their roles under the SEA/VAM

A number of actors will need to be trained on their roles within the SEA/VAM, specifically on how to respond to the needs of survivors of sexual exploitation and abuse. Actors include for instance:

- **Victim Support Facilitators**
- **Service providers** – in particular, organizations/clinics/ministries/etc. providing medical, legal, psychosocial and/or material services will need to understand how to receive survivors from and refer survivors to the SEA/VAM. They should also understand how to respond to the needs of survivors of sexual exploitation and abuse; such training should be connected with similar mechanisms to enhance response to survivors of gender-based violence in general.
- **Actors in pre-existing referral networks**
- **Persons who receive SEA allegations**
- **Members of PSEA Networks and Conduct and Discipline Units**

How should it be financed?

Operating the SEA/VAM could cost no money at all, as in the case of contexts where there are few reports of SEA and referral mechanisms for gender-based violence are already in place, or it could entail a sum hard to identify without a review of existing services in a particular country and an understanding of the number of SEA cases reported. It is recommended that likely costs be identified during the planning phase for the SEA/VAM.

Where cost implications apply, the following possible steps can be undertaken:

- Send a request to the RC's office to open a project under the UN Coordination award.
- Once this project award has been initiated, the UN community in a given country (perhaps in collaboration with NGOs and IGOs) can independently define how it will source the project in accordance with the procedures it normally uses to

coordinate funding. As an example, some countries might use Resident Coordinator funds, pooled funds, external donor funding or a combination of these.

- With respect to pooled funds, the Resident Coordinator might pool together funds from individual UN agencies. Contributions from individual entities would be determined at country level and could be based, for instance, on that entity's number of personnel, size of operation or budget in the country. NGOs and IGOs could also contribute to the fund pool, especially in contexts where the SEA/VAM provides assistance to survivors of SEA by their staff and related personnel.
- For missions to contribute to pooled funds, the use of resources from existing mission budgets may be requested.
- The common humanitarian financing schemes may be tapped into to support SEA/VAMs, where available. For more information on these funds contact the relevant OCHA Country/Field Office.
- The funds would then be allocated as appropriate, for example to the entity employing the Victim Support Facilitator or to the service providers, which will most likely be NGOs.

All duty stations already have systems in place to coordinate funds. As such, they will use the existing systems and will not need to create a new fund coordination mechanism.

Annex 1: Resources

Tools Repository

<http://ochamail.un.org/sea> (moving soon to www.un.org/psea/taskforce with expanded tools repository).

ECHA/ECPS UN and NGO Task Force on Protection from Sexual Exploitation and Abuse

seatf@un.org

Publications

Guidelines for Gender-based Violence Interventions in Humanitarian Settings: Focusing on Prevention of and Response to Sexual Violence in Emergencies, Inter-Agency Standing Committee, September 2005.

Sexual and Gender-based Violence against Refugees, Returnees and Internally Displaced Persons, UNHCR, May 2003.

Women, Girls, Boys and Men: Different Needs – Equal Opportunities, Inter-Agency Standing Committee, December 2006.

Headquarters PSEA Focal Point(s)

Please remember that you can refer to your headquarters Focal Point(s) on protection from sexual exploitation and abuse for questions on victim assistance and other PSEA-related matters.

Annex 2: Glossary

Sexual exploitation – 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.¹

Sexual abuse – the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.²

Complainants – persons who allege or are alleged to have been sexually exploited or abused by United Nations staff or related personnel before such allegations have been substantiated or dismissed through a UN/NGO/IGO administrative or a governmental judicial process.

Victims – persons whose claims that they have been sexually exploited or abused by UN staff or related personnel have been substantiated through a UN/NGO/IGO administrative process or a governmental judicial process.

Children born as a result of sexual exploitation and abuse by UN/NGO/IGO staff or related personnel – children who are found by a court of law in any country with jurisdiction – be this the host country, the country of origin of the staff or related personnel or otherwise – to have been born as a result of sexual exploitation or abuse by staff or related personnel.

UN/NGO/IGO staff or related personnel – staff (national or international), consultants, United Nations Volunteers, interns, volunteers and other personnel and individuals contracted by the United Nations, non-governmental organizations and inter-governmental organizations. In peacekeeping operations, related personnel will also include experts on mission, such as United Nations Police or United Nations Military Observers, as well as uniformed personnel, i.e. members of military contingents.

