

Inter-Agency Standing Committee

REPORT OF THE TASK FORCE ON PROTECTION FROM SEXUAL EXPLOITATION AND ABUSE IN HUMANITARIAN CRISES¹

A. Background

1. The grave allegations of widespread sexual exploitation and abuse of refugee and internally displaced women and children by humanitarian workers and peacekeepers in West Africa have highlighted the vulnerability of refugees, internally displaced persons and others, especially women and girls. Acknowledging the important challenge that this presents to the entire humanitarian community, in March 2002, the Inter-Agency Standing Committee (IASC) established a Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises. The Task Force was mandated, within the overall objective of strengthening and enhancing the protection and care of women and children in situations of humanitarian crisis and conflict, to make recommendations that specifically aim to eliminate sexual exploitation and abuse by humanitarian personnel and the misuse of humanitarian assistance for sexual purposes.
2. In setting up the Task Force, the IASC recognized that the problem of sexual exploitation and abuse in humanitarian crises is not confined to West Africa but is a global problem. No country, society or community is spared. The foundations of sexual exploitation and abuse are embedded in unequal power relationships. It represents a complex problem requiring responses from a broad range of actors and a shift in the organisational culture and approach of humanitarian agencies.
3. This report reflects the deliberations and analysis of the members of the Task Force, as well as the opinions and experience of other actors from the UN system, NGOs, donors and other Member States, gathered through a series of consultations. It is informed by the extensive work undertaken by humanitarian agencies in Sierra Leone, Guinea and Liberia, and draws on existing literature and guidelines, particularly in relation to gender-based violence.² The attached Plan of Action outlines a number of steps that the Task Force believes must be taken by the humanitarian community towards preventing sexual exploitation and abuse and responding to survivor needs. This plan is not a blueprint. It is part of an ongoing effort of the humanitarian community and will be refined on the basis of experience, pilot activities in selected countries and field visits to affected locations.

¹ The Inter-Agency Standing Committee (IASC) is comprised of both members (FAO, OCHA, UNDP, UNFPA, UNICEF, UNHCR, WFP, WHO) and standing invitees (ICRC, ICVA, IFRC, InterAction, IOM, SCHR, RSG/IDPs, UNHCHR, and the World Bank). ICRC, a standing invitee, maintains its independence from policy statements issued by the IASC and its subsidiary bodies.

² In particular, the extensive guidelines developed by UNHCR and the Reproductive Health for Refugees Consortium. Gender-based violence is violence that is directed against a person on the basis of gender or sex. Gender-based violence includes acts that inflict physical, mental, or sexual harm or suffering, threats of such acts, coercion, or other deprivations of liberty. While women, men, boys and girls can be victims of gender-based violence, because of their subordinate status, women and girls are the primary victims.

4. Once approved by the IASC, the Plan of Action will apply to all IASC members and standing invitees.³ However, it is hoped that the Plan of Action will also have broader application. It will be an important guide for monitoring and evaluating progress made in efforts to eliminate sexual exploitation and abuse. It is hoped that it will form the basis for further discussions within the humanitarian community, with host governments, donors, peacekeepers and others engaged in working with and for populations affected by humanitarian crises, on the long-term measures and changes that need to be introduced to address the problem of sexual exploitation and abuse. It could also be used by donors for establishing requirements to be eligible for humanitarian funding or elements to be included in reporting on humanitarian activities.

