



PROTECTION FROM SEXUAL EXPLOITATION AND ABUSE (PSEA) NETWORK, MYANMAR

TERMS OF REFERENCE 2023

Background

Sexual Exploitation and Abuse (SEA) is a concern in Humanitarian environments. The conflict, economic hardship, food insecurity, and limited access to basic social services combine to increase the vulnerability of the population to gender-based violence (GBV). These have heightened the exposure to sexual exploitation and abuse (SEA), as SEA is a form of GBV. The Secretary General has remained steadfast on Protection from Sexual Exploitation and Abuse (PSEA) by all humanitarian workers involved in the delivery of aid to the vulnerable populations; “to protect the weak and those in need and to uphold the dignity of every human being under their care.”

The PSEA Network in Myanmar was established in 2018, and is tasked to implement and guide the design and delivery of interventions directed at mitigating risks, preventing and responding to SEA in Myanmar. Activities are guided by the PSEA Strategy and Action Plan. The TOR includes the guiding principles of: victim-centered approach and zero tolerance to SEA with the aim of eliminating SEA in Myanmar. It responds to the challenges of SEA in Myanmar while drawing inspiration and guidance from both the Secretary General’s Bulletin on Special Measures for Protection from SEA (ST/SGB/2003/13)¹ and on Special Measures for PSEA contained in his February 2017 Report (A/71/818)².

The TOR has gone through participatory, inclusive and consultative processes involving drafting and internal consultation with the PSEA Network members in Yangon and the field level including UN Agencies, Funds and Programs, and international and national NGO representatives.

Structure and Reporting

The Network will function under the auspices of the Resident Coordinator (RC)/Humanitarian Coordinator (HC) and will report to him/her as well as to the Humanitarian Country Team. As Myanmar is a context with both HCT and UNCT present, the Network will inform both HCT and UNCT of PSEA Strategy progress and provide action plan implementation updates. The Network is currently Co-chaired by UN Women. Expression of interest has been sent out for UN and NGO partners to serve as Co-Chairs. The I/LNGO co-chair role is rotational, and takes effect on a yearly basis. Secretarial support is provided by the International PSEA Coordinator.

¹ Secretary General’s Bulletin on Special Measures for Protection from SEA (ST/SGB/2003/13)

² Secretary General’s Bulletin on Special Measures for PSEA- February 2017 Report (A/71/818)



Network Responsibilities

The PSEA Network will serve as the primary body for coordination and oversight of prevention and related activities on protection from sexual exploitation and abuse by personnel of the UN, NGOs, CSOs and affiliated personnel. The Network is *not* responsible for investigation or adjudication of complaints, or for dealing directly with complainants. These functions rest exclusively with individual entities and their investigative bodies. However, the Network will work along with partners to ensure swift investigation through the support of the pool of investigators when appropriate and necessary.

PSEA Network Co-Chairs

The UN Agency co-chair is UN Women, in view of its leadership role in advancing gender issues in Myanmar. The NGO co-chair will be appointed through a selection process at the country level. The role will be open to national and international NGOs, who have the capacity, technical expertise and time to substantively support inter-agency PSEA efforts.

In line with the proposed IASC structure for PSEA Networks at the country level, the co-chairs are responsible for strategic leadership and direction of the PSEA in-country program. The co-chairs will promote PSEA linkages with other forums, particularly the Gender in Humanitarian Action, Accountability to Affected Population and Protection and its AORs. Champion PSEA in other national platforms as appropriate. The co-chairs will also provide necessary backstopping to the role and functions of the PSEA Coordinators, as best as possible and in view of available resources. If a co-chair is no longer able to carry out the role, they must give at least one-month advance notice before stepping down, to ensure a new co-chair can be identified.

I/LNGO Co-Chair

The I/LNGO Co-Chair role is held by an I/LNGO that has expressed interest in the role and has been appointed by the Network. The role will be held by the NGO for one calendar year. The NGO co-chair role is responsible for championing PSEA/safeguarding issues in the NGO sector, by providing leadership and promoting Network activities in various forums. The NGO co-chair should also be an active participant in sub-national PSEA coordination bodies where they have staff present. When the NGO co-chair takes up their role, all co-chairs and PSEA Coordinators will decide on the ‘theme’ that will be the focus of the NGO co-chair’s activities (e.g. awareness-raising, capacity-building, etc.) for the duration of the role.