¹ Secretary-General's Bulletin on Special measures for protection from sexual exploitation and abuse, ST/SGB/2003/13, Section 1.

² Ibid.

Annex 3: Terms of Reference for Victim Support Facilitators

Terms of Reference for Victim Support Facilitators

Introduction

The United Nations, non-governmental organizations and inter-governmental organizations are committed to protecting from sexual exploitation and abuse by their personnel. The United Nations' victim assistance strategy ("the Strategy" General Assembly Resolution 62/214) was developed to assist and support survivors of sexual exploitation or abuse³ by UN staff and related personnel (SEA). As stipulated in the Strategy and the *SEA Victim Assistance Guide: Establishing Country-Based Mechanisms for Assisting Victims of Sexual Exploitation and Abuse by UN/NGO/IGO Staff and Related Personnel* ("the Guide"),⁴ there should be one SEA victim assistance mechanism (SEA/VAM) in each country serving all survivors of SEA.

Role description

As a key actor in the SEA/VAM, the Victim Support Facilitator shall, in his/her assigned geographical area, help survivors of SEA to access assistance and support in accordance with the Guide.

The Victim Support Facilitator designation is a role or "hat" and not necessarily a position. Either it can be assigned to existing personnel or new personnel can be hired to carry it out. The duties in connection with such role can be carried out full-time or part-time, depending on needs.

It is envisaged that the UN entities in a specific location will enter into a partnership agreement with one or more appropriate NGO(s) that will agree to allocate a percentage of a personnel member's time to fulfil this role. There will likely be more than one Victim Support Facilitator for each community where the UN/NGOs/IGOs work.

Key principles

The Victim Support Facilitator shall:

- uphold the survivor's rights, dignity and best interests at all times,
- maintain confidentiality on a need-to-know basis in all circumstances,

³ 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. The term "sexual abuse" means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. (UN Secretary General's Bulletin on Special Measures for Protection from Sexual Exploitation and Sexual Abuse (ST/SGB/2003/13))

⁴ Produced by the ECHA/ECPS UN and NGO Task Force on Protection from Sexual Exploitation and Abuse in 2008.

- act quickly to assist the survivor as needed, and
- be knowledgeable about and use existing referral networks for survivors of gender-based violence, where feasible.

Major tasks

Before an allegation is made

(Note: the activities in this section should be assigned to only one of the Victim Support Facilitators (VSFs) in a given location, while the results should be shared with all VSFs in that location; alternatively, the in-country network on protection from sexual exploitation and abuse can opt to undertake these activities and share the results with the VSFs):

- Map and assess medical, legal, psychosocial and material services available in assigned location. Services could include both government and non-governmental facilities, sponsored by the Ministry of Health, national programmes, NGOs as well as religious and private institutions, among others. Psychosocial services could include national social/welfare services or psychotherapy facilities. Universities and the Ministry of Health could be consulted as well.
- Map and assess existing referral networks for such services as potential bases for support, collaboration, good practice and lessons learned.
- Maintain an up-to-date list of contact information of key persons in the services and the referral networks.
- Identify service gaps and report them to the relevant Focal Point(s) on Protection from Sexual Exploitation and Abuse.

Identifying a survivor

- Determine whether the potential survivor falls into any of the three categories covered by the SEA/VAM (i.e. complainant, victim or child born as a result of sexual exploitation and abuse). Where this task is beyond the capacity of the Victim Support Facilitator, seek guidance from the in-country network on protection from sexual exploitation and abuse by UN/NGO/IGO personnel, whether at capital or field level.

Interacting with a survivor

- Explain to the survivor in a clear and sensitive manner:
 - The role of the Victim Support Facilitator and what s/he can and cannot offer.
 - The SEA/VAM's respect for confidentiality on a need-to-know basis.
 - The survivor's right to participate in or refrain or withdraw from the SEA/VAM at any time.
 - The survivor's right to refuse certain types of assistance and to select a different Victim Support Facilitator in a given location at any time.
 - The survivor's right to pursue legal action against the alleged perpetrator where the alleged act constitutes a crime.