B. The Context

5. Conflict and displacement inevitably erode and weaken many of the social and political structures that are designed to protect members of the community. Displaced populations, particularly in the context of armed conflict, have usually fled from an environment of violence and will often encounter further violence during the course of their displacement. The resources available to affected populations, and to the humanitarian community that is there to assist them, are frequently insufficient to meet basic needs. All too often, mechanisms for protection are not given sufficient priority.
6. Sexual exploitation and abuse occur in many different environments. However, in humanitarian crises, the dependency of affected populations on humanitarian agencies for their basic needs creates a particular duty of care on the part of humanitarian workers and peacekeepers, when present. Managers have an additional responsibility to ensure that there are proper mechanisms to prevent and respond to sexual exploitation and abuse. Humanitarian agencies must make every effort to create an environment where sexual exploitation and abuse are not tolerated. This is especially necessary given the following features of humanitarian crises:
 - a) the lack of economic opportunities for displaced populations may result in commercial and exploitative sex being one of the few options for income generation to meet basic needs;
 - b) beneficiary communities have often come from an environment of gender-based violence with which community structures collude. Unless proper safeguards are put in place, the same patterns can continue or even be exacerbated in a camp or settlement environment; and

³ For the purpose of this report and plan of action, the term “agency” will be used to cover all IASC members and standing invitees that endorse this report.

c) the usual social protections are not in place or are no longer functioning. Levels of protection and security are generally poor; justice and policing frequently do not exist in the displaced environment.

7. The question of who constitutes a humanitarian worker highlights another layer of complexity. The group is much more broadly defined than the internationally engaged staff of humanitarian aid organisations. Thousands of staff are engaged in a variety of work ranging from volunteers, casual labourers, drivers and warehouse guards to decision makers at the country, regional and international levels. Many of these staff are drawn from beneficiary communities themselves. This can blur distinctions between what constitutes professional and private relationships with other members of the beneficiary community. However, by accepting work with humanitarian agencies, humanitarian workers also have to accept the special responsibility of humanitarian care that goes with the job.

C. Key Definitions

8. There is general recognition of the existing problem of sexual exploitation and abuse in humanitarian crises. The problem is broader and harder to define than initially assumed and, by its nature, is difficult to investigate. Therefore, for the purposes of the plan of action, the Task Force has used the following definitions:

“sexual abuse” is actual or threatened physical intrusion of a sexual nature, including inappropriate touching, by force or under unequal or coercive conditions;

“sexual exploitation” is any abuse of a position of vulnerability, differential power, or trust for sexual purposes; this includes profiting monetarily, socially or politically from the sexual exploitation of another; and

“humanitarian workers” include all workers engaged by humanitarian agencies, whether internationally or nationally recruited, or formally or informally retained from the beneficiary community, to conduct the activities of that agency.

D. Broader issues

9. The Task Force identified the following constraints that will affect implementation of its recommendations and which will require further analysis by the humanitarian community.

a) Humanitarian standards of behaviour: There is, as yet, no common code of conduct governing the individual behaviour of humanitarian workers. The problem of sexual exploitation and abuse has highlighted the need for clear standards of behaviour for humanitarian workers. The Task Force has focused on the narrower question of behaviour in relation to sexual exploitation and abuse. However, its recommendations should ideally be situated within a broader

framework of generic standards of humanitarian behaviour. These have not yet been explicitly identified and should be given proper consideration by the humanitarian community. This will raise additional questions as to who should be responsible for enforcing standards of behaviour, and whether that responsibility should be individual or collective and lie at the country, regional or international levels. At present, such issues are dealt with on an ad hoc basis, from agency to agency, which limits the effectiveness of a common plan of action.

b) Protection: There is no commonly agreed operational definition of protection or any consensus on what constitutes core competencies. There is a need for a more thorough analysis as to what constitutes protection and what the acceptable minimum standards for protection are. The Task Force agreed that protection requires a holistic definition that encompasses legal, social and physical protection but more consideration must be given as to what this implies for humanitarian action.

c) Gender and power: Unequal power relationships provide the basis for sexual exploitation and abuse. Due to their unequal status, women and girls are particularly at risk of sexual exploitation and abuse. However, it is important to recognise that boys are also vulnerable to sexual exploitation and abuse.

d) Economic environment: The resource environment, particularly the lack of adequate food and services, contributes to the risk of sexual exploitation and abuse. Particular issues such as breaks in food pipelines are exacerbating factors that need to be addressed by the entire humanitarian community in a manner that reduces risk. Greater efforts must be made to provide displaced populations with alternative income generation opportunities, particularly for women.