PSEA Coordinator

The ³PSEA Coordinator(s) is responsible for the day-to-day oversight and support to the Inter-Agency PSEA Network reporting to the RC/HC, and engagement with the HCT. This includes

³ See IASC generic TORs for PSEA Coordinators

https://interagencystandingcommittee.org/system/files/generic_psea_coordinator_tors_2.pdf

At the time of writing, the Technical Working Group was not functioning.



secretarial support such as maintaining the PSEA Focal Point mailing list, compile and disseminate PSEA capacity building resources, monitor and coordinate the implementation of the annual workplan including reporting of accomplishments, facilitating and conducting PSEA training for network members as maybe needed and appropriate, MIMU PSEA website content management, drafting documents, and sending emails to Network members. Working closely with the PSEA Network co-chairs, the PSEA Coordinator will have the following responsibilities: support the establishment of the in-country PSEA program; regularly participate in ICCG meetings to ensure PSEA mainstreaming into sector/cluster-work; support the development and implementation of the PSEA Strategy and Action Plan; lead and provide technical support to sub-national working groups; draft Network meeting agendas; oversee the PSEA Network; manage the in-country pool of trained investigators; support strengthening of PSEA within organisations; engage relevant stakeholders, in particular engagement with and support for affected communities; support the establishment of an inter-agency CBCM; coordinate in-country training and capacity-building; regularly engage with/report to the RC/HC and the HCT/UNCT on progress and challenges in implementing the PSEA Strategy and Work Plan and advance the PSEA agenda in Myanmar.

Where inter-agency funds are available, the PSEA Coordinators will work together with co-chairs to develop programs and identify priority areas that require support.

Technical Working Group

The PSEA Network may be supported by a Technical Working Group, consisting of the Network co-chairs, Network Coordinator(s), GBV Sub-Cluster Coordinator, Child Protection AoR Coordinator, Protection Cluster Coordinator, and Focal Points from UN, INGO and LNGO entities. The Technical Working Group's function will be to review key documents and provide strategic leadership on elements of the Action Plan.

Membership

Membership is open to PSEA Focal Points from UN, I/LNGOs and CSOs operating in humanitarian, development and/or peace-building contexts in Myanmar that meet the below minimum requirements. Network responsibilities may be shared between two Focal Points to ensure continuation in case of personnel rotation. Focal Points will coordinate the implementation of PSEA activities within their agency/organization and participate in network activities. All PSEA Focal Points must be able to make decisions on behalf of their agencies in an inter-agency forum.

All Focal points should have in place the minimum requirements as follows:

- I. PSEA/safeguarding focal point appointed
- II. Code of Conduct or PSEA/safeguarding policy in place
- III. PSEA/safeguarding focal point Terms of Reference integrated into job description



- IV. PSEA/safeguarding organization risk assessment conducted and/or PSEA/safeguarding action plan in place
- V. All staff trained on PSEA principles including all volunteers and sub-grant partners, or a plan in place to ensure all are trained
- VI. Response system in place for handling complaints, including how to refer survivors to services in line with best practices outlined in the Victim Assistance Protocol
- VII. Ensure swift investigation of allegations with the support of in-country pool of investigators, if appropriate and necessary

The following are desirable requirements that all focal points should be able to fulfil, either at the time of joining or soon thereafter:

- I. Resources allocated for strengthening/implementing PSEA/safeguarding policy within the organization (e.g. training, printing materials, engaging communities etc).
- II. Information on GBV services in operational area are updated regularly and available to PSEA focal points and all staff, or ability to access updated referral information
- III. Endorsement or approval from organization's senior management to participate in PSEA Network Reporting Framework, including regular reporting to Coordinators on non-confidential information
- IV. PSEA/safeguarding organization risk assessment (i.e organizational assessment) conducted regularly and uploaded on MIMU assessment platform