- Together with the survivor, identify the types of care that are needed, in accordance with the Strategy.
- Together with the survivor, identify potential security needs. For example the survivor may be at risk from reprisals either from the alleged perpetrator or the survivor's community.
- Provide the survivor with referrals to services as needed by the survivor.
- Contact service providers to help the survivor gain entry to such services, as needed.
- Accompany the survivor to meetings and appointments, as needed.
- Arrange for the survivor's transport to services, as needed.
- Act as an interlocutor between the survivor and the relevant UN, NGO or IGO entity and help the survivor navigate the respective administrative process vis a vis the followup on the allegation of sexual exploitation or abuse.
- Maintain contact with the survivor before, during and after both the investigation and disciplinary processes to respond to needs in accordance with the Strategy.
- Identify translators and facilitate their engagement, if necessary.
- Ensure that all queries and concerns of the survivor are followed up.
- Ensure that the survivor is consulted and informed at all stages of the process.
- Where the survivor is a child, act as appropriate in accordance with his/her needs, rights and best interests.
- Maintain records about actions taken under the SEA/VAM, per agreement with the UN.
- Where a survivor of gender-based violence by someone other than UN/NGO/IGO personnel comes forward, refer them to appropriate GBV programmes for further assistance.

General

- Work with PSEA networks and GBV coordination groups to carry out VSF roles, as needed.

Profile

Victim Support Facilitators may be social workers, persons in community-based organizations or NGOs as well as community or religious leaders, among others. Ideally, at least one man and one woman should serve as Victim Support Facilitators for each community in which the UN/NGOs/IGOs work.

The Victim Support Facilitator shall have the following competencies and experience:

- Demonstrated experience supporting survivors of gender-based violence and working on protection from sexual exploitation and abuse desirable. Alternatively, experience in social work, gender equality programming, protection, mental health care or related discipline.
- Proven integrity, objectivity and professional competence.
- Demonstrated sensitivity to and understanding of gender issues, cultural diversity and culture-specific contexts.

- Fluency in languages relevant to the assignment.
- Demonstrated experience working directly with local communities.
- Proven communication skills.
- Commitment to upholding confidentiality.
- Immediate availability upon identification of a potential survivor.
- Availability of support from manager, where relevant.
- Preferably already working to support victims of other forms of violence.

Annex 4: Statement of Commitment on Eliminating Sexual Exploitation and Abuse by UN and Non-UN Personnel

Statement of Commitment on Eliminating Sexual Exploitation and Abuse by UN and Non-UN Personnel

We, UN and non-UN entities⁵, re-affirm our determination to prevent future acts of sexual exploitation and abuse by our personnel⁶.

We note the issuance of this Statement at the High-level Conference on Eliminating Sexual Exploitation and Abuse by UN and NGO Personnel on 4 December 2006 in New York, USA and welcome future endorsement of this Statement by others.

We recall the six core principles⁷ relating to sexual exploitation and abuse adopted by the Inter-Agency Standing Committee (IASC) Working Group in July 2002⁸. **We note that these principles have been incorporated into organization-specific codes of conduct, rules and regulations and are thereby binding on personnel.** In particular, they are binding on United Nations staff and related personnel and outlined in the Secretary-General's Bulletin *Special measures for protection from sexual exploitation and sexual abuse* (ST/SGB/2003/13).

We recall that these standards were promulgated to further protect the most vulnerable populations, especially women, girls and boys, and recognize that in countries where we operate, conditions such as poverty, weak rule of law and displacement and the destruction of community structures due to conflict, increase the vulnerability of communities to sexual exploitation and abuse, including human trafficking, by our personnel and others.

We further recall that creating and maintaining a living and working environment that prevents sexual exploitation and abuse is both an individual and organizational responsibility. We note that the management culture of an organization, the equal representation of women and men at all levels of the organization and the adequacy of the living and working environment all contribute to the prevention of sexual exploitation and abuse.

⁵ See "Appendix 1: List of Endorsing Entities" for a full listing of entities that endorse the Statement of Commitment on Eliminating Sexual Exploitation and Abuse by UN and Non-UN Personnel

⁶ "Our personnel" includes: United Nations staff and related personnel such as United Nations Volunteers, personnel or employees of non-United Nations entities or individuals who have entered into a cooperative arrangement with the United Nations (including interns, international and local consultants as well as individual and corporate contractors), experts on mission including United Nations police officers, members of national formed police units, corrections officers and military observers, as well as military members of national contingents serving in United Nations peacekeeping missions); personnel as defined by international organizations and their membership bodies; and personnel of non-governmental organizations.

