
Cox's Bazar Protection from Sexual Exploitation and Abuse Network Terms of Reference for the PSEA Focal Points March 2024

Background

Protection from Sexual Exploitation and Abuse (PSEA) is a core commitment of the UN Secretary-General and the Inter-Agency Standing Committee (IASC). To deliver on this commitment, the IASC has prioritized the acceleration of PSEA from the outset of humanitarian response, with a focus on key priority areas including safe and accessible reporting, victims/survivor-centered response, and enhanced accountability.¹ Under the auspices of the Resident Coordinator, Cox's Bazar PSEA Network² is the primary body for technical-level coordination and oversight of PSEA activities in line with its PSEA Action Plan³. The network is responsible for implementing coordinated activities between PSEA Network members through PSEA Focal Points to prevent Sexual Exploitation and Abuse (SEA) by UN and non-UN personnel⁴, reduce the risk of SEA and ensure effective response when incidents do arise in Cox's Bazar.

Role Description

The PSEA Focal Point is a staff member from UN Agencies and I/NGOs tasked with implementing PSEA in direct coordination with their Head of Office, both internally and as an active member of the Cox's Bazar PSEA Network. The nomination of a PSEA Focal Point does not relieve the Head of Office of their ultimate responsibility for PSEA in the office but supports the Head of Office in that role. It is the role of the PSEA Network Coordinator to provide functional guidance to the Network Focal Points.

In most cases, the Focal Point designation is a role or "hat" assigned to existing personnel and not a full-time position. To respect the need to balance Focal Point's regular job with engagement on PSEA, the below responsibilities will be reflected in the Focal Point's job evaluation. To avoid the loss of institutional memory due to personnel change, the PSEA Focal Point should be able to commit to the role for minimum 1 year and prepare a briefing for their replacement when exiting.

To ensure the Focal Point is allowed enough time to devote to PSEA responsibilities and that the activities are covered during Leave/R&R, Agencies aim to have two PSEA Focal Points, taking gender balance into consideration. The responsibilities outlined in these TORs will be divided between the Focal Points at their discretion and under the supervision of their respective supervisors as sharing responsibilities equally or as one primary and one alternate.

The role of the Focal Point is limited to PSEA. Although the PSEA Focal Points need to be able to identify links between SEA and other forms of staff misconduct, they are not responsible for implementing activities beyond PSEA.

¹ IASC Strategy on Protection from Sexual Exploitation and Abuse and Sexual Harassment (2021), available [here](#); IASC Plan for Accelerating PSEA in Humanitarian Response at Country-Level (2018), available [here](#); UN Secretary-General's Strategy on PSEA (2017), available [here](#).

² [PSEA Network Webpage](#)

³ [Bangladesh 2024 Action Plan to Prevent and Respond to Sexual Exploitation and Abuse](#)

⁴ Secretary General's Bulletin on SEA ST/SGB/2003/13 (2003), available [here](#) which is binding for all UN personnel, and the Statement of Commitment on Eliminating Sexual Exploitation and Abuse by UN and Non-UN Personnel (2006), available [here](#) which expanded the PSEA framework outside the UN and to cover all personnel.

The PSEA Focal Point does not have an investigative role *as such*. However, the PSEA Focal Point of an organization without a separate HQ investigation unit *may also* have an internal investigation role, if trained and qualified as an SEA investigator ([link](#)). In such a scenario, the Focal Point must recuse themselves from an investigation if he/she begins providing victim support and/or otherwise compromises their impartiality or fosters an impression of conflict of interest.

Responsibilities

Under the 4 pillars of IASC Minimum Operating Standards on Protection from Sexual Exploitation and Abuse and in line with global standards on PSEA,⁵ the PSEA Focal Point(s) will undertake the following:

Core Activities:

Engagement with and support of the affected population⁶

- Co-design and disseminate awareness-raising tools and facilitate events for community members with emphasis on their rights, what SEA and staff reporting obligations are, and options for reporting sensitive complaints and victim assistance services.
- Support the PSEA Network to establish an inter-agency Community-Based Complaint Mechanism, incorporating existing complaint and feedback mechanism (CFM) and in line with PSEA and GBV good practice.⁷

Prevention

Support the Head of Office to:

- Establish and ensure staff sign a Code of Conduct that clearly prohibits SEA, obliges reporting of such acts, and enforces these clauses when breached.
- Develop and monitor an Action Plan to mainstream PSEA throughout Organization's departments and programming, informed by community engagement and SEA trends in Cox's Bazar and in accordance with global and/or regional PSEA Action Plans.