e) Responsibility and accountability: There are no common systems of accountability for the humanitarian community. At present, accountability for the behaviour of staff exists only within individual agencies and varies, in level, between agencies. Further consideration must be given as to the adequacy of internal systems to maintain standards of behaviour. This should be complemented by more detailed discussion of the issue of collective responsibility, and at what level it should be considered. The Task Force's work revealed that avenues of recourse for beneficiaries are practically non-existent. Accountability to the beneficiary community should be strengthened and institutionalised. In a related vein, more attention must also be paid to how the responsibilities of the humanitarian community relate to those of host governments.

E. Plan of Action: Core central recommendations

10. The Plan of Action is divided into three sections: prevention, response and management and implementation issues. It addresses protection from sexual

exploitation and abuse during humanitarian crises by seeking to prevent exploitative and abusive behaviour from being perpetrated and addressing the conditions that make women and children vulnerable to exploitation and abuse. The following recommendations are elaborated in the attached Plan of Action and constitute the essential actions that the Task Force would expect the IASC to require of its members and standing invitees:

- a) Behaviour of staff: All humanitarian agencies must clearly define the principles and standards of behaviour that they expect of their staff. In relation to sexual exploitation and abuse, these core principles have been identified as⁴:
- Sexual exploitation and abuse by humanitarian workers constitute acts of gross misconduct and are therefore grounds for termination of employment;
 - 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 in the age of a child is not a defence;
 - 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.
 - 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.
 - Where a humanitarian worker develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same agency or not, s/he must report such concerns via established agency reporting mechanisms.
 - Humanitarian workers agencies 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.

Further, these principles and standards should be incorporated into agency codes of conduct and staff rules and regulations. Mechanisms to ensure that these standards and principles are promoted, disseminated, integrated into personnel requirements, administrative standards, agreements with partners and contractors must also be established. In addition, mechanisms for reporting complaints,

⁴ Different considerations will arise regarding the enforcement of some of these principles for humanitarian workers hired from the beneficiary community. While sexual exploitation and abuse and the misuse of humanitarian assistance will always be prohibited, discretion may need to be used in the application of the principles regarding sexual relationships for this category of humanitarian worker.

investigative procedures and disciplinary processes should be established. Clear definitions of management responsibility and accountability are vital.

- b) Protection from sexual exploitation and abuse will only be effective within a broader framework of effective protection from gender-based violence. Protection is a central and indispensable component of humanitarian action. It should not be compromised. Particularly in times of financial stringency, agencies must commit to sustaining protection activities.
 - c) The creation of an environment that is conducive to the prevention and elimination of sexual exploitation and abuse is key. Such an environment will include, at a minimum, enhanced beneficiary participation in all aspects of humanitarian programming and camp governance, improved delivery mechanisms to reduce their potential for exploitation, and dissemination of information on beneficiary rights, entitlements, responsibilities and complaints procedures. Accountability to beneficiaries is a necessary step toward creating an environment that discourages sexual exploitation and abuse.
 - d) The focus of the response by humanitarian agencies is to provide basic health and psychosocial care for survivors and ensure their access to mechanisms for recourse and redress. A key element in promoting accountability is to ensure that, wherever feasible, survivors have access to legal and judicial systems.
 - e) Accountability needs to be addressed at individual agency level and collectively. The sustainability and effectiveness of mechanisms to protect against sexual exploitation and abuse require an express commitment by management. Managers must be tasked with promoting a culture of protection in which exploitation and abuse is not tolerated and reports of possible violations are treated seriously and confidentially. Coordination between agencies is also essential to ensure a common approach to protecting against sexual exploitation and abuse and to foster a concept of collective responsibility. In each country in humanitarian crisis, a properly representative team, including UN agencies, and relevant national and international NGOs should be established to address this issue on behalf of the humanitarian community.
11. The plan of action seeks to ensure respect for, and fulfilment of, international human rights standards including those enshrined in the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination Against Women. The Plan of Action recognises that humanitarian crises have different impacts and create different needs for men, women, boys and girls. The Task Force believes that it is critical that a gender perspective is adopted in all elements of design, planning and implementation of humanitarian activities. In the context of preventing sexual exploitation and abuse, this ranges from ensuring the presence of more women staff to addressing gender inequalities in access to economic opportunities by beneficiaries and participation in decision-making processes.