⁷ See "Appendix 2: Six Core Principles Relating to Sexual Exploitation and Abuse"

⁸ The 2002 Report and Plan of Action of the IASC Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises established six core principles relating to sexual exploitation and abuse, to be incorporated into the codes of conduct and staff rules and regulations of member organizations.

We underline the importance of preventing sexual exploitation and abuse and stress the need for swift, decisive action when such acts do occur. We note the specific duties of managers and commanders in this regard, outlined for the United Nations in section 4 of the Bulletin.

We recognize that significant progress has been made to-date to eliminate sexual exploitation and abuse by our personnel, and note that we are at different stages of implementing the IASC six core principles on sexual exploitation and abuse.

We re-affirm our goal of achieving full implementation of these principles as a matter of urgency and commit to:



Develop organization-specific strategies to prevent and respond to sexual exploitation and abuse. These would include time-bound, measurable indicators of progress to enable our organizations and others to monitor our performance.

2. Incorporate our standards on sexual exploitation and abuse in induction materials and training courses for our personnel



3. Prevent perpetrators of sexual exploitation and abuse from being (re-)hired or (re-)deployed. This could include use of background and criminal reference checks.

4. Ensure that complaint mechanisms for reporting sexual exploitation and abuse are accessible and that focal points for receiving allegation understand how to discharge their duties



5. Take appropriate action to the best of our abilities to protect persons from retaliation where allegations of sexual exploitation and abuse are reported involving our personnel.

6. Investigate allegations of sexual exploitation and abuse in a timely and professional manner. This includes the use of appropriate interviewing practice with complainants and witnesses, particularly with children



7. Take swift and appropriate action against our personnel who commit sexual exploitation and abuse. This may include administrative or disciplinary action, and/or referral to the relevant authorities for appropriate action, including criminal prosecution.

8. Provide basic emergency assistance to complainants of sexual exploitation and abuse.



Regularly inform our personnel and communities on measures taken to prevent and respond to sexual exploitation and abuse. Such information should be developed and disseminated in-country in cooperation with other relevant agencies and should include details on complaints mechanisms, the status and outcome of investigations in

general terms, feedback on actions taken against perpetrators and follow-up measures taken as well as assistance available to complainants and victims.

10. Engage the support of communities and governments to prevent and respond to sexual exploitation and abuse by our personnel.

Appendix 1: List of Endorsing Entities

United Nations Entities

1. Department for Disarmament Affairs (DDA), Mr. Nobuaki Tanaka
2. Department of Economic and Social Affairs (DESA), Mr. Jose Antonio Ocampo
3. Department of Peacekeeping Operations (DPKO), Mr. Jean-Marie Guéhenno
4. Department of Political Affairs (DPA), Mr. Ibrahim Gambari
5. Department of Public Information (DPI), Mr. Shashi Tharoor
6. Department of Management (DM), Mr. Warren Sach OIC
7. Department of Safety and Security (DSS), Mr. David Veness
8. Food and Agriculture Organization (FAO), Mr. Jacques Diouf
9. International Trade Centre, Ms. Patricia Francis
10. Office for the Coordination of Humanitarian Affairs (OCHA), Mr. Jan Egeland
11. Office of Legal Affairs (OLA), Mr. Nicolas Michel
12. Office of the Special Adviser on Africa (OSAA), Mr. Joseph Legwaila Legwaila
13. Office of the Special Representative of the Secretary-General for Children and Armed Conflict (OSRSG/CAAC), Ms. Radhika Coomaraswamy
14. Office of the United Nations High Commissioner for Human Rights (OHCHR), Ms. Louise Arbour
15. Office of the United Nations High Commissioner for Refugees (UNHCR), Mr. Antonio Guterres
16. United Nations Children's Fund (UNICEF), Ms. Ann Veneman
17. United Nations Development Programme (UNDP), Mr. Kemal Dervis
18. United Nations Disengagement Observer Force (UNDOF), Major-General Wolfgang Jilke
19. United Nations Human Settlements Programme (UN-HABITAT), Ms. Anna K. Tibaijuka
20. United Nations Integrated Mission in Timor-Leste (UNMIT), Mr. Atul Khare
21. United Nations Interim Administration Mission in Kosovo (UNMIK), Mr. Joachim Rucker
22. United Nations Interim Force in Lebanon (UNIFIL), Major-General Claudio Graziano
23. United Nations Mission in Cote d'Ivoire (UNOCI), Mr. Abou Moussa (OIC)
24. United Nations Mission in Ethiopia and Eritrea (UNMEE), Mr. Azouz Ennifar
25. United Nations Mission in Sudan (UNMIS), Mr. Taye-Brook Zerihoun
26. United Nations Mission for the Referendum in Western Sahara (MINURSO), Mr. Julian Harston

