



**Building
Safer Organisations
HANDBOOK**

Training materials on receiving and investigating
allegations of abuse and exploitation
by humanitarian workers



How useful is the BSO HANDBOOK to you?

Please share your reactions to the Building Safer Organisations training HANDBOOK by answering the five questions below. Feedback received before September 2007, will inform a second edition of the HANDBOOK. Your comments are confidential and will only be read by the Building Safer Organisation project staff.

(1) What do you think of how the BSO HANDBOOK is organised?

(Highlight one box below)

Format is very user-friendly
Format is reasonably easy to follow and user-friendly
No particular reaction to the format
Format was confusing
Format was difficult to understand or follow

(2) Which of the BSO HANDBOOK supporting materials not seem relevant for organising and facilitating BSO Learning Programme workshops?

(Highlight all of the following that you found relevant)

- a. Introduction to workshops
- b. Pre-workshop assignments
- c. Agenda and course summary
- d. Facilitator's notes
- e. Handouts
- f. PowerPoint presentations
- g. CD-ROM
- h. DVD

(3) After reviewing the BSO HANDBOOK, do you feel that the materials adequately prepared you or your organisation to facilitate one of the Learning Programme workshops? *(Highlight one)*

YES / NO

(4) Did you use or are you planning to use the BSO HANDBOOK materials to facilitate a sexual exploitation and abuse (SEA) related training?

(Highlight one)

YES / NO

If you answered "YES", which training did you or are you planning to facilitate?
(Highlight all of the following that apply)

- a. Investigations workshop
- b. Investigations Follow-up workshop
- c. Management workshop
- d. adapted the materials for a different SEA related training

(5) What information is missing that you would recommend we include in a second edition of the BSO HANDBOOK? *(Write your comments here)*

If you would prefer to contact us directly with your specific concerns or requests for changes in the second edition, please email us at: secretariat@icva.ch

THANKS FOR HELPING THE BSO TEAM CONTINUE TO IMPROVE THESE MATERIALS!

SIX QUESTIONS IN SIX MINUTES – BSO GUIDELINES Feedback Form

Please assist us with just **six minutes** of your time by answering the following six questions about your reactions to the BSO GUIDELINES. All comments received before September 2007, will inform a second edition of BSO GUIDELINES. THANKS IN ADVANCE!

(1) When you picked up these BSO GUIDELINES, were you...

(Highlight all of the following that apply)

- a. Preparing to conduct an investigation into alleged sexual abuse and exploitation (SEA) of persons of concern by NGO staff?
- b. Preparing to manage an investigation of alleged SEA?
- c. Exploring how to set up complaints mechanisms?
- d. Exploring background information in order to establish policies to prevent or respond to SEA within your workplace?
- e. Generally seeking to familiarise yourself with how to conduct an investigation into alleged staff SEA?

(2) Within your organisation, are you...

(Highlight all of the following that apply)

- a. designated to investigate allegations of SEA
- b. designated to manage an investigation into alleged staff SEA
- c. serving as a protection officer
- d. serving as a human resources officer
- e. in charge of staff or human resources policies
- f. just interested in how to respond to allegations of SEA
- g. other, please specify: _____

(3) What did you think of the BSO GUIDELINES format?

(bold or highlight one box below)

Very helpful and presented in a logical, clear format.
Reasonably easy to use and formatting is fairly organised.
No particular reaction to information or formatting.
Not well organised information or formatting.
Difficult to understand or difficult to follow information and formatting.

(4) Did the BSO GUIDELINES provide you with...

(Highlight all of the following that apply)

- a. key elements to consider when planning an administrative investigation into SEA
- b. how to safeguard confidentiality of all participating in an investigation
- c. specifics of how to conduct an interview including special considerations
- d. how to document evidence gathered
- e. essential information to include in writing up an investigation report
- f. other, please specify: _____

(5) Will you use or adopt the sample forms offered? *(Highlight one)*

YES / NO *(Feel free to comment below if your organisation already has similar forms or if you have any specific concerns about the ones offered.)*

(6) Did you find what you were looking for in the BSO GUIDELINES?

(Highlight one)

YES, I'm satisfied. / NO, I'm not satisfied.

What information is missing that you would recommend we include in the second edition of the BSO GUIDELINES? Let us know at: secretariat@icva.ch

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Building Safer Organisations

HANDBOOK

Training materials on receiving and investigating
allegations of abuse and exploitation
by humanitarian workers.



International Council of Voluntary Agencies
Conseil International des Agences Bénévoles
Consejo Internacional de Organizaciones Voluntarias

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Bright Tomorrow Society for Child Protection – Egypt
Humanitarian Accountability Partnership – International
InterAction, American Council for Voluntary International Action
International Rescue Committee (IRC)
International Rescue Committee – Kenya (IRC – Kenya)
Inter-Agency Standing Committee Task Force on Protection from Sexual Abuse and Exploitation
Keeping Children Safe Coalition
Terre des hommes
The Sphere Project
United Nations High Commissioner for Refugees (UNHCR)
Women’s Commission for Refugee Women and Children

Many individuals have also made significant contributions to the project through sharing materials, developing exercises, facilitating workshops, providing advice and offering detailed feedback, particularly:

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Finally, the project was made possible through the generous financial contributions of the United States of America Department of State, Bureau of Population, Refugees and Migration, the Canadian International Development Agency, the International Rescue Committee, and the United Nations High Commissioner for Refugees.

We thank you all for your confidence in the project team and support in making the project a success thus far.

Katharina Samara-Wickrama, Project Coordinator, on behalf of the Project team,
Coleen Heemskerk (Project Associate) and Louis Cray (Editor).

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FOREWORD

The respect and dignity of people and upholding of good practises in humanitarian work are integral to the goals of all organisations working with populations in crisis. Therefore, the reports of sexual exploitation in refugee camps in West Africa in late 2001 and later in Nepal in 2002 were deeply disturbing for humanitarian organisations who recognised their responsibility to ensure that populations of concern were not vulnerable to exploitation and abuse by humanitarian staff.

Many organisations responded immediately by developing codes of conduct. While some organisations were able to devote additional resources to developing their own systems and training on preventing and responding to exploitation and abuse, many smaller, national or local organisations could not. The Building Safer Organisations project (BSO) was created through inter-agency cooperation to address this gap in organisational prevention and response to sexual exploitation and abuse (SEA).

The project focuses on building the capacity of international and national NGOs working with refugees, Internally Displaced People (IDPs) and local host populations to conduct fair and thorough investigations into allegations of staff misconduct, specifically, allegations of exploitation and abuse of persons of concern by NGO staff. The inter-agency character of the project has been maintained by housing the project with the International Council of Voluntary Agencies (ICVA), through the project's Advisory Board and the Editorial Committee as well as through forming close working relationships with UNHCR and the participants in the training workshops.

This Handbook is an essential component of the project, providing organisations with tangible training materials on appropriate complaints and investigation methods. The Handbook provides organisations with the means to develop an investigation capacity and is a tool for all organisations working with refugees, IDPs and local host populations to become more accountable to beneficiaries. Most significantly, organisations that implement the policies and procedures outlined in the Handbook can reduce the risk of abuse and exploitation of beneficiaries.

The Handbook includes materials for two Learning Programmes on complaints and investigation procedures. The Investigation and Management Learning Programmes will be hosted by the BSO secretariat until 2008. All qualified, designated NGO staff are welcome to participate. Workshop dates, locations and the application form are available on the ICVA website, www.icva.ch.

The BSO Advisory Board invites organisations working with refugees, IDPs and local host populations to become active in the process, promote staff participation in the Learning Programmes and begin to institutionalise these procedures in order to better protect and assist persons of concern.

The Building Safer Organisations Advisory Board

INTRODUCTION

Responding to sexual violence – an example of accountability

The aspiration towards accountability is not new to humanitarian organisations, though their definitions of “accountability” have changed over time. Traditionally, NGOs focused on accountability to donors. In recent years, this focus has shifted to accountability to affected communities. Specifically, many have sought to improve assistance programmes by enabling beneficiaries to contribute to the identification of needs and the formulation of humanitarian responses.

However, recurrent reports of sexual abuse by aid workers have shown that accountability cannot simply be limited to either good governance or the collaborative formulation of needs. Rather, it must include obligations on the part of NGOs to ensure that they do not actively harm beneficiaries through the actions (or inaction) of their staff. This means that effective mechanisms for reporting abuse are equally necessary in relation to sexual exploitation and abuse (SEA) by NGO workers of beneficiaries.

To assist NGOs to develop effective complaints mechanisms and internal investigations capacities, a number of international NGOs pooled their capacities to form the Building Safer Organisations project (BSO). BSO helps NGOs achieve greater accountability, firstly, by training their staff¹ through Learning Programmes on conducting investigations and managing investigations and, secondly, by producing materials on complaints mechanisms, complaint investigation and investigation management.

The BSO Training Handbook – information for trainers and participants

This Handbook is the first of BSO’s publications. A compilation of materials from the BSO Learning Programmes, it is an informal syllabus for workshop facilitators and a general reference on good practice for participants.

The Handbook begins with the core documents on sexual abuse and exploitation by aid workers of people living in crisis, before dividing into two “tools” containing the pre-workshop assignments, agendas and course summaries, facilitator’s notes and PowerPoint presentations. Trainers should be particularly familiar with the Facilitator’s Notes in each Learning Programme. (The Main facilitator’s notes contain information on resources, content, schedules and preparation; the Additional notes support facilitators in leading the detailed exercises.)

Both trainers and participants should read the resources on which this Handbook was based, in particular, the IASC draft Model Complaints and Investigation Procedures and Guidance Related to Sexual Abuse and Sexual Exploitation, 2004. Other materials, standards and background documents prepared by NGOs, UN, academics and accountability agencies on this issue are noted in the bibliography.

Using the Handbook to run a workshop – information for trainers

Once facilitators are familiar with the content and structure of the course, they should distribute application forms (on ICVA’s website www.icva.ch) and pre-workshop assignments in the Handbook. The application forms assist facilitators in ensuring that participants are appropriate qualified staff with similar levels of knowledge and experience. Similarly, the assignments ensure that participants begin with a common base level of knowledge about SEA and they allow facilitators to identify areas for particular emphasis in the course. Facilitators should distribute the assignments 2 months in advance for the Investigations workshop, 1½ months in advance for the Follow-Up workshop and 1 month in advance for the Management workshop. In each case, they should give participants up to 10 days to complete and return their responses. Facilitators

¹ For the purposes of the Handbook, “staff” includes any person who either works for or represents an organisation, regardless of whether or not they are compensated monetarily for such work or representation.

tors will then be able to identify areas for particular emphasis and prepare those activities that need extra preparation time.

The workshops and materials are intended to be flexible. Facilitators may like to experiment with the order in which material is presented or the emphasis different units are given. However, some policies and procedures cannot be changed and these are referred to in the FAQ document in the Investigations workshop facilitator notes.

Conversely, if you think our programmes or materials need to be amended, please let us know by completing the evaluation form on ICVA's website, www.icva.ch.

Conclusion

If reports of SEA from “trouble spots” around the world have alerted NGOs to the risks of sexual abuse within their own ranks, they have also shown the need to extend notions of NGO accountability beyond political and financial control and service provision to the protection of vulnerable populations from abuse by NGOs themselves. This definition of accountability requires organisations to immediately implement mechanisms to receive and act on allegations of SEA against their staff. Longer term, it implies a duty on the part of NGOs to formulate and implement shared standards on investigation procedures and management. BSO hopes to contribute to this movement, by supporting individual organisations to conduct investigations and protect beneficiaries – their true constituents – from abuse.

Building Safer Organisations

PRE-WORKSHOP MATERIALS FOR INVESTIGATION AND MANAGING AN INVESTIGATION LEARNING PROGRAMME

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ICVA/Building Safer Organisations

Pre-workshop materials for Investigation and Managing an Investigation Learning Programme

The pre-workshop materials are comprised of three documents, which are integral to both the Investigation Learning Programme and the Managing an Investigation Learning Programme. These are the SG's Bulletin¹, the Draft Guidelines to the SG's Bulletin² and the IASC Protocol³. These documents outline the policies and procedures relevant to receiving and investigating allegations of sexual exploitation and abuse. Specifically:

1. The SG's Bulletin sets out the standards that protect vulnerable populations from exploitation and abuse. The Bulletin defines sexual exploitation and abuse, prohibits certain behaviour on the part of staff, outlines the duties of managers, and extends the reach of the Bulletin to all organisations and individuals working for agencies that have cooperative arrangements with the UN.
2. The Draft Guidelines to the SG's Bulletin provide guidance on particular issues relating to the implementation of the SG's Bulletin and offers specific examples of prohibited behaviour.
3. IASC Protocol specifies the steps to be taken when exploitation and abuse is allegedly perpetrated by a UN staff member or staff of a partner agency, including NGOs. It includes a description of the essential elements of a complaints protocol.

Learning Programme facilitators must be well-versed in the materials and participants are expected to be familiar with these documents prior to the start of the workshop. Each of the three workshops has pre-workshop assignments and all of the pre-workshop assignments require participants to use the pre-workshop materials as reference documents. Moreover, the materials are referred to and discussed in all of the workshops.

¹ United Nations Secretariat. 9 October 2003. Secretary General's Bulletin on Special Measures for Protection from Sexual Abuse and Sexual Exploitation, 2003/13 (ST/SGB/2003/13). United Nations.

² Draft Guidelines on the application of ST/SGB/2003/13. 4 October 2005.

³ Inter-Agency Standing Committee (IASC) Task Force on Protection from Sexual Exploitation and Abuse. March 2004. *Draft Model Complaints and Investigation Procedures and Guidance Related to Sexual Abuse and Exploitation*. IASC Task Force on Protection from Sexual Exploitation and Abuse.



United Nations

Secretariat

ST/SGB/2003/13

9 October 2003

Secretary-General's Bulletin

Special measures for protection from sexual exploitation and sexual abuse

The Secretary-General, for the purpose of preventing and addressing cases of sexual exploitation and sexual abuse, and taking into consideration General Assembly resolution 57/306 of 15 April 2003, "Investigation into sexual exploitation of refugees by aid workers in West Africa", promulgates the following in consultation with Executive Heads of separately administered organs and programmes of the United Nations:

Section 1

Definitions

For the purposes of the present bulletin, the term "sexual exploitation" means any 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. Similarly, the term "sexual abuse" means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

Section 2

Scope of application

2.1 The present bulletin shall apply to all staff of the United Nations, including staff of separately administered organs and programmes of the United Nations.

2.2 United Nations forces conducting operations under United Nations command and control are prohibited from committing acts of sexual exploitation and sexual abuse, and have a particular duty of care towards women and children, pursuant to section 7 of Secretary-General's bulletin ST/SGB/1999/13, entitled "Observance by United Nations forces of international humanitarian law".

2.3 Secretary-General's bulletin ST/SGB/253, entitled "Promotion of equal treatment of men and women in the Secretariat and prevention of sexual harassment", and the related administrative instruction¹ set forth policies and procedures for handling cases of sexual harassment in the Secretariat of the United Nations. Separately administered organs and programmes of the United Nations have promulgated similar policies and procedures.

¹ Currently ST/AI/379, entitled "Procedures for dealing with sexual harassment".

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Section 3**Prohibition of sexual exploitation and sexual abuse**

3.1 Sexual exploitation and sexual abuse violate universally recognized international legal norms and standards and have always been unacceptable behaviour and prohibited conduct for United Nations staff. Such conduct is prohibited by the United Nations Staff Regulations and Rules.

3.2 In order to further protect the most vulnerable populations, especially women and children, the following specific standards which reiterate existing general obligations under the United Nations Staff Regulations and Rules, are promulgated:

(a) Sexual exploitation and sexual abuse constitute acts of serious misconduct and are therefore grounds for disciplinary measures, including summary dismissal;

(b) 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;

(c) 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 any exchange of assistance that is due to beneficiaries of assistance;

(d) Sexual relationships between United Nations staff and beneficiaries of assistance, since they are based on inherently unequal power dynamics, undermine the credibility and integrity of the work of the United Nations and are strongly discouraged;

(e) Where a United Nations staff member develops concerns or suspicions regarding sexual exploitation or sexual abuse by a fellow worker, whether in the same agency or not and whether or not within the United Nations system, he or she must report such concerns via established reporting mechanisms;

(f) United Nations staff are obliged to create and maintain an environment that prevents sexual exploitation and sexual abuse. Managers at all levels have a particular responsibility to support and develop systems that maintain this environment.

3.3 The standards set out above are not intended to be an exhaustive list. Other types of sexually exploitive or sexually abusive behaviour may be grounds for administrative action or disciplinary measures, including summary dismissal, pursuant to the United Nations Staff Regulations and Rules.

Section 4**Duties of Heads of Departments, Offices and Missions**

4.1 The Head of Department, Office or Mission, as appropriate, shall be responsible for creating and maintaining an environment that prevents sexual exploitation and sexual abuse, and shall take appropriate measures for this purpose. In particular, the Head of Department, Office or Mission shall inform his or her staff of the contents of the present bulletin and ascertain that each staff member receives a copy thereof.

4.2 The Head of Department, Office or Mission shall be responsible for taking appropriate action in cases where there is reason to believe that any of the standards listed in section 3.2 above have been violated or any behaviour referred to in section

3.3 above has occurred. This action shall be taken in accordance with established rules and procedures for dealing with cases of staff misconduct.

4.3 The Head of Department, Office or Mission shall appoint an official, at a sufficiently high level, to serve as a focal point for receiving reports on cases of sexual exploitation and sexual abuse. With respect to Missions, the staff of the Mission and the local population shall be properly informed of the existence and role of the focal point and of how to contact him or her. All reports of sexual exploitation and sexual abuse shall be handled in a confidential manner in order to protect the rights of all involved. However, such reports may be used, where necessary, for action taken pursuant to section 4.2 above.

4.4 The Head of Department, Office or Mission shall not apply the standard prescribed in section 3.2 (b), where a staff member is legally married to someone under the age of 18 but over the age of majority or consent in their country of citizenship.

4.5 The Head of Department, Office or Mission may use his or her discretion in applying the standard prescribed in section 3.2 (d), where beneficiaries of assistance are over the age of 18 and the circumstances of the case justify an exception.

4.6 The Head of Department, Office or Mission shall promptly inform the Department of Management of its investigations into cases of sexual exploitation and sexual abuse, and the actions it has taken as a result of such investigations.

Section 5

Referral to national authorities

If, after proper investigation, there is evidence to support allegations of sexual exploitation or sexual abuse, these cases may, upon consultation with the Office of Legal Affairs, be referred to national authorities for criminal prosecution.

Section 6

Cooperative arrangements with non-United Nations entities or individuals

6.1 When entering into cooperative arrangements with non-United Nations entities or individuals, relevant United Nations officials shall inform those entities or individuals of the standards of conduct listed in section 3, and shall receive a written undertaking from those entities or individuals that they accept these standards.

6.2 The failure of those entities or individuals to take preventive measures against sexual exploitation or sexual abuse, to investigate allegations thereof, or to take corrective action when sexual exploitation or sexual abuse has occurred, shall constitute grounds for termination of any cooperative arrangement with the United Nations.

Section 7

Entry into force

The present bulletin shall enter into force on 15 October 2003.

(Signed) Kofi A. Annan
Secretary-General

Draft Guidelines (4 October 2005)

PWM2

Guidelines on the application of ST/SGB/2003/13

1. As international civil servants entrusted to realize the noblest aspirations of the international community, United Nations staff members have the duty and the obligation to perform their responsibilities in a manner that is fully consistent with the fundamental principles of human dignity and human rights. Service with the United Nations is a privilege which imposes on staff members the obligation to conduct themselves in accordance with the highest standards of integrity at all times. Secretary-General's bulletin ST/SGB/2003/13, entitled "Special measures for protection from sexual exploitation and sexual abuse", clarifies the Organization's standards relating to sexual exploitation and sexual abuse and outlines the duties and obligations of staff, and particularly of managers and heads of offices and departments, to prevent and address such abuses. These guidelines address some frequently asked questions regarding the implementation of the bulletin:

To whom does ST/SGB/2003/13 apply?

2. The bulletin applies to all internationally-recruited and locally-recruited staff of the United Nations, including staff of separately administered organs, funds and programmes of the United Nations.
3. The bulletin also applies to all categories of UN peacekeeping personnel, as affirmed by General Assembly resolution 59/300 of 22 June 2005, such as:
 - Military members of national contingents
 - Experts on mission, including police officers¹, corrections officers and military observers
 - Members of national formed police units
 - Non-United Nations entities or individuals who have entered into a cooperative arrangements with the United Nations, including contractual arrangements with interns, international and local consultants, and individual and corporate contractors
 - United Nations Volunteers
4. The categories of persons to which ST/SGB/2003 applies shall be referred to in these guidelines as "UN staff and UN-related personnel".

Where and when does ST/SGB/2003/13 apply?

5. The bulletin is not location-specific and applies to all UN staff and UN-related personnel at all times, including while they are off duty or on leave.
6. UN staff and UN-related personnel are obliged to comply with the standards of the bulletin as well as with local laws. Where the bulletin establishes a higher standard than local laws, the standards of the bulletin will prevail.
 - Example: A staff member engaging the services of a prostitute – whether in a peacekeeping mission, in New York (where prostitution is illegal) or in the Netherlands (where prostitution is legal) – is in violation of ST/SGB/2003/13 which prohibits the exchange of money for sex.

What is the difference between sexual harassment vs. sexual exploitation and sexual abuse?

7. ST/AI/379 (Procedures for dealing with sexual harassment) defines "sexual harassment" as any unwelcome sexual advance, request for sexual favours or other verbal or physical conduct of a sexual nature,

¹ Change in terminology was proposed by Shotton. DPKO still waiting for clarification on whether members of national formed police units in next line are considered experts on mission.

when it interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment.

8. ST/SGB/2003/13 defines the term “sexual exploitation” as any 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. It defines the term “sexual abuse” as the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.
9. There is often confusion about whether a particular action or conduct would constitute sexual harassment, sexual exploitation or sexual abuse. If an action or conduct is believed to fulfill the definition of sexual exploitation or sexual abuse, it should be treated as such, even if it may also constitute sexual harassment. Since sexual harassment, sexual exploitation and sexual abuse are all prohibited, all concerns or suspicions should be reported. The office receiving the complaint will re-direct the report to the appropriate office, as necessary.

Do sexual exploitation and sexual abuse constitute serious misconduct?

10. Yes. Sexual exploitation and sexual abuse are considered acts of serious misconduct (section 3.2(a) of the bulletin) and constitute a basis on which:

- All staff members, whether internationally or locally recruited, may be summarily dismissed by the Secretary-General (staff regulation 10.2 and ST/AI/371 (Revised disciplinary measures and procedures), paragraph 9(c)).
- A cooperative arrangement with a non-United Nations entity or individual, including contractual arrangements with an intern, international or local consultant, or individual or corporate contractor, may be terminated.
- A military member of a national contingent, an expert on mission (including police officers, corrections officers and military observers), a member of a national formed police unit or a United Nations Volunteer may be repatriated.

Are there any exceptions to the prohibition on sexual activity with children?²

11. Sexual activity with persons under the age of 18, regardless of the age of majority or age of consent locally is prohibited (section 3.2(b) of the bulletin). Mistaken belief in the age of the child does not constitute a defence.

12. The prohibition on sexual activity with children does not apply where the member of the United Nations staff or UN-related personnel is legally married to someone under the age of 18 but over the age of majority or consent in their country of citizenship (section 4.4 of the bulletin). The legality of a marriage for the purposes of ST/SGB/2003/13 is to be determined by reference to the law of nationality of the member of the United Nations staff or UN-related personnel.

- Example: A UN staff member is married to someone under the age of 18. According to the law of the UN staff member’s nationality, the marriage is legal. Sexual activity in such a relationship would not be prohibited by ST/SGB/2003/13.

What does it mean to “strongly discourage” sexual relationships with beneficiaries of assistance?

13. Sexual relationships between United Nations staff or UN-related personnel and beneficiaries of assistance are “strongly discouraged” (section 3.2(d) of the bulletin). The interpretation of the term “beneficiaries of assistance” should be guided by and adjusted according to the particular mandate of the United Nations office, peacekeeping operation, political or peace-building mission or humanitarian operation in question. Where a UN peacekeeping operation has a mandate to serve the population at large, “beneficiaries of assistance” should be broadly interpreted cover the local population.

² This section may need to be revised upon receipt of OLA opinion on section 4.4 of ST/SGB/2003/13.

14. The bulletin does not impose a blanket prohibition on all sexual relationships with beneficiaries of assistance. By discouraging such relationships, the bulletin does require vigilance on the part of a member of UN staff or UN-related personnel to ensure that a relationship with a beneficiary of assistance is not sexually exploitative or abusive. Any relationship that is sexually exploitative or sexually abusive is prohibited by the bulletin. The determination of whether a relationship with a beneficiary of assistance is sexually exploitative or sexually abusive is made on a case by case basis.

When are staff members and UN-related personnel obliged to report sexual exploitation or sexual abuse?

15. Staff members and UN-related personnel are obliged to report concerns or suspicions regarding sexual exploitation or sexual abuse. It is for the appropriate UN authorities, and not the individual, to investigate and confirm those concerns or suspicions.
16. The submission of allegations with knowledge of their falsity constitutes misconduct. Persons who report allegations which subsequently prove to be untrue will not face repercussions where the reports were made in good faith.
17. Investigations into reports of sexual exploitation or sexual abuse will be undertaken in a manner which fully respects, to the greatest extent possible, the confidentiality of the identity of the person submitting the report, as well as the persons who are the subject of the report.

DRAFT
March 2004

**Inter-Agency Standing Committee Task Force on
Protection from Sexual Exploitation and Abuse**

**Model Complaints and Investigation Procedures
and Guidance Related to Sexual Abuse
and Sexual Exploitation**

Acknowledgements

This document was originally prepared by:

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Richard Green
Helen Edwards

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¹ The National Society for Prevention of Cruelty to Children (NSPCC) is the UK's leading charity working to protect children from abuse. The NSPCC provides services to children and their families and campaigns on behalf of children.
Registered Charity Number 216401

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EXECUTIVE SUMMARY

Purpose and applicability

1. The model complaints and investigation procedure specifies the steps to be taken when sexual exploitation and abuse, and potentially other forms of abuse, of women or children is suspected and when that abuse is allegedly perpetrated by a (AGENCY NAME) staff member or staff of any other United Nations or partner agency. The purpose of the model is to facilitate a consistent and effective approach across all agencies in implementing the Secretary-General’s Bulletin ST/SGB/2003/13, dated 9 October 2003, on “Special measures for protection from sexual exploitation and sexual abuse.” This specifically applied to all UN agencies and their implementing partners, but the standards and procedures are recommended as applicable to all organisations working in an emergency or development context.² The model also provides some guidance for situations in which complaints are received by an (AGENCY NAME) but the affiliation of the perpetrator is unknown.
2. Sexual harassment of staff members is not included in the scope of these procedures.³
3. For the purposes of this model, “staff member” shall be taken to include any person who either works for or represents the (AGENCY NAME), regardless of whether or not they are compensated monetarily for such work or representation.
4. The conditions and obligations stated within the model complaints mechanisms will be applicable to non-staff personnel, consultants, interns and staff members of partner agencies or organizations which may be executing a project or undertaking any other work in the name of (AGENCY NAME). (see Annex 1, Terminology). The requirement to report would extend to concerns about anyone in a position of authority engaging in abusive or exploitative behaviour, including contractors, military or law enforcement personnel.

Part 1: Essential Elements of a Complaints Protocol

5. The purpose of the complaints protocol is to provide a fair and consistent means of addressing concerns with regard to violations of UN or (AGENCY NAME) Staff Rules and Regulations and applicable codes of conduct [see, Annex 2] regarding sexual exploitation and abuse by a (AGENCY NAME) staff member.
6. (AGENCY NAME) staff are obliged to create and maintain an environment that prevents sexual exploitation and sexual abuse. Managers at all levels have a particular responsibility to support and develop systems that maintain this environment.
7. All (AGENCY NAME) staff must report internally any concerns, including both specific complaints and rumours, regarding possible sexual exploitation or abuse by a(n) (AGENCY NAME) staff member as defined in paragraph 3 and other persons outside of their respective agency. Failure to report information through the proper channel should result in disciplinary action. Complaints should be reported even when the institutional affiliation of the perpetrator is unknown.

Concerns that must be reported include, but are not limited to:

- A practice or behaviour suggesting that a staff member has abused the power invested in him/her, by virtue of his/her post, to sexually exploit or abuse a beneficiary;
- An allegation that a staff member has breached (AGENCY NAME)’s policy and rules regarding sexual exploitation and abuse outside the work environment (e.g. by engaging in a sexual relationship with a person under the age of 18);
- Concerns that cover a wide range of issues involving the exploitation of women and/or children ranging from inappropriate behaviour to possible criminal offences;
- Concerns regarding the past behaviour of a staff member;
- Concerns expressed by a government partner, UN agency, NGO or INGO about the behaviour staff member.

² While anyone can be a victim of sexual abuse, because of their unequal status, the majority of victims are women and children, including boys as well as girls.

³ Within the UN system, policies and procedures for handling cases of sexual harassment are set forth in ST/AI/379, entitled “Procedures for dealing with sexual harassment”. NGOs should refer to existing relevant agency policy and procedures for dealing with harassment cases.

8. It is essential that (AGENCY NAME) treats complaints concerning these and other possible violations regarding sexual exploitation and abuse by its staff very seriously, irrespective of whether they constitute illegal or prohibited acts in the country where they were allegedly committed. (AGENCY NAME) must carry out rigorous investigations when such concerns are raised about its staff, as described in the investigation procedures and resort to disciplinary proceedings when complaints are substantiated.

9. A clear and accessible referral system must be established in each setting so that all beneficiaries, including children, know how and where to go to make a complaint and receive assistance. A confidential mechanism for lodging a complaint must be accessible to all staff, partners and beneficiaries, irrespective of the individual's sex, age, physical ability, language level of literacy, ethnicity, or any other background characteristic, that allows him/her to make a complaint safely. To accommodate anonymous complaints, mechanisms such as complaints boxes should be in place and their whereabouts made known so that complaints can be made anonymously if so desired. Procedures should be developed by each Agency to ensure reasonable confidentiality of witnesses and the security of all relevant records and documentation.

10. Information made available to beneficiaries in camp situations should include details of designated complaint focal points that are trained and able to receive a complaint. Children must be able to access designated focal points and related information in ways that are child-friendly.

11. UN agencies and their implementing partners should each appoint an official at a sufficiently high level to serve as a focal point for receiving reports on cases of sexual exploitation and sexual abuse.

There should be an overall inter-agency network on sexual abuse and exploitation that includes the focal points designated by the agencies, departments and organizations. This will facilitate regular consultations with representatives of all relevant organizations including national government authorities, NGOs, and INGOs.

12. Inter-agency reporting and referral procedures that clearly identify roles and responsibilities of individuals within the system must be agreed upon, and a simplified version translated into the appropriate local languages, and well publicised. There should also be an agreed process by which the effectiveness of any inter-agency system can be monitored and evaluated.

13. It is the responsibility of the staff member to report a concern/complaint via the process outlined in the complaint procedures.

The following is an overview of the procedures to be followed in making/receiving a complaint (further details are provided in the *Complaints Protocol found in the Sexual Exploitation and Abuse Complaints and Investigations Procedures and Guidance document*):

13.1 The first point of contact should be the line manager or the focal point designated pursuant to the Secretary-General's Bulletin (section 4.3).

13.2 If the staff member genuinely believes that this reporting route is compromised, or that s/he would be victimised or s/he has no confidence in the (AGENCY NAME) local management structure, then the complaint should be raised directly with another (AGENCY NAME) manager or focal point at the regional or headquarters level.

13.3 In exceptional circumstances, the complaint could also be made to another UN agency or department if the staff member genuinely believes that raising the matter within (AGENCY NAME) would not be effective, or could result in further victimization, or if s/he has already disclosed the matter to (AGENCY NAME) but no effective action has been taken.

13.4 It is suggested that the complaint should be recorded or should be written using a standard complaint referral form (Appendix 1- Complaints Protocol), which should be signed and dated. (AGENCY NAME) must ensure that the individual who makes a complaint is informed of the (AGENCY NAME)'s policy on confidentiality. (AGENCY NAME) may wish to obtain a written consent from the complainant for the information to be made available to others within the complaint management system.

13.5 Once a complaint or report is made, the manager or designated focal point who receives the information should immediately report it to (AGENCY NAME)'s designated focal point at headquarters. Once the complaint is received, the Head of [AGENCY'S NAME], in consultation with the agency

focal point and the Head of Office or Mission will consider the appropriate steps to take, including the initiation of preliminary inquiry or an investigation as per the Investigation Procedures.

13.6 Any investigation that is undertaken must be completed, regardless of whether the alleged perpetrator is still a(n) (AGENCY NAME) staff member. In the event that a complaint does not warrant a full investigation, the Head of Office or Mission may nonetheless be asked to take a number of 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).

13.7 If the complaint involves staff of other UN agencies, NGO partners, military personnel or non-staff personnel, such agencies must be informed of the complaint via established mechanisms.

Where the complaint involves personnel of more than one agency, consideration must be given to conducting a joint investigation in the interests of information and resource sharing, as well as limiting the number of interviews necessary. This would be coordinated through a joint strategy meeting, convened urgently to discuss the complaint and agree on a course of action.

13.7bis If the complaint involves allegations against persons who could be UN staff or partners, even when the precise affiliation of the person(s) is unknown, the matter should be referred to the inter-agency network, and consideration should be given to conducting an interagency investigation to ensure that 'rumours' are addressed expeditiously.

13.8 (AGENCY NAME) must inform the subject of the complaint against them. He or she must be given an opportunity to answer the allegations in writing and to produce evidence to the contrary.

14. Staff members should be reassured that there will be no action taken against any member of staff who reports in good faith information indicating a violation of the (AGENCY NAME)'s Staff Rules and Regulations and applicable codes of conduct regarding sexual exploitation and abuse and which, following investigation, proves unfounded. However, if a staff member knowingly and wilfully reports false or malicious information regarding another member of staff, such false reports will lead to disciplinary action.

15. A detailed record of information gathered via the complaints protocol should be kept confidentially on file as it may be used in subsequent disciplinary or legal action. Every effort must be made to ensure the security of such files. (See section on "The recording of information, suspicions or concerns" in the Sexual Exploitation and Abuse Complaints Procedure for a list of essential information to be recorded.)

16. Complaint protocol and investigation procedures should include systematic monitoring and evaluation and be subject to audit and review for lessons learned.

Part 2: Needs of the Victim

17. Urgent medical assistance and counselling must be made available to anyone who was potentially harmed by any alleged sexual exploitation or sexual abuse. This will generally be through referral to the appropriate service provider. The physical and psychological well-being of any such victim must be a primary concern throughout the reporting and investigation process.

18. It is particularly important that, where the complainant is a beneficiary, the staff member receiving the complaint considers whether the beneficiary has ongoing needs requiring protection or assistance. There may be immediate safety needs if the beneficiary is returning to an unsafe situation, or immediate health and psychological needs, particularly if there was a risk of transmission of disease. As (AGENCY NAME) is responsible for the action of its staff, every effort must be made to ensure that any victim of sexual exploitation or abuse is provided with the necessary means for protection and rehabilitation. This will generally involve referral to other organisations able to address these needs.

19. Staff members working for or on behalf of (AGENCY NAME) will provide complainants of sexual or gender based violence with full information and advice on existing redress and compensation mechanisms and/or procedures. Such information shall include at the minimum the contact or addresses where claims may be filed and any network helping complainants in the filing of claims or which would otherwise support them.

Part 3: Essential Elements of Investigative Procedures

20. The investigation of complaints should be conducted with due regard to a number of key principles including, but not limited to: confidentiality, safety, impartiality, objectivity, thoroughness, timeliness and accuracy as well as safeguarding the due process rights of the alleged perpetrator. It is incumbent upon (AGENCY NAME), in cooperation with relevant agencies or local institutions, to do all in its power to protect witnesses and victims and to promote their safety and welfare. All individuals concerned, including the subject of the complaint, have the right to be treated with respect and dignity and to be kept informed of the progress of the investigation.

21. The (AGENCY NAME) must designate a senior member of staff or focal point to assume responsibility for the oversight and monitoring of the investigation. The designated senior member of staff or focal point will be responsible for ensuring that an investigation is undertaken according to the principles of confidentiality, safety, impartiality, objectivity, thoroughness, timeliness and accuracy, in line with (AGENCY NAME'S) established sexual exploitation and abuse investigation procedures, and local inter-agency agreement or procedures. Consequently, the senior member of staff or focal point should be trained in investigation skills and in dealing with sexual exploitation and abuse complaints.

22. It is essential that all organisations establish procedures that detail actions to be taken and allocate clear and specific roles and responsibilities. *(A detailed description of the issues to be addressed and the designation of specific roles and responsibilities is outlined under "Responsibilities" in the Sexual exploitation and abuse Investigation procedures guidance)*

23. In cases where multiple agencies are implicated in the complaint, all such agencies must be involved in the investigation and consideration given to conducting a joint investigation.

24. In order to ensure professional care and competence, investigators, managers and human resources staff must receive appropriate training in the skills and knowledge required to fulfil their responsibilities. A "pool" of investigators from internal and external sources should be established.

25. Investigators are appointed by the Head of (AGENCY NAME) or senior management and are provided with Terms of Reference and delegated authority. (AGENCY NAME) will ensure that all investigators receive the necessary training to undertake interviews of women and children who have been sexually exploited and abused.

26. Investigators are responsible for developing a written plan of the investigation and conducting the investigation in accordance with established complaint procedures.

27. The general principle of confidentiality is such that the disclosure of the identity of complainants, witnesses, victims/survivors, the subject of the complaint and any others involved in an investigation, is restricted and is permitted only on an authorised or "need to know" basis, and only in certain exceptional circumstances. A breach of confidentiality may lead to disciplinary action.

28. The (AGENCY NAME) owes a duty of care to the subject of the complaint, which includes conducting a fair and impartial investigation.

29. Interviews should be conducted in a safe and supportive environment and in accordance with the principles of good practice as per "Guidance on the Interviewing of Witnesses and Victims," which apply at every stage of the interview process.

30. Witnesses should always be interviewed in the language of his/her choice.

31. The victim's race, age, gender, caste, culture, and ethnicity should be given due consideration by the interviewer. The interviewer should be aware of the role of unequal positions of power and cultural differences when conducting the interview. The interviewer should also take into consideration factors impeding open responses such as fear of reprisal, vulnerability, anxiety, intimidation, or contravention of cultural norms.

32. If, after proper investigation, there is evidence to support allegations of sexual exploitation or sexual abuse which may contravene national laws, in consultation with the complainant, these cases may, upon consultation with the appropriate internal legal advisors, be referred to national authorities for criminal prosecution.

Part 4: Disciplinary Action

33. The report of any investigation will be submitted to the Head of (AGENCY NAME), who will, in consultation with the focal point and Head of Office or Mission, decide upon an appropriate course of action. Should the investigation indicate that misconduct has not occurred, the case will be closed. Should the investigation indicate that misconduct has occurred, the matter will be referred to the head of administration with a recommendation for disciplinary action, including possible summarily dismissal, pursuant to (AGENCY NAME) Staff Rules and Regulations.

34. (AGENCY NAME) must obtain references for a candidate for employment from previous employers to ensure that the candidate has not been subject to disciplinary action as a result of a breach of the former employer’s code of conduct. Staff qualifications, prior employment records, as well as declarations with respect to criminal records or prosecutions should be thoroughly checked.

Complaints and investigation procedures and guidance

INTRODUCTION

Purpose and Applicability

The purpose of the “Complaints and Investigation Procedures and Guidance” is to specify steps to be taken when sexual exploitation and abuse, and potentially other forms of abuse, of women or children is suspected and when that abuse is allegedly perpetrated by an (AGENCY NAME) staff member or staff of another humanitarian agency, either in a development or an emergency context.⁴

Sexual harassment of staff members is not included in the scope of these procedures and guidance.⁵

“Staff member” shall be taken to include any person who either works for or represents the (AGENCY NAME), regardless of whether or not they are compensated monetarily for such work or representation.

The conditions and obligations stated within the model complaints mechanisms will be applicable to non-staff personnel, consultants, interns and staff members of partner agencies or organisations which may be executing a project or undertaking any other work in the name of (AGENCY NAME) (see Annex 1, Terminology).

Background

The following reports, which address sexual exploitation/abuse, have been influential in the commission of the IASC protocols and procedures.

- The UNHCR and Save the Children UK report entitled *Sexual Violence and Exploitation: The Experience of Refugee Children in Liberia, Guinea and Sierra Leone (2002)*. This report alleged that UN staff (and workers from NGOs and INGOs) were the most frequent perpetrators of sexual exploitation/abuse, abusing their position of power and trust by using, as tools of exploitation, humanitarian aid and services intended to benefit the refugee population. More recent UNHCR investigations have identified similar concerns in other parts of the world.
- The Report of the Secretary General on the Activities of the Office of Internal Oversight Services entitled *Investigation into Sexual Exploitation of Refugees by Aid Workers in West Africa (2002)*. This was unable to verify the allegations contained in the above report but concluded that ‘sexual exploitation of refugees is real.’
- The UN IASC Task Force on Preventing Sexual Exploitation/Abuse in Humanitarian Crisis (2002) – which was mandated to make recommendations to eliminate sexual exploitation/abuse by humanitarian workers which the above two reports had investigated.

⁴ While anyone can be a victim of sexual abuse, because of their unequal status, the majority of victims are women and children, including boys as well as girls.

⁵ Within the UN system, policies and procedures for handling cases of sexual harassment are set forth in the Secretary-General’s Bulletin, entitled “Promotion of equal treatment of men and women in the Secretariat and prevention of sexual harassment”. NGOs should refer to existing relevant agency policy and procedures for dealing with harassment cases.

The UN IASC Task Force stated that:

'Humanitarian agencies have a duty of care to beneficiaries and a responsibility to ensure that beneficiaries are treated with dignity and respect and that certain minimum standards of behaviour are observed. The goal is to create an environment free of sexual exploitation and abuse in humanitarian crises, through integrating the prevention of and response to sexual exploitation and abuse into the protection and assistance function of all humanitarian workers.'