F. Implementation

12. There are some issues where there is not yet clear agreement on how to move forward. In these circumstances, the Task Force recommends running pilot schemes and trialing some options in order to assess their practicability and feasibility. The Task Force emphasises the need to be realistic about what can be managed and has made every effort to ensure that its recommendations are practical and enforceable, especially in the area of codes of conduct.
13. The Task Force recognises that there needs to be collaboration between agencies on dissemination of information, in order to avoid fragmentation. The Task Force proposes that a common information and dissemination strategy be developed at the country level, with agreed target audiences. In addition, all agencies should agree to conduct information campaigns within their own agencies. A communications strategy has already been developed for external audiences. More needs to be done internally and with respect to mass information for beneficiary communities.
14. Training at all levels of humanitarian agencies was identified as an important element. However, there is again a risk of fragmentation unless efforts are coordinated. The consultations identified areas where no training or guidance exists, e.g. camp management; others where there is a need to promote consistency; and others where there is an abundance of training and guidelines but problems remain with ensuring their implementation. Effective implementation of the Plan of Action requires that these problems be addressed.
15. The Task Force has a further mandate for monitoring and evaluating the implementation of its recommendations, and perhaps where necessary, further refining them. It therefore recommends the extension of its mandate to the next IASC Plenary meeting in 2003, so that it can fully report on its activities in this regard.
16. The Task Force recognises the extensive work that has already been undertaken in West Africa. In particular, this has demonstrated the commitment in the field to addressing the problem of sexual exploitation and abuse effectively and responsibly. The Task Force is confident that the requisite good will to implement its recommendations exists in other parts of the world, as in West Africa. Enforcement will also rely on the responsibility of managers and humanitarian workers in the field. In acknowledging the commitment of humanitarian workers to address the problem, the Task Force also recognises the constraints under which they operate. Agencies need to consider the proportion of their budgets that goes to protection and activities to prevent sexual exploitation and abuse and allocate more resources to these issues.
17. The Task Force also recognises that responsibility for full implementation of the Plan of Action may rely on parties that are outside the IASC structure, such as peacekeepers and host governments. It also calls on donors to promote some of the core recommendations with the humanitarian organisations that they choose to fund.

G. Conclusion

18. The humanitarian community has now acknowledged that the issue of sexual exploitation and abuse is a global challenge. This represents an important step forward. From consultations, it is clear that there is a genuine recognition from agencies that sexual exploitation and abuse represent a betrayal of trust as well as a catastrophic failure of protection. There is a real commitment on the part of agencies to address this problem and take responsibility for implementing necessary management changes.
19. In preparing this Report and Plan of Action, the members of the Task Force have often expressed different views and perspectives on some issues but their commitment to work together within the framework of the Task Force has been impressive. All members have learnt from each other. Perhaps the most important lesson has been that humanitarian agencies must be more accessible and better able to listen and make themselves accountable to those they wish to assist. Without the development of real and effective frameworks for accountability, little progress can be made in this area.
20. The Task Force acknowledges the way in which the IASC has responded to this issue. Its support has been exemplary. It has accepted a policy statement with serious implications in terms of staffing and management responsibilities and their relationship with beneficiaries. It hopes that the IASC will demonstrate the same spirit on receiving this Report and Plan of Action and that it will provide the leadership required to ensure its effective implementation.

13 June 2002