# Standard Operating Procedure for Recording and Processing Complaints related to Sexual Exploitation and Abuse (SEA) through Helpline/Email

#  2023-2024

Sexual exploitation and abuse (SEA) must not be tolerated. These abuses violate universally recognized international norms and standards and have always been unacceptable behavior. SEA represents a breach of the fundamental rights of those for whom support, services and protection are provided. SEA brings harm to the concerned populations whom humanitarian, development and peace building service providers are responsible to protect and damages the credibility of any agency that provides services to them; it also jeopardizes the reputation of all service providers and their ability to provide support and protection.

Humanitarian, development and peace-building actors operating in Myanmar are expected to maintain the highest international standards of personal and professional conduct at all times as required by an agency’s/service provider’s code of conduct.

This Standard Operating Procedure (SOP) is intended to be a working document in order to clarify how complaints made to a central hotline and email address will be handled. The SOP will be reviewed yearly and/or when necessary.

This Standard Operating Procedure is based on the following principles

1. Cooperation
2. Participation
3. Survivor-centered approach
4. Non-discrimination
5. Security, trust and Wellbeing
6. Child’s best interest
7. Age, Gender and Diversity approach
8. Confidentiality
9. Transparency
10. Accessibility
11. Mandatory Reporting
12. Data Protection
13. In Myanmar, a dedicated confidential reporting channel exists through email (mmrpsea@unfpa.org) and hotline (09405149616) that receives incident reports on SEA. It is managed according to the PSEA Network Complaint Handling Protocol. Other means of reporting SEA incidents to PSEA Network members include confidential reporting channels like mobile applications (Viber, Signal or Telegram), call, SMS and in person, depending upon the PSEA Network member.

 Upon receipt of a complaint, the operator shall:

* 1. Inform survivors/ whistleblowers about the complaints process, including information about the mandatory/obligation to report and confidentiality about the allegation;
	2. Assess the support and protection needs of survivors whenever possible, and refer to relevant assistance when informed consent is available;
	3. Fill out the intake form of the PSEA Myanmar Reporting Framework Complaint

# in Kobo tool; and

* 1. Inform the PSEA Coordinator.

The PSEA Coordinator will refer the complaint to the relevant PSEA Focal Point if accused person’s affiliation is known and will check if referrals are already being handled if the PSEA Focal Point is already handling the complaint.

1. If the allegation is not related with UN staff nor any aid workers, the complainant will receive available information about public resources and services such as local or regional GBV helplines, the legal aid network, department of the social welfare services etc.
2. In order to ensure survivor assistance is provided, the PSEA Coordinator will refer the complainant to the relevant GBV or child protection service providers as soon as possible, provided informed consent is given and so long as the relevant PSEA Focal Point is not already handling the referral to services. If there is a need for additional follow-up or information on services, the PSEA Coordinator will contact the GBV Working Group and/or Child Protection Working Group focal points. If there is no available CP or GBV working group focal points to provide services, the provision of the services will fall under the concerned UN agency to provide victim assistance and referral services in accordance with UN victim assistance protocol: https://[www.un.org/en/pdfs/UN Victim](http://www.un.org/en/pdfs/UNVictim) Assistance Protocol\_English\_Final.pdf.
3. Once a case is referred to the relevant organization through the most relevant PSEA Focal Point in the contact list (initially sharing un-identifiable information), the PSEA coordinator will follow up with the PSEA Focal Point within the agreed timeline about the investigation process and protection steps taken within the organization.
4. In the event that no substantial details are available about the nature of an incident, complainant and/or accused person, such complaints do not warrant a referral or full investigation and will be considered low priority. The PSEA technical group may decide on steps to address concerns in other ways (for example, addressing matters of poor practice via training, a change in working arrangements or a change in procedures).
5. If the complaint involves staff of other government or military personnel or non-staff personnel, these will be referred accordingly to proper authorities or platforms as maybe needed, and on the basis of consent, including provision of services for survivors.” Accountability options would be pursued, if the survivor consents.
6. If the report is not, on the facts, an SEA allegation, the allegation will either be referred to the relevant organization of the alleged perpetrator, or if it has occurred in a humanitarian context, to the Protection Sector lead, GBV Working Group or Child Protection Working Group leads for follow-up if consent is provided. If the complaint is not, on the facts, an SEA case, and it has occurred in a non-humanitarian context, the case will be referred to the most relevant service provider (government or NGO) if consent is provided.
7. The decision to refer SEA cases to national authorities for legal proceedings will be assessed and decided by Senior Management of the concerned organization.
8. Any person who has a direct contractual link with UN and Aid agencies who reports misconduct, provides information in good faith about alleged irregularities, cooperates or participates in an investigation, has the right to be protected by the relevant offices.
9. Data Protection - Information about PSEA/Sexual Harassment incidents should not be handled in physical files and all information will be recorded using the KOBO tool. Incident information will be transmitted via an internal reporting form, using password protected shared documents while the number of people copied must be limited to the people working directly on the case. Identifiable incident information with biodata should never be included in emails.

# Definitions

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

**Sexual exploitation** is the 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.

**Victim/Survivor** is a person who is or has been sexually exploited or abused.

**Perpetrator** is a person (or group of persons) who commits an act of sexual exploitation or abuse.

**Child** is a person under the age of 18, regardless of the age of majority or age of consent in national legal systems.

**Children born as a result of sexual exploitation and abuse** are children who are found by a competent national authority to have been born as a result of acts of sexual exploitation and abuse by United Nations staff or related personnel or non-United Nations forces acting under a Security Council mandate.

Referred to the concerned organization through PSEA Focal Person

Known details complaint

PSEA coordinators assess the complaint

Government or non-UN or non-NGO staff involved, refer to UNRC/HC, UNICEF CP, UNFPA GBV.

Complaint received is referred to PSEA Coordinators

|  |  |  |
| --- | --- | --- |
|  | No known details complaint |  |
|  |  |
| Meeting convened to assess situation |

|  |
| --- |
| Is survivor assistance required? |
|  |  |
| Referred to survivor assistance mechanisms |

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| --- |
| Formal investigation investigated at the agency level. |
|  |  |
| Investigation completed by the agency (and follow up by the PSEA coordinator). |