It is evident from this statement that the complaints and investigation procedures should form one aspect of a broader strategy in which measures to prevent sexual exploitation/abuse are addressed as well as measures to respond to complaints.

The UN IASC Task Force Report further stated that:

- The lack of economic options for displaced populations may result in commercial and exploitative sex being one of the few options for income generation to meet basic needs.
- Beneficiary communities often come from an environment where sex and gender based violence⁶ is common and community structures may collude to ensure that it continues.
- Where women and children are displaced, do not have options to supplement their basic requirements and are also excluded from involvement in community decision making or education, then they may become extremely vulnerable to abuse and exploitation.

In addition to the above, it is important to recognise the additional vulnerability to sexual abuse and exploitation of:

- Boys – There may be a reluctance to believe that young men are also vulnerable to sexual abuse and exploitation and it may be a social taboo to admit that it exists.
- Disabled women and children – Myths and barriers may prevent the recognition or belief that anyone would do such things to disabled people, but where they are socially isolated, excluded from the community and dependent on aid agencies for their survival, disabled women and children are particularly vulnerable.
- Children who live away from home in institutions, schools or children's homes, particularly when these facilities are residential.
- Very young children – There have been examples of babies being subject to sexual abuse and serious physical abuse.

Finally, (AGENCY NAME) has adopted the Core Principles and Code of Conduct developed by the UN IASC task force. These stipulate that:

- *Sexual exploitation and abuse by humanitarian workers constitute acts of gross misconduct and are therefore grounds for termination of employment;*
- *Sexual activity with children (person under the age of 18) is prohibited regardless of the age of consent locally. Mistaken belief in the age of the child is not a defence;*
- *Exchange of money, employment, goods or services for sex, including favours or other forms of humiliating, degrading or exploitative behaviour is prohibited. This includes the exchange of assistance that is due to beneficiaries.*
- *Sexual relationships between (AGENCY NAME) staff members 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 (AGENCY NAME) member of staff develops concerns or suspicions regarding sexual abuse or exploitation by a fellow member of staff, whether in (AGENCY NAME) or not, s/he must report such concerns via the prescribed procedure.*
- *(AGENCY NAME) workers are obliged to create and maintain an environment which prevents sexual exploitation and abuse and promotes the implementation of this code of conduct.*

⁶ Gender Base Violence is violence that is directed against a person on the basis of sex or gender. While men and boys can be victims of gender based violence, because of their subordinate status, girls and women, and sometimes boys are generally targeted. Sometimes, these guidelines will refer to violence against girls and women, instead of gender based violence. This is not intended to ignore the violence done to boys, but merely recognizes that violence based on gender is more often perpetrated against girls. Examples of gender-based violence include rape, battery, trafficking, sexual exploitation and sexual abuse. This is merely illustrative, not a comprehensive list.

- *Managers at all levels have particular responsibilities to support and develop systems which maintain this environment.*

In order to fulfil these commitments it is essential that (AGENCY NAME) takes complaints/ breaches in UN rules regarding sexual exploitation and abuse by staff very seriously and that it instigates rigorous investigations when serious concerns are raised and disciplinary proceedings when complaints are substantiated.

An allegation about the possible sexual abuse or exploitation of a women and/or child may arise in both the course of tasks staff undertake on behalf of (AGENCY NAME) as well as in their private lives. It is of paramount importance that such concerns and allegations are investigated rigorously and independently as possible so that beneficiaries and supporters of (AGENCY NAME) can maintain the utmost confidence in the organisation.

Benefits of Adherence to the Procedures

There are three principal benefits to the complaints and investigation procedures being implemented and followed. These are:

- **Women and children are protected.**
Those who have suffered sexual exploitation/abuse can be protected and the rigorous application of such protocols acts as a preventative measure.
- **(AGENCY NAME) staff are protected.**
Staff are clear as to what expectations (AGENCY NAME) has about their behaviour and what to do if they observe or are made aware of inappropriate behaviour on the part of others. The presence of and adherence to clear procedures helps to ensure due process and protect them against false allegations.
- **(AGENCY NAME)'s reputation is upheld.**
By implementing these protocols (AGENCY NAME) is making clear its commitment to protect the rights of women and children by doing all it can to prevent their sexual exploitation and abuse. The code of conduct and supporting procedures will ensure that (AGENCY NAME) moves towards best practice and deters those who wish to abuse beneficiaries from joining the organisation.

Conversely, the failure to implement or adhere to procedures bears many risks, to women and children, staff and to the reputation of (AGENCY NAME).

Key Principles

The receipt and investigation of complaints should be conducted with due regard to a number of key principles. Each of these is important. However, extensive consultation suggests that the first three – confidentiality, anonymity and safety/welfare needs – are particularly so, as the making of a complaint and giving of evidence can render a witness vulnerable to reprisals. In extreme cases, the witness' survival might be under threat. This being the case, it is incumbent upon (AGENCY NAME) to do all in its power to protect witnesses and to promote their safety and welfare:

Confidentiality – complainants, witnesses and subjects of a complaint have a right to confidentiality. In some instances it will not be possible to guarantee confidentiality e.g. where referral is made to national authorities, or where the witness' identity will be readily inferred. In such cases the guiding principle should be that of 'informed consent'. Information needs to be shared on a 'need to know' basis with the parameters of this being established at the planning stage. The identity of those involved should only be disclosed on an authorised basis where referral to national authorities is indicated. Within the disciplinary process it would not normally be necessary or desirable to reveal the identity of complainant, victim or other witnesses. Records should be stored securely to avoid accidental or unauthorised disclosure of information.

Anonymity – the fact that a complaint is made anonymously does not automatically mean that it bears less substance than one in which the complainant identifies himself/herself and is prepared to give evidence. It may indicate fear of reprisal. This being the case, anonymous complaints should be treated as seriously as 'named' complaints – though the extent to which they can be investigated may be circumscribed by the anonymity. Consideration needs to be given as to how an anonymous referral might be facilitated (e.g. via a complaints box).

The safety and welfare needs of women and children – the needs of women and children are paramount in the investigation process and must be constantly and consistently addressed. Their needs can be summarised under the following four sub-headings:

- **Safety** – this is crucial for reasons outlined above. Whilst (AGENCY NAME) may be unable to guarantee safety, it is essential that a witness plan is developed and reviewed - and the witness advised as to the limits of (AGENCY NAME)'s capacity to protect (where such exist) when 'informed consent' is sought. Steps to promote safety might include establishing a 'safe zone,' moving to a 'safe house,' relocating the subject, relocating the witness or maintaining an effective security/law enforcement presence.
- **Health** – medical intervention should be arranged to promote the witness' health and well-being (not generally as part of the internal investigation process) to, for example, prevent unwanted pregnancy, treat injuries or treat sexually-transmitted diseases. Where there is a report of sexual abuse within the previous 72 hours the victim should be referred immediately if medical treatment for HIV post-exposure or emergency contraception is to be effective.
- **Psycho-social** – e.g. to help the witness deal with fear, guilt, shame etc. via access to support groups and/or crisis counselling.
- **Legal/justice** – the decision to refer to national authorities will hinge on a number of factors and needs to be taken by the designated senior management staff. However, there are a number of potential benefits to the complainant/witnesses (including recovery) as well as risks and their views should be sought about this.

Professional care and competence – all those involved have due training, skills and knowledge to fulfil their responsibilities. A training strategy will need to be developed to address the training needs of investigators, managers and human resources staff. The competence of all involved must be subject to review within supervision and annual appraisals.

Thoroughness – investigations must be conducted in a diligent and rigorous manner to ensure that all relevant evidence is obtained and evaluated (including evidence which might both support or refute the complaint).

Independence – it is essential that investigators have no personal or professional interest in the people implicated or the project. This will require the creation of a pool of qualified investigators.

Planning and review – to ensure that investigations are planned, systematic and completed according to agreed timeframes.

Respect for all concerned – including the subject of the complaint. All concerned have the right to be treated with respect and dignity and to be kept informed of the progress of the investigation.

Timeframes – it is in everyone's interest that investigations are conducted as quickly as possible without prejudicing quality. A number of factors (communication systems, travel, distance etc.) will influence what is a reasonable timeframe. However, as a general rule, investigations should be complete (i.e. final report submitted) within 28 days of receipt of complaint.

Working in partnership with other interested parties – in some cases other INGOs or NGOs might be implicated in the complaint. In such instances, consideration needs to be given to conducting a joint investigation in the interests of sharing relevant information and obviating the need for repeated interviews.

National authorities – in any case in which a crime appears to have been committed, consideration needs to be given to informing national authorities. This can be a very challenging decision if there are doubts as to the integrity of police/legal systems. The decision to inform the authorities should be taken by the designated senior manager.

Management Responsibilities

Managers are responsible for:

- Ensuring that all staff are inducted and aware of their responsibilities under the code of conduct and complaints procedure.
- Identifying how staff and beneficiaries from both emergency and development programmes can access complaint mechanisms and ensuring that mechanisms are in place that address the needs of both women and children.

- Being clear of their role and responsibility to support/cooperate with any investigation.
- Being aware of the need to involve the national authorities in responding if a complaint is of a criminal nature.
- Understanding local attitudes to sexual abuse and exploitation and local support/advocacy structures to support complainants and possibly provide witness protection.

Managers also need to ensure that all investigations are undertaken in accordance with the key principles outlined above and the investigation procedures. The ultimate responsibility for this lies with the Head of Agency – with tasks delegated as appropriate.

The fact that ultimate responsibility lies with the designated senior manager does not obviate the need for all managers to create a culture in which sexual exploitation/abuse is reported and investigated. A collaborative effort is required if abuses by staff are to be tackled.

Complaints and investigation procedures and guidance

MAKING/RECEIVING COMPLAINTS

Introduction

The purpose of this procedure is to provide a fair and consistent means of addressing concerns about breaches of UN rules/agency codes of conduct regarding sexual exploitation by a (AGENCY NAME) staff member. This includes all (AGENCY NAME) staff, whether host country or international staff on permanent or fixed-term contracts, self-employed consultants, interns and partners from NGOs and INGOs.

Breaches of agency rules/codes of conduct regarding sexual exploitation and abuse will be investigated by (AGENCY NAME), irrespective of whether they constitute illegal acts.

Causes for Concern

Concerns in relation to a member of staff or volunteer may arise in a number of ways, for instance:

- A practice or behaviour suggesting that a member of staff has abused the power invested in him/her, by virtue of his/her post, to sexually abuse or exploit a beneficiary.
- An allegation that a member of staff/volunteer has breached UN rules regarding sexual exploitation and abuse outside the work environment (e.g. by paying for sex with a child prostitute or via early marriage);
- Concerns that cover a wide range of issues involving the exploitation of women and or children ranging from inappropriate behaviour to various criminal offences.
- Concerns regarding the past behaviour of a staff member.
- Concerns expressed by a government partner, UN agency, NGO or INGO about the behaviour of a staff member.

Blocks to making a complaint

Complainants will not come forward unless they have trust in (AGENCY NAME) to take the issue seriously and protect him/her from potential reprisal. (AGENCY NAME) managers need to create a culture and related systems that promote trust among both host country and international staff.

There are many blocks to making a complaint such as:

- Fear of reprisal
- Fear of not being taken seriously
- Respect for/fear of a senior officer and/or expatriate staff member
- Fear of 'getting it wrong'
- Fear that source of income (maybe to sustain life) will be cut off
- Fear of losing job, status or prospects
- Cultural issues and norms – it is seen as acceptable practice in the country/region
- Cultural issues and norms – it is not seen as acceptable to challenge those in authority

- Attitudes towards women and children
- A socio-economic or political context which might sustain a belief that sexual exploitation/abuse is unimportant.
- Isolation, lack of management and support
- Age – children may be less likely to report
- Lack of knowledge concerning the reporting process, access to anyone with power or will to intervene
- Lack of awareness sexual exploitation and abuse is wrong

Establishing Referral, Reporting and Monitoring Mechanisms for Beneficiaries

It is essential that (AGENCY NAME) treats complaints concerning these and other possible violations regarding sexual exploitation and abuse by staff very seriously, irrespective of whether they constitute illegal acts or prohibited acts in the country where they were allegedly committed. (AGENCY NAME) must carry out rigorous investigations when such concerns are raised as described in the investigation procedures and resort to disciplinary proceedings when complaints are substantiated.

It is a management responsibility to ensure that a clear and accessible referral system is established in each setting so that all beneficiaries (particularly children) in both emergency and development contexts know where to go to make a complaint and receive assistance. A confidential mechanism for lodging a complaint must be accessible to all staff, partners, and beneficiaries, irrespective of the individual's sex, age, physical ability, language, level of literacy, ethnicity, or any other background characteristic or factor, that may prevent or discourage him/her from making a complaint safely. To accommodate anonymous complaints, mechanisms such as complaints boxes should be in place and their whereabouts made known so that complaints can be made anonymously if so desired. Procedures should be developed by each Agency to ensure reasonable confidentiality of witnesses and the security of all relevant records and documentation.

In emergency camps it may be beneficial to have a number of entrance points where reports can be made. Camp management guidelines should include where these focal points are and which NGO/INGO staff or refugees are trained and able to receive a complaint. It is also vital to consider how children may access these focal points. It may be necessary to build them into other structures that support children such as youth groups, mentoring schemes, health and educative forums.

The mechanisms for lodging a complaint need to be accessible to all. Language, age, sexual orientation, sex, caste, physical ability, faith, level of literacy, culture or job role should not hinder access to the complaints mechanisms. For those women and children who have an impairment or disability it is essential that they have a means of being heard and that lack of mobility or verbal communication does not exclude them. Consideration needs to be given to how male children or men can make a complaint. Mechanisms must be sensitive to the fact that boys and men can also be vulnerable to sexual exploitation.

It is recommended that there should be an overall inter-agency complaints management system in-country, co-ordinated by an appropriate individual or body. The inter-agency management system should comprise agency focal points from UN, NGOs, and INGOs, and representatives from national government authorities.

Inter-agency reporting and referral procedures that clearly identify roles and responsibilities of individuals within the system must be agreed upon, and a simplified version translated into the appropriate local languages, and well publicised. There should also be an agreed process by which the effectiveness of any inter-agency system can be monitored and evaluated.

Mechanisms such as complaints boxes should be in place so that anonymous complaints can be made. In addition other measures need to be developed so that those who are not literate can also make a complaint, e.g. establishing a system of beneficiary advocates.

Enabling (AGENCY NAME) Staff to Make a Complaint

(AGENCY NAME) employees may be fearful that by making a complaint against another member of staff it may lead to some form of reprisal. 'Whistle-blowers' should not face official or unofficial sanctions as a

consequence of making a complaint unless this is subsequently proved to have been made maliciously. All staff must have access to a confidential mechanism that allows them to make a complaint safely.

Contracts and policies affecting host country and international staff should make clear that no action will be taken against any member of staff who reports in good faith information indicating a breach in the code of conduct and which following investigation proves unfounded. However, if a staff member knowingly and wilfully reports or spreads false or malicious information regarding another member of staff, his/her behaviour will constitute misconduct.

(AGENCY NAME) mandates staff to voice their concerns against breaches of UN rules regarding sexual exploitation and abuse and must be seen to act responsibly when those concerns are received. The benefits of such a policy are that it should encourage a climate of open communication which enables staff to voice concerns at the earliest opportunity and therefore avert a larger issue in the future or address it before it becomes out of control.

In some instances, staff will make a specific allegation, e.g. another member of staff is known to be living with a beneficiary. In other instances staff will have concerns which might be described as being 'in the air,' e.g. they observe or hear of behaviour which might indicate sexual exploitation/abuse but is not of itself conclusive. Staff need to be encouraged to report 'in the air' concerns as well as more specific complaints as the former might cumulatively enable an investigation to be instigated.

It is not the responsibility of the member of staff to ascertain whether or not the complaint is true. It is his/her responsibility to report the concern on via the process outlined in this protocol.

Key Principles

A number of key principles underpin this protocol. Particularly important are those relating to **confidentiality, anonymity and safety/welfare needs**. These are elaborated on in the Source Document.

It is particularly important that, where the complainant is a beneficiary, the staff member receiving the complaint considers whether the beneficiary has immediate needs requiring attention. These are specific tasks of the investigation phase but some needs are likely to be pressing. There may be immediate safety needs if the beneficiary is returning to an unsafe situation, there may also be immediate health needs if the complainant is a victim of sexual exploitation/ abuse.

Similarly, there might be immediate **health** needs if the complainant is a victim of sexual exploitation/ abuse. The victim might have sustained injuries (if violence was used) which may not be visible. Similarly, if there is information to suggest that sexual activity has occurred within the past 72 hours, immediate referral for medical treatment should be carried out in order to maximize the effectiveness of emergency contraception or treatment to prevent HIV.

Good Practice in receiving a complaint directly from a beneficiary

In the event of a staff member receiving a complaint s/he should:

- React calmly and listen carefully to what is being said.
- Reassure the complainant that he or she was right to raise the concern.
- Address issues of confidentiality (see source document – key principles), explaining that there are limits to ensuring confidentiality to the extent that staff members are obliged to report complaints, while reassuring the complainant that information will only be shared on a 'need to know' basis
- Take what is said seriously – the 'unthinkable' is possible.
- Avoid asking too many questions: Ask only the number of questions required to gain a clear understanding of the complaint so that it can be passed on via (AGENCY NAME)'s reporting procedures.
- Ensure that his/her safety is not at risk.
- Consider his/her need for medical attention.
- Inform him/her of the next steps in the procedure.
- Make a written record of what has been said via the complaint referral form if possible – at a minimum, a signed and dated record of the complaint should be made at the earliest opportunity.
- Report on the complaint, as per the agency reporting procedure, at the earliest opportunity.

Recording of information, suspicions or concerns

Information that is referred to via the complaints protocol needs to be as clear as possible. It may be used in subsequent disciplinary or legal action, hence the need to make a detailed record, including:

- Correct names of all involved, identity numbers of witnesses, victims, and if possible photo records of the subject.
- The nature of the complaint.
- A description of any visible sign of abuse or other injuries including a body map, if helpful.
- An accurate account of what was said by the complainant in her own words.
- Any observations made by staff member receiving the complaint.
- Times, locations, dates given.
- Whether any one else knows or has been given the information
- The relationship between the complainant and staff member receiving the complaint.

Procedures to be followed in making/receiving a complaint

It is the responsibility of the staff member to report a concern/complaint via the process outlined in the complaint procedures as follows:

1. The main point of contact should be the staff member's line manager, a designated senior manager or focal point.
2. If the staff member genuinely believes that s/he would be victimised or s/he has no confidence in the (AGENCY NAME) local management structure to respond appropriately to the complaint, then the complaint should be raised directly with another (AGENCY NAME) manager or focal point, at the regional or headquarters level, for example.
3. In exceptional circumstances, the complaint could also be made to another international organisation, NGO, or INGO, if the staff member genuinely believes that raising the matter within (AGENCY NAME) would not be effective, or could result in further victimization, or if s/he has already disclosed the matter to (AGENCY NAME) but no effective action has been taken.
4. It is suggested that the complaint should be recorded or should be written using a standard complaint referral form (Appendix 1 – Complaints Protocol), which should be signed and dated. (AGENCY NAME) must ensure that the individual who makes a complaint is informed of the (AGENCY NAME)'s policy on confidentiality. (AGENCY NAME) may wish to obtain a written consent from the complainant for the information to be made available to others within the complaint management system.
5. Once a complaint is made the designated senior manager or focal point who receives the information should immediately report it to (AGENCY NAME)'s headquarters' (via Head of Agency, Focal Point, human resources department, etc.). Once a complaint is received, (AGENCY NAME) will consider the appropriate steps to take, including the initiation of preliminary inquiry or an investigation as per the Investigation Procedures.
6. Any investigation that is undertaken must be completed, regardless of whether the alleged perpetrator is still a(n) (AGENCY NAME) staff member. In the event that a complaint does not warrant a full investigation, the (AGENCY NAME) may nonetheless be asked to take a number of 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).
7. If the complaint involves staff of other UN agencies, NGO partners, military personnel or non-staff personnel, such agencies must be informed of the complaint via established mechanisms and a joint strategy meeting convened urgently to discuss the complaint and agree on a course of action. Consideration must be given to conducting a joint investigation in the interests of information and resource sharing, as well as limiting the number of interviews necessary.
8. (AGENCY NAME) must inform the subject of the complaint about the allegations and provide him or her with a copy. He or she must be given an opportunity to answer the allegations in writing and to produce evidence to the contrary.

Staff members should be reassured that there will be no action taken against any member of staff who reports in good faith information indicating a violation of the (AGENCY NAME)'s Rules and Regulations and applicable codes of conduct regarding sexual exploitation and abuse and which, following investigation, proves unfounded. However, if a staff member knowingly and wilfully reports false or malicious information regarding another member of staff, such false report may lead to disciplinary action.

A detailed record of information gathered via the complaints protocol should be kept confidentially on file as it may be used in subsequent disciplinary or legal action. Every effort must be made to ensure the security of such files. (See section on “The recording of information, suspicions or concerns” in the Sexual Exploitation and Abuse Complaints Procedure for a list of essential information to be recorded.)

Complaints and investigation procedures should include systematic monitoring and evaluation and be subject to audit and review for lessons learned.

Needs of the Victim

Urgent medical assistance and counselling must be made available to anyone who was potentially harmed by any alleged sexual exploitation or sexual abuse. The physical and psychological well-being of any such victim must be a primary concern throughout the reporting and investigation process.

It is particularly important that, where the complainant is a beneficiary, the staff member receiving the complaint considers whether the beneficiary has ongoing needs requiring protection or assistance. There may be immediate safety needs if the beneficiary is returning to an unsafe situation, or immediate health and psychological needs, particularly if there was a risk of transmission of disease. As (AGENCY NAME) is responsible for the action of its staff, every effort must be made to ensure that any victim of sexual exploitation or abuse is provided with the necessary means for protection and rehabilitation.

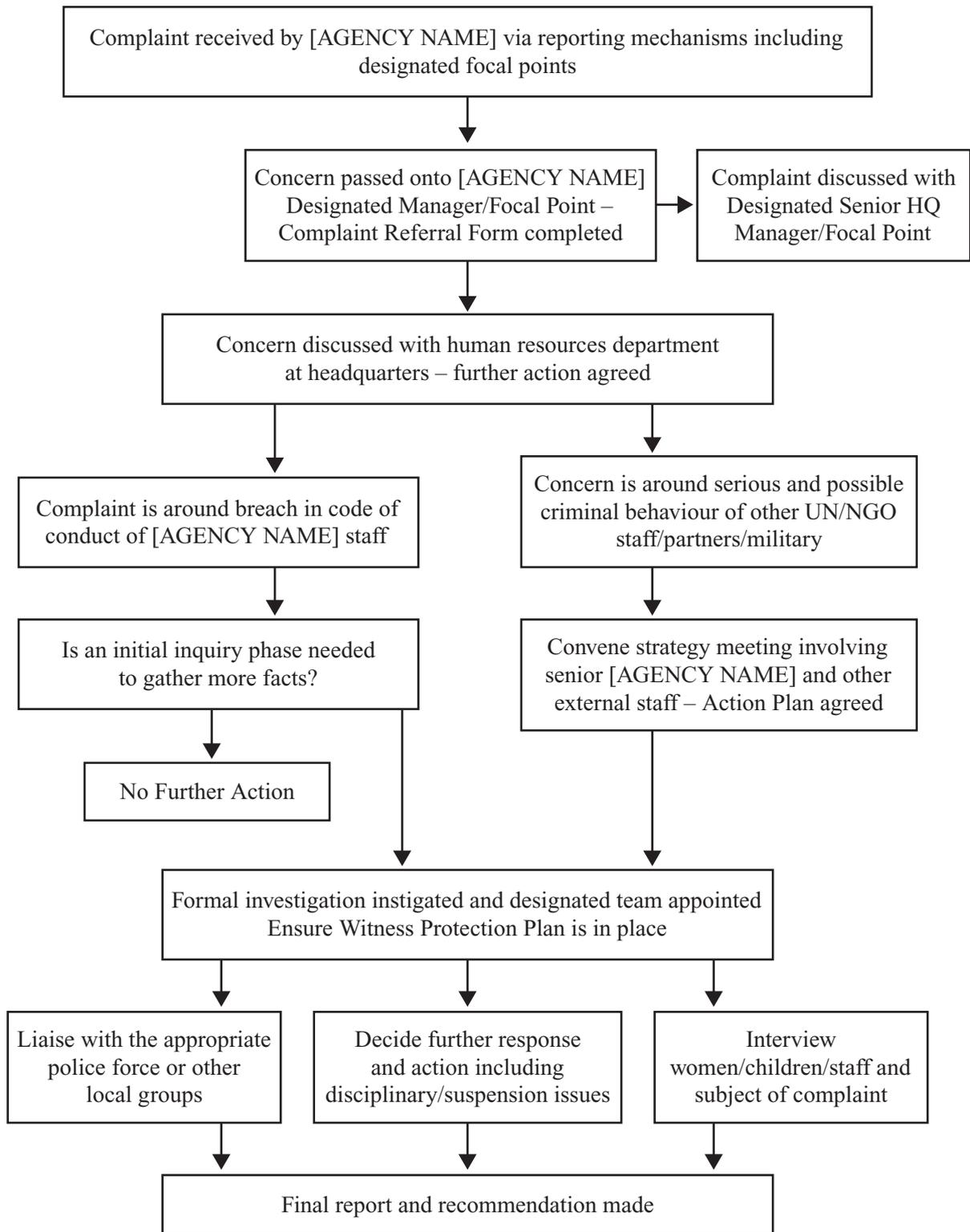
Staff members working for or on behalf of (AGENCY NAME) will provide complainants of sexual or gender based violence with full information and advice on existing redress and compensation mechanisms and/or procedures. Such information shall include at the minimum the contact or addressees where claims may be filed and any network helping complainants in the filing of claims or which would otherwise support them.

Outcome of Investigations

An Agency's internal investigation may lead to the following results:

- The allegations are considered as established by the persons in charge of the investigation process. The investigation report should be sent to the competent managers/department who will take the appropriate administrative/disciplinary action as per the rules applicable to the Agency's staff.
- Due consideration and assistance should be given to the complainant to seek legal redress from the competent authorities in the host country or in the country of the nationality of the perpetrator when such legal remedies are actionable.
- The decision reached as the result of the disciplinary process of the agency will automatically be inserted in the personal administrative file of the perpetrator and will be communicated to any prospective employer seeking a reference for this person.
- Should the allegations be insufficiently established or unfounded, the staff member will be officially notified that he/she has been cleared. If the allegation was made known to his/her staff, the field manager will take appropriate action to inform the staff about the decision of clearance.

Appendix 1: Complaint Referral Chart



Model Complaints Referral Form (sexual exploitation and abuse)

Name of Complainant: _____ Ethnic origin/Nationality: _____
Address/Contact details: _____
_____ Identity no: _____
Age: _____ Sex: _____

Name of Victim (if different from Complainant): _____
Ethnic origin/Nationality: _____ Address/Contact details: _____
_____ Identity no: _____
Age: _____ Sex: _____
Name(s) and address of Parents, if under 18: _____

Has the Victim given consent to the completion of this form? YES NO

Date of Incident(s): _____ Time of Incident(s): _____
Location of Incident(s): _____
Physical & Emotional State of Victim (Describe any cuts, bruises, lacerations, behaviour, and mood):

Witnesses' Names and Contact Information: _____

Brief Description of Incident(s) (Attach extra pages if necessary): _____

Name of Accused person(s): _____
Job Title of Accused person(s): _____
Organization Accused person(s) works For: _____
Address of Accused person(s) (if known): _____

Age: _____ Sex: _____
Physical Description of Accused person(s): _____

Have the police been contacted by the victim? YES NO

If yes, what happened? _____

If no, does the victim want police assistance, and if not, why? _____

Has the victim been informed about available medical treatment? YES NO

If Yes, has the victim sought medical treatment for the incident? YES NO

If Yes, who provided treatment? _____

What is the diagnosis and prognosis? _____

What immediate security measures have been undertaken for victim? _____

Who is responsible for ensuring safety plan (Name, Title, Organisation): _____

Any other pertinent information provided in interview (including contact made with other Organisations, if any): _____

Details of referrals and advice on health, psychosocial, legal needs of victim made by person completing report: _____

Report completed by: _____
Name *Position/Organisation* *Date/Time/Location*

Has the Complainant been informed about the Organisation's procedures for dealing with complaints? YES NO

Signature/thumb print of Complainant signaling consent for form to be shared with relevant mgt structure* and SRSR/RC/HC: _____

Complainant's consent for data to be shared with other entities (check any that apply):

Police Camp leader (name) _____ Community Services agency

Health Centre (name) _____ Other (Specify)

It is essential that all organisations establish procedures that detail actions to be taken and allocate clear and specific roles and responsibilities to named post-holders, following an allegation of abuse or exploitation by a member of staff (see following section). This would identify who must do what, within what timescales, and the lines of reporting or consultation at each stage of the investigation.

Responsibilities

The following list of tasks is intended to act as a guide/check-list of some of the specific issues that must be addressed and therefore tasks that must be allocated to a specific member of staff, upon receipt of a complaint. Depending on the structure of the organisation, it is assumed that this could involve a senior member of staff in headquarters, senior country management, and staff identified and trained as investigators.

Senior Member of Staff's responsibilities

Initiating an investigation of an alleged breach of UN staff rules regarding sexual exploitation and abuse.

- Deciding who needs to know and briefing those individuals.
- Ensuring that the investigation is conducted according to the key principles and procedures.
- Deciding whether to suspend or redeploy the subject during the investigation.
- Appointing the investigators and providing them with terms of reference and delegated authority. There should normally be 2 investigators allocated to each case, to allow for greater objectivity, support and easier documentation, recording of interviews.
- Receiving the final report and making a decision on outcomes.
- Notifying the national authorities, if the allegation concerns a possible crime, if appropriate, and ensuring that due legal process is followed.
- Deciding whether and when to notify the national authorities and/or other external agencies (e.g. UNHCR if this concerns a population of concern to them).
- Facilitating the investigation by ensuring the co-operation of staff, the availability of premises, interpretation, office facilities etc.
- Facilitating the implementation of plans to meet the needs of complainant and/or victims, specifically their need for protection, including possible relocation, and any health/medical needs.
- Informing other organisations which are implicated in the allegation/ investigation.
- Providing information on the local context, culture, or any other issues that may be relevant or impact on the investigation.
- Maintaining at least a basic database that is secure and protected from unauthorised disclosure, of prior complaints/investigations.
- Checking records to establish any prior complaint/investigation against a specific individual, and ensuring this information is made available to staff involved in the planning and conduct of investigations.

Investigators' responsibilities

- Developing a written plan of the investigation.
- Conducting the investigation according to the agreed protocol, including gathering evidence, reporting and making recommendations.
- Assessing/reviewing and advising on matters pertaining to the needs of the survivor/victim and other witnesses.
- Assessing/reviewing and advising on matters pertaining to the subject e.g. support needs, suspension etc.

In order to ensure professional care and competence, investigators, managers and human resources staff must receive appropriate training in the skills and knowledge required to fulfil their responsibilities. A “pool” of qualified investigators from internal and/or external sources should be established. Depending on the nature of the investigation, establishing a multi-disciplinary team may be advisable, and consideration of using a professional with relevant experience and skills in counselling may also make sense.

Investigators are appointed by senior staff members and are provided with Terms of Reference and delegated authority. (AGENCY NAME) will ensure that all investigators receive the necessary training, supervision, emotional and psychological support to undertake interviews of women and children who have been sexually exploited and abused.

Confidentiality

The general principle of confidentiality is that the disclosure of the identity of a staff member or others involved in an investigation, is restricted, permitted only on an authorised basis, in certain exceptional circumstances. Only those who “need to know” should be informed of the investigation, and all staff reminded of their obligations to colleagues and beneficiaries to comply with this. This is critical, recognising that reporting concerns, and providing evidence in the course of an investigation, can be difficult and dangerous. The disclosure of the identity of a complainant would only occur when the complainant has consented to the disclosure, it is necessary for disciplinary and judicial proceedings, and this has been approved by the designated senior member of staff. A breach of confidentiality may lead to disciplinary action.

Preliminary Investigation

Upon receipt of a complaint, a decision needs to be made as to whether to proceed immediately to a full investigation or conduct a preliminary investigation. In cases where multiple agencies are implicated in the complaint, all such agencies must be involved in deciding the nature and scope of the investigation and consideration given to conducting a joint investigation as appropriate.

The aims of a preliminary investigation are to gather relevant data and ensure that the immediate needs of all concerned are met. The presumption should be that an investigation will be instigated (without recourse to a preliminary investigation) unless the complaint is sufficiently vague to merit further clarification before a decision can be reached. The fact that a complaint lacks clarity, or occurs within a specific context does not constitute grounds for treating it less seriously than other complaints.

The senior person should establish whether the subject had had prior complaints made against him as multiple complaints could provide a compelling case for proceeding to an investigation. (This requires the maintenance of good personnel records and documentation of concerns.)

It may also entail a brief interview with complainant/victim(s)/others. This should be aimed at establishing whether grounds exist to proceed, not to elicit substantive detail.

It is essential that those involved in preliminary investigations guard against closing down the investigation process too quickly. To this end, the presumption should be that an investigation should take place unless the preliminary investigation finds that there are no grounds to proceed.

External Referrals

1. If the alleged behaviour constitutes a possible crime, according to local laws

If the incident in question is a crime, in addition to being a possible breach of the organisation policies, the victim/survivor should be informed of the option of making a parallel complaint to the law enforcement authorities, and any available support to assist with this. In some countries there may be mandatory reporting of certain alleged crimes.

The senior member of staff, in consultation with the senior local manager, should consider informing the law enforcement authorities whenever a crime is alleged, taking into account the wishes of the victim/survivor, his or her capacity to give informed consent, and any concerns about the legal/judicial processes in that specific country. The internal investigation should not be seen as a substitute for a criminal investigation where this is warranted.

Having a criminal investigation and an administrative investigation underway at the same time, may seriously compromise the police investigation and jeopardise any subsequent criminal prosecution. It may be advisable to delay the administrative process. There may be circumstances where this is not advisable, e.g. excessive delay, but if they are run concurrently, great care must be taken to avoid compromising any future legal procedures.

2. Consideration needs to be given as to whether there are other stakeholders (e.g. other INGOs/NGOs, UNHCR) who need to be notified and engaged in strategic planning

Planning and Conducting the Investigation

Careful planning is central to the conduct of a “best practice” investigation. This includes clarification of:

- What the tasks are
- Who is to undertake them
- When they are to be undertaken and
- How progress is to be reviewed

The investigators should construct a written plan which addresses the following:

Compiling Evidence

Consideration needs to be given as to who is to be interviewed and in what sequence. A degree of flexibility will be required as interviews might reveal the identities of others who should be approached. As a general rule the sequence should be:

- Complainant
- Victim(s) – if different from above
- Witnesses – if any exist
- Subject

Consideration also needs to be given as to whether other forms of evidence might exist and as to how to access them. Evidence might include work logs/rosters, stockpiles of rations, photos, emails, photographs and so on.

In planning the compiling of evidence, investigators should bear in mind the need to seek and evaluate evidence which might support the complaint and evidence which might refute it. Investigators should conduct interviews in a “neutral” frame of mind, i.e. they should neither assume guilt nor innocence on the part of the subject.

Use of Interpreters

The plan needs to establish whether interpreters are required and how to access these. The need to protect the confidentiality of witnesses and the subject requires that interpreters are carefully chosen.

Witness Protection

The plan should anticipate what the witnesses’ (including victim/survivor and the subject of the complaint) needs might be and identify some potential resources to meet them. The principal consideration is for the witnesses’ need for protection and, to this end, a witness protection plan needs to be established at the planning stage. There needs to be discussion around possible reprisal – from e.g. subject or other members of the community – and how to tackle this.

Health Needs

In some cases (see complaints procedure) urgent medical attention is indicated. This must take priority over any other procedure as it may be necessary for victims/survivors to undertake a medical investigation to ensure their own health and well being. Protocols should be in place for referral to appropriate services and consent for this should be sought from the victim/survivor.

It should not be necessary for an internal investigation to instigate a medical as part of the process of investigation and for gathering evidence. Where there is an overwhelming need or justification for such a procedure (e.g. it is clear that analysis of forensic evidence is possible, relevant and may assist with criminal prosecution) prior agreement must be sought from the victim/survivor, parents or carers if this is a child, and the designated senior staff.

Other Witness Needs

Witnesses (particularly if they are also victims) may have other needs which should be anticipated at the planning stage, including any need for additional support or counselling, and help to understand the criminal

justice implications and make an informed view as to whether he/she wishes to make a complaint (see complaints procedure).

The plan needs to consider how the victim (and complainant/other witnesses) will be kept informed of the progress and outcome of the inquiry.

Subject's Needs

Irrespective of the nature of the complaint, (AGENCY NAME) owes a duty of care to the subject of the complaint. The plan needs to address what support he/she needs, how this can be provided, and whether he/she should be suspended, with or without pay, or moved to other duties, while the investigation is underway.

It also needs to consider how he will be kept informed of the progress and outcomes of the inquiry and the expected timeframe.

Timeframes

The plan needs to set timeframes for each stage of the investigation to ensure completion (without prejudice of quality) at the earliest opportunity.

Confidentiality

It is essential that the plan address how confidentiality with respect to the identity of the witness and the subject is to be preserved. This includes:

- Only disclosing identities to those who “need to know”
- Accessing interpreters in such a way as to maximise the preservation of confidentiality
- All records and reports being made anonymous - via the removal of names and substitution of witness A, witness B, subject A etc.
- All records being kept within a locked filing cabinet accessible only by investigators

Careful consideration needs to be given to how the confidentiality of the complainant in particular is to be preserved when informing the subject of the nature of the complaint. There are potential conflicts of interest in such situations. The subject needs to know the details of the allegation if he/she is to have an opportunity to respond. However, paramount consideration must be given to ensuring the safety and security of the complainant and the victim/survivor – this must take precedence. This may entail the investigators exercising great care in the presentation of evidence.

Location

- Interviews need to be conducted in a location, which is suitable and protects confidentiality

Interviewing Women and Children

Special care should be taken to reduce the risks of causing further harm or distress when interviewing any witnesses. This is particularly important when interviewing children, or other anxious, fearful or vulnerable people.

Witnesses should always be interviewed in the language of his/her choice.

The victim's race, age, gender, caste, culture, and ethnicity should be given due consideration by the interviewer. The interviewer should be aware of the role of unequal positions of power and cultural differences when conducting the interview. The interviewer should also take into consideration factors impeding open responses such as fear of reprisal, vulnerability, anxiety, intimidation, or contravention of cultural norms.

Interviews should be conducted in a safe and supportive environment and in accordance with the principles of good practice as per the extensive guidance on interviewing women and children is contained in a separate below (see Guidance on the Interviewing of Witnesses and Victims).

Interviewing the Subject of a Complaint

The purpose of interviewing the subject is to establish:

- whether there has been a breach of UN rules regarding sexual exploitation and abuse. Whether there is evidence to suggest a crime has been committed.

It is **not** within the remit of this interview to:

- mediate between subject and victim or help them reach a mutually acceptable solution (the power differentials make this inappropriate)
- debate the morality (or otherwise) of the subject's actions – it is easy to be drawn into such debates but they are irrelevant in this context.

The organisation owes a duty of care to the employee, which includes conducting fair, and impartial investigations. The investigators need to ensure that the subject:

- knows why he/she is being interviewed
- understands that he/she is expected to cooperate
- is advised on the rules of confidentiality with respect to both the subject and witnesses
- is informed that harassment of complainant/victim/others, including breaching their confidentiality, will be viewed as misconduct and may lead to disciplinary action
- is aware that notes will be taken of the interview (or a tape-recording if consent is given)
- knows that the investigation may lead to disciplinary action and/or referral to law enforcement authorities

Under the rules of confidentiality, the employer undertakes to preserve the confidentiality of all involved. In certain circumstances, breach of the subject's confidentiality might be authorised. These might include:

- where the evidence suggests that a crime has been committed and referral to the national authorities is appropriate
- where a finding is made against the subject within a disciplinary hearing which might lead to this information being released to other potential employees

The subject should be given a summary of the complaint and given sufficient time to assimilate any evidence and make an informed response.

On completion of the interview, a record of the interview should be made at the earliest opportunity. This should summarise succinctly the *facts* as recounted by the subject and pertinent *opinions*, *motives* etc. A typed copy of this record should be presented to the subject and he/she should be asked to make amendments or additions and sign the document.

Investigation Report

The investigation report should:

- observe the principles of good report writing i.e. be clear, concise, written in plain language and be grammatically correct
- bear testimony to the core principles of an investigation
- address evidence to support and refute the complaint (where such exists)
- describe the methodology (process) as well as findings (content)
- evaluate evidence against specific stipulations UN rules regarding sexual exploitation and abuse
- separate fact from opinion
- provide sufficient evidence to back conclusions and recommendations
- be produced according to agreed timeframes

The report should include:

- name and title of investigators
- name (or case reference number) of subject(s)
- a statement to the effect that the report is confidential and is not to be copied or disclosed without due authorisation

- date
- clarify the nature of the complaint and which stipulations of UN rules regarding sexual exploitation and abuse are alleged to have been breached
- state the scope of the investigation (how many complainants, witnesses, subjects etc)
- give brief contextual information e.g. which country
- state any impediments to the investigation e.g. lack of co-operation by subject or unwillingness to be interviewed by any witnesses

Sections of the report will include:

Executive Summary

This should provide a very concise overview of the investigation from inception through to the report. It should not contain any information which is not in the main body of the report. The executive summary should not be written until all other sections have been completed.

Findings

This section should:

- take each complaint in turn (if there is more than one) and summarise the evidence by all interviewees in respect of it/them
- describe other evidence – photos, work logs, emails etc
- impartially state evidence to support and refute the complaints
- draw logical and fair conclusions

Conclusions & Recommendations

It should state specifically the findings with respect to each complaint according to the following:

1. found by reasonable inference
2. not found – insufficient or unclear evidence
3. not found – based on evidence to clear the complainant or to establish a malicious complaint

Findings and disciplinary action

If there is evidence to clear the subject of the complaint, he/she should be informed of this, and managers encouraged to inform those staff involved in the investigation or otherwise aware of the nature of the allegations, that the person has been cleared of the allegation. Should the investigation indicate that the allegations have not been substantiated, the case will be closed.