Take the lead on:

- Collaborating with Human Resources to ensure all new hires receive induction on PSEA.
- Regularly train and support training for staff and field personnel on PSEA and UN Code of Conduct and mechanisms for reporting SEA.

Response

- Act as a channel to receive allegations of SEA. Report and where relevant refer allegations to the organization whose personnel are implicated, and survivors to assistance in line with internal procedure and available pathways.
- Limit sharing of sensitive complaint information to a "need to know" basis, in line with data protection principles and a victim-centered approach.
- In coordination with the Accountability to Affected Population (AAP) Focal Points, support program managers to strengthen and/or establish safe, accessible, and contextually appropriate channels to receive sensitive allegations, informed by good practice and community consultations.

⁵ See e.g. the [Minimum Operating Standards on PSEA](#), and the [Core Humanitarian Standard](#).

⁶ All PSEA engagements with the local population should be done in coordination with actors working with affected populations to avoid duplication of efforts and to inform said engagements.

⁷ Good practices in setting up systems for inter-agency referrals of SEA complaints and victim assistance, are found in the IASC [Best Practice Guide](#) and the GBV AoR's [Handbook for Coordinating Gender-Based Violence Interventions in Emergencies](#) Chapter 1.8

- Support the Head of Office to establish and/or strengthen complaint handling and investigation protocols, including clear case handling responsibilities, capacitated investigators, and the ability to enact disciplinary measures where an allegation of SEA is substantiated and incorporating the relevant Bangladeshi national legal context.

Management and Coordination

- Attend monthly PSEA Network meetings (as well as ad-hoc meetings, as needed).
- Raise awareness of the Focal Points' identity and contact details throughout their agency, the PSEA Network, and where appropriate the affected community.
- Represent their agency at PSEA Network meetings, actively participate in fulfilling the Network's Action Plan, and report back to the Head of Office on Network progress and lessons learned.
- Assist the Head of Office to meet their senior leadership PSEA responsibilities.

Additional Activities:

Community engagement

- Map existing community engagement projects in their agency and work with project leads to insert PSEA messages and/or gather community input where appropriate.
- In coordination with trained GBV colleagues, learn community preferences in reporting sensitive information, their perspectives of aid workers' attitudes and behavior, their feedback on the effectiveness of SEA reporting channels and processes and accessibility of assistance services, and their input on how to speak about sexual issues in a culturally appropriate manner.
- Where relevant, plan and organize agency-specific and/or joint awareness campaigns for local communities on PSEA, which emphasize beneficiary rights and how to report SEA.

Prevention

- Support program managers to budget for and implement their agency's PSEA activities under the Action Plan.
- Assist human resource departments upon request to put in place and apply practices that guard against hiring persons who have a record of misconduct,⁸ and include PSEA content in code of conduct, policies, contracts, subcontracting, and job evaluation criteria.
- Collect and analyze information on SEA risk factors (via internal programming) and country-wide trends (via the Network) and make recommendations to senior management on how to enhance prevention strategies.
- Raise awareness of partners on the UN Code of Conduct and mechanisms for reporting allegations of SEA. Ensure management are aware of the [UN Protocol on Allegations of Sexual Exploitation and Abuse involving implementing partners](#) and accompanying partner assessment⁹, and support as needed.
- In coordination with relevant fellow PSEA Network members provide PSEA training for partners.

⁸ Initiatives to promote sharing information on re-hiring of perpetrators are the Steering Committee for Humanitarian Response's [Misconduct Disclosure Scheme](#) (open to I/NGOs), [Clear Check](#) (open to UN), National Criminal records, INTERPOL Soteria.

