**PROTECTION FROM SEXUAL EXPLOITATION AND ABUSE (PSEA) NETWORK**

**NORTHERN SHAN**

**TERMS OF REFERENCE 2021**

**Background**

The PSEA Network in Northern Shan has formed under the PSEA Network in Myanmar in October 2021 to implement international commitments on PSEA at the filed level with the guiding of activities by the NSS PSEA Strategy and Action Plan, yearly reviewed updated.

**Structure and Reporting**

The Network will function under the national Network, report on PSEA Strategy progress, and provide action plan implementation updates to Humanitarian Country Team through the national Network, Area Humanitarian Country Team in Kachin, and Inter-Cluster/Sector Working Group in Northern Shan. The Network is currently co-chaired by UNOCHA, UNFPA, and So Pyay Myanmar. The co-chairs' roles will last for six months, and the position will be rotated among the PSEA member organizations in Northern Shan.

**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 investigating or adjudicating of complaints or dealing directly with complainants. These functions rest exclusively with individual entities and their investigative bodies.

**PSEA Network Co-Chairs**

The UN Agency co-chairs are OCHA and UNFPA, given the leadership role in advancing gender issues and coordination in Northern Shan. So Pyay Myanmar is also serving as co-chair representing Myanmar National NGOs leadership role in the Network. The co-chairs will be the PSEA partners who have the capacity, technical expertise and time to support inter-agency PSEA efforts in Northern Shan substantively. The term of co-chairs lasts for a year.

In line with National Network co-chairs' responsibilities, the NSS PSEA Network co-chairs are responsible for strategic leadership and direction of the PSEA in Northern Shan, in line with the national program. The co-chairs will promote PSEA linkages with other forums, particularly the Gender-Based Violence Working Group and other sub-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 can no longer 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.

**Technical Working Group**

The Technical Working Groups may form if needed, consisting of the Network co-chairs, GBV Sub-Sector Coordinator, Child Protection Sub-Sector Coordinator, Protection Sector Coordinator, and Focal Points from UN, INGO and NGO 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 Northern Shan that meet the below minimum requirements. Focal Points from member organizations 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 members should have in place the minimum requirements as follows:

1. PSEA/safeguarding focal point appointed
2. Code of Conduct or PSEA/safeguarding policy in place
3. PSEA/safeguarding focal point Terms of Reference integrated into job description
4. PSEA/safeguarding organization risk assessment conducted and/or PSEA/safeguarding action plan in place
5. All staff trained on PSEA principles including all volunteers and sub-grant partners, or a plan in place to ensure all are trained
6. Response system in place for handling complaints, including how to refer survivors to services

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

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

**Members' Obligations and Responsibilities**

Senior management within each organization is accountable for PSEA and 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:

1. 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.
2. 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.
3. There is regular 2-way communication between Focal Points and senior management, particularly on good practices and issues raised at Network meetings.
4. To regularly attend Network meetings, provide agency updates where relevant, and review and give feedback into drafted documents. Feedback may be provided in either English or Myanmar languages or oral or written.

**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 PSEA, the NSS Network will focus on raising inter-agency awareness and implementation in the following four areas:

1. **Engagement with and Support of Local Populations**

* Ensure communications with communities and feedback and complaints mechanisms are accessible, appropriate, and include information and reporting on PSEA.
* 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.

1. **Prevention**

* Coordinate the development and provision of awareness-raising on SEA for all personnel in Northern Shan.
* Ensure dissemination of information to affected populations by network members in their language, a culturally sensitive, accessible and safe manner.
* Lead the identification of risk factors and develop strategies to minimize them.
* Promote the harmonization of good practices amongst humanitarian and development agencies on human resources including, safeguarding measures on hiring and reference checks to prevent the hiring of persons who have committed sexual exploitation or abuse, where known.
* 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.
* Assess gaps in protection from SEA and develop and implement action plans to fill them.

1. **Response systems**

* Ensure that member organizations have effective internal complaints and investigation procedures that adhere to principles of confidentiality.
* Where appropriate and possible, harmonize procedures for reporting sexual exploitation and abuse and for such reports to be properly referred for investigation and promptly assist the victims.
* Establish and maintain a complaint referral mechanism between UN agencies, NGOs and other relevant entities. Harmonize victim assistance and support in line with existing referral pathways.
* Establish and maintain a pool of investigators to offer support to member organizations after a complaint of SEA is received.

1. **Management and Coordination**

* Hold regular meetings, at least every two to three months, and circulate the minutes to all members and upload documents on the MIMU Su-National PSEA portal. Ad-hoc meetings may be called on an as-needed basis.
* Form smaller, ad-hoc thematic working groups based on the needs and interests of Network members.
* Coordinate trainings for all Focal Points and managers on their PSEA roles and responsibilities.
* Coordinate with protection and other relevant coordination mechanisms to ensure synergy and harmonize efforts to promote accountability to affected populations.
* Share information on achievements, best practices and/or effective mechanisms in addressing SEA and recommend relevant entities for action. Develop plans for monitoring the implementation of recommended actions.
* Support members to adhere to applicable monitoring and compliance mechanisms.
* Report regularly, and contribute 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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