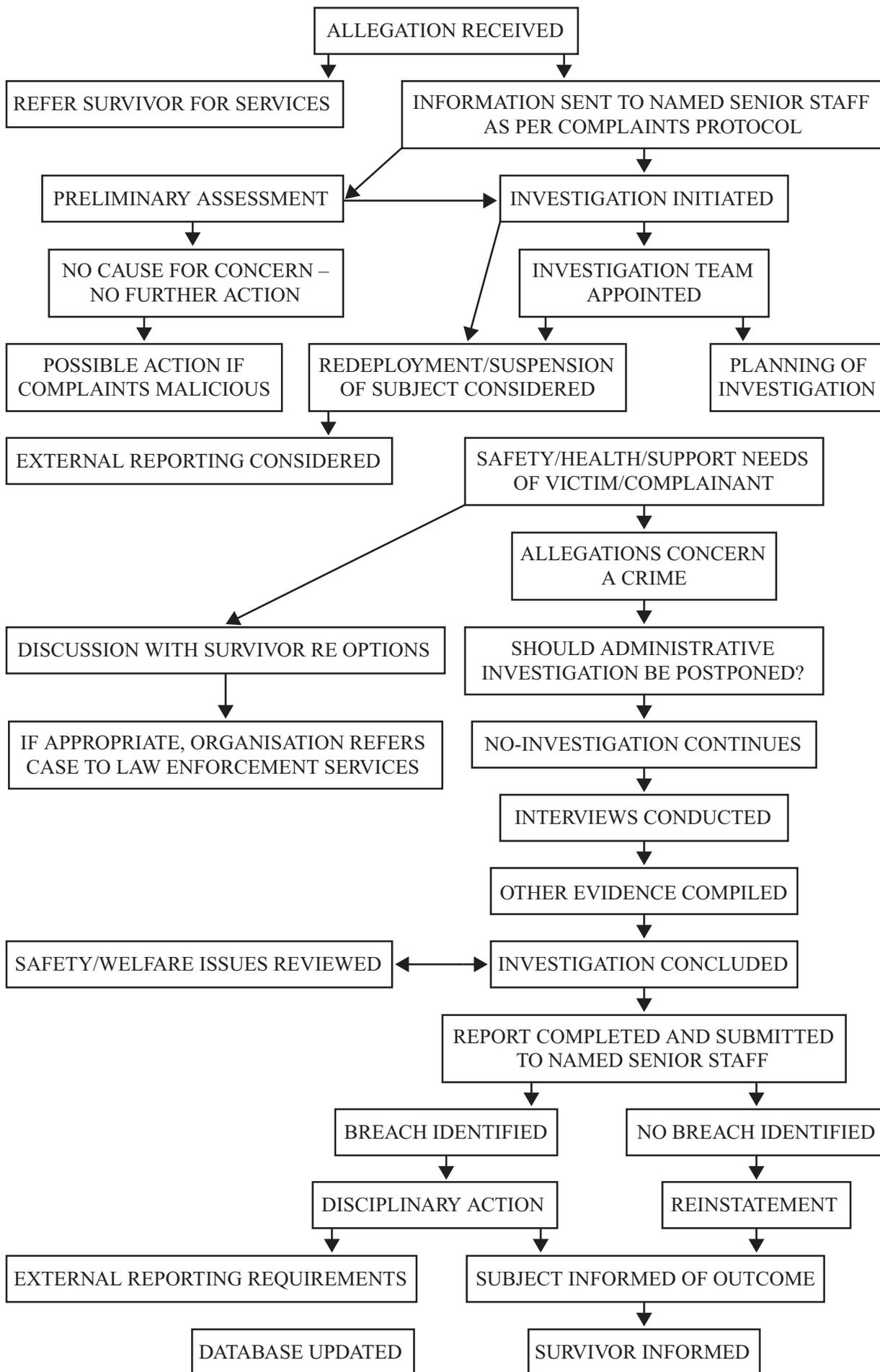
Should the investigation find that the allegations have been substantiated, the matter should be pursued under the Agency's appropriate disciplinary procedures. Found by reasonable inference is sufficient grounds to recommend disciplinary action. Neither 2 nor 3 should lead to disciplinary action, though steps might be recommended (training, supervision) if there is an indication of poor practice or negligence, which does not amount to abuse or exploitation, or to enable the subject to take better steps to protect himself in future.

If a finding of malicious complaint by another member of staff is reached, sanctions will be pursued against that member of staff.

Any particular concern about possible reprisals against witnesses should be noted. The designated senior staff member should put in place concrete plans to monitor this.

If, after proper investigation, there is evidence to support allegations of sexual exploitation or sexual abuse, these cases may, upon consultation with the appropriate internal legal advisors, be referred to national authorities for criminal prosecution.

Investigations



Complaints and investigation procedures and guidance

INTERVIEWING WITNESSES AND VICTIMS

Introduction

The purpose of this guidance is to help (AGENCY NAME) investigators undertake interviews of women, children and other witnesses and victims in the course of investigations into sexual exploitation/abuse. It is important to note that interviews should only be conducted by accredited/designated investigators who have undergone the appropriate training.

The guidance will detail principles of good practice, which apply at every stage of the process and offers advice as to how to conduct interviews. Part one describes principles of good practice, while part two provides guidance on the interviewing of witnesses and victims and includes specific guidance with respect to children.

Interviewers should apply this guidance with rigour, whilst always being sensitive and flexible. Whilst the circumstances or context of the complaint are important in shaping an interview, the individual needs of the woman or child and his/her protection should always remain paramount in deciding the techniques and methods employed.

Each woman and child is an individual, and therefore will react differently to her experience, and will need different kinds of intervention and support to assist her in describing what has happened to him/her. It is inevitable that the interviewer will also have strong feelings about the nature of complaints being investigated. (AGENCY NAME) will ensure that all designated staff receive the necessary training, supervision and emotional and psychological support to undertake interviews of women and children who have been sexually exploited and abused. However, it must be recognized that women and children constitute two distinct groups, each with particular needs and vulnerabilities. Individuals with expertise in interviewing adult women will not necessarily possess the specific skills and knowledge required to interview children. Individual expertise should therefore be a factor when selecting appropriate interviewers.

Terminology used is explained in Appendix I but it should be noted that the terms witness and victim are used interchangeably. Although it is recognized that not all witnesses are in fact victims of sexual exploitation and abuse themselves.

Part 1-Principles of Good Practice

Communication

The interviewer must ensure that the witness fully understands the investigation process and is able, insofar as this is practical, to give informed consent. This is particularly important as the witness may be disempowered by a variety of factors (e.g. poverty, gender, age and exploitation, etc.) and as the interviewer is in a position of power by virtue of his/her professional status. To this end, the interviewer should explain clearly:

- who s/he is
- why s/he is interviewing the witness
- how any information the witness provides is to be used
- the rules of the interview e.g. confidentiality
- who the information is to be shared with; including the circumstances under which external reporting might take place
- how the witness needs (for protection etc.) are to be met

In the interests of open communication and maintaining integrity, the interviewer should never promise anything which s/he cannot deliver.

The interviewer must also ensure that s/he understands clearly what the witness is saying. The interviewer needs to be attentive to factors that can impact upon this, including:

- language and vocabulary (there may not be the vocabulary to describe precisely what has happened)
- cultural norms, customs and expectations

- religious beliefs and expectations
- age
- environment and access to privacy
- time
- pressure and perception of risk (in telling)

Witnesses are more likely to speak openly about their experiences if they feel safe and supported. Consideration needs to be given to accessing support via local advocacy or women's groups or community leaders.

Sensitivity

A key factor determining the witness's ability to talk freely is the sensitivity of the interviewer to the witness's particular experience. Witnesses who have been sexually exploited/abused are likely to have strong feelings. These might include guilt, shame, fear – and perhaps anger if their source of income has been interrupted. Interviewers need to convey that such emotions are normal under the given circumstances. They also need to be sensitive to the pace at which the witness can proceed, her need for breaks and so on.

Interviewers need to be sensitive to the specific vulnerabilities of some witnesses. These include witnesses who are:

- young
- unsupported (or where there is parental collusion)
- children who are unaccompanied
- isolated
- disabled

Barriers, fears and retraction

There are a number of barriers which impede both the victim's ability to talk freely about her experiences and the interviewer's ability to fully "hear" what has happened and to act upon it.

For example, the personal safety of the victim will fundamentally affect his/her ability and willingness to disclose complaints of sexual abuse or exploitation. It is well established that children and vulnerable adults will often not disclose fully what has happened to them until they feel they are in a place of safety. Once in a safe environment, it may still take time before victims begin to believe that they are secure and can disclose the extent of the exploitation or abuse they have suffered.

A witness may not be able to provide a full account at the first meeting. This is not because he/she is purposefully withholding information but may be because of:

- fear of not being believed
- fear of what might happen next, including the withdrawal of her source of basic survival
- trauma affecting recollection and memory
- feelings of embarrassment or guilt
- lack of vocabulary or language differences
- lack of awareness that what he/she has experienced is seen as exploitative or abusive
- fear of blame or rejection by close relatives and community

Women and children who have been sexually exploited may also retract the initial complaint for similar reasons. It is important that this is dealt with sensitively. Interviewers should not assume that a retraction automatically indicates that exploitation/abuse has not occurred.

Interviewers need to be aware of the potential barriers to their believing that exploitation/abuse has occurred. These include disbelief that "nice" or "professional" or white people can do such things, fear that they might make it worse or a reluctance to become involved in distressing and complex matters. To counter this, it is important that there are two investigators working together and that support/supervision is available to each of them.

Planning

Thorough planning is essential to a successful interview. This can prove to be complex, time-consuming and challenging. If, as a result of planning, a decision is taken not to proceed with an interview, the reasons must be explicit and documented. It is unacceptable to decide not to undertake an interview because of:

- differences in culture, religion, gender, language, caste
- geographical distance
- lack of human resources

The following are the matters interviewers should consider when planning interviews of witnesses and/or victims of sexual exploitation and abuse:

Purpose

The primary purpose of an interview is to gather sufficient information to substantiate or refute an allegation that there has been a breach of UN rules regarding sexual exploitation and abuse. However, interviewers also have obligations to:

- consider the needs of any witness or victim (including their need for protection)
- identify other concerns or allegations that (AGENCY NAME) needs to be aware of regarding any beneficiary or staff practice.

Interviewers should remind themselves that their task is to conduct a thorough and fair investigation - not to achieve a pre-determined outcome. Non-disclosure of abuse is an acceptable outcome of an interview, either because the individual has not experienced or witnessed any maltreatment, or because they are not ready, able or willing to disclose such information.

Interpreters

When the witness' first language is not the same as the interviewer or the witness communicates using an alternative communication system, then the interviewing team must consider the need for an interpreter. Careful thought must be given to the choice of interpreter. In order to aid confidentiality, it may be advisable to obtain an interpreter from out of the region. Cultural norms may make it more or less desirable that the interpreter is known. As a general rule, interpreters should be trained, able to ensure confidentiality, and have no interest in the outcome of the investigation. It is best to try to avoid using family members or other close relatives in this role. It is also preferable to have only one interpreter involved in the interview process. In other words, intermediaries should be avoided. For example, and where possible, a local language should be translated directly into English rather than into the official language of the country and then into English.

Discussions with the interpreter at the planning stage should include the arrangements for leading the interview, legal and confidentiality requirements, and the exact role that the interpreter will take. It is essential that interpreters are able to make themselves familiar with local terminology and slang for body parts and sexual acts. The potentially explicit nature of the topics to be covered should be addressed; it may be that the interpreter will require emotional support post-interview.

Support person

Deliberations at the planning stage may lead the interviewing team to decide to include a support person in the interview. Parents/carer(s)/community elders/religious leaders/friends should not be automatically excluded from this role. Other options include existing advocacy groups. However, witness/victim safety should not be compromised by the presence of a support person.

Children may require specific support if they are very young or distressed.

Community or religious leaders

Within the boundaries of cultural norms and expectations and depending on the nature of the complaint, it may be appropriate to consult community elders or religious leaders. Where possible, negotiations should

attempt to achieve a confidential interview of the witness/victim. Community elders or religious leaders should be able to ensure confidentiality and have no interest in the outcome of the investigation.

Factors relating to the witness

Occasionally, preparing witnesses for an interview might indicate that their needs are not best met by proceeding with a full formal interview (for example, where the victim is too traumatised to proceed).

It is vital that the following information is obtained and taken into consideration in the planning phase.

- the local security situation
- any other significant sources of personal stress
- age of victim
- race, culture and ethnicity
- caste
- religion
- any physical and/or learning impairments
- any specialist health needs
- cognitive abilities (e.g. memory, attention)
- linguistic abilities (e.g. how well do they understand spoken language, how well do they use it?)
- current emotional/psychiatric state

Race, gender, age, cultural, and ethnic background

The victim's race, age, gender, caste, culture, ethnicity and first language should be given due consideration by the interviewing team. It may benefit the interview process if the victim is able to identify with the interviewer through a common factor such as race, gender, nationality, caste, language or religion. However, as constructive as these mutual characteristics might be, they may also act as barriers. The victim may wish to talk to someone with characteristics they believe represent power, are disconnected from their communities to avoid shame or embarrassment, or are considered outside of any local corruption.

Language

Individuals should always be interviewed in the language of his/her choice. This will normally be his/her first language, unless specific circumstances result in the witness' second language being more appropriate.

Gender

Do not assume that it is always best for a female to be interviewed by a female. For example, a refugee woman may feel that women do not have much power and therefore a female interviewer would not be able to act to protect them. A young boy may not feel comfortable talking with a male interviewer if he has suffered abuse at the hands of a man. He may have a difficult time trusting the interviewer or feeling safe in the interviewer's company. Some victims may have very strong views on the preferred gender of the interviewer and these should be accommodated wherever possible.

Religion

Some faiths may not advocate open discussion between males and females concerning intimate personal or sexual activities. It therefore may be more appropriate to have someone of a different religion but the same gender act as the interviewer.

Power differentials

Other relevant factors include the relationship to authority figures within different ethnic groups. For example, children may be expected to show respect to adults and authority figures, such that they do not refer to these individuals by their first names, and do not correct or contradict them. Caste, gender or power distance, and the position of women within the family are among factors that may constrain adults and prevent them from challenging authority figures.

Cultural Differences

Differences between ethnic groups may include the manner in which love and affection are demonstrated, the degree to which extended family members are involved in the parenting of the child, and the degree of emphasis placed on learning skills in independence and self-care. It may be necessary for the interviewing team to seek cultural advice about particular customs and beliefs the victim may share, including religious festivals or ceremonies.

Preparing the individual for interview

Interviewers should consider whether it is appropriate to prepare the witness before the interview. This may serve to reassure the witness and thus facilitate the formal interview. It may also help the witness to give “informed consent”. Factors which might militate against such preparation might include undue delay, compromising of confidentiality/safety or contamination of evidence. If it is determined that the preparation of the witness should take place, it may be helpful for someone other than the interviewer to carry out the preparation e.g. local staff, advocacy groups, or camp focal point representatives.

It is important to be aware that by inviting a witness to a particular setting this may reveal that he/she is making a complaint and immediately compromise his/her personal safety and confidentiality.

Interviewing Children

A specific issue relating to child witnesses is whether or not to inform parents of the investigation. Best practice generally dictates that parents (or guardians/carers) should be informed as they are best placed to support and protect the child. However, there are circumstances where the decision not to inform parents might be best. This might include situations where:

- the parent is suspected to be collusive
- this might subject the child to retaliation, including physical or emotional abuse, expulsion from home, or otherwise compromise the child's well being
- evidence might be lost
- the child does not want parental involvement and is competent to take that decision
- the child is unaccompanied/displaced and has no responsible adult around

Who should undertake the interview?

The investigating team should consider which of the two interviewers should take a lead. Information gained about the witness might help this decision. If the victim has expressed a particular preference concerning the gender, race/culture, caste and/or profession of an interviewer, this should be accommodated as far as possible. However, interviewers should not assume that it is always best for a female to be interviewed by a female. Skills and competence are more important than gender.

Another relevant factor may be attitudes with respect to authority within different ethnic groups. For example, children may be expected to show respect to adults and authority figures, by not correcting or contradicting them. It may be necessary for the interviewing team to seek cultural advice about particular customs and beliefs the victim may share, including religious festivals or ceremonies

The second interviewer has a vital role in observing the lead interviewer's questioning and the victim's demeanour. The second interviewer should be alert to identifying gaps in the victim's account, interviewer errors, and apparent confusions in the communication between lead interviewer and victim. The second interviewer can reflect back to the planning discussions and communicate with the lead interviewer as necessary.

The decision as to who will lead the interview should only be made after a full discussion of the issues raised above.

In exceptional cases, it may be in the interests of the individual to be interviewed by an adult in whom he/she has already put confidence but who is not a member of the investigating team; provided that such a person is not a party to the sexual abuse/exploitation under investigation, is prepared to co-operate with appropriately trained interviewers, can accept adequate briefing and can keep confidentiality.

In deciding who should undertake an interview consider the following:

- can you give the victim any choice? How realistic are the choices? Ask the child or individual about whom or what sort of person they would feel more confident in talking to
- give some options about who might be available for the interview
- what factors might make the victim feel safe?
- can the interviewer speak the victim's language or use their communication method? If not will an interpreter be necessary?
- is the available interviewer competent?
- is the available interpreter competent?
- be realistic – record the decisions about who should conduct the interview and interpret. This will counteract complaints of undue process and promote transparency
- consider the impact of displacement, war, famine and other factors already suggested

It is essential that the interview process itself does not reinforce any aspects of racist or otherwise abusive experiences. Interviews have the potential to make things worse but good planning, sensitivity, training and skill can counter this possibility.

When interviewing children, it is helpful to address the following:

- assessment of the child's social, emotional and cognitive development
- the risk of children giving "compliant" answers to please the interviewer
- that the child is able to give an accurate and truthful account (children are not more inclined to lie than adults despite common beliefs to the contrary)
- use of age-appropriate drawings or toys to help put the child at ease

Time and place of the interview

The interviewing team should consider:

- **The length of the interview**
It is important to proceed at the same pace as the witness, which will hinge on many factors including age, disability, cognitive development, degree of trauma etc. This may indicate the need for more than one interview.
- **When the interview should take place**
This should take place as soon as is practically possible without compromising the witness' need for information, protection etc. When interviewing younger children it is important to consider daytime routines.
- **The location**
The location should preserve safety and confidentiality.

Planning for immediately after the interview

Although interviewers cannot predict the course of an interview, planning discussions should cover the different possible outcomes and consider the implications for the victim and family, taking into account knowledge about all the circumstances. Interviewees are often left unsupported following an interview and this can be a source of great stress. The interviewing team itself is unlikely to be responsible for continuing support needs: nevertheless early consideration may alleviate some anxieties. For instance, as a result of a sexual exploitation interview, various possible outcomes can be anticipated:

- interviewers are satisfied that something untoward has happened to the victim e.g. a clear disclosure is obtained, or other forensic evidence is available
- interviewers are satisfied that nothing untoward has happened
- interviewees remain uncertain as to whether anything has happened or not

Planning should anticipate these various eventualities. Where a victim is a witness, but not the victim of an alleged crime, rather different sets of outcomes exist, and these too should be considered at the planning stage.

This should all be clearly recorded in the witness protection plan. If any aspects of the witness protection plan change in the course of the interview they should be clearly recorded, and a full explanation of the reasons for the change noted.

The interviewers should plan to complete the relevant paperwork as soon as possible after the interview is completed. A statement dealing with the preparation and conduct of the interview should be made whilst the events are still fresh in the interviewer's mind. If necessary, diagrams should accompany the report.

Part 2-Interviewing Witnesses and Victims

Introduction

This guidance is based on a *phased approach*. It is informed by professional experience and research into appropriate methods of interviewing children and core principles such as transparency, respect etc. There are naturally specific issues to consider when interviewing children. However, the model can be equally applicable to adults who are vulnerable and/or traumatised as a consequence of sexual exploitation/abuse.

The interview normally consists of the following four main phases:

1. establishing rapport
2. asking for free narrative recall
3. asking questions
4. closure

The phased approach acknowledges that all interviews contain a *social* as well as a cognitive element. With regard to the *social* element, witnesses, especially the young and the vulnerable, will normally only divulge information to persons with whom they feel at ease and whom they trust. Hence the first stage of any interview involves establishing rapport with the witness, the final or closure phase requires interviewers to try to ensure that witnesses leave the interview in a positive state of mind. The cognitive element attempts to elicit evidence from the witness in a way which is compatible with what is known about the way human memory operates and the way it develops through childhood. A variety of interviewing techniques are deployed, proceeding from free narrative to open and then closed questions. The technique is designed to ensure that, as far as possible, witnesses of all ages provide their own account, rather than agree with suggestions put to them by the interviewer. The techniques of the phased interview are not those of casual conversation; they must be learned and then practised to ensure that they are applied consistently and correctly.

What follows should not be thought of as a checklist which must be rigidly adhered to. Each interview is a unique event, which requires the interviewer to adapt procedures to the developmental age and temperament of the witness and the nature of the complaint.

It is extremely important to avoid reactions, which can be easily misunderstood - such as shock, distaste or distress as the details begin to unfold during the interview. Interviewers might not be familiar with the diversity of children and women they may come into contact with, nor with their personal experiences and trauma. Research has made it clear that when we meet types of people with whom we are unfamiliar our own behaviour changes. Vulnerable people who may view it as a sign of our discomfort often note this unusual behaviour. When planning an interview, interviewers and interpreters should always attempt to monitor their own behaviour.

Vulnerability and trauma may impact upon an individual's emotional and psychological state. It is possible that vulnerable individuals will require that their interviews go at a slower pace. Differences in language, culture and communication may also affect the pace of the interview. It is suggested that interviewers and interpreters might need to:

- slow down their speech rate
- allow extra time for the witness to take in what has just been said
- provide time for the witness to prepare a response
- be patient if the witness replies slowly, especially if an intermediary is being used
- avoid immediately posing the next question
- avoid interrupting

The interview should go at the pace of the victim.

There are particular issues to consider when interviewing children, especially if they are young/disabled/traumatised. Interviewers need to bear in mind that the developmental age of the child might be lower than the chronological age. This also applies to adults with learning difficulties. It will necessitate consideration of, for example:

- the pace at which the interview proceeds
- the appropriate length of the interview (shorter for younger children)
- appropriate terminology
- the need for breaks (toilet, refreshment)

Phase One: Establishing Rapport

The aims of the rapport phase are to:

- Clarify the purpose of the interview
- Explain the ground rules
- Engage with the witness in such a way that the latter has justified faith and trust in the interviewer

The interviewer should explain that s/he is investigating a complaint and that s/he believes the witness might be able to help. Investigators need to make a judgement about how much information to provide at this point. The guiding principle should be to provide enough so that the witness understands – but to avoid leading the witness in any way. To this end, detail about what is alleged to have taken place should not be provided.

Initial discussions should be about events and interests not linked to the details of the complaint. This may require significant consideration for interviewers who are not familiar with the victim's lifestyle and circumstances. You should use the information obtained at the planning stage to familiarise yourself sufficiently to engage the victim. Neutral topics might be about their family, friends, where they live, likes/dislikes, school lessons, the journey to the interview and so on.

Sometimes, where the victim and the interviewer have had some previous contact, this aspect of the rapport phase can be quite brief. At other times, especially when the person is nervous, or has been subject to threats from the alleged abuser, a much longer period of discussion may be warranted.

Ground rules

The interviewer should also explain the ground rules of the interview. These include confidentiality, the witness being free to leave at any point, how the witness should indicate if he/she needs a break and so on. The witness needs to be advised that the interviewer is going to ask questions (which may well contravene cultural norms) about intimate matters.

It is important to anticipate high levels of witness anxiety/fear – and that these might be unspoken. Witnesses need to be reassured that this is not an investigation into their behaviour and that they have done nothing wrong. Sensitive probing of whether the witness fears reprisal (and, if so, how he/she is to be protected) is important. Other barriers to the witness giving a full account might include physical/mental health, severe trauma and intimidation.

Men, women and children, but especially young children will normally perceive interviewers as figures of authority. Research suggests that some witnesses will endeavour to provide the answers they think the interviewer wants to hear. Likewise, when authority figures offer interpretations of events or actions, however misleading, witnesses will agree with them and even elaborate upon them in an effort to please the interviewer. It is necessary for the interviewer not to over-emphasise his or her authority. They should also use the rapport phase to actively combat any tendency toward answers which reflect an eagerness to please. You should state explicitly at the outset that the interviewee does not have to reply if they do not know the answer or understand the question.

Throughout the rapport phase the interviewer should convey respect for and sensitivity towards the witness. This is an important end in itself – but is also essential if trust is to be established. The length of time required to build rapport will differ from case to case. For instance, within some cultures women and children are discouraged from relating to strangers and might require a longer rapport phase.

Should the interviewer fail to establish a rapport with the witness it may be helpful to take a break and discuss with the co-interviewer what the “blocks” might be. Sometimes it may be appropriate to schedule another interview or even decide not to proceed further with the witness.

Toward the end of the rapport phase, when the purpose of the interview and the ground rules have been explained, the interviewer should advise the victim to give a truthful and accurate account of any incident they describe.

The following example may help to illustrate a way to introduce the purpose of the interview:

“Today, I am going to be asking you to tell me about things that have happened to you. Now, I wasn’t there when these things happened so I have to rely on you to tell me everything. Do you understand?”

(Pause)

“So I can understand better what happened I will probably have to ask you some questions. It is important that if I ask you a question and you don’t know the answer, you just say “I don’t know” or “I don’t understand”.

So (refer to a topic brought up in Rapport), if I said to you “What did I have for food last night?” What would your answer be?”

(interviewee responds)

“Right, you don’t know, do you?”

(Pause)

“And if you tell me things and I get them wrong, you should correct me”

(Pause)

“So if I said (refer to a topic already brought up in Rapport) your brother was called Yemi (and the brother is not called this), what would you say?”

(interviewee responds)

“Right, so I am relying on you to tell me everything that happened, so I can understand what went on”.

(Adapted from M.E. Lamb, K.J. Sternberg, P.W. Esplin, I. Hershkowitz and Y. Orbach, 1999a).

Exploring the difference between truth and lies

In some cultures children are considered or believed to be unable to give informed and truthful accounts of what they have experienced as they are “too young” or “too fanciful”. Whether the victim is a child or vulnerable adult, there may be questions or counter allegations about the competency of the person interviewed to give a credible account. This will give strength to the investigation’s purpose, evidence and outcomes and response to any challenges by alleged perpetrators or third parties (e.g. other agencies, police). What you need to try to demonstrate is that the account you receive is as accurate as possible, not to establish an individual’s credibility. A victim’s capacity to provide an accurate account may be affected by traumatic experiences, health, threats, intimidation, and substance misuse.

Phase Two - Free Narrative Account

The purpose of the free narrative phase is to allow the witness to provide spontaneous evidence, this being the most reliable source of accurate information. The interviewer’s role during this phase is to facilitate this process, not to interrogate.

Some witnesses will respond more readily than others to this approach. In general, younger children provide less free narrative than older children or adults.

To facilitate free narrative interviewers should:

- ask very few open questions – *“Can you tell me what happened?”*
- avoid interrupting the witness or clarifying ambiguities – this belongs in the third phase

- adopt a posture of “active listening”, letting the victim know that what he or she is saying has been heard by the interviewer
- elicit more information by repeating key phrases of the witness – “*You were asked round to his house.*”
- offer prompts that relate to the witness’ account only – not to others’ evidence
- work at the witness’s pace by e.g. tolerating pauses and silences
- accepting what might appear irrelevant or repetitious information
- provide neutral prompting (“*And then what happened?*”) as this does not imply positive or negative responses – unlike “*Good*” or “*Are you sure?*”
- be aware of the danger of intentionally or unintentionally communicating approval or disapproval, through inflexions of the voice or facial expressions.

The interviewer should attempt to enable the child/woman to be the first person to state the details of the offence. Often as an interviewer, knowing what the victim has experienced you may feel awkward with this and want to “help her out”. However, to establish best evidence and outcomes for the investigation and the victim, it is essential to avoid “leading”. This does not mean though that you should get “tied up” and worried about not making statements or asking questions in building rapport and explaining the purpose of the interview.

If the victim has told someone else about the details of the complaint, you can relate to this conversation:

“I know you told Geeta something about what has happened to you...”

But it is important to stress that what you want to talk about is what the individual remembers of the incident(s) which gave rise to the complaint, not the complaint itself.

“...it was useful that you told Geeta, but I need to hear from you everything you can remember about what has happened, as Geeta might have got it wrong or you might not have told her everything.”

The situation is less straightforward where the person has made no previous complaint, but where there are legitimate reasons for the interview (e.g. confessions by an alleged abuser) these can be introduced to encourage the victim. However the detail of the sexual acts should not be used. The victim should be given every opportunity to raise the issue spontaneously with the minimum of prompting.

Raising issues of concern

The following is an example of how to introduce the purpose of the interview:

“Do you know why you are here today?”

(If no response)

“If there is something troubling you, it is important for me to understand”

(If no response)

“I heard you said something to your friend last week. Tell me what you talked about”

(If no previous allegation)

“I heard that something may have been bothering you. Tell me everything you can about that”

(If no response)

“As I told you, my job is to talk to children about things which may be troubling them. It is very important I understand what may be troubling you. Tell me why you think (carer) has brought you here today”

(If no response)

“I heard that someone may have done something that wasn’t right. Tell me everything you know about that. Everything you can remember”.

(Adapted from M.E. Lamb, K.J. Sternberg, P.W. Esplin, I. Hershkowitz and Y. Orbach, 1999a).

In many interviews relating to allegations of sexual abuse and exploitation, individuals may be reluctant to talk openly and freely about incidents. Sometimes this can be overcome easily by the interviewer offering reassurance, for example

“I know this must be difficult for you. Is there anything I can do to make it easier?”

Another cause of reticence could be that the individual has been taught that the use of certain terms is “rude”, improper or taboo. If interviewers believe this to be a problem, they can tell the victim

“Perhaps you have been taught that it is wrong to say certain words. Don’t worry, during this discussion you can use what words you like. We have heard all of these words before. It’s all right to use them here”.

The interviewer should not assume that when the individual uses a sexual term, he/she attaches the same meaning to it as the interviewer. This also applies to any other factors that might be raised. However, do not ask for explanation just yet. Any ambiguities can be clarified in the Questioning phase.

Sometimes reticence can reflect the fact that abuser has told the victim that what has occurred is a secret between them or has made physical threats against them or their loved ones. This is particularly common where children have been subject to abuse. Where this is suspected, an appeal to the child’s wish to stop the abuse can be effective. The child can be asked directly whether they have been asked to keep a secret. If the child gives a positive indication, it is in order to say

“We need to know about the secret, so we can help you and stop it happening again”.

Sometimes children will be happier communicating secret information through indirect means, such as telling a toy or writing down information on a piece of paper. If possible any written material should be kept and documented in the record of the interview.

Some witnesses may be unresponsive during this phase for a number of reasons, including vulnerability, anxiety, intimidation or contravention of cultural norms. The interviewer can help by addressing these concerns.

In exceptional cases the interviewers might decide not to proceed to phase three (Questioning). This would be appropriate if the witness gave clear evidence that nothing untoward had taken place.

Phase Three: Questioning

The purpose of the questioning phase is to:

- clarify/expand on information raised by the witness during the previous phase
- help witnesses who have struggled to give a free account to provide relevant evidence.

Interviewers should keep their questions clear and simple. Research has shown that vulnerable victims may well have great difficulty with questions that are too complex, abstract or suggestive.

There are four discrete categories of questions, which vary, in how directive they are and their susceptibility to producing accurate responses. The questioning phase should, whenever possible, follow this sequence of questioning:

1. open-ended
2. specific
3. closed
4. leading questions (and only as a last resort)

1. Open-ended Questions

- are worded in such a way as to enable the witness to provide an unrestricted response
- allow the witness to control the flow of information
- minimise the risk that interviewers will impose their view of what happened
- are the most reliable means of securing accurate evidence

It is, however, highly unlikely that open-ended questions alone will elicit clear evidence from young children or vulnerable witnesses.

2. Specific Questions

- Seek to clarify or expand upon information supplied by the victim.

Examples of specific questions are the so-called “wh-” questions: Who, What, Where, When, Why?

“Why” questions should be used with special care in abuse investigations as they may be interpreted by the victim as implying blame, or guilt to them.

If the answer to a specific question is unsatisfactory or confusing it is best not to repeat the question in the same form. Witnesses may interpret this as a criticism of their earlier response and sometimes change their response as a consequence, perhaps to one that they believe is closer to the answer the interviewer wants to hear.

3. Closed Questions

- Pose fixed alternatives and the victim is asked to choose between them,

e.g. *“Were you in the bedroom or living room when this happened?”*

They are useful in eliciting detail provided they relate to evidence already provided by the witness.

4. Leading Questions

- Imply a particular answer

e.g. *“And then he had sex with you, didn’t he?”*

They pose obvious risks of tainting evidence but may help witnesses who would otherwise not be able to give evidence to do so. They should only be used as a last resort, where all other questioning strategies have failed to get any kind of response. Unless there is absolutely no alternative, the interviewer should never be the first to suggest to the victim that a particular act/offence has been committed, or that a particular person was responsible.

When interviewing children or vulnerable adults interviewers should bear in mind that:

- young children tend to respond best to specific questions
- specific questions are particularly appropriate with situations of multiple exploitation/abuse
- there are particular risks of witness compliance/acquiescence.

Style of questioning for children

Children vary in how much relevant information they provide in free narrative. However in nearly all cases it may be necessary to expand on the child’s initial account through questions.

Do:

- ask only one question at a time
- allow children sufficient time to complete their answer before asking a further question
- have patience, particularly with developmentally younger children as they may need more time to respond

Do not:

- be tempted to fill pauses by asking additional questions or making irrelevant comments
- use silence in an oppressive or judgmental way
- interrupt the child when he or she is still speaking. This may disempower the child and also suggests that only short answers are required.

Content of Questions

The matter of vocabulary is particularly important in dealing with allegations of sexual abuse, where children may use terms, which are personal to themselves, their culture or their families. It is always advisable for the interviewer to ensure that they understand what the child means. If necessary, this can be done by children referring to their own bodies, but the use of a doll or diagram may be preferable where reference needs to be made to the location of sexual acts.

Where a young child uses the appropriate adult terminology, it may still be necessary to check their understanding. The information requested in questions should always take account of the child's stage of development.

Many concepts, which are taken for granted in adult conversation, are only acquired gradually as children develop. Therefore questions which require an understanding of such concepts may produce misleading and unreliable responses from children. Concepts with which children may have difficulty include:

- dates and times
- length and frequency of events
- height, weight and age estimates

There are a number of techniques for overcoming difficulties of measurement. Height, weight and age can be compared to another person known to the child (e.g. the interviewer or a member of the child's family). Time and date estimates can also be made by reference to events in the child's life (e.g. religious celebrations, moving accommodation). Time of day and the duration of events can sometimes be assisted by questions which refer to routines (e.g. collecting water, rations).

Do:

- keep questions as short and simple as possible
- think about the child's age and cognitive development
- explore with the child understanding of words if you think there is misunderstanding or confusion

Do not:

- use complex questions, such as those involving double negatives ('did Raja not say later that he had not meant to hurt you?')
- involve vocabulary with which the child is unfamiliar. Very young children, for instance, have particular problems with words
- assume you understand words the child uses

Open-ended questions can provide the interviewee with the opportunity to expand on relevant issues raised in their free narrative account. For example, if the interviewee has alleged that Michael touched her breasts the interviewer might say

"So he touched your breasts? Would you tell me more about him touching your breasts?"

This type of question can be used to try to expand on any other salient or relevant parts of the victim's free narrative. If there has been little said during the free narrative an open-ended question can still be asked to prompt any further information. Do not feel completely bound to follow the interview phases exactly. If your questions distress the victim you can move away from the detailed complaint to a neutral topic of the kind explored in the Rapport phase. You can then return to the detail of the allegation when the victim has regained their composure.

For example, a woman or child in a sexual abuse investigation may have responded to an open-ended prompt by mentioning that a named man had climbed into her bed. A specific but non-leading follow-up question might be,

"What clothes was he wearing at the time?"

If there was still no clear answer, a further, more-explicit question might be:

"Was he wearing any clothes?"

Young children

For some young witnesses, open-ended questions may not assist them in accessing their memories because their abilities to search their memory systematically are insufficiently developed. However, they may well respond accurately to specific questions, which target information they know.

E.g. a young child may provide little information to an open-ended prompt such as:

"What clothes was he wearing?"

But respond readily to a specific question such as:

“What did his trousers look like?”

Care must be taken in framing such questions. Closed questions are likely to produce the response they invite e.g. the child might feel they have to describe a pair of trousers when in fact the man wore a sarong.

Phase Four: Closure

The aim of this phase is to close the interview positively. Closure should occur, irrespective of whether an interview has been completed or been terminated prematurely. Closure should normally involve the following features:

- checking with the second interviewer, whether there are any outstanding matters
- summarising what the witness has said in his/her own words
- answering any questions from the witness
- checking whether there are any outstanding witness needs, including the need for emotional support, health care or unaddressed fears or concerns
- thanking the witness for their time and effort

Where no information has emerged from the interview that is useful to the investigation, it is important that the victim should not be made to feel that he/she has failed or has somehow disappointed the interviewer.

The witness may ask what will happen next. Answers and explanations should be appropriate to the age/understanding of the witness. It is important that promises that cannot be kept should not be made. It is good practice to offer a means of contacting the investigation team, should he/she wish to discuss any matters of concern.

It is particularly important to review the witness protection plan during this phase.

Further Interviews

One of the key aims of early investigative interviews is to reduce the number of times a witness has to provide his/her account. Good pre-interview planning will often ensure that all the salient points are covered within a single interview. However, even with an experienced interviewer and good planning, an additional interview may be necessary in some circumstances. These include:

- where the victim gives significant new information to someone else after the first interview
- where the initial interview opens up new lines of enquiry or wider allegations which cannot be satisfactorily explored within the time available
- where the alleged perpetrator raises a serious and significant matter not covered in the initial interview
- where significant new information emerges from other witnesses or sources

In such circumstances, a supplementary interview may be necessary and this too should be conducted according to guidance. Consideration should always be given as to whether holding such an interview would be in the witness' best interests. More than one supplementary interview is unlikely to be appropriate. Exceptions to this include when interviewing very young or psychologically disturbed individuals or where a case is exceptionally complex or involves multiple allegations. Further specialist advice should always be sought in such circumstances.

Unconventional Interviewing Techniques ('Subterfuge')

There may be particular circumstances when the use of unconventional methods to interview women or children may need to be employed. These would include situations where the safety of the witness would be jeopardised should they be identified as such.

An example of an unconventional approach would be setting up a “smoke screen” consultative process about an unrelated/spurious topic whereby a broad sample of beneficiaries are interviewed. Whilst this raises evident ethical dilemmas it may well be justifiable in protecting the confidentiality and safety of the witness.

Multiple incidents of exploitation or abuse

If the women/child has alleged in their free account that they have been the victim of repeated abuse, but have not described specific incidents in any or sufficient detail, specific questions can be employed to try to clarify the point. In considering how best to assist them to be more specific, the interviewer should bear in mind the difficulties particularly children have in isolating events in time, especially when the individual events follow a similar pattern.

A good strategy in isolating such specific events is to enquire about whether there were any which were particularly memorable or exceptional. The questioner can then use this event as a label in asking questions about other incidents:

“You told me that he had touched your breasts after the Bola that happened last Saturday. Today is Wednesday, has he touched you since then?”

Alternatively, they can enquire about the first or last time an event occurred, as such incidents are likely to be more accessible in memory. When questioning a child about repeated events, it is always better to ask all questions about one event before moving on to the next.

Another use of specific questions is to explore whether the witness is giving an account of an incident for the first time or whether they have told others beforehand. A classic pattern in abuse disclosures is for incidents to come to the attention of investigating agencies after the victim has first confided in a trusted person, typically a close friend, teacher or relative. This information is valuable in establishing the consistency of any statements made by the victim and tracing the development of the allegation. Where a significant delay has occurred between an alleged incident and the victim reporting it, interviewers should take care that the questions do not seem blaming.

This guidance, written by the NSPCC (National Society for Prevention of Cruelty to Children) draws on the best practice as issued in 2002 by the Home Office – England and Wales from the document ‘Giving Best Evidence’ A guide on Interviewing Children and Vulnerable Witnesses.

Complaints and investigation procedures and guidance

RECOMMENDATIONS FOR IMPLEMENTATION OF COMPLAINTS AND INVESTIGATION PROCEDURES

1. Code of Conduct

- All staff are fully apprised of the IASC Code of Conduct
- A code of practice (policy) is developed to inform staff of appropriate behaviour

2. Recruitment and Vetting

- Recruitment procedures should ensure that all staff are recruited in accordance with agency policy and that agencies obtain references from previous employers

3. Reporting Mechanisms

- Ensure that reporting mechanisms exist that are accessible to women, children, and staff members.

4. Conducting Investigations

- Creation of a “pool” of qualified investigators from internal and/or external sources

5. Training

- Develop a training strategy for staff to ensure awareness of complaints protocol and investigation procedures and of their obligations

- Information on complaints distributed to staff
- Management training for managers/supervisors
- Training for Accredited Investigation Officers

6. Staff Support

- Support provided to complainant and subject of the complaint where concerns are unsubstantiated

7. Monitoring and Evaluation

- Complaint protocol and investigation procedures should be field tested
- Complaint protocol and investigation procedures should be subject to audit and review for lessons learned

8. Human Resources

- Review policy on anonymous complaints, confidentiality, disclosure of information, and staff members who separate from Agency before conclusion of an investigation

9. Other Issues

- Agencies should meet to address issues in the protocol and investigation procedures
- Agencies ensures sufficient resources available to support implementation
- Develop a Child Protection Policy

Appendix I – Terminology

Agency – any Non-government organisation or International Non-government organisation or the United Nations.