⁹ [UN Implementing Partner PSEA Capacity Assessment Tool, 2020](#)

Response

- Ensure essential services are available either internally or through other service providers to support victims of SEA, including but not limited to-safety, immediate medical care, mental health and psychosocial support, legal services, dignity kits, basic materials assistance & socio-economic empowerment and support for children born because of SEA where necessary.
- Ensure assistance provided to victims shall adhere to the principle of “do no harm” and be provided in a manner which seeks to uphold their rights, dignity, and well-being. This may entail provision of safety measures to protect against retaliation, re-victimization, and re-traumatization.
- Ensure assistance and support are made available to all victims of SEA irrespective of whether the victim initiates or cooperates with an investigation or any other accountability procedure.
- Identify whether the complainant (and, if separate, the victim) has received victim assistance and support, via pre-established Gender Based Violence (GBV) and Child Protection referral pathways, within 24 hours.
- In coordination with GBV specialists, support the Head of Office to establish and/or strengthen internal referral pathways to victim assistance services in line with the [UN Victim Assistance Protocol](#).
- Support the Head of Office to monitor the progress of complaints according to internal procedures.

Management & Coordination

- Support and promote their agency’s adherence to relevant accountability and compliance mechanisms, and reporting requirements on PSEA.
- Compile available anonymized, aggregate data on SEA allegations within at country level to inform relevant UN agencies, Donors, and the PSEA Network in line with internal policies and practices and for program adjustment and strengthen efforts to address SEA.
- Share regular updates of anonymized, aggregate SEA allegations with the PSEA Network to support trends analysis, unless this would jeopardize the rights of the victim or the investigation process.
- Coordinate with field offices to share lessons learned, mutually benefit from training opportunities, and harmonize PSEA implementation throughout Organization.

Required Qualifications and Experience:

The PSEA Focal Point should be a mid/senior level staff member of an organization with easy access to senior management. Once appointed, the PSEA Focal Point shall undergo the network led “PSEA Network Focal Point” ToT training, which will assist them in carrying out their duties both within their agency and as a member of the PSEA Network. In selecting focal points, the following should be given due attention:

Professional experience and background

- Can speak on behalf of the organization in the PSEA Network and has sufficient decision-making authority to initiate institutional change. Have direct access to the Head of Office in PSEA-related matters.
- Strong knowledge of the local context and norms related to sex and gender.
- Strong knowledge and understanding of their agency’s institutional approach on PSEA and related strategies, policies, rules and regulations.
- Compatibility of the PSEA Focal Point function with assigned position and workload.
- Demonstrated experience working directly with local communities.
- Experience in protection-centred work is an advantage.
- Familiarity with data protection and confidentiality measures and protocols.

Skills

- Professionalism (proven integrity, objectivity, and professional competence).
- Clear and effective communication, facilitation, and inter-personal skills.
- Effective Time-management.

Behavioral requirements

- Embracing cultural diversity.
- Sensitivity to gender issues.
- Ability to interact in a sensitive manner with victims.
- Ability to work in a stressful environment.

Languages

- English required.
- Knowledge of Bangla/ Chittagonian dialects is a strong benefit¹⁰

Training:

The Head of Office will support the Focal Points to be trained on:

- The definition of SEA, including the [Six Principles](#) and how they are captured in the UN Code of Conduct / PSEA Policy.
- SOPs in SEA Complaints referrals.
- Training of Trainers (TOT) on Saying no to Sexual Misconduct.
- Other forms of misconduct, to enhance the ability to recognize SEA when mixed with other issues.
- Gender-Based Violence (GBV), Accountability to Affected Populations (AAP), and (Child) Protection Guiding Principles to promote victim-centered and accountable approach to PSEA.
- Their agency's internal complaints procedures and victim assistance mechanisms.
- Investigation standards, so that the intake and reporting process does not jeopardize a subsequent SEA investigation.

These Terms of Reference were endorsed in March 2024 and shall be reviewed and revised as appropriate.

¹⁰ Where necessary and as possible, the Focal Point will receive training on relevant words/phrases in the local language to ensure PSEA program is contextualized and appropriate, and to minimize communication barriers.