27. United Nations Military Observer Group in India and Pakistan (UNMOGIP), Major General Dragutin Repinc
28. United Nations Observer Mission in Georgia (UNOMIG), Mr. Jean Arnault
29. United Nations Office at Geneva (UNOG), Mr. Sergei Ordzhonikidze
30. United Nations Office on Drugs and Crime (UNODC), Mr. Antonio Maria Costa
31. United Nations Office for Project Services (UNOPS), Mr. Jan Mattsson
32. United Nations Organization Mission in the Democratic Republic of Congo (MONUC), Mr. William Lacy Swing
33. United Nations Peacekeeping Force in Cyprus (UNFICYP), Mr. Michael Moller
34. United Nations Population Fund (UNFPA), Mr. Thoraya Obaid
35. United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), Ms. Karen Koning AbuZayd
36. United Nations Stabilization Mission in Haiti (MINUSTAH), Mr. Edmond Mulet
37. United Nations Staff Union, Mr. Stephen Kisambira
38. United Nations Truce Supervision Organization (UNTSO), Major General Ian Gordon
39. United Nations Volunteers (UNV), Mr. Ad de Raad
40. World Food Programme (WFP), Mr. James Morris
41. World Health Organization (WHO), Mr. Anders Nordstrom (Acting)

Non-United Nations Entities

1. Action By Churches Together (ACT), Mr. John Nduna - Director
2. Africa and Middle East Refugee Assistance (AMERA UK), Ms. Barbara E. Harrell-Bond, OBE, Executive Director for Overseas Operations
3. Africare, Mr. Julius E. Coles - President
4. American Refugee Committee International (ARC) Mr. Hugh Parmer - President
5. Association of Voluntary Agencies for Rural Development (AVARD) Mr. P.M. Tripathi - President
6. Care International, Mr. Denis Caillaux
7. Caritas Internationalis, Mr. Duncan MacLaren - Secretary General
8. Catholic Relief Services (CRS), Mr. Ken Hackett, President
9. Christian Children's Fund (CCF), Mr. Bill Leahey, Acting CEO
10. Christian Reformed World Relief Committee (CRWRC-US), Mr. Andrew Ryskamp - Director
11. Concern Worldwide, Mr. Tom Arnold, Chief Executive
12. End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT International), Ms. Carmen M. Madriñán, Executive Director
13. HelpAge International (HAI), Mr. Richard Blewitt - Chief Executive
14. International Medical Corps (IMC), Ms. Nancy Aossef - President and Chief Executive Officer
15. International Rescue Committee (IRC), Mr. George Rupp - President and Chief Executive Officer
16. Mercy Corps, Ms. Nancy Lindborg - President
17. Médecins du Monde France (MDM F), Mr. Pierre Micheletti - Chairman
18. Lutheran World Relief, Mr. Jeff Whisenant
19. Austrian Red Cross, Mr. Wolfgang Kopetzky

20. Italian Red Cross, Mr. Massimo Barra
21. Red Cross of Monaco, HSH Prince Albert II
22. Refugees International (RI), Mr. Kenneth H. Bacon - President
23. Relief International, Mr. Farshad Rastegar, CEO
24. Operation USA, Mr. Richard M. Walden, President and Chief Executive Officer
25. Pact, Inc., Ms. Sarah Newhall, President and Chief Executive Officer
26. Plan International, Mr. Tom Miller, Chief Executive Officer
27. Population Action International (PAI), Mr. Amy Cohen, Chief Executive Officer and President
28. Save the Children UK (SC UK), Ms. Jasmine Whitbread - Chief Executive
29. Save the Children Alliance, Ms. Jasmine Whitbread - Chief Executive
30. Tearfund, Mr. Matthew Frost - Chief Executive
31. Temporary International Presence in Hebron (TIPH), Mr. Karl-Henrik Sjursen, Head of Mission
32. Trinidad and Tobago Red Cross Society, Ms. Delia Chatoor, President
33. Winrock International Institute for Agricultural Development (Winrock International), Mr. Frank Tugwell - President and Chief Executive Officer
34. Women's Commission for Refugee Women and Children, Ms. Carolyn Makinson - Executive Director