Staff member – any person who either works for or represents the (AGENCY NAME), regardless of whether or not they are compensated monetarily for such work or representation.

Partner – agency or organisation executing a project or undertaking any other work in the name of (AGENCY NAME).

Beneficiary – a person who receives assistance as part of either emergency relief or development aid through assistance programmes.

Child – any individual under the age of 18, irrespective of local country definitions of when a child reaches adulthood.

Complainant – the person making the complaint, including the alleged victim of sexual exploitation/abuse.

Focal point – person designated to receive complaints of cases of sexual exploitation and sexual abuse.

Subject of the complaint (subject) – the person alleged to have sexually exploited or abused the victim.

Victim – the person who is sexually exploited or abused. This term not meant to imply a lack of strength, resilience or capacity to survive.

Witness – any person giving testimony or evidence in the investigation, including but not limited to the victim, the complainant, a beneficiary, a staff member of a partner agency, the subject of the complaint or another (AGENCY NAME) staff member.

Sexual abuse – the actual or threatened physical intrusion of a sexual nature, including inappropriate touching, by force or under unequal or coercive conditions.

Sexual exploitation – the 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.

Building Safer Organisations

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INVESTIGATION WORKSHOP

ICVA/Building Safer Organisations Introduction

Introduction

The Investigation Learning Programme is comprised of five phases, namely: pre-workshop assignments, Investigations workshop, an investigation case study, Investigations follow-up workshop and on going support for professional development. This chapter is the Investigations workshop. Participants of this workshop must demonstrate a commitment to protection persons of concern from sexual abuse and exploitation and work directly with host populations.

Prior to attending the Investigations workshop, facilitators should highlight the need for participants to remain committed to this Learning Programme for at least 6 months and to remain at their current posts for a minimum of 2 years after attending the Investigations follow-up workshop.

The Investigations workshop has been designed for 15 to 20 participants. Ideally, the workshop will not exceed 20 participants as larger groups can impede quality and open plenary discussions.

Aim of the workshop

- To train staff of organisations working directly with refugees, IDPs and host populations who will be designated to conduct investigations into allegations of staff misconduct, particularly on sexual abuse and exploitation.

Pre-workshop assignments

The Investigation workshop has four pre-workshop assignments, which require participants to read and refer to all three documents in the pre-workshop materials, namely the SG's Bulletin, Draft Guidelines on SG's Bulletin and the IASC Protocol (see Pre-workshop materials chapter). Answers to the assignments can be found pre-workshop materials and throughout the facilitators notes.

Duration

The workshop should be 5 days long. Training days run from approximately 08:30 until 17:30. The schedule includes a 15 minute mid-morning and mid-afternoon break for refreshments and a one hour lunch break. Participants will be required to complete a group exercise on the evening of day 3. As a result, participants should be requested to be free on this evening of the workshop.

Workshop modules

The workshop is divided into 5 modules.

Module 1: What is abuse? (1 day)

- Explore cultural assumptions related to the role of women and children.
- Describe different types of abuse.
- Describe the cycle of abuse.
- Identify myths and risks in relation to abusers.
- Compare global definitions to the local context.
- Examine the consequences of abuse on individuals.
- Describe the legal framework protecting women and children's rights.
- Describe the sort of measures that can help to safeguard children and to reduce the risk of abuse.

Module 2: Factors influencing protection and abuse (1/2 day)

- Describe how gender and age analysis can be used to explore who is at risk of sexual abuse and exploitation.
- Explore the causes of violence against women and children.
- Describe who might be a perpetrator of sexual violence.
- Examine the risks that actors in an investigation might be exposed to.
- Examine how faith and personal values can impact on the conduct of investigations.

Module 3: Complaints and investigation procedures (3/4)

- Identify barriers to complaints and investigations.
- Describe the rationale for having a complaints and investigation procedure.
- Outline the principles underlying the procedures and their importance.
- Identify and practise core skills used in investigations.
- Describe how to gain information and research complaints.
- Explore potential sources for evidence.

Module 4: Planning investigations and interviewing (1 ¾)

- Outline interviewing techniques for witnesses and subjects of complaints.
- Describe the four phases of interviewing.
- Explore the use of explicit language that investigators may need to use during interviews.
- Explore how to prepare an investigation plan.
- Develop interview skills and experience.

Module 5: Investigation closure (1 day)

- Identify relevant information gathered during an investigation.
- Identify evidence in an investigation that proves/disproves the elements of an allegation.
- Select the information to be included in an investigation report.
- Explore the kind of support witnesses may require during and after an investigation.
- Reflect on personal skill development during the workshop.

ICVA/Building Safer Organisations

Investigations workshop

Course summary and agenda

PWM4

“Humanitarian agencies have a duty of care to beneficiaries and a responsibility to ensure that beneficiaries are treated with dignity and respect and that certain minimum standards of behaviour are observed. The goal is to create an environment free of sexual exploitation and abuse in humanitarian crises, through integrating the prevention of and response to sexual exploitation and abuse into the protection and assistance function of all humanitarian workers.”¹

Aim

This workshop comes at a time when organisations are concerned about accountability and accountability requires responsibility and predictability. The aim of the course is to demonstrate how to conduct investigations into allegations of sexual abuse and exploitation of people of concern by NGO staff² and to promote best practice within organisations.

The values of an organisation are expressed through the behaviour of the individuals that work for the organisation. Those values are codified in codes of conduct. Now that we have codes of conduct we have to exercise diligence to ensure those values are adhered to.

Method

The methodology employed for the four pre-workshop assignments and the five day workshop is participatory and has been developed in consultation with participants at earlier workshops, experts responding to exploitation and experienced investigators. The programme aims to incorporate participants’ field experience and to put theory into practice.

Objectives

The objectives of the Investigations workshop are to increase participants’ understanding of:

- the contexts within which abuse and exploitation can occur
- the principles underpinning the investigation of complaints
- the IASC Protocol³
- the relevant code of conduct
- what constitutes abusive/exploitative behaviour and the impact on victims

and to provide participants with skills in

- planning investigations
- conducting investigations
- interviewing witnesses/complainants
- interviewing the subject of complaint
- reporting findings and making recommendations

Workshop modules

The workshop is divided into **five modules** and takes place over five days:

¹ Inter-Agency Standing Committee (IASC) Task Force on Preventing Sexual Exploitation and Abuse in Humanitarian Crises. 13 June 2002. *Plan of Action*. IASC Task Force on Preventing Sexual Exploitation and Abuse in Humanitarian Crises.

² The materials focus on investigating allegations of sexual abuse and exploitation, however the learning programme is relevant to carrying out an investigation into any allegation of misconduct.

³ Inter-Agency Standing Committee (IASC) Task Force on Protection from Sexual Exploitation and Abuse. March 2004. *Draft Model Complaints and Investigation Procedures and Guidance Related to Sexual Abuse and Exploitation*. IASC Task Force on Protection from Sexual Exploitation and Abuse.

Module 1: *What is abuse? (1 day)*

- Explore cultural assumptions related to the role of women and children.
- Describe different types of abuse.
- Describe the cycle of abuse.
- Identify myths and risks in relation to abusers.
- Compare global definitions to the local context.
- Examine the consequences of abuse on individuals.
- Describe the legal framework protecting women and children's rights.
- Describe the sort of measures that can help to safeguard children and reduce the risk of abuse.

Module 2: *Factors influencing protection and abuse (½ day)*

- Describe how gender and age analysis can be used to explore who is at risk of sexual abuse and exploitation.
- Explore the causes of violence against women and children.
- Describe who might be a perpetrator of sexual violence.
- Examine the risks that actors in an investigation might be exposed to.
- Examine how faith and personal values can impact on the conduct of investigations.

Module 3: *Complaints and investigation procedures (¾ day)*

- Identify barriers to complaints and investigations.
- Describe the rationale for having a complaints and investigation procedure.
- Outline the principles underlying the procedures and their importance.
- Identify and practise core skills used in investigations.
- Describe how to gain information and research complaints.
- Explore potential sources for evidence.

Module 4: *Planning investigations and interviewing (1 ¾)*

- Outline interviewing techniques for witnesses and subject of complaint.
- Describe the four phases of interviewing.
- Explore the use of explicit language that investigators may need to use during interviews.
- Explore how to prepare an investigation plan.
- Develop interview skills and experience.

Module 5: *Investigation closure (1 day)*

- Identify relevant information gathered during an investigation.
- Identify evidence in an investigation that proves/disproves the elements of an allegation.
- Select the information to be included in an investigation report.
- Explore the kind of support witnesses may require during and after an investigation.
- Reflect on personal skill development during the workshop.

Suggested agenda

Day 1	Day 2	Day 3	Day 4	Day 5
<ul style="list-style-type: none"> • Introduction • Background and context • What is abuse and exploitation? 	<ul style="list-style-type: none"> • Gender and age analysis • Risk and vulnerability • Faith, personal values and protection 	<ul style="list-style-type: none"> • Investigation skills (cont.) • Models of interviewing • Interviewing witnesses 	<ul style="list-style-type: none"> • Planning and clarification • Interviewing witnesses 	<ul style="list-style-type: none"> • Review an investigation • Closure of an investigation • Investigation report
LUNCH				
<ul style="list-style-type: none"> • Definitions of abuse and exploitation • Why abuse is harmful? • Legal framework • SG Bulletin • Sexual offenders 	<ul style="list-style-type: none"> • Barriers to complaining • Complaints mechanisms • IASC Protocol • Principles of an investigation • Investigation skills 	<ul style="list-style-type: none"> • Using explicit language • Interviewing subjects of complaint • Investigation planning and preparation 	<ul style="list-style-type: none"> • Sharing of information • Interviewing witnesses • Discussion and feedback 	<ul style="list-style-type: none"> • Investigation findings • Witness support • Action planning • Quiz and workshop closure
		Write up investigation plan and interview plan for Day 4.		

Training days run from approximately 08:30 until 17:30. There will be a mid morning and a mid afternoon break for refreshments. Participants are expected to attend the whole programme and must complete the four pre-workshop assignments in advance.

ICVA/Building Safer Organisations

Investigations workshop

Pre-workshop assignment 1

Understanding the Legal Framework¹

PWS1

PWS 1

FACILITATOR NOTES

HANDOUTS

POWERPOINT PRESENTATION

1. Introduction

This self study module outlines the legal foundations for the protection of refugees and displaced people – including women and children – taking as its starting point the State's primary responsibility for protecting the rights of all persons within its territory.

The protection of refugees and displaced people is founded on international human rights, refugee and humanitarian law. These sources provide the legal framework, which can assist those who work with and on behalf of refugees and displaced people. Protection of persons of concern will always include the protection from exploitation and abuse by humanitarian workers.

International human rights and humanitarian law apply equally to all people. However, it is recognised that **women** have specific protection needs due to the disadvantages, relative to men, that women often face in obtaining protection.

Children also share protected universal human rights with all other people but, because of their dependence, vulnerability and developmental needs, they have certain additional rights. Care must be taken to ensure that the special needs and rights of women, children and adolescents are perceived, understood and attended to by those who seek to protect and assist them.

2. Key concepts

- The legal basis for protecting people of concern from exploitation and abuse is established in international law.
- International law recognises the specific rights of women and children.
- International refugee, human rights and humanitarian law, together with regional and national law, constitute the broad framework for the protection of people of concern.
- Humanitarian workers should rely on this framework in their day-to-day work of protecting people of concern, including women, adolescents, boys and girls.

3. Background

Exploitation and abuse is a global phenomenon that exists in most cultures irrespective of material wealth, religion or state ideology. The World Health Organisation (WHO) report on Violence and Health² states that about twenty percent of women and five to ten percent of men have suffered sexual abuse as children. Studies from around the world appear to confirm these figures, although some studies have cited higher figures³.

Sexual exploitation and abuse occurs frequently in various settings, including the family and local communities. We know that women, boys and girls are exploited in war and refugee situations, even by the people and services that are meant to protect them. Types of abuse vary but available statistical information and anecdotal evidence indicate that women and girls are most at risk of abuse and that adult men are most likely to be the perpetrators. It is also important to remember that in many societies strong taboos may prevent boys and men from complaining of exploitation and abuse. For this reason we should consider both the

¹ Acknowledgments

This document is based on materials originally prepared by the Children Alliance for the Action for the Rights of the Child and the UNHCR Gender Unit for the UNHCR Gender Training kit and subsequently adapted by to meet the specific needs of this project. ICVA gratefully acknowledges the contributions of all the individuals and agencies responsible for the preparation of the original material.

² World Health Organisation. 2002. *World Report on Violence and Health*. WHO, Geneva.

³ Heiberg, Turid. 2001. *Commodities In Stigma And Shame: An International Overview Of Save The Children's Work Against Child Sexual Abuse And Exploitation*. Save the Children.

gender and age dimensions of exploitation and abuse when understanding the legal basis for responding to abuse, developing interventions and taking measures.

Our work to prevent and respond to exploitation and abuse of people of concern is based on principles enshrined in international and national laws protecting refugees and displaced people, as well as specific measures for the protection of beneficiaries from exploitation and abuse such as the SG's Bulletin.

4. International law

International law is a set of rules that regulates relations between States. It impacts on many areas of our daily life, for example, communications, trade, nationality and citizenship and international travel. In addition, it imposes duties and obligations on States as well as granting specific rights to individuals.

States have the primary responsibility of protecting the human rights of all persons within their territories, including refugees or the internally displaced. As a starting point, it is useful to consider the nature of a country's international obligations to protect refugees and displaced persons. Generally, they arise from customary international law, treaties, non-binding instruments and regional instruments. Familiarity with relevant international and national laws is important because it outlines the obligations of a country in protecting people of concern. It also provides the protection framework within which those who work on behalf of refugees and displaced people should operate.

a. Treaty law

Treaties are commonly referred to as Conventions, Covenants and Protocols. A treaty is legally binding on those States that have agreed to be bound by its provisions through ratifying and becoming party to the treaty. Three separate bodies of international law work together to provide protection to refugees, displaced people and intended beneficiaries of aid.

- i) **Human rights law** applies to all human beings without discrimination, in other words, to nationals, migrants, refugees and displaced persons – women and men, boys and girls.
- ii) **Refugee law** addresses specific refugee concerns, but does not address all of the basic and fundamental human rights of individuals that need to be protected. Therefore, human rights law can be read together with refugee law to provide wider protection for refugees.
- iii) **Humanitarian law** applies specifically during situations of armed conflict and provides protection to refugee or displaced persons in circumstances where the other laws are not applicable.

All three sources of law address different challenges but seek to arrive at the same goal of protection for refugees and displaced persons. The differences are found not so much in the content or the substance of the bodies of law, but rather in the implementation mechanisms, international supervision and promotion and dissemination.

b. Human rights law

Human rights are inherent entitlements for all people. Human rights law formally protects individuals and groups against actions which interfere with fundamental freedoms and human dignity. Examples of international human rights treaties include: the Universal Declaration of Human Rights, the International Covenant on the Elimination of all Forms of Racial Discrimination, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention on the Elimination of all forms of Discrimination Against Women and the Convention Against Torture and other Cruel, Inhumane or Degrading Treatment or Punishment.

- human rights are founded on respect for the dignity and worth of each person
- human rights are universal, meaning that they are applied equally and without discrimination to all people
- human rights are inalienable, in that no one can have his or her human rights taken away other than in specific exceptional situations – for example, during times of war freedom of movement may be restricted
- human rights are indivisible, interrelated and interdependent, as it is insufficient to respect some human rights and not others

The general rule of non-discrimination in human rights law provides that everyone is entitled to the same human rights. Nonetheless, the legal basis for prioritised action on behalf of women and children, including refugee and displaced children, are well established in international human rights law. In recognition of women's subordinate status and the barriers they may face in exercising their rights, additional legal instruments provide for women's protection. Similarly, because of their dependence, vulnerability and developmental needs, children also have certain additional rights.

While women and children share the protection problems experienced by all refugees, displaced people and persons of concern they also have special protection needs that reflect gender and age: for example, protection from manipulation, sexual and physical abuse and exploitation and protection against discrimination in the delivery of goods and services.

The **Convention on the Rights of the Child (CRC)** provides a comprehensive code of rights which offers the highest standards of protection and assistance for children of any international instrument. All but two countries (Somalia and the USA) are parties to the CRC. As such, it is almost universally applicable. It is legally binding on every government which is a party to it and applies to all children within the jurisdiction of each State, not only to those who are nationals of that State. The principle of non-discrimination is stated strongly in Article 2(1) and certainly covers refugee and displaced children including adolescents. The CRC defines a "child" as everyone less than 18 years of age "unless, under the law applicable to the child, majority is attained earlier" (Article 1). This exception should only be interpreted as an empowering one, enabling under-18s to claim the benefits of adulthood if granted by national law while still being able to claim the protection of the CRC. **Article 19** obliges States to take all appropriate measures to protect children from all forms of abuse including sexual abuse. States are also obliged under **Article 34** to protect the child from all forms of sexual exploitation and abuse, and in particular to prevent the inducement or coercion of a child to engage in any unlawful sexual activity including the exploitative use of children in prostitution or other unlawful sexual practices. Sexual abuse is detrimental and violates the child's basic right to life and development stated in **Article 6**.

The **Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)** and the **Declaration on the Elimination of Violence against Women (A/RES/48/104) (DEVAW)** set the standards for the protection of the rights of women and girls. The Declaration affirms that violence against women (including sexual exploitation) constitutes a violation of the rights and fundamental freedoms of women and impairs their enjoyment of those rights and freedoms. In its preamble, it notes that refugee women are "especially vulnerable to violence".

c. Refugee law

The basic structures and legal instruments ensuring the protection of refugees were established fifty years ago. The legal framework for protecting refugees is found in:

- the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol
- regional refugee instruments

Implementation of refugee law is up to States, although the United Nations High Commissioner for Refugees (UNHCR) supervises the application of the 1951 Convention. **Article 35** requires States to cooperate with UNHCR. The 1951 Convention and its 1967 Protocol are applicable to all persons who are refugees as defined in the instruments. "All persons" clearly includes women, children and adolescents. Age and gender are taken for granted with respect to the non-discriminatory application of the Articles in the Convention, and as the Convention defines a refugee regardless of age, refugee women and children benefit from the rights afforded to all refugees as outlined in refugee law, and national laws.

d. Humanitarian law

In times of conflict, international humanitarian law aims to protect persons who do not, or no longer, take part in the hostilities (i.e. are not bearing arms), and aims to regulate or restrict the methods and means of warfare. It develops the concept of humane treatment.

The main treaties of international humanitarian law are:

- four Geneva Conventions of 1949
- (Protocol I) relating to the Protection of Victims of International Armed Conflicts
- (Protocol II) relating to the Protection of Victims of Non-International Armed Conflicts

The Fourth Geneva Convention deals specifically with the protection of civilians and is therefore of the most relevance to refugee and displaced populations. The primary focus of the four conventions is situations of international armed conflict. However, international humanitarian law is also applicable when the conflict occurs on the territory of a single State, usually between government and dissident forces (internal conflicts). **Common Article 3** obliges all parties to a “non-international” armed conflict, including dissident armed factions, to respect certain minimum humanitarian rules with regard to persons who are not, or are no longer, taking part in hostilities, including women and children.⁴

4. Customary international law

Customary international law arises out of universal acceptance and consistent practice by countries with respect to a rule of law. Some of the guarantees and protection found in international instruments have become part of customary international law. This means that such rules can be invoked to protect refugees and displaced persons in a country even if that country has not ratified a treaty containing that specific right or guarantee. For example, everyone is protected against slavery and the slave trade, torture or other cruel, inhuman or degrading treatment or punishment. When the provisions of a treaty have gained wide acceptance, it has been argued that they have acquired the status of customary international law, binding even dissident groups in cases of non-international conflicts.

5. Regional instruments

It may be easier for States to agree on and implement regional instruments because they provide a common approach to certain issues and deal with problems specific to the region/countries concerned. Regional instruments are usually adopted in the framework of a regional organisation. There are various regional human rights systems in Africa, Europe, the Americas and the Islamic and Arab States.

Regional instruments can sometimes provide higher standards of protection than an international treaty. For example, the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa, 2003, specifically requires States Parties to protect asylum seeking women, refugees, returnees and internally displaced persons against all forms of sexual exploitation, and to ensure that their perpetrators are brought to justice before a competent criminal jurisdiction.

6. National law

In addition to international law, the national law of countries of asylum and residence govern the protection of refugee and displaced women and children. National law contains the practical provisions for protecting refugees including providing concrete implementation measures and mechanisms. The constitutions of some States guarantee the standards contained in international instruments. In some cases, international treaties can be directly invoked before the courts, while in others the provisions must first be incorporated into the national legislation.

Many of the offences against women and children, such as rape, physical attack, sexual exploitation and sexual abuse are punishable under national law. The fact that a law exists to protect certain rights is not enough if these laws are not supported by institutions to ensure they can be meaningfully enforced. Staff working in a country should always refer to the national law of the State and the various mechanisms for their implementation.

7. Non-binding instruments

Principles and practices of international law are often stated in declarations, resolutions, principles or guidelines. While they have no binding effect on States they nevertheless represent a broad consensus on the part of the

⁴ Under international humanitarian law, both during international and internal armed conflicts, children and certain women benefit from protection on two levels: first, as members of the civilian population in general, and second, as a vulnerable category deserving specific protection. Article 38 paragraph 5 of the Fourth Geneva Convention states that, while protected civilians should in principle receive the same treatment as aliens in time of peace, children less than fifteen years are to benefit from any preferential treatment accorded to the corresponding categories of the native population. Additionally, in terms of general principles, Articles 76 and 77 of Protocol I make specific reference to the protection of women and children. The Parties to the conflict are to provide them with the care and aid they require.

international community and can provide detailed guidance. One example is the Guiding Principles on Internal Displacement. Principle 11 of the Guiding Principles specifically protects IDPs against sexual exploitation.

8. Humanitarian codes

Although they are not legal standards, humanitarian codes set performance standards that many humanitarian agencies have agreed to be bound by. Moreover, they provide useful guidance to humanitarian workers on the standards of performance required of them.

- *The Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Relief* and the *Humanitarian Charter of Sphere* reinforce the right to dignity of all people affected by disaster and crisis.
- Codes of conduct of individual organisations require certain standards of behaviour for all staff and volunteers, usually making reference to avoiding actions that are or could be interpreted as abusive and exploitative.

9. Other guidance for humanitarian workers

The SG's Bulletin⁵ sets out the specific standards to protect vulnerable populations from exploitation and abuse. The SG's Bulletin defines sexual exploitation and abuse, specifically prohibits certain behaviour on the part of staff, outlines the duties of managers and extends the reach of the SG's Bulletin to all organisations and individuals working for agencies that have cooperative arrangements with the UN. The SG's Bulletin is consistent with international human rights law. All employees of the UN are bound by the standards of conduct listed in section 3 of SG's Bulletin. Moreover, UN officials and agencies are legally required to make sure that the standards of conduct are accepted by any organisation entering a cooperative arrangement with them. Section 6.2 makes it clear that the SG's Bulletin applies to NGO implementing partners of the UN agencies and outlines the legal consequences for parties to a cooperative agreement with the UN in the event that they do not:

- take preventive measures against sexual exploitation and abuse;
- investigate allegations thereof, or
- take corrective measure when sexual exploitation and abuse has occurred

Failure to take the abovementioned measures may result in termination of any cooperative arrangement with the UN.

Additional information on the SG's Bulletin, will be available during the workshop.

10. Conclusion

The international legal framework outlined above provides the basis for all humanitarian workers to promote the protection of people of concern from exploitation and abuse. International protection goes beyond adherence to legal principles. Equally important, the protection of women and children requires planning and common sense in establishing programmes and enforcing priorities that support their safety and well-being. Thus, protection of women and children must be understood in the widest sense. Refugee and displaced women, who are unable to feed, clothe and shelter themselves and their children, will be more vulnerable to manipulation and to physical or sexual abuse and exploitation in order to obtain these necessities. Refugee women and children who must bribe guards to obtain firewood, water or other essentials will be more susceptible to abuse. Moreover, women and children who formerly had means of expressing their views or concerns in the community may find themselves unable to do so in displacement situations in camp management committees established by assistance organisations.

As these examples indicate an intrinsic relationship exists between the protection of women and children and their access to assistance. To fully protect women and children from exploitation and abuse, they must understand their rights as outlined above and participate in planning protection and assistance activities. Protection and assistance activities that are not planned in consultation with people of concern nor implemented with their participation can increase the risk of abuse.

⁵ United Nations Secretariat. 9 October 2003. *Secretary General's Bulletin on Special Measures for Protection from Sexual Abuse and Sexual Exploitation, 2003/13 (ST/SGB/2003/13)*. United Nations.

Exercise on international legal standards

This exercise will require you to describe and apply specific legal standards and policies that provide special protection measures for women and children. Please answer the following questions:

- Question 1:** Name three sources of international law that are relevant to the protection of people of concern.
- Question 2:** Identify the instruments and specific articles that protect the rights of women from abuse and exploitation.
- Question 3:** Identify the instruments and specific articles that protect the rights of children from abuse and exploitation.
- Question 4:** What is the difference between human rights law and humanitarian law?
- Question 5:** What national laws in the country in which you work protect people of concern from exploitation and abuse?
- Question 6:** Name one international convention that can be considered as customary international law i.e. is universally applicable.
- Question 7:** Which group of women is singled out for special protection under the Geneva Convention IV?
- Question 8:** Define sexual abuse and exploitation.
- Question 9:** Is international humanitarian law applicable during internal armed conflict?
- Question 10:** The CRC defines a child as anyone under the age of 18 years. If the local age of consent is 13 years old, then based on the SG's bulletin, is it acceptable for a staff member of an NGO implementing partner of UNHCR to have a consensual sexual relationship with a 17 year old?

NB: If you do not know the answers to these questions please speak to someone who does, for example, the legal officer in your organisation.

ICVA/Building Safer Organisations

Investigations workshop

Pre-workshop assignment 2

Defining abuse¹

PWS2

PWS 2

FACILITATOR NOTES

HANDOUTS

POWERPOINT PRESENTATION

Introduction

The purpose of this assignment is to familiarise participants with the definition of abuse and exploitation that this Learning Programme will refer to throughout, given that there are various definitions available and that different societies view abuse and exploitation differently.

IASC Task Force definitions

IASC Task Force uses the following definitions, that are set out in the SG's Bulletin:

- **'Sexual abuse'** is actual or threatened physical intrusion of a sexual nature 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.

It should be noted that the SG's Bulletin and this definition do not apply to cases of sexual harassment by one staff member of another staff member. Agencies and organisations have other mechanisms for preventing and responding to sexual harassment in the workplace.

Nevertheless, the definition of sexual exploitation and abuse above should be interpreted as broadly as possible to include, for example, inappropriate touching of a sexual nature. The definition should also be read in the light of other sources of international law such as the UN Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women.

Sexual abuse of children

“The involvement of a child in sexual activity that they do not fully comprehend, give informed consent to, or for which the child is not developmentally prepared and cannot give consent, or that violates the laws or social taboos of society. It is evidenced by an activity between a child and an adult or another child who by age or development is in a relationship of responsibility, trust or power, the activity being intended to gratify or satisfy the needs of the other person. It may include but is not limited to the inducement or coercion of a child to engage in any unlawful sexual activity; the exploitative use of a child in prostitution or other lawful sexual practices; the exploitative use of pornographic performances and materials.”²

¹ Acknowledgments

This module is based on materials originally prepared by the NSPCC (National Society for the Prevention of Cruelty to Children, UK), commissioned by the Inter-Agency Standing Committee (IASC) Task Force on Protection from Sexual Exploitation and Abuse (PSEA). The materials have been further modified to meet the specific needs of this project. ICVA gratefully acknowledges the contributions of all the individuals and agencies responsible for the preparation of the original material.

² World Health Organisation (WHO). 1999. *Report of the Consultation on Child Abuse Prevention* (WHO/HSC/PVI/99.1). WHO, Geneva.

Supplementary definitions of exploitation and abuse

In addition to those mentioned above, there are other types of abusive behaviour that limit the ability of women and children to exercise their human rights or impact negatively on the development of children. Some of these are described in the following definitions:

Maltreatment of a child

- “All forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation resulting in actual or potential harm to the child’s health, survival, development or dignity in the context of a relationship of responsibility, trust, or power.”³

Neglect and negligent treatment of a child

- “The inattention or omission on the part of the caregiver to provide for the development of the child in: health, education, emotional development, nutrition, shelter and safe living conditions, in the context of resources reasonably available to the family or caretakers and which causes, or has high probability of causing, harm to the child’s health or physical, mental, spiritual, moral or social development. This includes the failure to properly supervise and protect children from harm as much as is feasible”.⁴

Emotional abuse of a child

- “Includes the failure to provide a developmentally appropriate, supportive environment, which include a primary attachment figure, so that the child can develop a stable and full range of emotional and social competencies commensurate with their personal potential, and in the context of the society in which the child dwells. It may also include acts toward that have a high probability of causing harm to the child’s health or physical, mental, spiritual, moral or social development. These acts must be reasonably within the control of the parent or person in a relationship of responsibility, trust or power and include restriction of movement, patterns of belittling, denigrating, scape-goating, threatening, scaring, discriminating, ridiculing, or other non-physical forms of hostile or rejecting treatment”.⁵

Physical abuse of a child

- “Physical abuse of a child is that which results in actual or potential physical harm from an interaction or lack of interaction, which is reasonably within the control of a parent or a person in a position of responsibility, power, or trust. There may be single or repeated incidents.”⁶

Commercial or other exploitation of a child

- “Use of the child in work or other activities for the benefit of others. This includes, but is not limited to, child labour and child prostitution. These activities are to the detriment of the child’s physical or mental health, education, moral or social-emotional development”.⁷

Violence against women

- “Any act of gender based violence that results in, or is likely to result, in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.”⁸

The obligation to report

Exploitation and abuse of beneficiaries by staff should always be reported. Section 3(e) of the SG’s Bulletin obliges staff to report any suspicion of or concern regarding sexual exploitation and abuse. Section 6.1 of the document binds the staff of non-UN entities that have entered into an agreement with a UN agency to the same reporting obligations.

³ As above

⁴ As above

⁵ As above

⁶ As above

⁷ As above

⁸ United Nations Declaration on the Elimination of Violence against Women. 1993.

Exercise on defining abuse

Please answer the following questions:

- Question 1:** Are there any additional definitions of abuse and exploitation that you are aware of that are helpful (for example, from your organisation's policies or guidelines)? If so please describe them.
- Question 2:** How is abuse understood or defined in the country you work in?
- Question 3:** Are you concerned about any local treatment of women that could be described as abusive outside the country you work in?
- Question 4:** Are there any local child-raising practices that you consider abusive?
- Question 5:** How does the community and the state deal with allegations of abuse of women and children? For example, what legal, medical and social support resources exist locally?

ICVA/Building Safer Organisations

Investigations workshop

Pre-workshop assignment 3

Making and receiving complaints¹

PWS3

1. Introduction

The SG's Bulletin outlines the prohibition on sexual exploitation and abuse.

The IASC Protocol specifies the steps to be taken when exploitation and abuse is allegedly perpetrated by a UN staff member or staff of a partner agency, including an NGO. The IASC Protocol also describes the essential elements of a complaints protocol.

The SG's Bulletin and many NGO codes of conduct require that staff voice their concerns regarding sexual exploitation and abuse. Given that the SG's Bulletin binds organisations in partnership agreements with the UN, staff in those organisations must be seen to act responsibly when those concerns are received. This policy is in place to encourage a climate of open communication which enables employees to voice concerns at the earliest opportunity and therefore avert a larger issue in the future or address it before it worsens.

The purpose of developing a complaints mechanism is to provide people of concern, beneficiaries and others wishing to lodge complaints with a fair, consistent and accessible means of raising allegations of sexual exploitation and abuse by a staff of an NGO or agency. This includes all employees, whether host country or international staff on permanent or fixed term contracts, self employed consultants, interns and partners from NGOs and INGOs, as well as volunteers and "incentive" workers. The UN and partner NGOs agree that all allegations of exploitation and abuse will be investigated irrespective of whether they constitute illegal acts.

2. Causes for concern

Concerns about exploitation and abuse may be **specific** or **more general**.

A specific allegation will be made against named individuals and pertain to an identified act or event. For instance:

- an employee is said to be living with a beneficiary/person of concern
- a colleague has misused his/her power to sexually exploit a person of concern

More general concerns refer to patterns of behaviour that are non-specific but which might indicate that exploitation or abuse has occurred. Sometimes they will be based purely on rumours or "in the air" concerns but these too should be investigated. For example:

- A pattern of behaviour or a single instance, which is inappropriate yet that individually may be insufficient to report

Incidences of exploitation or abuse that should be reported include those that occur **outside the workplace**, for example, paying for sex with a prostitute or having sex with a child. It is equally important to report concerns about the **past** behaviour of a co-worker or employee.

Concerns about the behaviour of an employee, colleague or fellow professional can be expressed by **any** government partner, UN agency, NGO or INGO and the reporting procedure is not limited to those working for the same organisation.

3. Barriers to making a complaint

Complainants – whether they are persons of concern or staff members – will not come forward unless they trust that the allegation will be taken seriously and that they will be protected from reprisals. Managers must

¹ **Acknowledgments**

This document is based on materials originally prepared by the NSPCC (National Society for the Prevention of Cruelty to Children), commissioned by the Inter-Agency Standing Committee (IASC) Task Force on Protection from Sexual Exploitation and Abuse (PSEA) and subsequently adapted by the Terre des hommes Foundation. The materials have been further modified to meet the specific needs of this project. ICVA gratefully acknowledges the contributions of all the individuals and agencies responsible for the preparation of the original material.

create a culture and related systems that promote trust among the host country, international/national staff and beneficiaries and in doing so mitigate factors which may deter individuals from making complaints.

There are many barriers to making a complaint. These include:

- fear of retaliation
- fear of not being taken seriously
- respect for or fear of a senior colleague and/or expatriate
- cultural norms that consider it unacceptable to challenge authority
- fear of “getting it wrong”
- fear of losing a job, status, prospects or a source of income
- cultural norms or socio-economic circumstances which see a practice as “acceptable” or unimportant in the country or region
- attitudes towards women and children
- isolation and lack of management and support
- age, as children may be less likely to report
- gender (for example, women and girls may face sanctions if they are victims of sexual exploitation or abuse. Alternatively, strong taboos may make it difficult for men or boys to report exploitation or abuse.)
- lack of knowledge concerning the reporting process and/or inability to access anyone with the power or will to intervene

4. Establishing reporting mechanisms for beneficiaries

It is a management responsibility to ensure that a clear and accessible reporting system is established in each setting so that all beneficiaries (particularly women and children) know where to go to make a complaint and receive assistance.

Confidentiality, anonymity and the safety and welfare needs of those involved are key to establishing a successful complaints mechanism. These are elaborated in the IASC Protocol.

Confidentiality

A confidential mechanism for lodging a complaint must be accessible to all employees, partners, and beneficiaries irrespective of the individual’s sex, age, physical ability, language, level of literacy, ethnicity or any background characteristic or factor that may prevent or discourage him/her from making a complaint safely. Procedures should be developed to ensure reasonable confidentiality and security of all relevant records and documents, no matter how the complaint is made. In addition, each organisation must have an agreed policy on how to receive, handle and respond to anonymous complaints. For example, in some organisations, anonymous allegations will only be investigated when there is additional corroborative information available. This policy should be clearly explained to beneficiaries.

Provide a variety of reporting mechanisms

It may be beneficial to have a number of mechanisms for receiving complaints. Management guidelines should adequately describe the various complaints mechanisms and identify staff and beneficiaries who are trained in receiving complaints (“focal points”). Complaints boxes are one mechanism for receiving complaints. If complaints boxes are used then they should be in a location that is made known to all. In addition, other measures need to be developed so that illiterate people can also make a complaint, for example, establishing a system of beneficiary advocates or community workers.

Enabling adolescents and children to complain

It is vital to consider how adolescents and children may access focal points and complaints mechanisms. For example, it might be possible to build them into structures such as youth groups, mentoring schemes, health forums, education forums etc.

5. Enabling employees to make a complaint

Likewise, all employees must have access to a confidential mechanism that allows them to make a complaint safely. Employees may be fearful that by making a complaint against another member of staff they may be the subject to reprisals.

Management must make it clear that:

- “whistleblowers” will not face official or unofficial sanctions as a consequence of making a complaint
- no action will be taken against an employee who reports a breach of the policy in good faith even if investigation that follows proves unfounded
- confidentiality of the complainant will be maintained as far as possible

However, the fabrication of allegations of abuse is extremely dangerous and may place individuals at risk as well as undermine the complaints and investigation process. Every organisation should have a policy for dealing with malicious complaints. For example, in some organisations an employee who knowingly and wilfully reports or spreads false or malicious information regarding another employee may be the subject of an investigation. If it is proven to have been a malicious or knowingly false allegation, the complainant may be the subject of disciplinary action.

It is not the responsibility of the employee to ascertain whether or not the complaint is true. It is his/her responsibility to report the concern via the process outlined in the IASC Protocol.

6. Good practice in receiving a complaint directly from a beneficiary

If a complaint of abuse or exploitation is made, the staff member receiving the complaint should:

- react calmly and listen carefully to what is being said
- reassure the complainant that s/he was right to raise the concern
- explain the importance of confidentiality, making it clear that the staff member receiving the complaint is obliged to report the allegations. This may result in an investigator and ultimately a senior manager or decision-maker knowing the details of the allegations. However, the person receiving the complaint should reassure the complainant that information will only be shared on a “need to know” basis.
- take what is said seriously
- avoid asking too many questions: ask only the number of questions required to gain clear understanding of the complaint so that it can be passed on to the investigator
- ensure that the complainant’s safety is not at risk
- consider the complainant’s need for medical attention (if the complainant is the victim)
- inform the complainant of the next steps in the procedure
- make a written record of what has been said at the earliest opportunity via the complaint referral form and sign and date the form
- report on the complaint at the earliest opportunity

7. Recording of information, suspicions or concerns

Information that is provided through the complaints procedure needs to be as clear as possible as it may be used in subsequent disciplinary or legal action. A detailed record should be made, which includes:

- correct names of all involved, identity of witnesses, victims, and if possible photo records of the subject
- the nature of the complaint
- a description of any visible signs of abuse or other injuries including a body map
- an accurate account of what was said by the complainant in his/her own words
- any observations made by the person receiving the complaint
- times, locations, dates given
- whether anyone else knows or has been given the information
- the relationship between the complainant and the person receiving the complaint

8. Subsequent procedure to be followed in making or receiving a complaint

Each organisation should have an agreed policy on reporting allegations of exploitation and abuse within which it is clear that it is the responsibility of the all staff members to report a concern or complaint. Usually, the main point of contact should be the employee’s line manager.

If the employee genuinely believes that s/he would be victimised or s/he has no confidence in the local management structure, then the complaint should be raised directly with the Director of Human Resources at the Headquarters’ level.

In exceptional circumstances, the complaint may be made to another international organisation, NGO or INGO if the employee genuinely believes that raising the matter within their organisation would not be effective, or could result in further victimisation, or if s/he has already disclosed the matter but no effective action has been taken.

The complaint should be recorded using a standard complaint referral form (Appendix 1 to the IASC Protocol), signed and dated. The person receiving the complaint must inform the complainant of the policy on confidentiality.

Any investigation that is undertaken must be completed, regardless of whether the alleged perpetrator is still an employee of the organisation. In the event that a complaint does not warrant a full investigation, it may nonetheless be useful to take a number of 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 management procedures).

All organisations should have an internal policy on how to handle complaints involving staff from several agencies. For example, if the complaint involves staff of other agencies, NGO partners, military personnel or non-employees, such agencies must be informed of the complaint via established mechanisms and a joint strategy meeting convened urgently to discuss the complaint and agree a course of action. Consideration must be given to conducting a joint investigation in the interests of information and resource sharing, as well as limiting the number of interviews necessary.

A detailed record of information gathered via the complaints protocol should be kept confidentially on file as it may be used in subsequent disciplinary or legal action. Every effort must be made to ensure the security of such files, particularly in situations where security of documents may be compromised.

Complaints and investigation procedures should include systematic monitoring and evaluation and be subject to confidential audit and review for lessons learned.

9. Needs of the victim

It is particularly important that, where the complainant is a beneficiary, the person receiving the complaint considers whether the beneficiary has immediate needs requiring attention. While addressing these needs is not a task specific to the investigation process, some needs are likely to be pressing and the complainant should be referred to the correct person to provide the support needed. For example:

- There may be immediate security concerns if the beneficiary is returning to an unsafe situation.
- Urgent medical assistance and counselling must be made available to anyone who was potentially harmed by any alleged sexual exploitation or abuse.
- If there is information to suggest that **sexual activity has occurred within the past 72 hours, immediate referral** for medical treatment should be carried out in order to maximise the effectiveness of emergency contraception or treatment to prevent HIV.

It is essential that complaints concerning sexual exploitation and abuse by employees are taken very seriously, irrespective of whether they constitute illegal or prohibited behaviour in the country where they are alleged to have occurred. Rigorous investigations must be conducted when such concerns are raised and disciplinary proceedings must be instituted when complaints are substantiated.

Complainants of sexual exploitation and abuse should be provided with full information and advice on existing legal means of redress, including contact addresses where claims may be filed and any network helping complainants to file claims or which would provide other types of support.

10. Needs of the subject of complaint (SOC)

An internal investigation by an NGO is not a criminal investigation under the auspices of a national judicial system. Nevertheless, the SOC should be afforded certain rights during the conduct of an investigation including due process and confidentiality. Each organisation must take a policy decision as to the stage at which the SOC should be informed. Once informed, the SOC should be provided with all information on the substance of the allegation against them. The SOC should be offered the opportunity to seek advice or

assistance should they wish. In addition, it should be clearly explained that s/he has a duty to keep the matter confidential and any discussion on the substance of the complaint must be approved by the investigator.