Members' Obligations and Responsibilities

Senior management within each organization are accountable for PSEA, and for ensuring that organizational processes and procedures supporting PSEA are in place in their own organizations, and that these procedures are working effectively and are monitored and reviewed. PSEA Network members commit to the following:

- I. To implement PSEA/safeguarding policies within their own organizations to the highest possible standard, including capacity-building of 'downstream' partners, sub-grantees or affiliate organizations.
- II. To be held collectively accountable for allegations of SEA that may arise, including the timely reporting and referral of such allegations according to the Reporting Framework document.
- III. That there is regular 2-way communication between Focal Points and senior management, particularly on good practices and issues raised at Network meetings.
- IV. To regularly attend Network meetings and provide agency updates where relevant, and to review and give feedback into documents drafted. Feedback may be given in either English or Myanmar languages, and may be oral or in writing.

Major Tasks



Under the four pillars of protection from sexual exploitation and abuse as per the Inter-Agency Standing Committee's Minimum Operating Standards on PSEA⁴, the Network will focus on raising inter-agency awareness and implementation in the following four areas:

1. Engagement with and Support of Local Populations

- I. Ensure communications with communities and feedback and complaints mechanisms are accessible, appropriate, and include information and reporting on PSEA.
- II. Coordinate awareness raising in local communities on their rights, the standards of conduct expected of personnel of the UN, NGOs and NGOs and the various contacts with whom they can lodge complaints/discuss incidents.

2. Prevention

- I. Coordinate the development and provision of awareness raising on SEA for all personnel in the country.
- II. Ensure dissemination of information to affected populations by PSEA Focal Points in a culturally sensitive, accessible and safe manner.
- III. Lead the identification of risk factors and develop strategies to minimize them.
- IV. Promote the harmonization of good practices amongst humanitarian and development agencies on human resources including, safeguarding measures on hiring and reference checks to prevent hiring of persons who have committed sexual exploitation or abuse, where known.
- V. Advocate with network members and partners to strengthen systems to prevent SEA, e.g. Human Resource practices, Codes of Conduct that include PSEA, and including PSEA in all field level agreements. This may include implementing mandatory reference-checks for new employees.
- VI. Assess gaps in protection from SEA and develop and implement action plans to fill them.

3. Response systems

- I. Ensure that member organizations have effective internal complaints and investigation procedures in place which adhere to principles of confidentiality.
- II. Where appropriate and possible, harmonize procedures for the reporting of sexual exploitation and abuse and for such reports to be properly referred for investigation and assistance to be provided to the victims in a timely manner.
- III. Establish and maintain a complaint referral mechanism between UN agencies, NGOs and other relevant entities.

⁴ [Minimum Operating Standards on PSEA](#)



- IV. Harmonize victim assistance and support in line with existing referral pathways.
- V. Establish and maintain a pool of investigators to offer support to member organizations after a complaint of SEA is received.

4. Management and Coordination

- I. Hold regular meetings, at least every two to three months, and circulate the minutes to all members and upload documents on the MIMU PSEA portal. Ad-hoc meetings may be called on an as needed basis.
- II. Form smaller, ad-hoc thematic working groups based on the needs and interest of Network members.
- III. Coordinate training for all Focal Points and managers on their PSEA roles and responsibilities.
- IV. Coordinate with protection and other relevant coordination mechanisms to ensure synergy and harmonization of efforts to promote accountability to affected populations.
- V. Share information on achievements, best practices and/or effective mechanisms in addressing SEA and make recommendations to relevant entities for action. Develop plans for monitoring implementation of recommended actions.
- VI. Support members to adhere to applicable monitoring and compliance mechanisms.
- VII. Support area-based PSEA networks within Myanmar to identify priority actions and, where appropriate, draft action plans and support implementation and monitoring of action plans. Share and keep area-based PSEA networks up to date with global and national best practices, tools and resources.
- VIII. Report regularly to the RC/HC, the HCT, UNCT, and give inputs to the annual reports of the Secretary-General on Special Measures for Protection from Sexual Exploitation and Sexual Abuse where appropriate, and others as relevant and appropriate.

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Endorsed by HCT 6 July 2023

Endorsed by the UNCT 27 July 2023