Status as of 19 August 2008

Appendix 2: Six Core Principles Relating to Sexual Exploitation and Abuse⁹

1. "Sexual exploitation and abuse by humanitarian workers constitute acts of gross misconduct and are therefore grounds for termination of employment.
2. Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief regarding the age of a child is not a defence.
3. Exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour is prohibited. This includes exchange of assistance that is due to beneficiaries.
4. Sexual relationships between humanitarian workers and beneficiaries are strongly discouraged since they are based on inherently unequal power dynamics. Such relationships undermine the credibility and integrity of humanitarian aid work.

⁹ See Report of the Inter-Agency Standing Committee Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises of 13 June 2002, Plan of Action, Section I.A.

5. Where a humanitarian worker develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same agency or not, he or she must report such concerns via established agency reporting mechanisms.
6. Humanitarian workers are obliged to create and maintain an environment which prevents sexual exploitation and abuse and promotes the implementation of their code of conduct. Managers at all levels have particular responsibilities to support and develop systems which maintain this environment.”

Annex 5: Victim Assistance Strategy GA Resolution 62/214

United Nations

A/RES/62/214



General Assembly

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Agenda item 116

Resolution adopted by the General Assembly

[without reference to a Main Committee (A/62/595)]

62/214. United Nations Comprehensive Strategy on Assistance and Support to Victims of Sexual Exploitation and Abuse by United Nations Staff and Related Personnel*The General Assembly,*

Reaffirming the purposes and principles of the Charter of the United Nations and international law, which are indispensable for a more peaceful, prosperous and just world, and for the promotion and protection of human rights and fundamental freedoms for all,

Deeply concerned by and strongly condemning all acts of sexual exploitation and abuse committed by United Nations staff and related personnel,

Reiterating its support to the Secretary-General's zero-tolerance policy on sexual exploitation and abuse, and recalling all relevant United Nations standards of conduct and regulations, including the Secretary-General's bulletin on the special measures for protection from sexual exploitation and sexual abuse,¹

Also reiterating its support for the implementation of a comprehensive approach throughout the United Nations system to assistance to victims of sexual exploitation and abuse by United Nations staff and related personnel, which should be provided in an appropriate and reliable manner,

Recalling the letter dated 24 March 2005 from the Secretary-General to the President of the General Assembly, which contains the report of the special adviser entitled "A comprehensive strategy to eliminate future sexual exploitation and abuse in United Nations peacekeeping operations",²

Recalling also that, in the 2005 World Summit Outcome,³ the Secretary-General was requested to submit proposals to the General Assembly leading to a comprehensive approach to victims' assistance,

¹ ST/SGB/2003/13.² A/59/710.³ See resolution 60/1, para. 165.

Recalling further its resolutions 59/281 of 29 March 2005, 59/300 of 22 June 2005, 60/263 of 6 June 2006 and 61/291 of 24 July 2007,

Taking note with appreciation of the letter dated 25 May 2006 from the Secretary-General to the President of the General Assembly,⁴ which contains a draft United Nations policy statement and a draft United Nations comprehensive strategy on assistance and support to victims of sexual exploitation and abuse by United Nations staff and related personnel,

Mindful of the importance of assisting victims of sexual exploitation and abuse committed by United Nations staff and related personnel,

1. *Adopts* the United Nations Comprehensive Strategy on Assistance and Support to Victims of Sexual Exploitation and Abuse by United Nations Staff and Related Personnel ("the Strategy"), annexed to the present resolution;

2. *Calls upon* relevant organizations of the United Nations system, and invites specialized agencies, to engage in an active and coordinated manner in the implementation of the Strategy, with the support of civil society, as appropriate, working closely with Member States;

3. *Decides* to examine, in two years, progress made in the implementation of the Strategy under the agenda item entitled "Follow-up to the outcome of the Millennium Summit";

4. *Requests* the Secretary-General to implement the Strategy and to submit a detailed report in this regard to the General Assembly at its sixty-fourth session, including lessons learned, best practices and recommendations.

*79th plenary meeting
21 December 2007*