11. Outcome of investigations

An investigation may lead to the following results:

- The allegations are considered as having been established by the person conducting the investigation. The investigation report should be sent to the decision-maker who will take the appropriate administrative or disciplinary action as per the rules and regulations applicable to employees. In some organisations the Director of Human Resources makes the final decision on disciplinary action.
- When the allegation is one of a criminal nature, due consideration and assistance should be given to the complainant to inform the competent authorities in the host country or in the country of nationality of the alleged perpetrator. For this reason it is important to know the local laws as they relate to exploitation and abuse.
- The result of an investigation and disciplinary decision should be inserted in the personal administrative file of the staff member against whom the allegations are proven. Subject to applicable national employment laws, this information should be communicated to any prospective employer seeking a reference for this person.
- Should the allegations be insufficiently established or unfounded, the employee will be officially notified that s/he has been cleared. If the allegation was made known to his/her colleagues, the line manager will take appropriate action to inform them about the decision of clearance and a note for the file to this effect should be placed on the cleared staff member's personnel file.

Exercise on making and receiving a complaint

Please answer the following questions:

- Question 1:** What are the key principles to consider when developing a complaints mechanism?
- Question 2:** Should an organisation investigate an allegation that a staff member abused or exploited a beneficiary in the past while working for another organisation?
- Question 3:** What are three reasons that might make a complaints mechanism inaccessible to a child?
- Question 4:** When might it be appropriate for an employee of your NGO to lodge a complaint with a different organisation against a colleague working within your NGO?
- Question 5:** What should you do if you receive an allegation against two staff members, one of whom works for your organisation and one of whom works in a partner organisation?
- Question 6:** What should you do if a staff member under investigation leaves your organisation before the investigation is completed?
- Question 7:** Describe two immediate needs of the victim of abuse and exploitation that you should consider when receiving the complaint.
- Question 8:** What are two rights that should be considered in relation to the SOC?

ICVA/Building Safer Organisations Investigations workshop Pre-workshop assignment 4 Seek and find¹

PWS4

The answers to the following questions can be found in the document IASC Protocol².

- Question 1:** What is the focus of an investigation where a member of staff is suspected of sexual abuse of a beneficiary?
- Question 2:** What is the primary purpose of an interview and what are the obligations of the interviewers?
- Question 3:** What concerns MUST be reported under the IASC Protocol?
- Question 4:** List ten blocks to making a complaint that are referred to in the IASC Protocol.
- Question 5:** What are the most important key principles underpinning the IASC Protocol?
- Question 6:** What are the key features of closing an interview?
- Question 7:** What specific group of people does IASC Protocol NOT cover and why?
- Question 8:** What should happen if a criminal offence has been committed and/or alleged?
- Question 9:** What happens if there is no evidence that the allegations are substantiated?
- Question 10:** What are the four main phases of an interview?

¹ **Acknowledgments**

ICVA gratefully acknowledges the NSPCC, (National Society for the Prevention of Cruelty to Children) for preparing this document.

² Inter-Agency Standing Committee (IASC) Task Force on Protection from Sexual Exploitation and Abuse. March 2004. *Draft Model Complaints and Investigation Procedures and Guidance Related to Sexual Abuse and Exploitation* (IASC Protocol). IASC Task Force on Protection from Sexual Exploitation and Abuse.

ICVA/Building Safer Organisations

Investigations workshop

Module 1 Facilitator notes

Defining abuse

MFN1

MODULE 1 OBJECTIVES:

- Explore cultural assumptions related to the role of women and children.
- Describe different types of abuse.
- Describe the cycle of abuse.
- Identify myths and risks in relation to abusers.
- Compare global definitions to the local context.
- Examine the consequences of abuse on individuals.
- Describe the legal framework protecting women and children's rights.
- Describe what sort of measures can help to safeguard children and reduce risk of abuse.
- Share experience.

SUGGESTED SCHEDULE

Session 1 – Introduction		Minutes allocated
08.30	Arrivals and registration	30'
09.00	Overview of the course – presentation	20'
09.20	Focus group formation – group exercise	30'
09.50	Collage – group activity	40'
10.30	BREAK	15'
Session 2 – Background and context		
10.45	Background and context – group exercise	30'
11.15	Discrimination – pair exercise	20'
11.35	What is abuse? – case studies	60'
12.35	LUNCH	60'
Session 3 – Defining abuse		
13.35	Definitions of abuse – presentation & plenary discussion	30'
14.05	Why is abuse harmful? – case study exercise	60'
15.05	The legal framework and SG's Bulletin – presentation	30'
15.35	BREAK	15'
Session 4 – Sexual offenders		
15.50	Sexual offending behaviour – presentation	50'
16.40	Sexual offender – video and presentation	25'

MODULE 1 PREPARATION:	
Resources	<p>Check the following equipment:</p> <ul style="list-style-type: none"> • 1 x laptop • 1 x data projector • 2 x flipcharts, 4 x blocks of flipchart paper and flipchart pens • small cards • pens, chalks, stickers, different paper types, scissors, glue, old magazines, tape glitter, etc. (for Module 1, Collage exercise 1), alternatively have pencils and playdoh • video on sexual offending behaviour <p>Prepare the following:</p> <ul style="list-style-type: none"> • venue set-up (arrange tables) • photocopy handouts as specified below • design and print evaluation sheets • lay out the materials for the collage exercise in the introduction session, preferably in a separate room to the main training room • ranking matrix on a flipchart for the What is abuse? exercise group discussion
Handouts	<p>Photocopy 1 per participant:</p> <ul style="list-style-type: none"> • PWM1_IASC Protocol • PWM2_SG's Bulletin • PWM3_Draft Guidelines to the SG's Bulletin.doc • PWM4_Inv_AgendaandCourseSummary • HO1_Inv_M1_S2_WhatIsAbuse.doc • HO2_Inv_M1_S3_WhyisAbuseHarmful.doc • HO3_Inv_M1_S3_LegalFramework.doc • HO4_Inv_M1_S4_Denial.doc • M1_Inv.ppt (3 slides per page, distribute at beginning of Module)
Additional facilitator notes	<p>The following documents give guidance on key messages to be elicited from the exercises.</p> <p>Inv_M1_Additional_Facilitator_Notes.doc Inv_FAQ.doc</p>

Time	Facilitator's notes	Resources
08.30 (30')	<p style="text-align: center;">INTRODUCTIONS</p> <p>Aim – to allow participants to introduce themselves to the group and to create an open environment for the workshop.</p> <p>Welcome and acknowledge individuals commitment to attending the course.</p> <p>Trainers introduce themselves first using the same format as the participants. Explain that you would like everybody to introduce themselves by answering the following questions:</p> <ul style="list-style-type: none"> • How would you like to be known? • Who do you work for? • What is your role? • First or worst job? <p>The timing for introductions is based on a group of 20 participants, and allows time for late arrivals!</p>	See Power Point Slide 1: BSO Module 1
09.00 (20')	<p style="text-align: center;">OVERVIEW OF THE COURSE</p> <p>Go over domestics such as:</p> <ul style="list-style-type: none"> • where is the bathroom • where is the fire exit • schedule and the importance of being on time • refreshments (available at break times, etc.) • where smoking is permitted • arrangements for use of cell phone <p>Distribute the participant agenda PWM4_Inv_AgendaandCourseSummary</p> <p>Refer to the emotive nature of the subject which makes it important to establish some principles to ensure a safe and comfortable learning environment. If managers are present with their supervisees, discuss how issues raised on the course might impact or affect working relationships after the course.</p> <p>If there are participants for whom English is not their first language discuss how this will be managed.</p> <p>Finally advise the group of any mandatory child protection responsibility i.e. if a specific case of sexual abuse and exploitation (SEA) is referred to and no action has been taken, this will have to be reported.</p>	<p>Slide 2: Aim of the course</p> <p>Slides 3-4: Objectives</p> <p>Slide 5: Five modules</p>
09.20 (30')	<p style="text-align: center;">FOCUS GROUP FORMATION</p> <p>Aim – to give participants an opportunity to share and air anything on their minds, freeing them up for learning. It is also an opportunity for trainers to hear perceptions and expectations.</p> <p>Exercise</p> <p>Split participants into 5 groups.</p> <p>Ask each group to share their feelings on the following:</p> <ul style="list-style-type: none"> • What principles will ensure an open learning environment? (e.g. being on time, respecting one another, listening, allowing everyone to talk etc.) • What are your hopes and concerns for the week? <p>Ask the groups to allow each individual to share their feelings with their group and then summarise their discussions on coloured cards. Allow 10' for discussion. Ask the participants to place the cards on the flipcharts.</p> <p>Take feedback in plenary on both questions. Ask participants to stick their cards describing what they want to learn on the flipchart. Go through the cards and check expectations, indicating which are realistic and which are not.</p> <p>Put the flipchart on the wall to save it and refer back to. Address any concerns or worries with solutions where possible, and offer reassurance.</p>	<ul style="list-style-type: none"> • coloured cards • flipcharts • markers • tape or glue

Time	Facilitator's notes	Resources
	<p>Evaluation groups</p> <p>Explain that their current group will be an evaluation focus group. The focus groups are formed to provide feedback to the facilitators on any aspect of the workshop, including content, flow, timing, environment etc. Assign each group one day that they will be responsible for evaluating. Each group will meet at the end of their "assigned" day for the evaluation.</p> <p>The process will allow participants to provide input into and have ownership over the programme. Explain that the evaluation should be constructive and more or less the consensus of the group and feedback can influence how the workshop is run.</p> <p>Ask them to discuss and gain feedback on the workshop from other participants not in their group during their "assigned" day in order to gain feedback from the whole group.</p> <p>Facilitators will meet the designated focus group at the end of the day and spend 5' at the start of the following day summarising the salient comments and making amendments as possible.</p> <p>Show the participants the daily evaluation forms in their binders. (Facilitators are responsible for developing the format of the evaluation and types of questions to be asked before the workshop begins.)</p> <p>(This instruction will need to be repeated when a group meets at the end of the day.)</p>	
<p>09.50 (40')</p>	<p style="text-align: center;">COLLAGE</p> <p>Aim – to get the group to think positively about their work/organisation and to focus their minds on 'the child and the woman'.</p> <p>Tell the group that you recognise the enormous experience of working with/having contact with women and children in the room. Their organisations have worked with people of concern and provide many excellent services.</p> <p>Explain that this activity provides an opportunity to think about what they or their organisation do well with populations at risk and put this onto paper in a way that they possibly haven't done for a while!</p> <p>Participants will use stationary materials to create an image that represents how they or their organisation works well with children. This can be symbolic, factual, specific or generalised.</p> <p>Using arts and crafts materials in this exercise is an equaliser and encourages people to relax, to use a different medium and try something different.</p> <p>Ask participants to make a group collage on a large piece of paper that will then be displayed.</p> <p>Allow 20' and check their progress. Hopefully the group should be chatting and having some fun! After an additional 10' post the collage up on the main room wall. Ask the group to look at it and ask what they thought of the exercise. Hopefully they enjoyed it?</p> <p>Explain that the reason for doing a collage was to demonstrate ways in which people communicate, particularly children and in investigating they may have to think about different communications methods.</p> <p>Invite the participants to ask questions or describe what they have made, why and what it represents. Allow a maximum of 10' for this feedback.</p>	<ul style="list-style-type: none"> • pens • chalk • stickers • old magazines • different paper types • scissors • glue, etc. • (preferably another room)
<p>10.30</p>	<p>BREAK – check ranking matrix is prepared</p>	<p>Inv_M1_Additional_Facilitator_Notes.doc</p>

Time	Facilitator's notes	Resources
10.45 (30')	<p style="text-align: center;">BACKGROUND AND CONTEXT</p> <p>Aim – to set the scene, describe why the training is needed and for participants to personally identify the importance of organisations developing policies and procedures that protect women and children from sexual abuse and exploitation.</p> <p>Briefly discuss the rationale for the Building Safer Organisations (BSO) project and this Learning Programme.</p> <p>Then divide the participants into groups of 4-5. Give the groups 10' to answer the following questions:</p> <ul style="list-style-type: none"> • Who is most vulnerable to sexual exploitation and abuse and why? • Who might be doing the abusing? • What can organisations do to mitigate the vulnerability of these people? <p>During this discussion, the facilitator should set up three flipcharts:</p> <ol style="list-style-type: none"> 1. Who is vulnerable? Why? 2. Who is abusing? 3. What can be done? What does a good protection system need? <p>The following points should have been identified during the discussion:</p> <p>Who is vulnerable? Women, boys, girls, refugees, displaced, poor, people living in crisis situations, anyone else?</p> <p>Why?</p> <ul style="list-style-type: none"> • The lack of economic options for displaced populations may result in the commercial and exploitative sex being one of the few options to meet basic needs. • Beneficiary communities often come from an environment where sex and gender based violence is common and community structures may collude to maintain this violence. • Where women and children are displaced and excluded from community decision-making or education. <p>Who is abusing? Employees, staff members other beneficiaries, food distributors, government officials. It is important to remind the group that this workshop is focussing on abuse by employees.</p> <p>What can be done?</p> <ul style="list-style-type: none"> • Know the national legislation – who has the power to intervene when child abuse is suspected? What law and guidance exists, what trust is there with and between statutory agencies? What if people move across borders? • Implement strong protection systems – systems are often weak and leave staff facing complex protection dilemmas. • Share guidance and standards – there is little common understanding across agencies of sexual exploitation and child protection issues of varying standards of practice. • Understand the context – there are huge difficulties in applying protocols and procedures in the many different legal, social and cultural contexts in which international agencies work. • Implement strong recruitment practices – lack of standards of practice on how to recruit safely allow abusers to infiltrate organisations. How do you know who someone is, and what their background and motivation to work with children may be? There are simple and basic human resources procedures which, if put in place, will strengthen an INGO's position vis-à-vis sexual exploitation and abuse. • Address culture and myths – the power of ignorance and misunderstanding about what certain religious or ethnic groups believe can often contribute to the failure to protect children, as does fear of being perceived as racist. • Provide training materials and resources – to support both prevention and response. 	<ul style="list-style-type: none"> • flipchart • markers <p>Slides 6-7: The rationale</p> <p>Slide 8: Building safer organisations exercise</p>

Time	Facilitator's notes	Resources
	<p>Protection systems require</p> <ul style="list-style-type: none"> • Start with leadership – without the commitment of managers nothing changes. • Develop and implement complaints and investigation protocol and procedures for dealing with complaints and breaches of codes of conduct. Any protocols must reflect the local situation and legal and social welfare systems. • Recognise that adopting procedures and protocols involves organisational change and development, even at a cultural level. • Provide training opportunities to ensure that all staff have a chance to discuss and build understanding about codes of conduct and what to do if they have a complaint. <p>Remind the participants that the workshop this week is only a piece of the puzzle in safeguarding beneficiaries from sexual abuse and exploitation. The next five days will focus on development of functioning confidential complaints mechanisms and standard investigation procedures into allegations of sexual abuse and exploitation. The Investigation Learning Programme is part of a larger process required to make sure that abuse and exploitation is prevented and responded to in a comprehensive manner by all organisations.</p>	
<p>11.15 (20')</p>	<p style="text-align: center;">DISCRIMINATION</p> <p>Aim – to encourage the group to explore cultural assumptions in relation to men, women and children and highlight discriminatory views.</p> <p>Divide participants into pairs asking them to think of one saying from their country about women and one saying about children. To ensure clarity, provide some examples such as “A woman’s place is in the home”, “A man’s home is his castle”, “The sun only rises when the cock crows”, “Children should be seen and not heard”, “Spare the rod and spoil the child”.</p> <p>Allow 10’ for discussion.</p> <p>Take feedback in plenary, recording the sayings on the flipchart. Ask participants to describe what the phrases mean and what values they reflect society as placing on women and children. What do the phrases say about power relations?</p> <p>Discuss that sayings reflect the places assigned to women and children in society today.</p> <p>If participants suggest that these are old sayings ask for some modern examples referring to women and children e.g. “working mother”, “women cannot read maps, men cannot ask for directions”, “sensitive new age man”.</p> <p>Are they any different? Has the content or meaning changed considerably?</p>	<ul style="list-style-type: none"> • flipchart • markers <p>Slide 9: Discrimination exercise</p>
<p>11.35 (60')</p>	<p style="text-align: center;">WHAT IS ABUSE?</p> <p>Aim – to encourage participants to think about the difficulties in identifying what is abuse and highlight the fact that everyone has very different ideas about what constitutes abuse.</p> <p>Divide the participants into groups of 4 to 5.</p> <p>Distribute the case studies and exercise instructions, (HO1_Inv_M1_S2_WhatIsAbuse.doc). Allow the groups 30’ to discuss the questions. Each group should start on a different case study to ensure all case studies are covered. Emphasise that there are no “wrong” answers; it is simply a forum for discussion. A maximum of 8 case studies should be given to the participants. Facilitators may choose from the additional 3 optional case studies based on regional appropriateness and prevalence, see Inv_M1_Additional_Facilitator_Notes.doc.</p>	<p>HO1_Inv_M1_S2_WhatIsAbuse.doc Inv_M1_Additional_Facilitator_Notes.doc</p> <ul style="list-style-type: none"> • flipchart with ranking matrix • markers <p>Slide 10: What is abuse? exercise</p>

Time	Facilitator's notes	Resources
12:00	<p>Read the case studies and discuss for the following question for each one:</p> <ul style="list-style-type: none"> • Is this abuse? • Who is or might be abusing? • Who is being abused? • Can anything be done? <p>After 25', ask each group is to rank the cases from the most serious, 1, to the least serious, 8. There must be a consensus in each group on rankings. Give the participants 5' to rank the case studies.</p> <p>In plenary, ask each group to give their rankings and enter these into the matrix. Results will be varied and participants may be surprised at how other groups have ranked cases. The reason the participants are asked to rank the case studies from most serious to least serious is to show that each group will define "serious" according to different factors – serious to the organisation, serious to the beneficiary, etc.</p> <p>Allow 25' for discussion. Facilitate a group discussion in plenary about the different rankings. Discussion can be stimulated by asking why each group ranked a certain case as they did. Was there a factor in the case that had it been different they would have ranked differently, such as the age or gender of the victim? Ensure values and personal barriers are discussed. It is important to be clear that there is no right or wrong answer. Wrap up by emphasising that the differences in grading illustrate the need for guidance and procedure.</p> <p>Link to pre-workshop self study module on definitions of abuse.</p>	
12.35	LUNCH	
13.35 (30')	<p style="text-align: center;">DEFINITIONS OF ABUSE</p> <p>Aim – to introduce, and clarify definitions and understanding around child abuse/child protection in a global and local context. This session also give participants the opportunity to share practical issues and dilemmas they have encountered in their own work.</p> <p>Using the IASC definitions, talk through the main ways sexual abuse and exploitation and child abuse are defined globally.</p> <p>Refer to the participants' findings from the pre-workshop assignment 2. Use the following key questions as prompts to encourage discussion in plenary and help participants in thinking through how to adapt global definitions in their own country context.</p> <ul style="list-style-type: none"> • What kinds of behaviour are viewed as acceptable treatment of women and children in one location but unacceptable elsewhere? Why is it not acceptable? For example, beating one's wife might be described as a sign of love in one culture and against the law elsewhere. • How does the community or state deal with child and spouse abuse? <p>Refer back to phrases and sayings exercise.</p> <p>Conclude by explaining that investigators need to be clear as to what abuse is and ask the group to discuss what particular difficulties this raises for them and how definitions can help or hinder them in the protection of women and children from harm. It is important that the definitions used in the IASC document are re-introduced at this stage and explained clearly. Record difficulties on the flipchart and ensure you return to them later in the programme.</p>	<ul style="list-style-type: none"> • flipchart • markers <p>Slide 11: Defining abuse</p> <p>Slide 12: Local definitions of abuse</p>

Time	Facilitator's notes	Resources
14.05 (60')	<p style="text-align: center;">WHY ABUSE IS HARMFUL?</p> <p>Aim – to engage participants in thinking about the impact of abuse and exploitation on survivors by exploring and challenging cultural assumptions and considering the consequences for children and women who experience abuse. Abusers often claim that abuse was not harmful to the survivor and that they did it for the survivor's benefit.</p> <p>Exercise</p> <p>Divide the participants into three groups. Distribute the case studies and exercise instructions (HO2_Inv_M1_S3_WhyisAbuseHarmfu.doc). Allow the groups 15' to discuss the three cases (5' per case). Ask each group to write their responses on flipchart and nominate one person to give feedback. In order to ensure that all case studies are covered, ask group 1 to start with case study 1, group 2 with case study 2 and group 3 with case study 3.</p>	<p>HO2_Inv_M1_S3_WhyisAbuseHarmfu.doc</p> <p>Inv_M1_Additional_Facilitator_Notes.doc</p> <ul style="list-style-type: none"> • flipchart • markers
14.20	<p>In plenary, facilitate a discussion identifying any consequences that have been missed. Ask the following:</p> <ul style="list-style-type: none"> • Does everyone agree? • Do you find any of the issues controversial? • What are the factors that impact on consequences (e.g. age, gender, frequency, length of time abuse continued etc.)? <p>Focus the discussion on the victim and the harm:</p> <ul style="list-style-type: none"> • Should the harm be too much to tolerate? • Should the extent of the harm be considered before action is taken? • Who defines how much can be tolerated by children or women? • Did they assume that "the colleague" in case study 1 was a man? <p>While this exercise is about vulnerability and risk, it is equally important to emphasise that victims of abuse and exploitation display resilience and rely on a variety of coping strategies to overcome abuse. An individual's capacities for recovery and survival should not go unrecognised. Moreover, despite cultural constraints, some communities have traditional healing ceremonies and strategies to help survivors that should not be ignored.</p> <p>Wrap up by emphasising that the right to protection from harm should be seen as a human right in the same way as the right to health and education. This approach is more likely to guarantee that systems will be implemented.</p> <p>If comments arise during the discussion concerning insufficient evidence to take action or staff putting themselves at risk, point out that these will be addressed in Modules 3 and 4.</p>	
15.05 (30')	<p style="text-align: center;">THE LEGAL FRAMEWORK AND SG'S BULLETIN</p> <p>Aim – to reinforce that women and children have rights and that there is a legal framework to protect those rights.</p> <p>This session will review the pre-workshop assignments and will refresh participants' knowledge of international law and the SG's Bulletin. It will also assist participants to come to an understanding that the international framework compels us to follow certain international standards.</p> <p>In pairs, ask participants to answer the questions on the PowerPoint slide 14. Give them 15' to discuss and answer questions. Take an additional 15' in plenary to have participants provide answers and discuss any comments or questions.</p>	<p>PWM2_SG's Bulletin</p> <p>PWM3_Draft Guidelines to the SG's Bulletin</p> <p>Inv_FAQ.doc</p> <p>Inv_M1_Additional_Facilitator_Notes.doc</p> <p>HO3_Inv_M1_S3_LegalFramework.doc</p> <p>Slide 13: Legal framework</p> <p>Slide 14: Legal framework quiz</p>

Time	Facilitator's notes	Resources
	<p>After 15' review the main elements of the SG's Bulletin using the Power Point slides. Help participants to find each section in the SG's Bulletin as the slide comes up on the screen. Ensure that the following points are covered from PWS3_Draft Guidelines to the SG's Bulletin):</p> <ol style="list-style-type: none"> 1. UN staff and UN-related personnel are obliged to comply with the SG's Bulletin as well as with local laws. Where the SG's Bulletin establishes a stricter standard than local laws, the standards of the SG's Bulletin prevail. <ul style="list-style-type: none"> • A staff member engaging the services of a prostitute – whether in a peacekeeping mission, in New York (where prostitution is illegal) or in the Netherlands (where prostitution is legal) – is in violation of the SG's Bulletin which prohibits the exchange of money for sex. 2. Sexual activity with persons under the age of 18, regardless of the age of majority or age of consent locally is prohibited (section 3.2(b) of the SG's Bulletin). Mistaken belief in the age of the child does not constitute a defence. <ul style="list-style-type: none"> • The prohibition on sexual activity with children does not apply where the member of the United Nations staff or UN-related personnel is legally married to someone under the age of 18 but over the age of majority or consent in their country of citizenship (section 4.4 of the SG's Bulletin). The legality of a marriage for the purposes of SG's Bulletin is to be determined by reference to the law of nationality of the member of the United Nations staff or UN-related personnel. 3. The SG's Bulletin applies to all NGO partners of the UN (section 6). It also applies to all internationally and locally-recruited staff of the UN, including staff of separately administered organs, funds and programmes of the UN. 4. The SG's Bulletin also applies to all categories of UN peacekeeping personnel (General Assembly resolution 59/300 of 22 June 2005): <ul style="list-style-type: none"> • military members of national contingents • experts on mission, including police officers, corrections officers and military observers • members of national uniformed police units • non-UN entities or individuals who have entered into a cooperative arrangements with the UN, including contractual arrangements with interns, international and local consultants, and individual and corporate contractors • UN volunteers <p>For further clarification, consult the Inv_FAQ.doc and PWM3_Draft Guidelines to the SG's Bulletin.</p>	<p>Slides 15-19: SG bulletin</p> <p>Slide 20: Causes for concern</p> <p>Slide 21-24: SG Bulletin</p>
15.35	BREAK	

Time	Facilitator's notes	Resources
<p>15.50 (50')</p>	<p style="text-align: center;">SEXUAL OFFENDING BEHAVIOUR</p> <p>Aim – to establish some of the facts known about sexually offending behaviour and identify myths and risks in relation to abusers.</p> <p>Introduce the subject area by acknowledging that this is a difficult subject for everyone regardless of whether they, or people they know, have had previous difficult experiences associated with sexual abuse. You may like to go back to your ground rules at this point to ensure that everyone is comfortable about proceeding.</p> <p>Exercise</p> <p>Initiate a very brief exercise before showing the slides. Ask the group to word storm who they think an abuser might be and some characteristics. The impact of the stereotypical image of “dirty men” in raincoats or foreigners as abusers needs to be dispelled if beneficiaries are to be protected. The perception that institutional abuse of beneficiaries is “great evil” and “sick” tends to support the observation that sexual offenders have characteristics which set them apart from “normal” human beings. The dangerous inference of this perception is that, by implication, individuals who would seek to sexually abuse should therefore be immediately identifiable to the outside world. This suggestion that perpetrators are easy to identify is at odds with the reality.</p> <p>Using the slides and further literature or experience, give a brief description of the model/cycle of abuse and discuss the slides on child sexual abusers to dispel myths about abusers.</p> <p>It is impossible to effectively intervene in a process, which you do not understand. For professionals working in this area of sexual abuse and exploitation it is important to understand how abuse works. If you are investigating a complaint of sexual abuse, not understanding the process can have significant consequences. This is particularly important within the context of humanitarian aid situations where it is likely that investigators will have access to alleged perpetrators in order to elicit information. Securing evidence and a reliable investigation will enable disciplinary proceedings and other safeguarding measures to be implemented.</p> <p>Prior to the development of theories about the nature of sexual offending, a common view of such behaviour was of uncontrolled inexplicable urges. As work progressed with adults and adolescents who use sexually abusive behaviour, it became clear that in fact the behaviour is planned, deliberate and occurs in cycles involving unacceptable responses to situations or interactions. These responses are very much based around distorted perceptions of power and control which become sexualised. They are represented as occurring in cycles because of the repetitive and ongoing nature of the sequence of behaviour.</p> <p>Although there are several theories or “models” that are in widespread use, they mostly share common themes relating to the sequence of behaviour. The abuser may have past experiences or personality characteristics that lead to sexual fantasies involving children or vulnerable people. This may be because the vulnerable adult or child meets some important emotional need or other source of sexual gratification not normally available. These are known as dysfunctional responses. Something may then trigger an intention to act on the fantasy and the intended victim will be targeted. Fantasy is usually accompanied by masturbation, which in turn has a disinhibiting effect on the potential abuser.</p> <p>Consider and talk through Finkelhor’s four pre-conditions to sexual abuse from <i>Child sexual abuse; new theory and research</i>.¹ Explain that</p>	<ul style="list-style-type: none"> • flipchart • markers <p>Slide 25: Why do we want to understand</p> <p>Slides 26-27: What is known</p> <p>Slides 28-29: Sex offenders may be</p> <p>Slides 30-32: Why do sex offenders abuse?</p> <p>Slide 33: Sexual abuse cycle</p>

¹ Finkelhor (Dr. David Finkelhor is Director of the *Crimes against Children Research Centre (CCRC)*, in the USA which is dedicated to studies about the nature and impact of a wide variety of offences against juveniles, including homicide, rape, child abuse, peer violence, family abductions and the exposure of children to domestic and community violence).

Time	Facilitator's notes	Resources
	<p>an abuser has to get over the hurdles before the abuse takes place. This process can take a very long time or be completed in an instant, depending on where the abuser is on the cycle. If he has abused before, the internal inhibitors may no longer be a barrier. However, a different victim may present more resistance than the last.</p> <p>Exercise Ask the group what the internal inhibitors are and how abusers overcome them. Ask them to call out their responses and write up onto a flipchart. This can be a very important realisation for people in recognising that safeguards can be effective in preventing abuse. Participants' responses should include: fear of being caught, conscience or morality, religious beliefs etc.</p> <p>Then ask the group to think about what "external inhibitors" might be and how abusers overcome them.</p> <p>A good parallel example is a dieter who wants to eat chocolate (use Finkelhor's diagram to describe the process). First, it is a fantasy and the conscience knows it is wrong. The dieter overcomes the internal moral voice by thinking:</p> <ul style="list-style-type: none"> • one piece won't do any harm • no one will know • it is OK just this once and/or • I deserve this as I am usually so disciplined. <p>Once the dieter has eaten the piece of cake and knows how good it is, it is easier to break the diet the next time.</p> <p>Grooming "Grooming" refers to the way in which the potential abuser will organise the environment in order to gain maximum access to the intended victim with minimum risk of discovery. This will involve gaining access through proximity as well as emotional engagement through friendship or shared interests as way of overcoming a victim's possible resistance.</p> <p>It is important to remember that abusers do not just "groom" the victim. They also "groom" other people i.e. colleagues who believe "he couldn't possibly do that," parents who trust the abuser, their own family members. Grooming of an organisation is also possible, for example, when organisations choose to use language such as "transactional sex" instead of referring to sex with children as child sexual abuse.</p> <p>Barnado's 1998 report <i>Whose daughter next? Children abused through prostitution</i>, in considering commercial sexual exploitation in the UK, suggested a four stage process when adults prey on the vulnerability of women and children in order to take and maintain control over the victim's lives. Ask the group to suggest from their experience or knowledge examples of how offenders might behave in these stages or give your own.</p> <p>With boys and young men, entrapment often comes through the abuser providing them with treats, games, fun activities and then subsequently grooming the victim for sex or as rape targets. Whereas with girls and young women, adult abusers often feign the fulfilment of emotional needs or love.</p> <p>Abusers often befriend adults and children who need emotional support and/or are facing difficulties. They are very skilled at identifying victims who may be particularly vulnerable. They may choose a child who is disabled or unable to communicate well, already a victim of abuse, lonely or lacking in confidence, too trusting or just eager to please and succeed at a particular activity. In refugee situations the number of people who are potential victims increases.</p>	<p>Slide 34: Pre-conditions to sexual offending</p> <p>Slide 35: Inhibitors exercise</p> <p>Slide 36: Grooming</p> <p>Slide 37: Four stage process to entrapment</p>

Time	Facilitator's notes	Resources
	<p>The fourth stage of entrapment, "total dominance", suggests the girl/boy/woman is prepared to do anything to maintain the "relationship" e.g. have sex with other men; or recruit others to "work" for the offender. For example, a teacher in humanitarian crisis situations may be able to force boys to bring their sisters or mothers for sex in return for receiving their grades.</p> <p>Abusers will make sure that the victim does not tell other people about the abuse. Some ways they do this are by threatening them with violence and intimidation or threatening to harm others that the victim is close to, and making victims feel it is their fault. Professional people who are perpetrators of abuse will often use "entrapment" methods to enable them to abuse vulnerable people. In the context of humanitarian aid, offenders may create dependency by providing food or financial reward. Children in particular are vulnerable to grooming as they are "silenced" by a number of factors, some of which may involve actual threats or bribes but more often are subtle and play on the fears a child has about the results of telling or of not being believed. In time the child is seen as contributing or consenting to their own abuse by the perpetrator, by not telling or not "saying no". Vulnerable women in camps or in situations of extreme dependence will go through similar experiences. This all contributes to the "thinking distortions" of the perpetrator who is most concerned to minimise or deny their actions at this stage. They will tell themselves that the victim did not complain and therefore consented as this counteracts any feelings of genuine remorse or guilt. They may further rationalise their actions as being "provoked by the child", "conducted under the influence of drink" or that it uncharacteristically "just came over me". These are aspects of offender denial through which thus the feelings of guilt are reframed.</p> <p>The spiral of sexual abuse</p> <p>As the feelings of guilt or responsibility fade, so do the desires to repeat the behaviour increase. However abuse is not a simple cycle of repeated behaviour. Rather it can be seen it as a spiral since new phases will develop in the overall offending pattern. The spiral image can be used to help understand both opportunistic attacks and intricately planned abuse and can be applied to male and female sexual abusers of adults or children.</p> <p>Exercise</p> <p>Ask the group to look again at the external inhibitors they identified. Ask how they think an abuser may overcome these. Make the point that some sexual offenders choose to work in a particular environment or they take advantage of an environment as they may think it is more open to manipulation.</p> <p>Professionals who are perpetrators</p> <p>"Professional perpetrators" is the expression referring to abusers who belong to "recognised" professions such as doctors, teachers, social workers, lawyers. Studies focusing on the characteristics of professional perpetrators have found that they adapt to their surroundings and often commit more than one type of offence. One report by Brannan, Jones and Murch, 1993 in <i>Child Abuse Review</i>, Vol 2, pp. 271-275 asserted that perpetrators used the special features of the environment to facilitate the abuse and prevent disclosure of the abuse by the victim and other professionals. This raises questions about the potential motivation of perpetrators: are they seeking employment simply to generate opportunities to sexually abuse or are they corrupted by the power attached to their profession? Is sexual manipulation one of a variety of abuses perpetrated within an organisational situation? Further study of perpetrators in the "helping" professions is needed to better understand the motivation to sexually abuse within the work setting.</p>	<p>Slide 38: Professional perpetrators Slide 39: Distorted attitudes</p>

Time	Facilitator's notes	Resources
	<p>Myths and prejudices People who sexually abuse are often very skilled at integrating themselves into trusted positions in the community and may hold positions of authority. They operate in many ways. Some act alone, others work in organised groups. He or (less commonly she), could be a parent and have an adult heterosexual relationship. So it is important not to let myths and prejudices stop you from acting if you suspect that someone is abusing a child or vulnerable adult.</p> <p>Sexual abusers gain access to victims in a variety of ways. They will often involve themselves in activities that bring them directly into contact with vulnerable people such as (youth forums or gender programmes).</p> <p>Distorted thinking by a sexual abuser is what leads to the act of abuse. However, implementing safeguards reduces the risk of women and children being abused. We will address these factors in later modules.</p>	Slide 40: Myths and prejudices
16.40 (25')	<p style="text-align: center;">SEXUAL OFFENDER</p> <p>Aim – to give participants the opportunity to witness how abusers justify abuse and to hear an offender talk about the sexual abuse he committed. This is especially useful for participants who have never spoken with an offender or heard an offender talk before.</p> <p>Video exercise Warn the group that the video clip shows a sex offender talking about abusing children. Participants may find it disturbing.</p> <p>Show the video clip of Patrick, the youth minister.</p> <p>Give people a few moments to gather their thoughts and invite them to chat with their neighbour about their first thoughts and feelings. After 5' ask them in plenary to share their first thoughts and feelings. Write up their comments on the flipchart. Tell them that these are common reactions but also emphasise how powerful they are.</p> <p>Show the second sequence of the video. In plenary ask about the abusers "justification of abuse." How did the offender explain why he abused? How did he gain the trust of those around him in order to gain access to the children? Write up the participants' comments on the flipchart.</p> <p>Distribute HO4_Inv_M1_S4_Denial.doc to participants.</p> <p><i>(Professional Perpetrators: Sex Offenders Who Use Their Employment To Target And Sexually Abuse The Children With Whom They Work by Joe Sullivan, Principal Therapist The Lucy Faithfull Foundation & Dr. Anthony Beech, The Department of Psychology University of Birmingham, 2002)</i></p> <p>*Remind participants to re-read the IASC Protocol tonight.</p>	<p>HO4_Inv_M1_S4_Denial.doc</p> <p>Slide 41: Sexual offender video exercise</p> <ul style="list-style-type: none"> • flipchart • markers • video of a sexual abusers
17.05 (10')	EVALUATION	

ICVA/Building Safer Organisations

Investigations workshop

Additional Facilitator notes – Module 1

Defining abuse

AFN1

What is abuse? Case study

This activity is designed to:

- promote discussion
- establish that there are differences in views
- illustrate the need for guidance and procedure
- concentrate on the needs and requirements of the victim
- highlight the need for prompt action
- assist with prioritising

For the second part of the exercise, participants will be asked to rank the cases. Draw a grid as follows on the flipchart prior to the start of the session.

Ranking matrix

Group/Case	A	B	C	D	E	F	G	H
1								
2								
3								
4								

Facilitator notes

- There will always be differences of opinion on severity however “clear cut” things may seem. This is because everyone has different experiences, knowledge and skills.
- Concentrate the group on the victim, their needs and requirements and possibly on potential victims. Then consider issues pertaining to witnesses, SOC and staff.
- In essence, the exercise is one of identification and risk assessment. How participants assess risk will vary widely. For this reason, we need to have a definition and protocol.

Optional case studies: What is abuse?

- It is the general practice of international staff in your duty station to hire men and women from the refugee population as part-time domestic help. The standard practice is to provide the refugee employee with papers/work permits through the local official channels and in return the refugees work for free for the staff member who secured their papers. As they are only working part-time, they can find other jobs to earn a salary. National law requires a minimum wage for all workers in their territory.
- The community services assistant (CSA) is accused of regularly beating and abusing his wife. As a CSA, his main functional responsibility at the office is as sexual and gender based violence focal point. Your supervisor has stated that, “We must not peep through the keyhole of morality into private lives”.
- The returnee community you work with traditionally practiced female circumcision prior to the war that has engulfed their country for the last ten years. Now the population has returned from exile and the wife of your driver who is from the returnee community is reputed to be an “initiator”. While the population were in exile, most girls avoided circumcision as the families did not have the money to pay for the procedure and the community participated in awareness raising etc. on the dangers of female genital mutilation. You are told that the first “initiation” of about 100 returnee girls will take place in the next few days.

Why is abuse harmful? (checklist)

Case study 1

HEALTH	DEVELOPMENT	EMOTIONAL WELL-BEING
infertility, secondary infections, HIV, pain, wounds, scabs, scars, reduced immunity, fatigue, digestive problems, urinary and colon problems, mental illness, complicated pregnancy, death, self harm.	being unable to attend school, lack of concentration, stigma, not understanding what is happening, living with illness, living with pain, inappropriate sexualised behaviour, inability to keep safe, lack of boundaries.	guilt, poor self esteem, fear, unable to develop good relationships, confusion.

Case study 2

HEALTH	DEVELOPMENT	EMOTIONAL WELL BEING
Infection, kidney damage, broken bones, pain, bruises, scars, disability impairment or death.	Being unable to look after himself, unable to play, stigma/kudos, not learning.	anger, frustration, humiliation, poor self esteem.

Case study 3

HEALTH	DEVELOPMENT	EMOTIONAL WELL BEING
risk of sexually transmitted diseases, further pregnancy.	unable to finish schooling while caring for child, stigma, rejection by community, inability to support herself and the child.	anger, frustration, abandonment.

Legal framework

Introduction:

- Exploitation and abuse is a global phenomenon.
- Exploitation and abuse exists in most cultures.
- A WHO report on health and violence¹ stated that 20% of women and girls and 5-10% of men and boys have been subject to sexual abuse of some sort.
- Women and girls are most at risk of abuse and adult men most likely to be perpetrators. In some cultures and situations, boys are at particular risk.
- Strategies for preventing and responding to exploitation and abuse of people of concern are based on principles enshrined in international and national law, including legal instruments that refer specifically to age and gender.

International law:

- International law can be defined as “[a] combination of treaties and customs which regulates the conduct of states amongst themselves”².
- The highest judicial authority of international law is the International Court of Justice and the administrative authority is the United Nations.
- International law is breached when rights of universal application are denied through racism, sexism or on religious or other grounds.
- International law derives its authority from its **acceptance by states**. This creates a paradox from a human rights perspective as it may seem that the system is controlled by the entities it seeks to control.

Source of international law:

Customary law and conventional law are primary sources of international law.

- Customary international law** results when states **follow certain practices generally and consistently out of a sense of legal obligation**. Customary law was codified in the Vienna Convention on the Law of Treaties.
- Conventional international law** derives from **international agreements** and may take any form that the contracting parties agree upon. Agreements may be made in respect to any matter except to the extent that the agreement conflicts with basic standards of international conduct or the obligations binding UN member states under the Charter of the United Nations.

1. (International) human rights law:

*“Human rights law is a system of laws, both domestic and international which is intended to promote human rights. Human rights law includes a number of treaties which are intended to punish some violations of human rights such as war crimes, crimes against humanity and genocide. There are also a number of international courts which have been constituted to judge violations of human rights including the European Court of Human Rights and the International Criminal Court.”*³

Examples of human rights laws are:

- Universal Declaration of Human Rights (UDHR)
- International Covenant on the Elimination of all Forms of Racial Discrimination
- International Covenant on Economic, Social, and Cultural Rights
- Convention on the Rights of the Child (CRC)
- Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and the Declaration on the Elimination of Violence against Women (DEDAW)
- Convention against Torture and other Cruel, Inhumane or Degrading Treatment or Punishment
- African Charter on Human and Peoples’ Rights

¹ World Health Organisation (WHO). 2002. *World Report on Violence and Health*. WHO, Geneva.

² Gardner, Bryan (editor). 1999. *Black’s Law Dictionary*. Seventh edition. WestGroup.

³ Among the drafters were Rene Cassin, P.C. Chang, former professor at Nanking in China, Hernan Santa Cruz, a lawyer from Chile, Ribuiakar of Yugoslavia.

1. After contributions from countries all over the world, the General Assembly (GA) adopted the Universal Declaration of Human Rights on 10 December 1958. The ideas behind the UDHR can be traced way back. In particular, the relation between the individual and the state was conceptualised within the framework of social contract theory (i.e. Rousseau, Paine, Jefferson) in the 17th century, a time in which movements for freedom and dignity were often met with repression and suffering. However, the immediate background for the drafting³ was the atrocities of World War II. UDHR contains a system of rights, and it places social, economic and cultural rights on the same level as political rights. The non-discrimination clause in the UDHR, **Article 2**, applies throughout the body of human rights law and is based on the belief that “*differential treatment due to the special features of a person or of the group to which a person belongs is not in accordance with the principle of equality in rights*”.

The UDHR has the status of customary international law, as it is a resolution adopted by the GA. It is not a treaty and is therefore not subject to the requirements (and restrictions) applicable to those instruments. Thus, the UDHR is applicable to the whole world.

According to UDHR, **Article 14** “*Everyone has the right to seek and to enjoy in other countries asylum from persecution.*” (The 1951 Convention Relating to the Status of Refugees gave substance to this Article.)

Question: Is there a universal consensus about human rights? Are all human rights universally applicable? International law is breached when rights of universal application are denied through racism, sexism or on religious or other state grounds.

2. The International Covenant on the Elimination of all Forms of Racial Discrimination was adopted on 21 December 1965. According to **Article 6**, State Parties shall assure to everyone within their jurisdiction effective protection against any acts of racial discrimination, which violate human rights and fundamental freedoms contrary to that Convention, through the competent national tribunals and other State institutions.
3. The International Covenant on Economic, Social, and Cultural Rights (3) **Article 10** provides as follows:

“The States Parties to the present Covenant recognize that:

1. *The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses.*
2. *Special protection should be accorded to mothers during a reasonable period before and after childbirth. During such period working mothers should be accorded paid leave or leave with adequate social security benefits.*
3. *Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.”*

Article 2 contains the main principle for the national implementation of these rights. Under **Article 3** States Parties undertake to ensure equal rights of men and women.

4. The Convention on the Rights of the Child was drafted over a ten year period following a Polish initiative in 1979. It is one of the most widely ratified treaties in international law: Somalia and the USA are the only nations not to ratify it.

Article 3 imposes a pivotal duty in the context of SEA:

“In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interest of the child shall be a primary consideration.”

Article 19 further states:

“States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child”.

States are obliged to take effective steps to protect children from economic or sexual exploitation.

This Convention also requires states to respect the family unit as the most desirable environment for a child’s upbringing, and emphasizes that the child should have the right to *“know and be cared for by his or her parents”*.

These principles are supported by provisions in the European Convention (inhumane treatment).

5. The Convention on the Elimination of all Forms of Discrimination Against Women has been ratified by most States, but with reservations, which preserve the legal system of Sharia law for Muslim countries and, for the US, the power to deny any woman abortion or paid maternity leave. CEDAW confirms that violence against women, including sexual exploitation, constitutes a breach of fundamental human rights. According to **Article 6**, States shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation or prostitution of women.
6. The Convention against Torture and other Cruel, Inhumane or Degrading Treatment or Punishment was adopted in 1975. By 2001, 123 States had ratified or acceded to the Convention. However, the Convention remains one of the least ratified of the core international human rights treaties, despite the fact that torture is one of the most serious human rights violations.
7. The African Charter on Human and Peoples’ Rights of June 1981 contains a clause on the elimination of every form of discrimination against women and provides for the State to ensure the protection of the rights of the woman and the child as stipulated in international declarations and conventions (**Article 18**).

2. Refugee law:

Refugee law is the branch of international law, which deals with the rights and protection of refugees. The 1951 Convention and its 1967 protocol relating to the Status of Refugees introduced a general definition of the term “refugee” and formulated standards for the treatment of Refugees by States. Refugee law is related to, but distinct from, international human rights law and international humanitarian law.

3. Humanitarian law:

International humanitarian law deals with the conduct of war in relation to non-combatants. It aims to protect persons who do not, or no longer, take part in the hostilities (i.e. are not bearing arms). Further, it regulates or restricts the methods and means of warfare according to the concept of “humane treatment”.

The main treaties of international humanitarian law are:

- the four Geneva Conventions of 1949
- (Protocol I) relating to the Protection of Victims of International Armed Conflicts
- (Protocol II) relating to the Protection of Victims of Non-International Armed Conflicts

International humanitarian law is also applied when the conflict is occurring on the territory of a single State, usually between government and dissident forces (internal conflicts). Specifically, **Common Article 3** of the four Geneva Conventions obliges all parties to a “non-international” armed conflict, including dissident armed factions, to respect certain minimum humanitarian rules with regard to persons who are not, or are no longer, taking part in hostilities, including women and children⁴. The Fourth Geneva Convention

⁴ Under international humanitarian law, both during international and internal armed conflicts, children and certain women benefit from protection on two levels: first, as members of the civilian population in general, and second, as a vulnerable category deserving specific protection. Article 38 paragraph 5 of the Geneva Convention IV states that, while protected civilians should in principle receive the same treatment as aliens in time of peace, children less than fifteen years are to benefit from any preferential treatment accorded to the corresponding categories of the native population.

Additionally, in terms of general principles, Articles 76 and 77 of Protocol I make specific reference to the protection of women and children. The Parties to the conflict are to provide them with the care and aid they require.”

deals specifically with the protection of civilians and therefore has the most relevance and importance to refugee and displaced populations.

The GA Resolutions are not binding and not recognised as a source of international law. Nonetheless, they have been admitted as evidence before the International Court of Justice as *opino juris*. Through such devices, progressive claims, such as the right and protection of women and children, may be advanced more forcefully.

4. National law

See pre-workshop assignment 1.

The SG's Bulletin⁵:

The SG's Bulletin sets out the specific standards to protect vulnerable populations from exploitation and abuse. The Bulletin defines sexual exploitation and abuse, specifically prohibits certain behaviour on the part of staff and outlines the duties of managers.

It is important to emphasise why NGOs and INGOs are bound by the SG's Bulletin. The Bulletin is not a legally binding instrument, however, on the part of UN officials, there is a legal obligation to make sure that the standards of conduct as specified in section 3 are accepted in writing when entering into cooperative arrangements with NGOs partners. It then becomes contractually binding for implementation partners. Thus NGO partners are bound to the same principles as the UN through contractual relationships and are obliged to enforce the same standards for their staff.

According to section 6.2 of the Bulletin, there are legal consequences for the "entity" if it does not:

- take preventive measures against sexual exploitation and abuse
- investigate allegations of sexual exploitation and abuse, or
- take corrective measure when sexual exploitation and abuse has occurred

Those consequences may include termination of cooperatives arrangement with the UN.

The SG's Bulletin states:

"Section 3.2 In order to further protect the most vulnerable populations, especially women and children, the following specific standards which reiterate existing general obligations under the United Nations Staff Regulations and Rules, are promulgated:

- (a) **Sexual exploitation and sexual abuse constitute acts of serious misconduct** and are therefore **grounds for disciplinary measures**, including summary dismissal;
- (b) **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;
- (c) **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 any exchange of assistance that is due to beneficiaries of assistance;
- (d) **Sexual relationships between United Nations staff and beneficiaries of assistance**, since they are based on inherently unequal power dynamics, undermine the credibility and integrity of the work of the United Nations and **are strongly discouraged**;
- (e) **Where a United Nations staff member develops concerns or suspicions regarding sexual exploitation or sexual abuse by a fellow worker**, whether in the same agency or not and whether or not within the United Nations system, **he or she must report such concerns** via established reporting mechanisms;

⁵ United Nations Secretariat. 9 October 2003. *Secretary General's Bulletin on Special Measures for Protection from Sexual Abuse and Sexual Exploitation, 2003/13 (ST/SGB/2003/13)*. United Nations.

(f) United Nations **staff are obliged to create and maintain an environment that prevents sexual exploitation and sexual abuse. Managers at all levels have a particular responsibility to support and develop systems that maintain this environment.**

Section 3.3 **The standards set out above are not intended to be an exhaustive list.** Other types of sexually exploitive or sexually abusive behaviour may be grounds for administrative action or disciplinary measures, including summary dismissal, pursuant to the United Nations Staff Regulations and Rules (emphasis added)".

Encourage participants to discuss the specific elements of the SG's Bulletin.

The following should be made clear:

- All forms of sexual exploitation and abuse are prohibited whether they are listed in the SG's Bulletin specifically or not.
- All forms of sexual activity with children are prohibited except marriage to children in countries where there is a legal age of consent to marry that is under 18.
- Prostitution and visiting prostitutes is always prohibited, even when a staff member is away from their duty station and even if prostitution is legal.
- Sexual relationships between staff and beneficiaries are strongly discouraged. The question will always be whether the relationship is exploitative.
- There is a positive obligation on all staff members to create and maintain an environment that prevents sexual exploitation and sexual abuse.
- Managers are singled out as having a specific duty to support and develop systems that maintain this environment that prevents abuse and exploitation.

Are these requirements realistic? What can we do to ensure staff adhere to them and beneficiaries are aware of them?

General issues

Question: Do all survivors of childhood abuse become abusers? Is it true that that all adult abusers were abused themselves as children?

- ✓ Only 30% of people who were abused as children become abusers while 70% of convicted abusers say that they were abused as children.²

Question: Will adults who were abused as children suffer lifelong emotional harm?

- ✓ Recent study shows that people who were abused once or twice as children show no significant long term harm into adulthood when compared to those adults who were not abused. The message is that if we can stop abuse early then the long term damage can be mitigated.³
- ✓ When working with survivors of abuse and exploitation in conflict, post conflict or crisis situations, it is important to be mindful of the coping strategies survivors draw upon and resilience that enables them to manage the trauma related to these experiences. People living in crisis situations should not be viewed through a simple lens of vulnerability, but rather their capacities should be recognised and supported.

Question: Is it worse to be abused as a child than as an adult?

- ✓ All abuse can be damaging no matter who the survivor is. A recent study of consenting sex workers (i.e. prostitutes) around the world indicates incidents of PTSD equal to those of Vietnam war veterans.⁴

UN Secretary-General's Bulletin on Special Measures for the Protection from Sexual Exploitation and Sexual Abuse 2003/13 (PWM2_SG's Bulletin) (and from the draft Guidelines on the application of ST/SGB/2003/13, PWM3)

Question: Which law is binding on UN staff and staff of NGOs working in partnership with UN agencies? Is the national law or the SG's Bulletin the standard that should be followed?

- ✓ UN staff and UN-related personnel are obliged to comply with the standards of the SG's Bulletin as well as with local laws. Where the Bulletin establishes a stricter standard than local laws, the standards of the Bulletin prevail.

Question: If a staff member engages the services of a prostitute in a country where prostitution is legal, is this considered a breach of the SG's Bulletin?

- ✓ A staff member engaging the services of a prostitute – whether in a peacekeeping mission, in New York (where prostitution is illegal) or in the Netherlands (where prostitution is legal) – is in violation of SG's Bulletin which prohibits the exchange of money for sex.

¹ This FAQ document will be updated at the end of Phase II of the Building Safer Organisations project as more questions are raised. Please forward any questions for inclusion to secretariat@icva.ch

² *The Wounded Heart: Hope for adult victims of child sexual abuse*. Allender, Dr. Dan B, 1990

³ *Relation between sexual abuse in childhood and adult depression: case-control study*. Cheasty, Marese, et al, British Medical Journal, No. 7126, Vol. 316

⁴ *Prostitution Is Sexual Violence*. Farley, Melissa, Ph.D., October 2004, Vol. XXI, Issue 12, Psychiatric Times

Question: In most countries the age of consent to sexual activity is lower than 18 years. If the age of consent is younger than 18 years under national law then surely it is acceptable to have a relationship with a person younger than 18.

- ✓ Sexual activity with persons under the age of 18 is prohibited, regardless of the age of majority or age of consent locally is prohibited (section 3.2(b) of the SG's Bulletin). Mistaken belief in the age of the child does not constitute a defence.
- ✓ Staff should carry out their duties in ways that do not violate the rights of the child. The CRC states that a child is a human being under the age of eighteen years. Derogations from the CRC definition of child should be for the purposes of granting the child additional rights. Substituting a younger age for specific purposes does not make that person an adult for the purpose of that activity; rather it grants the child an additional right. In this case, for example a child of 16 or 17 is recognised as a sexual being and therefore granted the right to consent to sexual activity. Prohibiting staff from having sex with a 16 or 17 year old does not violate the right of a child of 16 or 17 to have sex.

Question: Does an employment contract that prohibits an employee from consensual sex with a child who has the right to have sex under their national law constitute an infringement of the employee's rights?

- ✓ In some countries, employment law states that employment terms and conditions cannot require a party to that contract to sign away their statutory rights and entitlements and unreasonable terms and conditions will generally be not be upheld at law. However, the age of consent creates an additional right for the child of 16 or 17; it does not create a right for adults to have sexual intercourse with children. Hence signing an employment contract that prohibits sexual activity with a child is not signing away a right or entitlement. The rights reside with the child and not the adult.
- ✓ Several countries including France, Canada and Australia have extra territorial legislation that prohibits sex with children under the age of 16 even in countries where the age of consent is lower. For example, an Australian national who has sex with a 15 year old in the Philippines, where the age of consent is 12, can be prosecuted under Australian law.

Question: In some countries, people under the age of 18 are married. Can staff marry someone younger than 18?

- ✓ The prohibition on sexual activity with children does not apply where the member of the United Nations staff or UN-related personnel is legally married to someone under the age of 18 but over the age of majority or consent in their country of citizenship (section 4.4 of the SG's Bulletin). The legality of a marriage for the purposes of SG's Bulletin is to be determined by reference to the law of nationality of the member of the United Nations staff or UN-related personnel.

Question: Does the SG's Bulletin apply to all NGO partners of the UN?

- ✓ The SG's Bulletin applies to all internationally-recruited and locally-recruited staff of the United Nations, as well as staff of separately administered organisations, funds and programmes of the United Nations. (See section 6 of the SG's Bulletin.)
- ✓ The SG's Bulletin also applies to all categories of UN peacekeeping personnel, as affirmed by General Assembly resolution 59/300 of 22 June 2005, such as:
 - military members of national contingents
 - experts on mission, including police officers,⁵ corrections officers and military observers
 - members of nationally formed police units
 - non-United Nations entities or individuals who have entered into a cooperative arrangements with the United Nations, including contractual arrangements with interns, international and local consultants and individual and corporate contractors
 - United Nations volunteers

⁵ Change in terminology was proposed by Shotton. DPKO still waiting for clarification on whether members of national formed police units in next line are considered experts on mission.

Question: How can an organisation demand staff sign a code that prohibits activity allowed by local law?

- ✓ Organisations all over the world regularly contract with staff to prohibit them or limit them from actions that would otherwise be accepted at law. For example, many organisations have a no smoking policy which prohibits smoking on office premises while smoking tobacco is legal nationally; it is prohibited for employees to accept gifts from certain counterparts while gift giving/receiving is not prohibited by national law; various services require staff to wear uniforms or conform to a standard of dress e.g. women lawyers in Australia are prohibited from appearing in court in trousers, while the national law does not comment on dress; in dangerous locations staff are prohibited from bringing their family with them, while local families live in the same location.
- ✓ Similarly, many professional bodies prohibit relationships that would otherwise be legal e.g. doctors cannot have sexual relationships with patients; teachers cannot have sexual relationships with students, etc.
- ✓ These are examples of binding employment contracts which, if breached, can lead to disciplinary measures but would not otherwise be prohibited by law. Therefore it is possible to contractually bind staff to certain types of behaviour that are otherwise legal under national law. This includes a prohibition on exchanging money for sex in countries where it is legal or prohibiting relationships with people under the age of 18 years where the local age of consent is younger.
- ✓ The issue of “consent” is also relevant. Most national laws refer to the “age of consent” or sexual acts between “consenting adults”. In most environments where aid workers live, the difference in power between aid worker and “consenting” child or adult is so great as to makes it difficult to determine whether consent is real. Moreover many professions make it clear that even where “consent” appears to have been given, consent will be deemed to have been void by virtue of a relationship of power. For example, doctors cannot have sex with patients, teacher cannot have sex with students (even at University level where students are over 18 years), lawyers cannot have sex with clients, etc. A similar argument could be made for aid workers having sex with children, and indeed in some case adults, from the beneficiary population they work with.

ICVA/Building Safer Organisations

Investigations workshop

Module 2 Facilitator notes

Factors influencing protection and abuse

MFN2

MODULE 2 OBJECTIVES:

- Describe how gender and age analysis can be used to explore who is at risk of sexual abuse and exploitation.
- Explore the causes of violence against women and children.
- Describe who might be a perpetrator of sexual violence.
- Examine the risks that actors in an investigation might be exposed to.
- Examine how faith and personal values can impact on the conduct of investigations.

SUGGESTED SCHEDULE

Session 1 – Gender and age analysis		Minutes allocated
08.30	Gender and age analysis – presentation and group exercise	75'
09.45	Risk and vulnerability – case study exercise	45'
10.30	BREAK	15'
Session 2 – Faith and personal value		
10.45	Faith, personal values and protection – presentation	90'
12.15	LUNCH	60'

MODULE 2 PREPARATION:

Resources	<p>Check the following equipment:</p> <ul style="list-style-type: none"> • 1 x laptop • 1 x data projector • 2 x flipcharts, 4 x blocks of flipchart paper and flipchart pens <p>Prepare the following:</p> <ul style="list-style-type: none"> • venue set-up (arrange tables) • photocopy handouts as specified below • write articles/definitions from international laws that specifically establish women and children’s rights to protection on flipchart paper as per page 3 of inv_m2_main_facilitator_notes • write up Faith, personal values and protection questions on flip-chart page. See Inv_M2_Main_Facilitator_Notes.
Handouts	<p>Photocopy 1 per participant:</p> <ul style="list-style-type: none"> • HO5_Inv_M2_S1_DefiningTermsandFaith.doc • HO6_Inv_M2_S1_BoysGirls.doc • HO7_Inv_M2_S1_Risk_M2.doc • HO8_Inv_M2_S2_Faith.doc • Inv_M2_ppt.doc (3 slides per page, distribute at beginning of Module)
Additional facilitator notes	<p>The following document gives guidance on key messages to be elicited from the exercises.</p> <p>Inv_M2_Additional_Facilitator_Notes.doc</p>

Time	Facilitator's notes	Resources
08.30 (75')	<p>Remind the group conducting today's evaluation of their task.</p> <p style="text-align: center;">GENDER AND AGE ANALYSIS</p> <p>Aim – to explore concept that different risks exist for women and children based on age and gender and that these factors impact on any investigation and to identify that gender and age are major factors in creating additional risks for displaced persons.</p> <p>Introduction Review the session on international law, specifically highlighting that it establishes the rights of women and children to protection from violence, including physical, sexual or mental violence, maltreatment, exploitation and abuse.</p> <p>(Have these articles/definitions clearly written on flipchart paper at the front of the room, see below.)</p> <ul style="list-style-type: none"> • UN Declaration on the Elimination of Violence against Women - 1993 "Any act of gender based violence that results in, or is likely to result in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in the private life" • Convention on the Rights of the Child Article 19.1 "protection from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parents, legal guardians or any other person who has the care of the child". <p>These laws were developed as a direct result of a gender/age analysis of violence against women and children and in recognition that existing laws did not address the problem.</p> <p>Distribute HO5_Inv_M2_S1_DefiningTermsandFaith.doc to all participants as a guidance for the presentation.</p> <p>Exercise - Vulnerability of women and children to abuse and exploitation (1) Divide the participants into groups of 3-4. Give 5 minutes to briefly discuss the following question:</p> <ul style="list-style-type: none"> • Why are there specific international laws that refers to the protection of women and children from violence abuse and exploitation? <p>After 5' ask the participants to remain in their groups but discuss in plenary the reasons for specific protection of children and women.</p> <p>Children are at greater risk of exploitation because of their:</p> <ul style="list-style-type: none"> • physical status – smaller, less powerful, less strong, less able to resist ill treatment and poor health • societal status – unable to provide for most basic needs and exercise most basic rights e.g. food, shelter • developmental status – less emotional comprehension, developing conscience and understanding of consequences <p>Women are at a greater risk of sexual violence, including exploitation and abuse because of their:</p> <ul style="list-style-type: none"> • traditionally subordinate status relative to men • traditional roles, responsibilities and culture • physical status, strength and exposure to sexual violence • lower economic status relative to men 	<ul style="list-style-type: none"> • flipchart • markers <p>Slide 1: BSO Slide 2: Cartoon</p> <p>Slide 3: UN declaration on the elimination of violence against women Slide 4: Convention on the rights of the child</p> <p>Slide 5: Vulnerability to exploitation</p> <p>Slide 6: Vulnerability to exploitation Slide 7: Vulnerability to exploitation</p>

Time	Facilitator's notes	Resources
	<p>Factors that increase vulnerability of women and children in circumstances of displacement:</p> <p>Anyone can be at risk of exploitation, but the majority of survivors/victims of gender based violence are women and girls. In one large UN agency, 99% of victim complainants of abuse and exploitation were women or girls. It should be noted that boys (and some men) may also be targeted for sexual abuse and exploitation. However, given the social taboos that may exist regarding homosexuality, it is often difficult for them to come forward and complain. The concept of gender violence applies equally to girls and boys as violence against children can be gender violence. For example, a Save the Children UK study showed that 91% of murders of street children in Guatemala in 2001 were boys while in the UK 21% of girls have experienced sexual abuse and 11% of boys.</p> <p>Conversely, the perpetrators or SOCs of sexual abuse and exploitation are most often men. In 1995 and 1996, between 1% and 2% of convicted sex offenders in the UK were women. (Marcus Erooga, 2002, <i>Adult Sex Offenders</i>, NSPCC). In the UN, approximately 1% of subjects of allegations of abuse and exploitation were women.</p> <p>Exercise – Gender and sex</p> <p>In their groups, give participants 5' to discuss what they understand as the difference between "gender" and "sex" and the meaning of gender roles.</p> <p>In plenary provide the participants with the following answer:</p> <p>Sex – refers to biologically determined differences between men and women that are universal.</p> <p>Gender – refers to the social differences between men and women that are learned, changeable over time and have wide variations both within and between cultures. The term gender generally refers to:</p> <ul style="list-style-type: none"> • the socially constructed and culturally determined characteristics associated with women and men, boys and girls; • the assumptions made about the skills and abilities of women and men based on these characteristics; • the conditions in which women and men live and work; • the relations that exist between women and men, and how these are represented, communicated, transmitted and maintained. This includes sexual and social relations, and relations of power and control based on gender <p>Plenary discussion - Boys and girls</p> <p>Initiate a discussion on the theme by asking the following questions:</p> <ul style="list-style-type: none"> • When a child is born, what is one of the first questions that we ask when we hear that a friend or colleague has just had a baby? Answer: Is it a boy or a girl? • Why do we ask that question? Answer: One of the reasons we ask that question is because we are unconsciously already starting to map the social path of that child. We already have expectations for that child based on whether it is boy or a girl. In some cultures, a different value is placed on boy and girl children. Ask participants for examples. <p>Examples: a midwife might be paid more if a boy is born, a girl child may be killed, a girl child may be denied food as she is not as valued, birth of a girl child may be seen as "bad luck", boys grow up to support families. In some countries the birth of a boy is cause for celebration, while that of a girl may be a disappointment. Are there any cultures where the birth of a boy is a disappointment?</p>	<p>Slide 8: Definitions</p> <p>Slide 9: Boys and Girls</p>

Time	Facilitator's notes	Resources
	<p>Exercise – Age analysis</p> <p>In pairs ask the participants to think of an occasion as a child where they were unjustly treated. For example, blamed for something they did not do or forced to wear something they hated.</p> <ul style="list-style-type: none"> • How did this make them feel? • What mechanisms did they have for complaints? • Were they believed? • Did an adult apologise? <p>Allow participants to brainstorm, and record answers on a flipchart. Briefly summarise the answers of the participants and highlight key points.</p> <p>What are the additional risks for children?</p> <ul style="list-style-type: none"> • physical status • social status • development status • economic dependency <p>The child will have no way to complain except through a trusted adult.</p> <p>Plenary discussion on “Gender in the context of exploitation and abuse of people of concern”</p> <p>Initiate a short discussion in plenary by asking the following: We have talked about how gender and age constructs affect each of us, but what do these constructions have to do with displaced populations? More specifically:</p> <ul style="list-style-type: none"> • How does gender and age impact the possibilities of being abused or exploited? <p>Gender affects the lives of people living in crisis, and our work with them. Specifically:</p> <ul style="list-style-type: none"> • Refugee men and women, and children’s different positions in the family and community affect their access to protection and assistance programmes, control over resources and therefore their ability to complain when they are abused or exploited. • Roles often change in refugee situations, as refugee women and children may be providing for themselves and their families without the support of male spouse or adult relatives; this too can make them vulnerable to exploitation. <p>Males and females are different but these differences can never be accepted as the basis for discrimination. “Respect” for culture should never be used as an excuse for ignoring abuses of women and children.</p> <p>Why use gender and age analysis?</p> <p>(1) Provides systematic investigation of the differential impacts of development (and humanitarian assistance) on women and men, boys and girls.</p> <p>(2) Allows examination of a social process which considers the roles played by women and men, including issues such as the division of labour, productive and reproductive activities, access to and control over resources and benefits, and socio-environmental factors that influence women and men.</p> <p>(3) And assesses the relationships between men and women and how violence against women and children cuts across other categories such as poverty, caste, social class, race, culture and disability.</p>	<p>Slide 12: Why use gender and age analysis</p>

Time	Facilitator's notes	Resources
	<p>Summary of the root causes of violence against women and children:</p> <p>(1) Culture</p> <ul style="list-style-type: none"> • Cultural beliefs that socialise girls and boys into different gendered roles. • Practices that impact differently on boys and girls, men and women, benefiting some groups and disadvantaging others. • Other social structures such as race, class and religion are instrumental in the incidence of abuse or exploitation and reinforce vulnerabilities that exist because of age and gender roles <p>(2) Unequal power relations and cycles of oppression.</p> <ul style="list-style-type: none"> • Well documented global phenomenon that men in general have power and control over women and children and often maintain this through violence. • Adults have power over children. • Violence and abuse perpetuate inequalities in interpersonal relationships and reinforce structures that enable violence against women and children to continue. This creates a cycle of oppression that causes, produces and reproduces violence against women and children. <p>(3) Poverty and displacement</p> <ul style="list-style-type: none"> • Poverty and underdevelopment are also facilitating factors in the abuse and exploitation of women and children, trafficking of women and children for sale, prostitution and pornography. 	<p>Slide 13: Root causes of violence affecting women and children</p> <p>HO5_Inv_M2_S1_DefiningTermsand-Faith.doc</p>
09.45 (45')	<p style="text-align: center;">RISK AND VULNERABILITY</p> <p>Aim – to examine the different risks that the various actors in an investigation into sexual abuse and exploitation can be exposed to, taking gender and age into account.</p> <p>Using the slides talk through the risks and vulnerabilities of conducting an investigation.</p> <p>Exercise</p> <p>Hand out the case study (HO7_Inv_M2_S1_Risk.doc). Divide the participants into small groups of 3 or 4 and using the list, ask them to discuss and draw out the issues of risks and vulnerability for each.</p> <ul style="list-style-type: none"> • What factors put each party at risk i.e. age, gender, poverty, displacement? • What are they at risk of or vulnerable to? <p>Tell them that you will ask for feedback and to jot down responses on a flipchart.</p> <p>Return to plenary and take feedback. Ask for any questions etc. Do not ask for feedback from every group for each actor listed but divide them up between the groups and ask the other groups to add points they had identified.</p>	<p>HO7_Inv_M2_S1_Risk.doc Inv_M2_Additional Facilitators_Notes.doc Slides 14-19: Risk</p>
10.30	BREAK	
10.45 (90')	<p style="text-align: center;">FAITH, PERSONAL VALUES AND PROTECTION</p> <p>Aim – for participants to consider the issues within faith communities and religious belief systems which can influence the effective protection of women and children.</p> <p>Introduction</p> <p>This session is included in the Building Safer Organisations project as a significant number of organisations working with people in crisis are faith-based or have religious origins. The session is about considering what factors within faith and religious systems and communities affect how vulnerable people are protected. It also looks at how our own faith and beliefs will impact on our managerial role.</p>	<p>HO5_Inv_M2_S1_DefiningTermsand-Faith.doc Inv_M2_ditional Facilitators_Notes.doc</p> <ul style="list-style-type: none"> • pre-prepared flipchart • markers <p>Slide 20: Faith, personal values and protection</p>

Time	Facilitator's notes	Resources
	<p>Some of the participants will be working for agencies who have a strong faith-based purpose or origins or in countries where national law is the codification of religious norms, such as Sharia law. They need to think about the information in this module in relation to the value systems of their employer or host country. In addition, individuals will have personal value and belief systems which may or may not be consciously shaped by faith and religion and may be different to those of the organisation they work for.</p> <p>Faith and religion impact on almost all areas of most societies. Even if individuals are non-practising or do not identify themselves with any faith or religion their lives will still be influenced by religion in some form. For example, in many places shops are closed on Sunday as the Christian teaching requires Sunday be a day of rest. Often legal systems are shaped by religious teachings and value systems.</p> <p>For this presentation, the term “faith community” is used to encompass any setting where religious beliefs give direction to an activity or way of life. This may be within a formal place of worship, an organisation affiliated to a faith or individuals or groups of people who follow a faith. Terminology such as Church or God will be used generically to apply to any place or system of worship or deity.</p> <div data-bbox="272 857 1088 1102" style="border: 1px solid #0070C0; padding: 10px; margin: 10px 0;"> <p>This session is drawn from research by the theologian and scholar, the Rev. Dr. Roman Paur of the Inter Faith Sexual Trauma Institute from experience in the UK, USA, and Australia. However, it is suggested that the issues apply across all denominations and religions. Discussions during earlier workshops with participants of almost all faiths support this view; though, there is limited analysis from other countries.</p> </div> <p>Everyone is entitled to their personal beliefs. Reassure the group that this session is not about “testing” them or questioning their beliefs. No human is ever completely neutral - gender, age, experience and our beliefs will always come into play in how we process information and make decisions. What we want to encourage is that participants think about their personal beliefs and how these may influence their judgements. Having an opportunity to consciously consider our values as individuals will better enable us to manage and investigate issues of abuse and exploitation in the workplace.</p> <p>It will also encourage thinking about how faith and religion may influence conducting an investigation, obtaining evidence, working with communities and preventing abuse.</p> <p>Refer to HO5_Inv_M2_S1_DefiningTermsandFaith.doc when appropriate.</p> <p>The context</p> <p>One of the primary lessons from research and experience is that a failure to protect vulnerable people from abuse and exploitation is grounded in an institutional and social context that allows misconduct to happen. Abuse occurs not because of the weakness of one person but because there is a context that permits it to happen and go unchallenged. Faith and religious communities provide a specific context which should be examined in order to identify factors which create opportunities for abuse and offending. Only by examining these factors, is it possible to create or strengthen a protective environment i.e. where faith or religion plays a part it will help to shape the protective environment at every level including recruitment and selection, direct services and contact with women and children, management and strategic planning, pastoral care and support to those who have been harmed, handling of offenders and interactions with communities.</p>	

Time	Facilitator's notes	Resources
	<p>Familiarity with the specific context and how faith and religious beliefs influence it can help to inform our understanding of abuse and how it can be prevented. To do so we think about these issues on the following levels:</p> <ul style="list-style-type: none"> • the organisation • the individual • the wider community/external factors <p>(1) THE ORGANISATION</p> <p>The main aspects to consider with regard to the context of faith communities are:</p> <p>Relationships and perceptions of women and children</p> <p>This refers to how relationships within the faith community are perceived. For example, how does the community perceive child/adult, adult male/adult female, child/child interaction? Is the child considered an individual with human rights? For example, in some faith communities children are seen as needing strict discipline so as not to go astray. How is original sin understood? For example, in some communities women are held responsible for sexual purity. Do women have specific roles in the community? For example, in some communities women are not included in decision-making.</p> <p>Illustration</p> <p>Victoria Climbié from Ivory Coast came to UK aged 8 to live with an aunt. At the public inquiry into her death, the pastor of the church her aunt belonged to testified to advising the aunt that Victoria was possessed and that physical chastisement and fasting could rid her of the demons. The pastor stated that Victoria's aunt misunderstood the advice and beat, tortured and starved the child to death. The pastor was aware of allegations that the aunt's boyfriend was sexually abusing the child but ignored these as he felt the child was unattractive and would not instil lust. In addition, social services workers who saw the child on several occasions attributed her silence and rigid comportment to cultural values of respect for authority.</p> <p>Social structure – the inter-relationship between society, culture and religion</p> <p>Religious values are linked to the culture and values of the wider society. There are very few societies which are completely impervious to religious attitudes especially in relation to sexuality and sexual behaviour. In some cases, societies will not bring themselves to challenge the integrity of religious leaders or their representatives. For example, an offending leader may be described as warm, friendly, outgoing, engaging, magnetic and caring by the media, in the courtroom and by witnesses as it is part of the cultural norm to attribute these characteristics to a person in such a role.</p> <p>The language within theology can also suggest social deference to a representative of the faith, giving leaders and representatives heightened status resulting in disbelief that they could abuse and reinterpretation of the act. For example, representatives of a faith could not possibly be abusers, therefore an Imam must have been seduced by a member of the community or a lay preacher's attempts to help a child must have been misunderstood. Even in societies where some religious leaders have been exposed as abusers, such as USA and UK, there is still resistance to challenging society's deference to church leaders.</p> <p>Similarly, in order to avoid appearing prejudiced, secular agencies sometimes do not question abusive practices which have been justified on religious grounds. For example, aid workers may not challenge local teachers beating children because they consider it to be a cultural norm.</p>	<p>Slide 21: Faith, personal values and protection the context</p> <p>Slide 22: Faith, personal values and protection the organisation</p>

Time	Facilitator's notes	Resources
	<p>Equally, societal attitudes impact on attitudes within a faith community. Western societies have seen changing attitudes towards sexuality, the emancipation of women, divorce and contraception. These changes have had an impact on faith communities. For example, until recently child sex abuse was not recognised in many western societies, including the UK, as it was felt it was not possible. As a result church communities did not report such abuses. Now it is not seen as a crime no matter who the perpetrator is. Similarly, women did not have a role in government until relatively recently. Now women are represented in most arenas of social life and now have the possibility of being ordained as ministers in some faith communities.</p> <p>Social structure question: What are the social factors that influence faith communities and what elements of faith influence society?</p> <ul style="list-style-type: none"> • Politics – political regimes, values of law makers. For example, when a country feels insecure, there is a tendency towards conservative religious thinking. • Economy – state of society's economic well-being. Economic adversity can lead to a change in roles within families. This can result in women working outside the home when this was not previously sanctioned. Alternatively, it can result in women being discouraged from taking jobs from men who are more traditionally considered as the "head of the household" or "provider". • Science and knowledge – new information and understanding. Scientific discoveries can result in changes in thinking and beliefs. <p>Beliefs – the beliefs that the faithful adhere to. For example, the language of the Christian faith identifies that there is good and evil as well as sinners and the sinned against. This implies a level of acknowledgement that evil and bad people exist. On the one hand, this can be interpreted in extreme cases as a view that sexual abuse is part of "life" and that if all sin is equally bad in God's eyes¹ then the abuser will not be seen as having done something worse than the person who steals from donations made by members of the group.</p> <p>On the other hand, it could be interpreted as meaning that people who abuse children are outside of the faith community and by not following the values of the religion, have strayed and need be spiritually "saved".</p> <p>Management tradition – how faith communities manage allegations of abuse, offenders and survivors of abuse. In many faith communities, if misconduct or failure to protect is discovered the offender is moved to another position within the faith community. Many faiths have strong beliefs that redemption and forgiveness absolve people of their wrong-doings. In some religions this is interpreted as meaning that offenders can seek absolution through confession and repentance, after which they can continue to work with vulnerable people as if they never "sinned". For example, a priest who is the subject of an allegation of abuse is moved from his parish to be the priest elsewhere.</p> <p>Management tradition impacts on how victims of abuse by religious leaders are treated. In some cases they may be blamed as "seducers". Alternatively, survivors of abuse might be encouraged to find resolution for their pain and suffering by forgiving the perpetrator. In other cases, faith-based groups have also set up support networks for survivors of abuse in the community, recognising that they have suffered and backing their efforts to seek redress.</p>	<p>Slide 23: Faith, personal values and protection social structure question</p>

¹ For example within Christianity, sexual abuse can be attributed to our "fallen nature", and the universal condition of humankind summed up in the Bible Romans 3.23 that "all have sinned".

Time	Facilitator's notes	Resources
	<p>Whether or not individuals practice a faith or religion, his/her life and beliefs will at some level be touched if not shaped by religion. The media and society constantly influences individuals through providing news and information about faith groups, often inaccurately. As individuals investigators should take time to stop and think about their personal values and the views and opinions they hold about different religions. It is challenging to maintain objectivity when faith or personal values are concerned. Ask the group how they manage their religious beliefs when they are in conflict with situations that arise in their professional life?</p> <p>Exercise – Values and attitudes Ask the group to complete the question sheet, HO8_Inv_M2_S2_Faith.doc. Tell them that their answers can remain private if they wish. The purpose is to begin to explore their values and beliefs. Instruct them to answer the questions based on their first reaction. It may cause a range of feelings so people need to be reassured about the learning principles and working safely together. They will then be asked to go into pairs or small groups with people they are comfortable with to discuss their reactions and thoughts.</p> <p>Give the pairs 10' to discuss the questions.</p> <p>Bring the group to back together and ask if there were any points they wanted to raise with the whole group. How did it make them feel? Was there any discomfort? How might their responses to the statements impact on an investigation into sexual abuse or exploitation?</p> <p>When dealing with complaints that involve a faith dimension the individuals involved may also hold very different views about such topics. Therefore judgments, decisions and protecting intervention can often be influenced by these conscious or subconscious views.</p> <p>(3) EXTERNAL FACTORS AND WIDER COMMUNITY: INTERVENTIONS BY EXTERNAL BODIES SUCH AS NATIONAL AUTHORITIES, PROTECTION AGENCIES, MEDIA AND THE WIDER COMMUNITY.</p> <p>There are several factors which may affect how external bodies respond to protection concerns when faith or religion issues are involved. External bodies may:</p> <ul style="list-style-type: none"> • exhibit extreme ignorance about the faith which inhibits usual good practice • practice reverence to faith systems and religious individuals which they (consciously or unconsciously) believe are inherently non-abusive • fear being deemed discriminatory or prejudiced if they challenge a practice • fear hostile reactions including community unrest • be unintentionally disrespectful, alienating potential allies <p>External factors questions: 1) There are similarities between working in humanitarian aid organisations and faith-based communities, such as the church, mosque or faith-based NGOs. What are they?</p> <p>Answers include: trust based on position, belief that people working in these environments are motivated by good.</p> <p>2) Aid workers may find themselves in a different culture where they can be anonymous or re-invent themselves. How might their behaviour or attitudes be influenced? For example, they might have relationships they would not consider at home, might participate in risky behaviour as the environment is so different.</p>	<p>Slide 28-29: Faith, personal values and protection personal values exercise</p> <p>HO8_Inv_M2_S2_Faith.doc</p> <p>Slide 30: Faith, personal values and protection external factors/wider community</p> <p>Slides 31-32: Faith, personal values and protection external factors questions</p>

Time	Facilitator's notes	Resources
	<p>Safeguarding question: What are some of the difficulties in ensuring systems are in place to safeguard beneficiaries within the faith-based context?</p> <ul style="list-style-type: none"> • having to challenge well-established beliefs • convincing leaders to identify the risk and need for safeguards within faith communities • abusers will manipulate the context to their advantage <p>Evidence suggests that abuse will be decreased if all staff receive proper support or supervision and awareness training or training in relationships, sexuality or human development</p> <p>Conclude with practical tips for safeguarding in the HO5_Inv_M2_S1_DefiningTermsandFaith.doc.</p>	<p>Slide 33: Faith, personal values and protection difficulties</p> <p>Slides 34-35: Faith, personal values and protection safeguarding strategies</p>

ICVA/Building Safer Organisations

Investigations workshop

Additional facilitator notes – Module 2

Factors influencing protection and abuse

AFN2

Boys and girls exercise

What was the message?

Men are the breadwinners, men protect women, boys don't cry, girls can't be jockies, girls can't climb trees, girls have dolls and boys have trucks.

Who gave that message?

Mother, father, siblings, teacher, church, grandparents.

It is important that the group raises the point that it is not just men telling women what they can and can't do; quite often it is women who perpetuate limitations. In addition, children's peers perpetuate gender stereotypes. Men and women are equally responsible for passing messages. Sometimes the message is contradictory (i.e., men protect women but who do they protect them from – other men), sometimes it is positive, and sometimes it is negative.

How did the message make you feel?

Special, brave, frustrated, excluded

Point out patterns and summarise by saying that the messages can be negative for both boys and girls. For example, girls are often given messages about limiting their aspirations while boys are given messages about restricting their emotions. Both cases are frustrating and disappointing.

Risk case study

Case study

An aid worker has been accused of sexually assaulting a 14 year old girl for 18 months. The girl and her family are too scared to tell for fear of losing extra rations. The child's mother told a family friend who was so upset that she persuaded the family to tell another aid worker she trusted. The worker has followed appropriate procedures and made a referral to you.

In order to plan your investigation you need to consider the factors that put the following parties at risk:

1. the child
2. the referrer/aid worker
3. the family
4. the family friend
5. the subject of complaint
6. the organisation
7. you, as the investigator

Is anyone else at risk or vulnerable in this situation? If so who and how?

What are they vulnerable to?

Vulnerability Checklist

Child

- age, sex, gender, social mores, dislocation (if a refugee), poverty
- fear of further sexual assaults, violence, possible assaults by others, friends and neighbours comments, stigma, emotional repercussions, reaction of family, health, psychological harm

Referrer

- gender, social mores
- fear of reprisal (violence, emotional) from colleagues, isolation from peers, self-doubt, perceived as undermining a colleague or as a trouble-maker, emotional stress and strain, work pressures, fear of loss of trust, fear of loss of job

Family

- social mores, poverty, dislocation, family relationships
- violence, reprisals, threats, difficulty of caring for sexually abused child, hunger, disruption to family relationships

Family friend

- gender, social mores, poverty, dislocation
- supporting the family, emotional stress, violence and reprisals from staff and community

Subject of complaint

- gender – might be assumed that if he is a man, he is guilty, or if she is a woman that she is innocent, social mores
- employment, receipt of aid, deportation, natural justice, criminal proceedings, own family and friends, stigma within community, status, retaliatory attacks, retribution

Organisation

- working in difficult locations, working under stress, limited accountability mechanisms
- publicity, withdrawal of funding, repercussions from host nation, management of project, divisions in staff team, other suspicions, lack of co-operation by staff and other agencies, employment tribunal

You

- gender, social values, personal beliefs, faith
- stress, physical safety, colleagues suspicious of you, maintaining confidentiality, access to support, adequate resources, concerns for child and family, not being familiar with culture or family's situation

Anyone else?

Community

- social values, poverty, dislocation, dependence
- fear that international community will think badly of the refugee community and cut rations, social disintegration, blaming various community members for allowing this to happen

Faith personal values and protection

Practical tips

- Find out and use the correct terminology for:
 - the venue/building where worship takes place e.g. Church, Synagogue, Mosque;
 - the religious leader e.g. Rabbi, Pastor, Priest, Imam;
 - the name of the deity e.g. God, Jesus, Allah, Confucius, and the language of prayer.
- It is ok to say you are unfamiliar with a religion and will need some help in understanding the context of that faith.
- If concerns are raised about how children or women are treated or disciplined and it is explained that this “practice” is usual within that faith, check this out with authoritative sources. Key question to bear in mind are “What might be the impact of such a practice on a child’s development and well being?” and “How might this practice breach the rights of the woman or child involved?”

- Take account of and manage your own feelings and thoughts about different faiths and religions.
- Do not make assumptions. Many faiths and religions have very different branches which practice and believe different things. Also people who belong to a particular faith may practice their religion in different ways and adhere to only some of the religion's practices.
- Do not discriminate either by minimising your concerns in response to religious objections or by being influenced by negative or prejudicial opinions on the basis of cultural or religious relativism.
- Develop contacts with key individuals within faith communities.
- Consult a diary of faith festivals and regular days of worship.
- Consider meeting in a neutral venue rather than the place of worship.
- Consult authoritative sources for advice on religious practices and beliefs.
- Involve faith communities in planning projects and work programmes.
- Consult with the management committees or leaders of faith organisations about concerns or protection issues.
- Maintain your understanding of what harms women and children and question any practises that are harmful, no matter how they are justified.
- Research the faith of the organisation being investigated in order to be as familiar as possible with the context.

ICVA/Building Safer Organisations
Investigations workshop
Module 3 Facilitator notes
Complaints and investigation procedures

MFN2

MODULE 3 OBJECTIVES:

- Identify barriers to complaints and investigations.
- Describe the rationale for having a complaints and investigation procedure.
- Outline the principles underlying the procedures and recognise their importance.
- Identify and practise core skills used in investigations.
- Describe how to gain information and research complaints.
- Explore potential sources for evidence.

SUGGESTED SCHEDULE

Session 1 – Complaints mechanism		Minutes allocated
13.15	Barriers to complaining – group exercise	30'
13.45	Complaints mechanisms – <i>Mountainites</i> role play exercise	80'
15.05	Complaints mechanisms post role play – group exercise	30
15.35	BREAK	15'
Session 2 – Investigation procedures		
15.50	IASC Protocol – presentation	20'
16.10	Principles – group exercise then evaluation	75'
DAY 3		
Session 3 – Investigation skills		
08.30	Investigation skills – brainstorm exercise	15'
08.45	Observation – exercise	15'
09.00	Active listening – exercise	30'
09.30	Gathering information – presentation	20'
09.50	Information sources – case study exercise	45'
10.35	BREAK	15'

MODULE 3 PREPARATION:	
Resources	<p>Check the following equipment:</p> <ul style="list-style-type: none"> • 1 x laptop • 1 x data projector • 2 x flipcharts, 4 x blocks of flipchart paper and flipchart pens • video for active listening exercise <p>Prepare the following:</p> <ul style="list-style-type: none"> • venue set-up • photocopy handouts as specified below • 2 breakout rooms organised/booked for complaints mechanism case study • select the groups for the complaints mechanism role play and have their names under their group on a flipchart. See page 5 of the Main Facilitator notes • inform participants at the end of day 2 to bring the <i>IASC Model Complaints and Investigation Procedures and Guidance related to Sexual Abuse and Sexual Exploitation</i> the next day.
Handouts	<p>Spare photocopies needed:</p> <ul style="list-style-type: none"> • PWM1_IASC Protocol • PWS_A3_Man.doc <p>Photocopy 1 per participant:</p> <ul style="list-style-type: none"> • HO9_Inv_M3_S1_Mountainites.doc • HO10_Inv_M3_S1_AidWorkers.doc • HO11_Inv_M3_S1_Refugees.doc • HO12_Inv_M3_S1_RefugeeLeaders.doc • HO13_Inv_M3_S1_AdditionalInformation.doc • HO14_Inv_M3_S1_Complaints.doc • HO15_Inv_M3_S2_Principles.doc • HO16_Inv_M3_S3_HollywoodAid.doc • Inv_M3_ppt.doc (3 slides per page, distribute at beginning of Module)
Additional facilitator notes	<p>The following document gives guidance on key messages to be elicited from the exercises.</p> <p>Inv_M3_Additional_Facilitator_Notes.doc</p>

Time	Facilitator's notes	Resources
<p>13.15 (30')</p>	<p style="text-align: center;">BARRIERS TO COMPLAINING</p> <p>Aim – to give participants an opportunity to think about the reasons why people do not complain and to identify barriers to people reporting abuse.</p> <p>Split the group into pairs. If the workshop is running late, do exercise in plenary only. Ask each individual to think of a situation NOT related to child protection and SGBV where they were going to complain but then didn't. (The situation might relate to returning goods to a shop, a meal in a restaurant. They should choose something neutral as they will have to share the experience with their partner.)</p> <p>Tell the participants to relate the event to their partner and then discuss what stopped them making a complaint. Allow the pairs 10' for discussion.</p> <p>Take feedback in plenary. Ask the participants what stopped them from complaining. Record their answers on the flipchart. Encourage discussion about why these might be barriers. Identify the following issues in discussion:</p> <ul style="list-style-type: none"> • surprising in retrospect that they didn't complain • something particular about that situation that affected their capacity or will to complain • fear of reprisal • fear of losing job • feelings or emotions outside of the situation meant they did not have the energy or will to complain • thought complaint was too trivial, or that it would be perceived by others as such (explore who) • did not feel they had the right to complain • fear that they might not be believed • didn't know how or to whom to complain • time pressure or other pressing concerns • cultural issues and norms <p>Give brief presentation: tell them that this Module will look in more detail at gender, age and faith as barriers to complaining as well as other barriers. This session will include a practical exercise. Invite comment and discussion about what barriers might exist in the settings participants work in. Conclude by saying that barriers exist at all levels of the complaints process inhibiting complaint, disclosure, intervention, investigation and action on sexual abuse and sexual exploitation and implementing the IASC Protocol.</p>	<ul style="list-style-type: none"> • flipchart • markers <p>Slide 1: Module 3 intro</p> <p>Slide 2: Barriers to complaining exercise</p>
<p>13.45 (80')</p>	<p style="text-align: center;">COMPLAINTS MECHANISMS</p> <p>Aim – to better understand the barriers encountered by beneficiaries when making complaints through role play and to identify how humanitarian workers enhance or neglect beneficiary access to complaints mechanisms.</p> <p>Explain that the participants will now be doing a role play and explain the case study. Tell the participants that there are three different roles: aid workers, refugees and refugee leaders. The success of the role play will depend largely on how the groups are selected and how the time is managed. Select the groups before the session begins and have the names of participants and their groups on a flipchart. It is important to keep a tight control on time management as each group is not allocated the same amount of time for each task.</p>	<p>HO9_Inv_M3_S1_Mountainites.doc HO10_Inv_M3_S1_Inv_AidWorkers.doc HO11_Inv_M3_S1_Refugees.doc HO12_Inv_M3_S1_RefugeeLeaders.doc HO13_Inv_M3_S1_AdditionalInformation.doc Slide 3: Complaints mechanism Mountainites role play</p>

Time	Facilitator's notes	Resources
	<p>Divide the group into three.</p> <ul style="list-style-type: none"> • Group A will play the aid workers. You should select between three and five participants to take on this role. • Group B will play the refugee women and children. (Half of the total number of participants should be in this group.) • Group C will be the refugee leaders. The leaders are an all male group. <p>Handout the background information to all the participants and move them to three separate physical locations (breakout rooms). They should not be able to hear each others deliberations or see each other. Allocate 10' to read the handouts. The groups can read the background materials while you hand out the role descriptions to each group. Start with group A, the aid workers. Explain the timing and the task clearly and answer any questions. Then move to the leaders and finally the women and children.</p> <p>Stick to the timing outlined meticulously. Give the aid workers as much time as needed to read the case study, 15' to decide on how to proceed with their task and 15' to meet the refugee leaders. 10' into the meeting between the aid workers and the refugee leaders, give one copy of the HO13_Inv_M3_S1_AdditionalInformation_Inv.doc to an aid worker.</p> <p>When the time is up, bring the groups back together and ask them to explain to each other their roles and tasks so that everyone understands what happened/did not happen. Also ask them to report back on how they felt during and after the exercise.</p> <p>There are several possible outcomes; all of which make valid and useful learning:</p> <ul style="list-style-type: none"> • The aid workers will run out of time and not complete any of the tasks required. • The aid workers will not speak to either of the refugee groups. • The aid workers will complete part of the task but only speak to the leaders. • The aid workers will not receive any information on the domestic violence or the allegations of abuse by a colleague. <p>All of these are realistic reflections of what happens in crisis situations and illustrate the difficulties of enabling beneficiaries to have access to make complaints.</p> <p>Ask the participants to reflect on both the exercises and to reconsider what the barriers are to making complaints.</p>	
<p>15.05 (30')</p>	<p style="text-align: center;">COMPLAINTS MECHANISM POST CASE STUDY</p> <p>Aim – to gain an understanding of the core principles of a functioning complaints mechanism and to identify what stops beneficiaries from reporting allegations of abuse and exploitation.</p> <p>In plenary ask the groups to discuss the question: “What are the obstacles to beneficiaries complaining?” Some possible responses are: illiteracy, language difficulties, access, culture, gender, safety and security of victim, staff and subject of complaint, shame, fear of expatriates, current conditions such as war, famine, fear of reprisal, fear of getting it wrong, fear that source of income (maybe to sustain life) will be cut off, fear of losing job, status, cultural issues and norms (it is seen as acceptable practice in the country/region), belief the abuse was too trivial or would be perceived by others as such, fear of or respect for senior employees or ex-patriots, lack of knowledge about how or to whom to complain, lack of support mechanisms (isolation from the community), age (children are much less likely to report).</p>	<p>Slide 4: Barriers to children...</p> <p>Slide 5: Why adults do not hear</p> <p>Slide 6: Myths about abuse of the disabled</p>

Time	Facilitator's notes	Resources
09.45 (45')	<p>Write the responses on a flipchart that is divided into four columns. Do not tell them what the columns represent but write responses under the four following heading: barriers from within the individual complainant, barriers from their culture, institutional barriers, and barriers created by aid workers.</p> <p>During the discussion, try to get participants to recognise that the institutions we work for and we ourselves as aid workers put in place barriers too.</p> <p>In plenary ask the whole group:</p> <ul style="list-style-type: none"> • "What are the core principles in developing a complaints mechanism?" • "How can you implement a functioning complaints mechanism?" <p>Refer back to the work the participants did in pre-workshop assignment 3.</p> <p>After the exercise, mention the advantages of implementing codes of conduct, reporting protocols and best practice guidance, namely:</p> <ul style="list-style-type: none"> • Protection for women and children. Those who have suffered sexual exploitation/abuse can be protected and the rigorous application of such protocols acts as a preventative measure. • Protection for staff. By implementing a code and the IASC Protocol staff will understand the organisation's expectations about their behaviour and what to do if they observe or are made aware of inappropriate behaviour on the part of others. • Protecting the organisation's reputation. By implementing these protocols NGOs are making clear their commitment to protect the rights of women and children by doing whatever is possible to prevent sexual exploitation and abuse. A code of conduct and supporting protocols will ensure that NGOs move towards best practice and deter those who wish to abuse beneficiaries from joining the organisation. 	<p>Slide 7: Core principles HO14_Inv_M3_S1_Complaints.doc</p> <p>Slide 8: The advantages of ensuring implementation</p>
15.35	BREAK	15'
15.50 (20')	<p style="text-align: center;">IASC PROTOCOL</p> <p>Aim – to demonstrate the importance of having a complaints and investigation procedure.</p> <p>Ask participants to take out their copy of the IASC Protocol and refer to the pre-workshop assignment 3, PWM1_IASC Protocol and PWS_A3_Man.</p> <p>In pairs ask them to discuss:</p> <ul style="list-style-type: none"> • one thing that surprised them • one thing they think is good about the IASC document <p>Allow 10' for discussion and sharing in plenary.</p> <p>Give a brief presentation on IASC Protocol using the PowerPoint slides. Discuss why it is important to have complaints and investigation protocols, the aim of the IASC document and what it clarifies.</p> <p>Before closing, review the structure of the document:</p> <p>Introduction</p> <ul style="list-style-type: none"> • Purpose and applicability • Benefits • Principles • Management responsibilities <p>Making/receiving complaints</p> <ul style="list-style-type: none"> • Referral and reporting mechanisms • Complaint referral chart 	<p>PWS1_IASC Protocol PWS_A3_Man.doc Slide 9: When Ma asked me...</p> <p>Slide 10: Why have a complaints and investigations... Slides 11-13: IASC Protocol</p>

Time	Facilitator's notes	Resources
17.25 (10')	EVALUATION	
	Remind participants to re-read and bring the IASC Protocol tomorrow.	
	DAY 3	
08.30 (15')	IDENTIFYING INVESTIGATIVE SKILLS	
	<p>Aim – to identify core skills required for investigating complaints.</p> <p>Explain that the purpose of this session is to identify various skills for investigators. Inform the group that they are likely to have the necessary skills to undertake the role of investigator, but they need see their skills in a different light.</p> <p>Ask the group what are the core skills and qualities required by an investigator? Record answers on the flipchart (e.g. planning, communication, thoroughness, listening, observation, adaptability, structure, cultural sensitivity, analytical, curious, common sense, creativity.)</p>	<ul style="list-style-type: none"> • flipchart • markers
08.45 (15')	OBSERVATION	
	<p>Aim – to demonstrate how observations will be influenced by our own attitudes, beliefs and personal experiences.</p> <p>Explain the slides are a sequence of pictures from the Guardian newspaper.</p> <p>Show slide of man running (image). Ask participants to write down and keep private what it is they see and what they think it means. In plenary ask them to then say out loud if it makes them feel anything. Not what they have written down. Write on a flipchart any feeling it generates.</p> <p>Show slide of man wrestling man in hat (image). Repeat the process. Then ask them to turn to their neighbour and compare notes.</p> <p>Show slide of load falling from above (image). Ask the group if anyone had interpreted what they saw earlier as the young man assisting the older man.</p> <p>Explain that personal biases can colour the way we see things. This needs to be recognised and managed to ensure that you can be an objective investigator. Refer to the benefits of working as a team with a co-investigator and to the importance of having all the facts before jumping to conclusions.</p>	<p>Slide 18: Man running (image)</p> <p>Slide 19: Man wrestling man in hat (image)</p> <p>Slide 20: Load falling from above (image)</p>
09.00 (30')	ACTIVE LISTENING	
	<p>Aim – to describe and practice listening on three levels.</p> <p>Explain the cycle as an active process, not passive. Individuals need to pay attention to ensure that they can assimilate the maximum amount of information with as much understanding as possible.</p> <p>In recognising “feelings” people gather more information. It is also useful in interviews to give the interviewee reassurance and acknowledgment of them as a human being. This helps build rapport.</p> <p>Explain that there are three levels on which we listen to others: thinking, feeling and intent. Using the slide, describe each of these levels. Tell the group that they are going to watch a short video clip. Assign each participant one of the 3 levels of listening and ask them to write their word down. Explain this is the level they are going to be listening on. They are not to take any notes but remember what they can by listening at the level they have been given.</p> <p>Play the video clip: Living within the limits and credit the UNHCR Protection Learning Programme for the production of the video.</p>	<p>Video: Living within the limits</p> <p>Slide 21: Active listening cycle</p> <p>Slide 22: Levels of listening</p>

Time	Facilitator's notes	Resources
	<p>Split the participants into four groups (one to cover each of the different levels) and discuss what they heard for 10'.</p> <p>Regroup and ask for any reactions to that exercise. It is important that participants are able to accurately describe and differentiate what they actually heard: "That girl was raped over there in the marches", what the woman was feeling when she said these words ("anger", "fear") and her possible intention of giving the information i.e. she wants something done about it, she herself may have been the victim etc.</p>	
09.30 (20')	<p style="text-align: center;">GATHERING INFORMATION</p> <p>Aim – to describe how to collect information and research complaints.</p> <p>Give brief presentation on obtaining information with assistance of Slides 23 to 32.</p> <p>Ask participants for their experiences of gathering information and researching complaints.</p>	<p>Slides 23-32: Gathering information</p>
09.50 (45')	<p style="text-align: center;">INFORMATION SOURCES</p> <p>Aim – to explore where potential sources of evidence might be.</p> <p>Split the participants into group of 3-4. Handout Hollywood Aid case study, HO16_Inv_M3_S3_HollywoodAid.doc.</p> <p>Give the participants 15' to read through the case study. Ask the groups to identify different sources of evidence they could pursue in this case study. Allow 15' for group discussion.</p> <p>Take feedback in plenary and record sources of evidence on flipchart. Inform participants that it may be useful to personally record the sources of evidence, as this case study will be used throughout the rest of the workshop.</p>	<p>HO16_Inv_M3_S3_HollywoodAid.doc</p> <ul style="list-style-type: none"> • flipcharts • markers
10.35	BREAK	

ICVA/Building Safer Organisations
Investigations workshop
Additional facilitator notes – Module 3
Complaints and investigation procedures

AFN3

Principles – Guidance for group discussion

<p>CONFIDENTIALITY</p>	<p>What are the issues related to this principle?</p> <ul style="list-style-type: none"> • Is it alright for Peter to approach Charles? • Should he ask other colleagues? • Whose confidentiality is compromised when Peter and Charles approach the girls – the girls', the driver's, the medical co-ordinator, and the other driver's? • The Deputy Director? Should s/he know? • The Country Director? Should s/he know? • Mary? Should she know? • How can the situation of living in a shared house be managed? • Who was informed at the Gender Based Violence (GBV) Programme? Was the programme manager contacted directly? • Who is the camp management agency? What do they need to know and why? • Who can hear the radio broadcasts? Were the girls details broadcast? • Who has access to the email system? Is it secure? • How did the "news" reach Victim 2's father? • How might the principle of confidentiality best be applied in investigation from now on? • 3 x agencies agree to one investigation. How can information best be coordinated and shared between other agencies, authorities and the police? <p>How can the principle of confidentiality be upheld during the investigation?</p> <ul style="list-style-type: none"> • provide briefings to staff to advise them of basic details of the incident without disclosing names or identifying details of anyone involved and reassuring them the case is being dealt with • remind staff of the importance of confidentiality • agree communication methods – codes if over radio • carry out rapid interviews of all involved • maintain contact with the family
<p>ANONYMITY</p>	<p>Who might want to remain anonymous and why?</p> <ol style="list-style-type: none"> 1. Girls because of : <ul style="list-style-type: none"> • safety at home • family reprisals • reaction by medics • may have been bribed, forced to engage in sexual abuse or exploitation 2. Charles who has no involvement other than Peter asking for advice. 3. Other drivers? 4. GBV worker, Lydia. The 14 year old felt able to approach Lydia so she worker may have trust of women in the community. 5. Father because of family shame, reaction by community. 6. Other witnesses because of fear of reprisals. <p>How can the principle of anonymity be upheld during the investigation?</p> <ul style="list-style-type: none"> • complaints box • via lodging the complaint through a third person, such as a community elder • written statements

<p>THE SAFETY AND WELFARE NEEDS OF WOMEN AND CHILDREN</p> <p>SAFETY OF GIRLS, ANALYSIS OF THE RISKS</p>	<p>What are the risks to the safety of the girls?</p> <ul style="list-style-type: none"> • family • subject of complaint • community now widely known • heightened risk as thrown out • risk of violence and further abuse by several sources <p>Who else might be at risk and what are the safety risks to consider?</p> <ul style="list-style-type: none"> • workers • other girls • witnesses • siblings • mother • Peter • Driver • Senior Medical Officer • GVB workers <p>How might the investigation facilitate the safety of the girls from now on?</p> <ul style="list-style-type: none"> • guest house for staff • discuss with GBV programme • safe house • locate sister and discuss safety • safety of female investigator and/or staff • consider the safety needs of other witnesses identified during investigation • manage staff anxieties • suspend/remove Henry the Senior Medical Officer
<p>HEALTH</p>	<p>What immediate health issues should be considered?</p> <ul style="list-style-type: none"> • Report of physical assault injuries, immediate and long term • Has GBV programme considered health needs of 14 year old? • How can health services be “safely” accessed given that Henry is Senior Medical Officer • Health consequences of being “homeless” for an indefinite period • Any previous injury or physical assault from father that might affect health. • 18 year-old – anything known? • No report of sexual assault, but needs to be consideration • Any health needs that may impact on how investigation is carried out? <p>How might the investigation facilitate the consideration of the health needs of the girls?</p> <ul style="list-style-type: none"> • ensure 14 year-old receives medical attention • explore and offer 18 year-old medical attention • consider needs throughout
<p>PSYCHO-SOCIAL</p>	<p>What are the potential psychosocial risks and emotions for the 14 year old?</p> <ul style="list-style-type: none"> • guilt – been “blamed” and thrown out of home • fear – further assault • depression • confusion • desperation • hopelessness

	<p>What are the potential psychosocial risks to and emotions of the 17 year old?</p> <ul style="list-style-type: none"> • anger – “right to have friends” • resentment – feels old enough to make own decisions • blame agency for interfering and splitting family • betrayal <ul style="list-style-type: none"> - by driver for telling - by father - by agency - by mother - by other girl – for leaving her • guilt <ul style="list-style-type: none"> - for not protecting other girl - for exposing other girl to Henry <p>How might the investigation facilitate the consideration of the psycho-social needs of the girls?</p> <ul style="list-style-type: none"> • clarity and transparency about process <ul style="list-style-type: none"> - reasons, timescales, methods, what will happen after • explaining to girls at every stage and keep up to date • empowering and supporting them in making decisions • no blame implicitly or explicitly put on the girls • offering support <ul style="list-style-type: none"> - counselling, practical, accommodation, health • mediating with family • controlling communication of information • listening and respecting feelings
<p>LEGAL/JUSTICE</p>	<p>What legal or justice issues should be considered?</p> <ul style="list-style-type: none"> • local police authority – is this safe and appropriate? • confirmation of evidence • report the father’s assault? • contact the embassy • 3 x agency countries of origin • intimidation of witnesses • Henry’s country of origin • legal status of girls? are they refugees? • have any offences been committed? <p>How might the investigation facilitate the consideration of legal and justice issues?</p> <ul style="list-style-type: none"> • know local laws relating to the issue; • clarify national police authority status and appropriateness; • protective orders; • Senior Medical Officer.
<p>PROFESSIONAL CARE AND COMPETENCE</p>	<p>What might impact on professional care and competence?</p> <ul style="list-style-type: none"> • No additional resources. • Staff briefing – was it made clear about what to do if had concerns? • Why wasn’t procedure followed? • Are the lines of accountability clear – Field Coordinator to Deputy Director to Country Director? • Do all 3 agencies follow same principles and procedures? • Have any other concerns been raised or identified in supervision and appraisal of staff? <p>How can the principle of professional care and competence be upheld during the investigation?</p> <ul style="list-style-type: none"> • Ensure investigating staff have had training and are competent • Ensure clear management of investigation within procedures • Report any concerns identified about investigating staff’s competence • Use relevant codes of conduct to identify poor practise • Use lessons learned from the investigation to inform future staff development needs

<p>THOROUGHNESS</p>	<p>How was the principle of thoroughness ignored?</p> <ul style="list-style-type: none"> • What information did the Field Coordinator get? Was this as “thorough” as possible? • Was there any consideration about the risk to the 14 year old given several people knew? • Did the Field Coordinator know the Deputy Director was on leave for 2 weeks? • Evidence is contaminated and been lost • SOC alerted and can cover tracks or any evidence • Were procedures followed? <p>How can the principle of thoroughness be upheld during the investigation?</p> <ul style="list-style-type: none"> • Follow procedures at all times • Ensure all information is obtained • Apply all the principles • Clear planning and preparation • Transparent and accurate process and recording • Gather all evidence and evaluate • Ensure girls’ safety is paramount
<p>INDEPENDENCE</p>	<p>How was the independence of the process compromised?</p> <ul style="list-style-type: none"> • Peter felt compromised in “making a complaint” against Senior Medical Officer so independence of investigator may be crucial in getting whole story • Friends and colleagues involved in process • Any other agenda’s underlying this complaint? • All senior staff live in shared house, so asking Mary, the Field Coordinator, might comprise the whole investigation • Were the drivers complicit in the misconduct? • 3 inter-agency relationships • At least 3 drivers, Field Coordinator, Deputy Director, Country Director, GBV programme manager, and UNHCR know <p>How to apply principle of independence to the investigation?</p> <ul style="list-style-type: none"> • Identify “independent” investigator not involved in project • Consider all senior managers role in mismanagement of this complaint • Liaise with all 3 agencies • Consider long term implications for project • Ensure support for all
<p>PLANNING & REVIEW</p>	<p>What were the planning and review failures?</p> <ul style="list-style-type: none"> • Did the supervisor’s response follow procedures? • Field Coordinator did not seem to “plan” initial response to complaint • No timeframes for responding and investigating are mentioned • Evidence has been lost • Girls placed at increased risk • Staff placed in compromising if not dangerous position <p>How can the principle of planning and review be upheld during the investigation?</p> <ul style="list-style-type: none"> • follow procedures • have planning meetings, discussions • agree timescales within critical path • review outcome and management of complaint

RESPECT FOR ALL CONCERNED	<p>How was the respect for the parties violated?</p> <ul style="list-style-type: none"> • The girls’ privacy and dignity have been violated by mismanagement of complaint • Peter’s complaint was not taken seriously in that procedures were not applied • Henry’s right to “due process” has not been respected • The father and family have not had their rights respected <p>How can the principle of respect for all be restored during the investigation?</p> <ul style="list-style-type: none"> • plan how to control information from now on • provide information on process to all • consider each individual’s cultural and religious needs and conduct investigation taking these into consideration
TIMEFRAMES	<p>In what ways have the parties failed to adhere to timeframes?</p> <ul style="list-style-type: none"> • How much time between the “incident” and complaint being received? • Girls left at risk. • Medical attention for 14 year-old. • When did the Country Director know and when did s/he ask for a preliminary investigation? • Has preliminary investigation been started or completed? • How long has 14 year-old been in “guest house”? How long can she stay? <p>How can the principle of adhering to timeframes be upheld during the investigation?</p> <ul style="list-style-type: none"> • Clarify timescales for whole investigation • Assess available information to inform the timescales, especially risk to girls • Consider travel, distance, and accessibility of country • Political or environmental factors that might impact on timescales • Plan and review timescales throughout • Give clear explanations if timescales change during investigation • Final reporting and completion
WORKING IN PARTNERSHIP WITH OTHER INTERESTED PARTIES	<p>How have the organisations failed to work together?</p> <ul style="list-style-type: none"> • Which agencies might be complicit in the “misconduct”, mismanagement of complaint and ineffective protection of girls? • Field Coordinator did not inform GBV or UNHCR at time of complaint • Informing police or national authorities? <p>How can the principle of working in partnership be upheld during the investigation?</p> <ul style="list-style-type: none"> • Clarify who interested parties are • Provide information on “need to know” basis • Communicate process and action of investigation • Consider joint investigation for all 3 agencies
NATIONAL AUTHORITIES	<p>What issues should be considered in deciding whether to inform the national authorities?</p> <ul style="list-style-type: none"> • host country: <ul style="list-style-type: none"> - police - law enforcement agency - military – peacekeeping forces • staff’s country of origin • embassies • girls country of origin • NGO’s country of origin • security of the parties

ICVA/Building Safer Organisations

Investigations workshop

Module 4 Facilitator notes

Investigation planning and interviewing

MFN4

MODULE 4 OBJECTIVES:

- Outline interviewing techniques for witnesses and subject of complaint.
- Describe the four phases of interviewing.
- Explore the use of explicit language that investigators may need to use during interviews.
- Explore how to prepare an investigation plan.
- Develop interview skills and experience.

SUGGESTED SCHEDULE

Session 1 – Stages of interviewing		Minutes allocated
10.50	Models of interviewing – presentation and model example by facilitators	60'
11.50	Interviewing witnesses – role play exercise	60'
12.50	LUNCH	60'
Session 2 – Interviewing subject of complaints		
13.50	Faith, personal values and protection – presentation	30'
14.20	Interviewing subjects of complaint – presentation and role play exercise	90'
15.50	BREAK	15'
Session 3 – Investigation planning		
16.05	Investigation plan and preparation – group exercise	60'
17.05	Planning interviews – evening group exercise	15'
DAY 4		
Session 4 – Interviews		
08.30	Planning and clarification – discussion	30'
09.00	Interview 1	75'
10.15	BREAK	15'
10.30	Interview 2	75'
11.45	LUNCH	60'
12.45	Sharing of information – discussion	30'
13.15	Interview 3	75'
14.30	BREAK	15'
14.45	Interview 4	75'
16.00	BREAK	15'
16.15	Interview 5	75'
17.30	BREAK	15'
17.45	Feedback on interviews – discussion	30'

MODULE 4 PREPARATION:	
Resources	<p>Check the following equipment:</p> <ul style="list-style-type: none"> • 1 x lap top • 1 x data projector • 2 x flipcharts, 4 x blocks of flipchart paper, flipchart pens <p>Prepare the following:</p> <ul style="list-style-type: none"> • hire 6 actors for the Hollywood Aid case study interviews (day 4) well in advance • venue set-up (arrange tables) • photocopy handouts as specified below • choose an interview topic for the model interview and practice it (in Models of interviewing) • identify 5 breakout rooms for the interviews • provide the actors with their roles and the background case information well in advance • select interview teams for day 4
Handouts	<p>Photocopy 1 per participant:</p> <ul style="list-style-type: none"> • HO17_Inv_M4_S1_4StagesofInterviewing.doc • HO18_Inv_M4_S1_WitnesseswithNeeds.doc • HO19_Inv_M4_S1_InterviewingChildren.doc • HO20_Inv_M4_S1_InterviewWitness.doc • HO21_Inv_M4_S2_InterviewingSOC.doc • HO22_Inv_M4_S2_AyegamaCaseStudy.doc • HO23_Inv_M4_S2_RoleDescriptionMichael.doc • HO24_Inv_M4_S2_SinghCaseStudy.doc • HO25_Inv_M4_S2_RoleDescriptionRajeeva.doc • HO26_Inv_M4_S3_PlanningTool.doc • HO27_Inv_M4_S3_AdrianTimeline.doc • HO28_Inv_M4_S3_InterviewSchedule.doc • HO29_Inv_M4_S3_PreparationforInterview.doc • HO30_Inv_M4_S3_ComplaintsReferralForm.doc • HO31_Inv_M4_S3_Feedback.doc • HO32_Inv_M3_S3_Observer.doc • HO33_Inv_M3_S3_InterviewStatement.doc • Inv_M4_ppt.doc (3 slides per page, distribute at beginning of Module)
Additional facilitator notes	<p>The following document gives guidance on key messages to be elicited from the exercises.</p> <p>Inv_M4_Additional_Facilitator_Notes.doc</p>

Time	Facilitator's notes	Resources
	<p>Ask participants to identify the 4 stages of interviewing in the facilitator role play as well as examples of open-ended questions, closed questions, neutral prompting, etc. After the example give out HO17_Inv_M4_S1_4StagesofInterviewing.doc to all participants.</p> <p>Discussion – Issues to consider in interviewing witness Allow 15' for discussion on interviewing the witness. Use slides 6-10 to assist in discussing further factors to consider as an interviewer.</p> <p>Discuss safety issues for victims and witnesses that investigators should take into account and mitigate. They should consider:</p> <ul style="list-style-type: none"> • Has the current allegation identified any on-going vulnerability of the victim/witness? • Who is responsible for their welfare? Who is responsible in absence of named person? • Does the victim/witness know how to report concerns regarding harassment/intimidation? • What family/friends/professional support networks are available and how can they be accessed? <p>The initial risk assessment and management plan should be developed before the interviews begin and amended as appropriate.</p> <p>Distribute HO18_Inv_M4_S1_WitnesseswithNeeds.doc and HO19_Inv_M4_S1_InterviewingChildren.doc and discuss the interviewing witnesses with special needs and interviewing children.</p>	
<p>11.50 (60')</p>	<p style="text-align: center;">INTERVIEWING WITNESSES</p> <p>Aim – to develop participants' individual skills in interviewing witnesses during an investigation.</p> <p>Split the participants into pairs. Inform the group that, using the POPAID case study (HO14_Inv_M3_S2_Principles), each pair will role play interviewing a witness. Give out HO20_Inv_M4_S1_InterviewWitness.doc. This handout details the witness' role in and knowledge of the incident, his demeanour during the interview and hints on questions to ask.</p> <p>In each pair there will be an investigator and a witness. The investigator interviews the witness, David Kamara.</p> <ul style="list-style-type: none"> • Each person in the team takes a turn as investigator and interviews the other team member, as David Kamara, using stage one (building rapport) for a maximum of 5' minutes. • The other team member then takes a turn as the investigator using stage one. • The pair should then discuss for 5' how it felt to interview and be interviewed. <p>Participants can use the HO17_Inv_M4_S1_4StagesofInterviewing.doc to help them with the interview process.</p> <p>Repeat the process for each of the other interview phases. At the end of the process, each participant should have had an opportunity to role play as the investigator and as David Kamara for each of the four phases of the interviewing process.</p>	<p>HO14_Inv_M3_S2_Principles HO20_Inv_M4_S1_InterviewWitness.doc</p> <p>Slide11: Witness interview role play</p>
<p>12.50</p>	<p>LUNCH</p>	<p>60'</p>

Time	Facilitator's notes	Resources
13.50 (30')	<p style="text-align: center;">USING EXPLICIT LANGUAGE</p> <p>Aim – to allow participants to be comfortable using sexually explicit language during interviews and to learn how to assist witnesses in using this language.</p> <p>Explain that when conducting interviews and writing investigation reports, investigators will need to be comfortable using sexually explicit language and helping witnesses to do the same. Provide the group with a few examples of alternative words used to describe sexual intercourse or genitals i.e. "sleeping together", "be his girlfriend", "private parts", "down there", etc. Write these examples on a flipchart.</p> <p>Ask the group to suggest other euphemisms that women and children would use. Write these examples on the flipchart as well.</p> <p>Then ask the group to explain what is meant by some of these terms and why it is necessary to be explicit.</p> <p>Be clear that investigators should never "force" a witness to use explicit language if it will harm them. However, all investigators must themselves be capable of using anatomically correct and sexually explicit language without appearing embarrassed, ashamed or judgemental.</p>	<ul style="list-style-type: none"> • flipcharts • markers <p>Slide 12: Using explicit language exercise</p>
14.20 (90')	<p style="text-align: center;">INTERVIEWING THE SUBJECT OF COMPLAINT</p> <p>Aim – to explain how interviewing subjects of complaints can be different to interviewing witnesses, victims and complainants and to allow participants the opportunity to practice interviewing the subject of complaint.</p> <p>Using Slides 13 to 21 give a 15' presentation on interviewing the SOC.</p> <p>Highlight the following points:</p> <ul style="list-style-type: none"> • There is an emotional component of interviewing SOC. • Avoid answering personal questions from a SOC. • Interview them last to enable better assessment of the truthfulness of their statement. • Potential effects of information not remaining confidential, such as negative impact for the organisation, danger to witnesses including the subject of complaint, media interference etc and disciplinary proceedings that might be commenced against the subject of complaint for breaching confidentiality. <p>Explore with participants their experience and techniques used.</p> <p>Give out HO21_Inv_M4_S2_InterviewingSOC.doc to all participants.</p> <p>Role play</p> <p>Inform the participants that they will now be doing two role plays using two different case studies.</p> <p>Split participants into pairs, allowing them to choose their partner. Each person will play a subject of complaint and also the interviewer. Be clear that the roles they are playing are the interviewer and the alleged perpetrator.</p> <p>Handout "Feed the Hungry" case study (HO22_Inv_M4_S2_Ayegama-CaseStudy.doc). Give the pair 10' to prepare for the first interview, one of the pair preparing to play the role of the SOC/alleged perpetrator, the other preparing to interview the SOC. Distribute HO23_Inv_M4_S2_RoleDescriptionMichael.doc to the participants playing the SOC.</p>	<p>HO21_Inv_M4_S2_InterviewingSOC.doc Slides 13-21: Interviewing subjects of complaint</p> <p>HO22_Inv_M4_S2_AyegamaCaseStudy.doc HO23_Inv_M4_S2_RoleDescriptionMichael.doc Slide 22: Subject of complaint role play</p>
14.35	<p>Allow 20' for the interview, followed by a 5' discussion on the process. Be clear that the interviewer should try to follow the 4 stages of interviewing. Remind them that these are on HO17_Inv_M4_S1_4StagesofInterviewing.doc. However, it is not necessary to get through the whole process within the 20 minutes.</p>	

Time	Facilitator's notes	Resources
	<p>Distribute teacher case study (HO24_Inv_M4_S2_SinghCaseStudy.doc). Ask the pairs to exchange roles for the second case study and repeat the process. Distribute HO25_Inv_M4_S2_RoleDescriptionRajeeva.doc to the participants playing the SOC.</p> <p>Return to the plenary for a brief summary. An alternative case study and role description is available for this exercise. See Inv_M4_Additional_Facilitator_Notes.doc.</p>	<p>HO24_Inv_M4_S2_SinghCaseStudy.doc HO25_Inv_M4_S2_RoleDescriptionRajeeva.doc Inv_M4_Additional_Facilitator_Notes.doc.</p>
15.50	BREAK	15'
16.05 (60')	<p style="text-align: center;">INVESTIGATION PLAN AND PREPARATION</p> <p>Aim – to provide an opportunity for participants to plan an investigation.</p> <p>Give out HO26_Inv_M4_S3_PlanningTool.doc.</p> <p>Introduce the investigative planning tools handout HO26. Explain that this is just an example, there are many planning tools and investigators should use whatever tools are useful to them.</p> <p>Explain how to use this planning tool. With the assistance of the slides 24-25 discuss the many advantages of such a tool, especially when interviewing the SOC.</p> <p>Divide the participants into interview teams of 3-4 (try to divide the teams by different complementary skills sets and personalities).</p> <p>Ask them to take out the Hollywood Aid (Adrian) case study, HO16, used during the obtaining information session this morning and handout HO27_Inv_M4_S3_Adriantimeline.doc.</p> <p>Ask the teams to construct a written plan for investigating this case using the planning tool and SOC timeline. Give the participants 45' for this exercise.</p> <p>In plenary, using input from the groups, construct an investigation plan.</p>	<p>HO26_Inv_M4_S3_PlanningTool.doc HO16_Inv_M4_S3_HollywoodAid.doc. HO27_Inv_M4_S3_Adriantimeline.doc.</p> <p>Slide 23: The investigation planning tool</p> <p>Slide 24: Hollywood Aid exercise</p>
17.05 (15')	<p style="text-align: center;">EVENING ACTIVITY</p> <p>Aim – to develop an understanding of how to plan for an interview with a limited amount of time to prepare.</p> <p>Ask participants to remain in their teams. These groups will be the interview teams for the following day. Using the Hollywood Aid case study, the teams will interview the complainant, victim, witnesses and/or SOC in the allegation.</p> <p>Explain that the interview plans are to be completed over night. Each team will need to work together to plan the interview of the witnesses that they have been allocated for the following day. Ask the participants to use the investigation planning tool and IASC Protocol.</p> <ul style="list-style-type: none"> • There will be five teams: A, B C, D and E. • Each team has three participants and will conduct three interviews. • Each individual in the team will have an opportunity to be the lead interviewer, a support interviewer and an observer during day 4. <p>Tell each group which characters they will be interviewing. Distribute the interview schedule (HO28), preparation for interview (HO29) and model complaints referral forms (HO30).</p>	

Time	Facilitator's notes	Resources
	<p>75' has been scheduled for each interview. Ideally 45' is allocated to the interview and 30' to the feedback process (debriefing and analysis). The feedback order is:</p> <ul style="list-style-type: none"> • actor • lead interviewer • second interviewer/recorder • observer • facilitator <p>Explain that interview teams will get information from the interviews with witnesses they did not interview in a plenary session in the early afternoon of day 4. They will then get another fifteen minutes to build any new information into their interview plans.</p> <p>Note: Hand out the "Giving and Receiving Feedback" document, the observer's sheet and interview statement during this session so participants have time to absorb it over night HO31_Inv_M4_S3_Feedback.doc HO32_Inv_M4_S3_Observer.doc HO33_Inv_M4_S3_InterviewStatement.doc</p> <p>As you distribute the handouts, discuss the need for constructive feedback after the interviews. Ask the observer to complete the observer's sheet during the interview. Clarify that the interview statement (HO33) includes the confidentiality statement and ground rules to be provided to the interviewee at the beginning of each interview.</p> <p>The interview schedule is based on 15 participants and will need to be amended according to the size of the group and other factors.</p> <ul style="list-style-type: none"> • All participants should be given the opportunity to be a lead interviewer and a support interviewer at least once. • A break should be scheduled after every interview. • One facilitator should be present during every interview to provide feedback to the interviewers. • All teams should have the opportunity to interview either Abdul or Adrian. • Abdul and Adrian should be interviewed in the afternoon or only after all teams have conducted at least one interview. • Explain to the group that due to logistics, the correct interview order cannot be followed i.e. complainant first, SOC last. Also, not every team will be able to interview Adrian. • If there are less than 5 teams, try to arrange the schedule to allow more time for each interview. <p>Conduct all interviews in closed locations where teams cannot see or hear each other. It is important for the interviews to be as close to a real investigation interview as possible.</p>	<p>HO28_Inv_M4_S3_InterviewSchedule.doc.doc HO29_Inv_M4_S3_PreparationforInterview.doc HO30_Inv_M4_S3_ComplaintsReferralForm.doc Slide 25: Interview schedule</p> <p>HO31_Inv_M4_S3_Feedback.doc HO32_Inv_M4_S3_Observer.doc</p> <p>HO33_Inv_M4_S3_InterviewStatement.doc</p>
17.20	EVALUATION	
	DAY 4	
08.30 (30')	PLANNING AND CLARIFICATION	
	<p>Aim – to provide further clarification about the interview process as well as to provide teams with further preparation time.</p> <p>Provide information and advice to teams and clarify any points of confusion for the day. Review the interview schedule and locations of interviews.</p>	
09.00 (75')	INTERVIEW 1	
	<p>Aim – to develop interview skills and allow participants to gain experience in conducting interviews in a safe environment.</p> <p>See interview schedule in Additional Facilitator Notes. Inv_M4_Additional_Facilitator_Notes.doc</p>	
		<p>Inv_M4_Additional_Facilitator_Notes.doc</p>

Time	Facilitator's notes	Resources
10.15	BREAK	15'
10.30 (75')	<p style="text-align: center;">INTERVIEW 2</p> <p>Aim – to develop interview skills and have experience in conducting interviews in a safe environment.</p> <p>See interview schedule in Additional Facilitator Notes. Inv_M4_Additional_Facilitator_Notes.doc</p>	Inv_M4_Additional_Facilitator_Notes.doc
11.45	LUNCH	60'
12.45 (30')	<p style="text-align: center;">SHARING OF INFORMATION</p> <p>Aim – to share witness testimony among all teams before the SOC is interviewed and to include new information gathered through testimony into interview plans for the SOC and other witnesses.</p> <p>In plenary, ask each investigation team to share the relevant information they have obtained throughout the interviews thus far. Make sure participants stick to what is relevant and have an opportunity to ask each other questions for clarification. On a flipchart, summarise the information as it becomes available.</p>	<ul style="list-style-type: none"> • flipchart • markers
13.15 (75')	<p style="text-align: center;">INTERVIEW 3</p> <p>Aim – to develop interview skills and have experience in conducting interviews in a safe environment.</p> <p>See interview schedule in Additional Facilitator Notes. Inv_M4_Additional_Facilitator_Notes.doc</p>	Inv_M4_Additional_Facilitator_Notes.doc
14.45	BREAK	15'
15.00 (75')	<p style="text-align: center;">INTERVIEW 4</p> <p>Aim – to develop interview skills and have experience in conducting interviews in a safe environment.</p> <p>See interview schedule in Additional Facilitator Notes. Inv_M4_Additional_Facilitator_Notes.doc</p>	Inv_M4_Additional_Facilitator_Notes.doc
16.15	BREAK	15'
16.30 (75')	<p style="text-align: center;">INTERVIEW 5</p> <p>Aim – to develop interview skills and have experience in conducting interviews in a safe environment.</p> <p>See interview schedule in Additional Facilitator Notes. Inv_M4_Additional_Facilitator_Notes.doc</p>	Inv_M4_Additional_Facilitator_Notes.doc
17.45	BREAK	15'
18.00 (30')	<p style="text-align: center;">INTERVIEWS FEEDBACK</p> <p>Aim – to provide teams with an opportunity to debrief and share relevant testimony from interviews.</p> <p>Ask the participants to share information obtained during the interviews.</p> <p>Remind them to only share information relevant to the allegation or new information which may warrant broadening of the investigation or conducting a secondary investigation.</p> <p>Inform participants that the workshop will begin at 09.00 tomorrow.</p>	
18.30 (15')	EVALUATION	

ICVA/Building Safer Organisations Investigations workshop Additional facilitator notes – Module 4 Investigation planning and interviewing

AFN4

Alternative case study, interviewing the subject of complaint

Optional case study 3

Victim/complainant: Mrs Julia Kirago, 19 years old

Family: Miss Mary Kirago, sister 16 years old

Address

Centreville, Tanzania

Name of the subject of complaint

Pierre Onyango, Gender Based Violence Focal Point Empower Women Now, Tanzanian NGO. South African national, 32 years old. Divorced with two children who live at home in Cape Town with his first wife.

Incident

Julia reported the incident to the Gender Based Violence focal point in another organisation. That focal point has passed the information to Empower Women Now. Julia and Mary were residents in the Bondongo refugee settlement in Tanzania. Pierre is employed by an NGO that offers economic empowerment activities for refugee women and girls. In October 2004, Julia approached Pierre asking to be a part of the project and he offered her a job cleaning his house. She cleaned his house on several occasions and he was kind to her, offering her small gifts such as fruit and clothing. In December, she went to his house as usual and he attacked her, raped her and locked her in a cupboard. He thereafter kept her against her will in his house, raped her repeatedly and then forced her to marry him by telling her he would kill her if she refused. She has not previously told anyone about her situation as she has only recently escaped. Mary Kirago lives with Julia and Pierre.

Preliminary information

On Monday morning at 8am on 1 April 2005, Pierre came to the office and requested an immediate meeting with the Head of Office, Dr Frederique Meringue. He tells Frederique the following: he is deeply concerned for his young wife as she is suffering from mental health problems. She has been very depressed and refusing to leave the house. Recently, she has begun to harm herself, beating her head against a wall until she bleeds, cutting herself and neglecting to eat. Moreover, she is paranoid and claims that people are after her. He loves her and wants to help her but he is worried that if he reports her behaviour to a doctor, she will be institutionalised.

Local information

Bondongo refugee camp is located just outside Centreville. The majority of refugees are ethnic Hutus from Burundi. They are confined to the refugee camps and there are no possibilities for local integration.

Alternative role description: interviewing subject of complaint

Role description – Pierre Onyango

Pierre is a South African national. He is 32 years old. He was previously married to another South African. He has worked for NGOs in the region since his divorce 6 years ago. He has two children who live with their mother in Lagos. He is 170cm tall. He trained as a social worker and has previously worked for several NGOs, including Water Aid in Zambia for 11 months, Comfort the Child in Malawi for 2 years and the Icelandic Refugee Council in Kenya for 6 months. He has worked as a community organiser in all these organisations.

Demeanour during the interview

Pierre is very aggressive during the interview. He regularly interrupts the interview to assert his innocence and to explain that his wife is mentally ill and he is a victim of her paranoia. He asserts that he has an untainted reputation and comes from a good family. The divorce from his first wife was due to infidelity however he maintains

a good relationship with his children. He has always been honest about his relationship with Julia and claims to have loved her from the moment he saw her. His manager was his witness at his wedding to Julia.

He appeals to the fact that both he and the investigator are expatriates. He notes that Julia has always expressed an interest in moving to the United States and she is aware of the Women at Risk resettlement programme.

The facts

Pierre had legitimately employed Julia as his cleaner. They developed a romantic relationship but did not have a sexual relationship until after they married. Julia entered the marriage as a consenting adult. Julia's mental health has been deteriorating in recent months and this may be due to her traumatic experiences in Burundi prior to her arrival in Tanzania. Pierre has never harmed Julia in any way. He always insists that her sister Mary remains with Julia to keep her safe.

Interview schedule:

	RUBINA complainant	SUNITA victim	KARIM witness	MARY witness	ABDUL SOC2	ADRIAN SOC1
08.30	Planning and clarification about the interview process					
09.00	Team A	Team B	Team C			
10.15	BREAK					
10.30	Team D	Team E	Team A			
11.45	LUNCH					
12.45	Plenary –Share information obtained thus far					
13.15				Team B	Team D	Team E
14.45	BREAK					
15.00				Team D	Team C	Team B
16.15	BREAK					
16.30				Team E	Team A	Team C
17.45	BREAK					
18.00	Plenary feedback session (15')					
18.15	Evaluation					

Team members

Team A	Team B	Team C	Team D	Team E
Insert name				

Role descriptions for actors – Main case study

Role description – Rubina Aktar

- Rubina (the complainant), is the mother of Sunita 13 years, female; Nasima 10 years, female; and Hossain, 15 years, male.
- Her husband died four years ago leaving her impoverished with three young children to care for.
- She is in poor health.
- Rubina is a traditional Muslim woman and she has had little formal education.
- She wants her children to have a better life.
- She is respectful and somewhat fearful of authority figures but determined to do what is right for her children.

Rubina's account in interview should include the following information

- Names of the subjects of complaint: Adrian Smith and Abdul Jabber.
- Physical description that is consistent with the information in the preliminary information i.e. Adrian

Smith, white British male, approximate age, blonde hair but shaved head, beard, green eyes, and two earrings in left ear.

- Sunita brought home two food parcels after returning from the Korean church. Description of what they looked like, light blue wrapping, about 60cm x 30cm in size, containing rice.
- Sunita's behaviour and demeanour on the day of the incident.
- Date and time of the incident (last month). The incident took place on a Wednesday near the end of the month as it was a wash day and while she was washing the family's clothes she was worrying about how to pay the rent due on the last day of the month as she had spent all her money on medicine for Nasima.
- What Sunita actually said.
- Why does Rubina say Abdul is a "bad" man (She has heard this – Who did she hear it from? What did they say? Why does she believe them?)
- Sunita says that she saw Karim outside the church when she left.
- Rubina complained to the Project Manager, Sister Mary Murphy but nothing happened. She has heard that Sister Mary is somehow involved.

Rubina's demeanour during the interview

Rubina is agitated and nervous. She finds it difficult and embarrassing to use the correct anatomical words to describe what she says Sunita told her. However she is credible and convincing as a witness. She is not forthcoming unless specifically asked but she is not at all obstructive. She is not racist or religiously intolerant; however she has been raised to believe that Christians/white people do not maintain the same standards of behaviour as Muslims. For this reason she is somewhat distrustful of the aid workers.

Role description – Sunita

- Sunita is 13 years old.
- She attended school until four years ago when her father died and the family could no longer afford formal education.
- Since then she has helped her mother care for her younger sister Nasima, aged 10, whom she is especially close to.
- She wants to be helpful to her family as she knows her mother struggles to feed them all.
- She is also aware that she will soon be of a marriageable age and this will represent financial security and a lessening of the burden on her mother.
- In order to make a good marriage she must stay "clean" and "nice" and she must be considered a "good girl" within the community.

Sunita's account in interview should include the following information

- Names of the subjects of complaint: Adrian Smith and Abdul Jabber.
- Physical description that coincides with the information in the preliminary information i.e. Adrian Smith, white British male, approximate age – late 20s, blonde hair but shaved head, green eyes, two earrings in left ear, beard.
- In the photographs that were taken of her she was naked.
- Abdul took the photographs while Adrian undressed her. She did not take her own clothes off.
- Adrian tried to touch her vagina. She stopped him by screaming and crying for her mother.
- The incident took place inside the Korean Church.
- Nobody else was inside the church.
- She was given two food parcels. Description of what they looked like; light blue wrapping, 60 cm x 40cm in size, containing rice.
- When she left the church, she saw Karim Hussein outside the church; she knows he saw her as they made eye contact.
- She does not know what date the incident took place, but it was a Wednesday (last month) as Wednesday is wash day and her mother was busy with the washing.

Sunita's demeanour during the interview

Sunita is terrified of being interviewed and is silent unless asked for very specific information. She wants to be helpful and is cooperative, but is afraid and in some cases she doesn't have the vocabulary for what she is trying to describe.

Role description – Karim Hussein

- Karim is an 11 year old boy from the same community.
- He is the only son in a family of seven children.

- His mother is dead and his father works 14 hours per day as a labourer in a factory that makes steel manhole covers.
- His older sisters care for the other children but they have no money for anything but bare necessities.
- His father has told him that in his absence, Karim is the “man of the house” and must “take care” of his sisters.
- He does not go to school but often hangs around the market trying to get odd jobs as a delivery boy etc.

Karim’s account in interview should include the following information

- Karim was outside the church at the time Sunita says she saw him. He does not know the date but it was last month some time.
- He saw Sunita.
- Sunita was crying and running away from the church carrying two bags. He thought they could have been food parcels as he recognised the light blue wrapping and size of the packages.
- He was about 30 metres from the church.
- He knows Adrian Smith and Abdul Jabber and he knows Hollywood Aid.
- He has had his photograph taken by Adrian.
- Sister Mary Murphy was there the first time that photographs were taken. The photographs were portrait style photographs i.e. pictures of his face.
- **Note:** Karim has been sexually abused by Adrian. However due to the strong taboo against homosexuality in his culture he refuses to disclose this.

Karim’s demeanour during the interview

Karim’s demeanour swings from extremely cocky and over-confident to silent and tearful during the interview. His arms are crossed against his chest and he swaggers when he talks, trying to give the impression that he is in control. He jokes that the aid workers are foolish for giving him extra rations “for nothing”. Despite his young age he uses swear words/slang and he “guesses” that Sunita is not a “nice” girl. Even with the use of good interview techniques he does not disclose that he is a victim of Adrian’s abuse. However, he may give several clues such as his use of strong sexual language, his suggestion that he knows what happened to Sunita without having seen it himself, the fact he suggested details that details of what probably happened to Sunita, his aggression and anger towards Sunita’s mother for not protecting Sunita from Adrian etc.

Role description – Adrian Smith

- Adrian Smith is 29 year old.
- English nationality and a water engineer.
- He is an only child from a middle class, well educated family.
- He has always worked in positions with aid agencies that enable him to have contact with young children.
- He is very intelligent but does not have many adult friendships or social relationships. He says this is because he has moved around a lot for his work.
- He is proud of his aid work and of his fundraising abilities through the “legitimate” calendars he has helped produce.

Adrian’s account in interview should include the following information

- Received his engineering degree in London, United Kingdom.
- Completed some summer placements with small charities abroad (e.g. Romania).
- Raised extra funds by taking photographs for charity calendars.
- Trained with Water Aid in Thailand where he worked for 5 years.
- Hollywood Aid approached him and he accepted a post in Bangladesh.
- Took pictures of children while in Thailand. He has sold photos to his friend in the UK.
- Initially he denies that any of them had sexual content. However, he eventually admits that some photographs show the children “semi-dressed” but this is in order to make them look “more western”; he states that most photos show the children fully clothed.
- His friend in the UK was concerned that the authorities in UK and Thailand were aware of this and were trying to clamp down.
- At this time, Adrian moved to Bangladesh and has continued the practice here.

Adrian’s demeanour during interview

Adrian is initially indignant that the investigators are looking into his activities. His body language is defensive (i.e. his arms are crossed across his chest). He has always had the support of Sister Mary and

Hollywood Aid. He then becomes patronising to the investigators telling them that they do not understand all the issues in this culture. He is shocked that his good relationship with children is being misunderstood.

Role description – Abdul Jabber

- Bangladeshi national.
- 15 years experience as a local staff member with various NGOs.
- His brothers died in ferry accident, leaving him to financially support their wives and 4 children.
- He is a Rohingya from the north unlike the rest of the community who are Bengali and feels he is often discriminated against within this community due to his different ethnic background.
- Abdul contracted polio as a small child and as a result has always had a minor disability in his left leg that makes him walk strangely.
- He is single and believes that this is because of his disability and his ethnicity as no one in the local community has wanted to marry their daughter to him even though he has a good job.

Abdul's account in interview should include the following information

- He has been working for Hollywood Aid for 3 years. He started as a volunteer and his work was so highly regarded that he was offered a paid position.
- Previously he worked for a missionary organisation with street children.
- Adrian offered him extra money to find “pretty girls” and to take photos to send to men who will pay for “sexy pictures”.
- Adrian told him the girls must be 10 –15 year old to get real money.
- Abdul has taken photos of children before for Adrian. Sometimes the children are clothed and sometimes the children have been naked. This is the first time he has seen Adrian try to touch a girl.
- Abdul became scared when Sunita screamed, as he thought they would be discovered and he would lose his job.
- Adrian gave Sunita two food parcels at the end of the photo session.

Abdul's demeanour during interview

Abdul is distressed. While he has taken photos of naked children before with Adrian, he did not think it was bad as no children were hurt and the children all received something extra for their families. He is horrified that Adrian tried to touch Sunita's vagina and wants to tell all the details so that Adrian will be stopped and Sunita's reputation will not be damaged. He is extremely remorseful and begs that he not be dismissed as he is responsible for the care of his two sister-in-laws and their four children. He cannot afford to lose his job.

Role description – Sister Mary Murphy

- 42 years old, female, Irish.
- Project manager at Hollywood Aid. Has worked for Hollywood Aid for 8 years and recruited both Abdul and Adrian.
- Trained as a lawyer before joining the Holy Order of the Sisters of Mary at the age of 25.
- Since becoming a nun has worked in various Asian countries, including Thailand, Bangladesh, Sri Lanka and Philippines.
- As she studied at Cambridge prior to joining the Order, she considers herself to be worldly, knowledgeable and “not an ordinary nun.”
- As a modern nun, she does not wear a habit or robes but clothes similar to those of local women: a simple blue cotton sari with a long sleeved cotton blouse underneath and her hair tied back.

Sister Mary's account in interview should include the following information

- She has been on several photo shoots with Abdul and Adrian and seen the lovely, artistic photographs of children that the two men take for calendars which are sold in Ireland and the UK to raise funds for various children's charities; she says that Adrian manages to “capture the soul of these children” in his pictures.
- She does not believe that Adrian and Abdul could have done what is alleged; in her view, Abdul is a victim because of his ethnic background and disability.
- She is bemused that Adrian calls himself a Buddhist but thinks this is just a phase in his youth.
- She thinks Adrian may have been targeted for these allegations as he is a Westerner and therefore perceived to be wealthy.
- She doesn't believe that Sunita is a bad girl – perhaps misguided or mistaken.
- She considers herself to be an excellent judge of character as “she has seen it all” in her work and knows a liar or abuser when she sees one.

- Sometimes Adrian gives extra food to children whose photos he takes but this only fair as the children give up their time and their images are used to raise funds.
- She knows that the children are not always accompanied by an adult to the photo shoots but Abdul is a fine chaperone as he comes from the local community.

Sister Mary's demeanour during interview

Sister Mary is stunned that anyone could believe these allegations. She is completely calm and polite throughout the duration of the interview and never raises her voice or becomes excited. She is totally co-operative. She is insistent that it is not possible that these allegations are true and personally vouches for the character of these gentlemen. She is somewhat patronising in manner as she “knows that she is right” and the investigators are mistaken. She offers to pray for Abdul and Adrian, the “victims” of this scandal: as well as for the girl and her family who have made the allegation and of course the investigators who are working on such sad matters.

ICVA/Building Safer Organisations

Investigations workshop

Module 5 Facilitator notes

Closing an investigation

MFN5

MODULE 5 OBJECTIVES:		
<ul style="list-style-type: none"> • Identify relevant information gathered during an investigation. • Identify evidence in an investigation that proves/disproves the elements of an allegation. • Select the information to be included in an investigation report. • Explore support witnesses may require during and after an investigation. • Reflect personal skill development during the workshop. 		
SUGGESTED SCHEDULE		
Session 1 – Review of investigation plan		Minutes allocated
09.00	Review of investigation and interview plans – discussion	30'
09.30	Closure of investigation – presentation	60'
10.30	BREAK	15'
Session 2 – Investigation report		
10.45	Investigation report – group exercise	105'
12.30	LUNCH	60'
13.30	Investigation findings – group presentation	45'
14.15	Witness support – group exercise	45'
Session 3 – Workshop closure		
15.00	Action planning – exercise	45'
15.45	BREAK	15'
16.00	Message – exercise	30'
16.30	Quiz – group exercise	20'
16.50	Workshop closure	20'
17.10	Evaluation	10'

MODULE 5 PREPARATION:	
Resources	<p>Check the following equipment:</p> <ul style="list-style-type: none"> • 1 x laptop • 1 x data projector • 2 x flipcharts, 4 x blocks of flipchart paper and flipchart pens • 2 packages of different coloured cards • board to pin up cards • blank white paper <p>Prepare the following:</p> <ul style="list-style-type: none"> • venue set-up (arrange tables) • photocopy handouts as specified below
Handouts	<p>Photocopy 1 per participant:</p> <ul style="list-style-type: none"> • HO34_Inv_M5_S2_ReportWriting.doc • HO35_Inv_M5_S2_Support.doc • Inv_M5_ppt.doc (3 slides per page, distribute at beginning of Module)
Additional facilitator notes	<p>The following document gives guidance on key messages to be elicited from the exercises.</p> <p>Inv_M5_Additional_Facilitator_Notes.doc</p>

Time	Facilitator's notes	Resources
09.00 (30')	<p style="text-align: center;">REVIEW OF INVESTIGATION AND INTERVIEW PLANS</p> <p>Aim – to revisit the investigation and interview plans and discuss what was relevant, useful and how to better prepare the investigation the next time.</p> <p>Discuss the following questions with the participants:</p> <ul style="list-style-type: none"> • Did their investigation and interview plans help with the interviews? • Did the teams find out anything during the interviews that they missed in the planning? • How can the plans be better prepared? <p>This is an opportunity for the facilitator to recognise the amount of work put in by the participants, especially during the evenings.</p>	<p>Slide 1: Module 5 intro</p> <p>Slide 2: Interview schedule</p>
09.30 (60')	<p style="text-align: center;">CLOSURE OF INVESTIGATION</p> <p>Aim – to introduce the model for closing an investigation as outlined in the model complaints procedures.</p> <p>With the assistance of Slides 3 - 9 present the elements to consider in closing an investigation. Tell the participants that:</p> <ul style="list-style-type: none"> • records of interviews will form part of the report but such records alone are not a report. An investigation report needs to be completed as soon as possible after the investigation has come to a close because all parties involved in an investigation need an early resolution. • their organisations should have a policy on who should be informed of the outcomes of an investigation. If possible, inform all witnesses of the outcomes without breaking confidentiality. Inform relevant professionals and agencies of the outcome as necessary. Agree to a plan of action for any victims or witnesses who may come forward later. • they should consider retention of any evidence or data, reports and records used and made during the investigation and how these will be stored, how long they will be kept and what procedure is to be used by those wishing to access the records. • they should determine a process by which lessons to be learned, including areas of good practice, can be reviewed and reported to management. 	<p>Slides 3–9: Considerations for exit strategy</p>
10.30	BREAK	15'
10.45 (105')	<p style="text-align: center;">INVESTIGATION REPORT</p> <p>Aim – to practice writing an investigation report.</p> <p>Give a brief presentation on writing an investigation report. When reporting, be clear about principles of the investigation, and how they were met throughout the investigation. Distribute HO34_Inv_M5_S2_ReportWriting.doc and explain that an investigation report must cover all of the elements. The most complex part of the report is the analysis. This exercise is to practice analysing evidence to come to a conclusion and justify that conclusion on the basis of evidence obtained.</p> <p>Exercise</p> <p>Divide the participants into 4 teams of a different composition to the interview teams. Participants should work in different groups to maximise sharing of ideas, understanding about the case and exposure to different opinions. The groups have until the lunch break to complete the task.</p> <p>Ask the teams to discuss and agree on their answers to the following questions:</p> <ul style="list-style-type: none"> • What were the allegations, in the language of the SG's Bulletin or a code of conduct? (Additional allegations if identified through testimony should also be included in the report.) • What elements of each allegation need proof? 	<ul style="list-style-type: none"> • flipcharts • markers <p>HO34_Inv_M5_S2_ReportWriting.doc</p> <p>Slide 10: Report writing exercise</p>

Time	Facilitator's notes	Resources
	<ul style="list-style-type: none"> • What evidence have they obtained that proves or disproves each element? <p>Analyse in detail the findings and how those findings support a particular conclusion:</p> <ul style="list-style-type: none"> • Are all of the elements of each allegation proved by the facts? • Based on the facts is it "more probable than not" that the SG's Bulletin/code of conduct has been breached? <p>Write their answers on flipchart paper and ask a representative from each group to share the conclusions reached for one of the allegations in plenary.</p>	
12.30	LUNCH	60'
13.30 (45')	<p style="text-align: center;">INVESTIGATION FINDINGS</p> <p>Aim – to discuss and reach the appropriate findings of an investigation based on witness testimony.</p> <p>Ask each team to report back on their discussion and present their findings, analysis of how they came to that finding and recommendations for one of the allegations.</p> <p>The findings will differ from workshop to workshop depending on what information the actors provide to the investigation teams. Investigation teams need to determine if there is sufficient evidence an allegation of misconduct is founded based on whether the evidence tends to prove or disprove the allegation.</p>	
14.15 (45')	<p style="text-align: center;">WITNESS SUPPORT</p> <p>Aim – to consider the support that witnesses may need as a result of the investigation.</p> <p>Ask the teams to reconvene. Distribute HO35_Inv_M5_S2_Support.doc to all participants. Assign one of the following characters of the Hollywood Aid case study to each team:</p> <ul style="list-style-type: none"> • Sunita • Karim • Abdul • Adrian <p>Remind the group that as investigators they are not responsible for providing support and follow-up to witnesses. To do so may create a perception of bias. However, they must be sure that the witnesses and complainant is being supported by a competent colleague. Ask each team to discuss and answer the questions on the handout sheet according to the individual they were assigned. Allow 20' for this process.</p> <p>Ask each group to write up their responses on a flipchart and ask each group to feedback on one of the points taking each in turn and inviting the rest of group to comment and provide additions.</p>	<ul style="list-style-type: none"> • flipchart • markers <p>HO35_Inv_M5_S2_Support.doc Slide 11: Support exercise</p>
15.00 (45')	<p style="text-align: center;">ACTION PLANNING</p> <p>Aim – to encourage individual reflection on the learning process of this workshop and how they can use this knowledge to make changes within their organisations.</p> <p>Exercise</p> <p>Give each participant two coloured cards (green and pink) ask them to write up:</p> <ul style="list-style-type: none"> • Personal – What have I learned? (On the green card) • Organisational – What does my organisation need to do? (On the pink card.) <p>Take the cards and put them up on the board. Compare them with the expectation board from day 1.</p>	<ul style="list-style-type: none"> • 2 packages of different coloured cards • board to pin up cards or flipcharts <p>Slide 12: Next steps</p>

Time	Facilitator's notes	Resources
	Have most expectations been met? Respond to any unmet expectations.	
15.45	BREAK	15'
16.00 (30')	<p style="text-align: center;">MESSAGE</p> <p>Aim – to provide participants with an opportunity to reflect on the individuals they have met during the workshop.</p> <p>Give each participant a blank sheet of paper and write their name on the top. Ask them to then pass all papers to the facilitator who shuffles them and hands them out again so no one has their own paper.</p> <p>Ask everyone to write a positive message on the very bottom of the page to the person whose name appears at the top of the page. Fold the paper so the message is hidden and pass the paper to your neighbour on your left. Repeat the process until you get the paper back that you first wrote on. Return all papers to facilitator who will hand them to the owner.</p>	<ul style="list-style-type: none"> • blank white paper
16.30 (20')	<p style="text-align: center;">QUIZ</p> <p>Aim – to close workshop in an energised manner and review the main elements of the workshop.</p> <p>Exercise</p> <p>Divide the participants into 3 to 4 groups. Each group will choose a person to be the buzzer for their group. The “buzzer” must decide on a noise s/he will make when the group wishes to answer a question. In order to buzz in, the “buzzer” must be touched by another team mate or know the answer to the question him/herself. The first group to buzz in has fifteen seconds to answer the question. If the answer is incorrect or incomplete, the floor opens up to the group who buzzed in second. See Inv_M5_Additional_Facilitator_Notes for sample questions.</p>	Inv_M5_Additional_Facilitator_Notes
16.50 (20')	<p style="text-align: center;">WORKSHOP CLOSURE</p> <p>Aim – to provide participants with information on the Building Safer Organisations project activities and bring the workshop to a closure.</p> <p>Discuss:</p> <ul style="list-style-type: none"> • what the project will be doing in the future • further involvement in project activities • post workshop assistance, i.e. regional networks and advice forum <p>Close the workshop by thanking all those who were involved in the organisation and running of the workshop.</p>	Slide 13: Thank you!
17.10 (10')	EVALUATION	

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Investigations workshop

Additional facilitator notes – Module 5

Closing an investigation

AFN5

Quiz

Sample questions

1. What are the 4 main principles to establishing a complaints mechanism?
2. What are 4 basic principles to conducting an investigation, not including confidentiality?
3. Name 4 barriers to making a complaint.
4. Are humanitarian workers forbidden to have sexual relations with beneficiaries?
5. Name 4 prohibitions listed in the SG's Bulletin.
6. What are the possible conclusions of an investigation report?
7. What are the 4 phases of interviewing?
8. What are 2 of the first steps in an investigation?
9. What are 2 causes for concern as identified by the IASC Protocol?
10. Name two types of international law.

Add some fun questions with personal information that has been shared during the workshop about the facilitators and/or participants.

What is abuse?

The aim of this activity is to explore issues and dilemmas associated with abuse. Through consideration of the cases you will be invited to discuss your own values and beliefs and what might be barriers to investigation.

Task

Please read the following case studies and in your group discuss the following questions. Please remember the value of this exercise is in sharing your views – there are no “right” or “wrong” answers.

- Is this abuse?
- Who is or might be abusing?
- Who is being abused?
- Can anything be done? What?
- Who are you worried about? Why are you worried about them?

Case studies

- a. You are part of the camp management team in a refugee camp. It has come to your attention that a colleague has been spending extra time with a single mother and her 10 year old daughter. Recently the daughter went to the camp clinic complaining of stomach pain. It was found that she had a sexually transmitted infection. You are concerned about your colleague’s involvement with this child. You have no proof that the colleague has done anything wrong.
- b. On a visit to a school you see a child about nine years old not doing as they are told. The teacher picks up a stick and hits the child across the back and legs, causing him to bleed.
- c. While visiting a school for refugee children you speak to a young mother who tells you that she is the “girlfriend” of the programme director. You know that the director is married and has no intention of divorcing his wife. He will leave the duty station in a couple of months to take up another post (a promotion) in another country. Discreet questioning of the young woman reveals that her child is the child of the director and she has no idea that he is leaving.
- d. As a programme manager on one of your visits to a project, a teenage boy complains that the “director” has been touching him and other boys inappropriately. When you broach the subject with the director he gets very angry and demands to know who told you. He names the boy he thinks has told you and warns you he is always making up stories, as he is very disturbed.
- e. A male member of the local staff asks for a few days off to get married. After the congratulations, it becomes clear that the bride is only 14 years old.
- f. You start a new job and are told by a female colleague “no girl will get a job in this camp without having sex with NGO workers. NGO workers who are female are already “loving” with an NGO man. He will continue to go “loving” with other girls but girls see it as competition. It’s survival of the fittest”.
- g. One of your interpreters is married to a refugee woman. The wife recently came to your office and claimed that in fact she was forced into the marriage after being abducted by the staff member, raped and held in sexual slavery for some weeks. She was finally able to escape and come to your office for help. The interpreter claims that he is a “poor innocent man” and that if your office is going to request

emergency resettlement for the woman from UNHCR, he will block it as “it is not possible to resettle a wife without the husband’s consent”.

- h. Refugee leaders come to you and tell you that your co-worker, a fellow programme officer, is not welcome in the camp and that if he returns, they will not guarantee his security. When you enquire why, they inform you that the refugee women do not like him as he touches them “on the arm” when he speaks to them.

Exercise

The aim of this activity is to discuss the **impact of exploitation and/or abuse** on individuals by exploring and challenging assumptions and considering what the consequences are for children and women who experience abuse. In your groups, choose a rapporteur who will record your key points to present later.

Case study 1

You are part of the camp management team in a refugee camp. It has come to your attention that a colleague has been spending extra time with a single mother from the refugee community and her 10 year old daughter. Recently the daughter went to the camp clinic complaining of stomach pain. It was found that she had a sexually transmitted infection. You are concerned about your colleague's involvement with this child. You have no proof that the colleague has done anything wrong.

Task

In your group take 5' to consider the case study and discuss how the abuse might affect the child's health and development:

- immediately
- if the abuse continues throughout childhood
- the possible consequences for the child

Would your responses be different if the mother was the patient at the camp clinic?

Case study 2

On a visit to a refugee school you see a child about nine years old not doing as they are told. The teacher picks up a stick and hits the child across the back and legs causing him to bleed.

Task

In your group take 5' to consider the case study and discuss how the abuse might affect the child's health and development:

- immediately
- if the abuse continues throughout childhood
- the consequences for children who are regularly beaten

Case study 3

While visiting a school for refugee children you speak to a young mother who tells you that she is the "girl-friend" of a local staff member. You know that the staff member is married and has no intention of divorcing his wife. He will leave the duty station in a couple of months to take up a post (a promotion) in another location. Discreet questioning of the young woman reveals that her child is the child of the local staff member and she has no idea that he is leaving. She appears to be older than 18 and in a consensual relationship.

Task

In your group take 5' to consider the case study and assuming that it is abuse or exploitation, how the abuse or exploitation might affect the survivor:

- immediately
- in the future
- the possible consequences for the child

ICVA/Building Safer Organisations

Investigations workshop

Legal framework – Module 1

HO3

International law

- International law can be defined as “[a] combination of treaties and customs which regulates the conduct of states amongst themselves¹”.
- The highest judicial authority of international law is the International Court of Justice and the administrative authority is the United Nations.
- International law is breached when rights of universal application are denied through racism, sexism or on religious or other state grounds.

Source of international law

Customary law and conventional law are primary sources of international law.

- A. **Customary international law** is the law that results when states **follow certain practices generally and consistently out of a sense of legal obligation**. Customary law was codified in the Vienna Convention on the Law of Treaties.
- B. **Conventional international law** is the law that derives from **international agreements** and may take any form that the contracting parties agree upon. Agreements may be made in respect to any matter, except to the extent that the agreement conflicts with basic standards of international conduct or the obligations binding UN member states under the Charter of the United Nations.

1. (International) human rights law:

“Human rights law is a system of laws, both domestic and international which is intended to promote human rights. Human rights law includes a number of treaties which are intended to punish some violations of human rights such as war crimes, crimes against humanity and genocide. There are also a number of international courts which have been constituted to judge violations of human rights including the European Court of Human Rights and the International Criminal Court.”

Examples of human rights law:

- a) Universal Declaration of Human Rights
 - b) Convention on the Rights of the Child
 - c) Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)
 - d) Declaration on the Elimination of Violence against Women (DEDAW)
- (a) The General Assembly (GA) adopted the **Universal Declaration of Human Rights (UDHR)** on 10 December 1958. Participants from all over the world contributed to the drafting of the UDHR. UDHR contains a system of rights, and it places social, economic and cultural rights on the same level as political rights. The non-discrimination clause in the UDHR, **Article 2**, applies throughout the body of human rights law and is based on the belief that “*differential treatment due to the special features of a person or of the group to which a person belongs is not in accordance with the principle of equality in rights*”.

The UDHR has the status of customary international law, as it is a resolution adopted by the GA. It is not a treaty and is therefore not subject to the requirements (and restrictions) applicable to those instruments. Thus, the UDHR is applicable to the whole world.

¹ Gardner, Bryan (editor). 1999. Blacks Law Dictionary. Seventh edition, WestGroup.

- (b) The **Convention on the Rights of the Child** was drafted over a ten year period following a Polish initiative in 1979. It is one of the most widely ratified treaties in international law: Somalia and the USA are the only nations not to ratify it.

Article 3 imposes a pivotal duty in the context of SEA:

“In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interest of the child shall be a primary consideration”.

States are further obliged to take effective steps to protect children from economic or sexual exploitation.

- (c) The **Convention on the Elimination of all Forms of Discrimination Against Women** has been ratified by most States, but with reservations which allow for the legal system of Sharia law in Muslim countries (and for the US, the power to deny any woman abortion or paid maternity leave). CEDAW confirms that violence against women, including sexual exploitation, constitutes a breach of fundamental human rights. According to **Article 6**, States shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation or prostitution of women.

2. Refugee law:

Refugee law is the branch of international law, which deals with the rights and protection of refugees. The 1951 Convention and its 1967 protocol relating to the Status of Refugees introduced a general definition of the term “refugee” and formulated standards for the treatment of Refugees by States. It is related to, but distinct from, international human rights law and international humanitarian law.

3. Humanitarian law:

International humanitarian law deals with the conduct of war in relation to non-combatants. It aims to protect persons who do not, or no longer, take part in the hostilities (i.e. are not bearing arms). Further, it regulates or restricts the methods and means of warfare according to the principle of “humane treatment”.

The main treaties of international humanitarian law are:

- the four Geneva Conventions of 1949
- (Protocol I) relating to the Protection of Victims of International Armed Conflicts
- (Protocol II) relating to the Protection of Victims of Non-International Armed Conflicts

International humanitarian law is also applied when the conflict is occurring on the territory of a single State, usually between government and dissident forces (internal conflicts). Specifically, **Common Article 3** of the four Geneva Conventions obliges all parties to a “non-international” armed conflict, including dissident armed factions, to respect certain minimum humanitarian rules with regard to persons who are not, or are no longer, taking part in hostilities, including women and children.² The Fourth Geneva Convention deals specifically with the protection of civilians and therefore has the most relevance and importance to refugee and displaced populations.

SG’s Bulletin³

The SG’s Bulletin sets out the specific standards to protect vulnerable populations from exploitation and abuse. The Bulletin defines sexual exploitation and abuse, specifically prohibits certain behaviour on the part of staff and outlines the duties of managers.

² Under international humanitarian law, both during international and internal armed conflicts, children and certain women benefit from protection on two levels: first, as members of the civilian population in general, and second, as a vulnerable category deserving specific protection. Article 38 paragraph 5 of the Geneva Convention IV states that, while protected civilians should in principle receive the same treatment as aliens in time of peace, children less than fifteen years are to benefit from any preferential treatment accorded to the corresponding categories of the native population.

Additionally, in terms of general principles, Articles 76 and 77 of Protocol I make specific reference to the protection of women and children. The Parties to the conflict are to provide them with the care and aid they require.”

³ United Nations Secretariat. 9 October 2003. *Secretary General’s Bulletin on Special Measures for Protection from Sexual Abuse and Sexual Exploitation, 2003/13 (ST/SGB/2003/13)*. United Nations.

UN officials have a legal obligation to make sure that the standards of conduct as specified in section 3 of the Bulletin are accepted in writing when entering into cooperative arrangements with NGOs partners. Therefore, NGO partners are bound to the same principles through contractual relationships and are obliged to enforce the same standards for their staff.

According to section 6.2 there are legal consequences for the “entity” if it does not:

- take preventive measures against sexual exploitation and abuse
- investigate allegations thereof or
- take corrective measure when sexual exploitation and abuse has occurred

Those consequences may include termination of cooperatives arrangement with the UN.

Denial

The term “denial” describes an action or process whereby abuse that has taken place is not or cannot be acknowledged by the abuser, the non-abusing caregiver, the victim/survivor child or adult, other family members or colleagues. Each party might deny different aspects of the abuse. There may be total denial that any abuse has taken place or it may be partial denial of:

- abusive circumstances
- damaging effects
- the addictive and repetitive nature of child sex abuse or abuse of vulnerable people
- the abuser’s responsibility

The function of denial

Denial can relate to anxieties about:

- the legal consequences
- consequences for family relatives
- psychological consequences
- social consequences
- financial/work/career consequences

Levels of denial

There are several levels at which abuse may be denied:

- primary or total denial of any abuse
- denial of severity of acts
- denial of knowledge of abuse (perpetrators may say they were drunk, asleep, depressed, tired etc)
- denial that the maltreatment was abusive (this may involve pretending that the abuse was a normal/educational activity)
- denial of the harmful effects of the abuse (the abusive act is said not to have harmed the child)
- denial of responsibility (the perpetrator makes the child responsible for the abuse, saying that the child triggered the abuse by their behaviour)

Denial is strongly associated with child maltreatment. The typical feelings of pain, helplessness, worthlessness and rejection that children, and also adult survivors, feel when they are maltreated tend to be hidden this way. There may also be a sense of collective denial in wider society that refuses to see child abuse or abuse and exploitation of vulnerable adults as a serious problem. Along side this, professionals who identify abused children or abuse of beneficiaries in humanitarian situations and highlight the problem, may be blamed rather than there being an acknowledgement that all is not well in society and particularly in the family or community where most abuse is known to take place.

ICVA/Building Safer Organisations

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Defining terms and faith – Module 2

HO5

Defining terms

Sex – biologically determined differences between men and women that are innate, unchangeable and universal.

Gender – socially constructed differences between men and women that are learned, changeable over time and have wide variations both within and between cultures. Gender affects roles, responsibilities, constraints, opportunities and needs of men and women in any context.

Gender roles – learned behaviours in any given society/community or other social group, that condition which activities, tasks and responsibilities are perceived as male and female. Gender roles are affected by age, class, race, ethnicity and religion, as well as geographical, economic and political environment.

Different ways of perceiving masculinity – nature or nurture?

Biological determinism/essentialism

- men are born with the characteristics of masculinity, it is a biological reality

Cultural/social construction and masculinity as a discourse of power

- masculinity is constructed in society via the relations of power

Masculine socialisation entails expectations of...

Power e.g.:

- patriarchy
- women's subordination
- male privilege
- access and control

Authority e.g.:

- the boss and secretary syndrome

Entitlement e.g.:

- "husband's rights"
- the "last word"
- respect and deference
- a job for life

Servicing e.g.:

- hot meals
- meat and two vegetables
- sex on demand
- fresh laundry
- good kids

Examples of gender gaps:

Health

More boys immunised
More boys treated in hospitals

Nutrition

Girls weaned earlier
Women/girls eat after men/boys

Workload

Women work more than men
Less recognition (housework)
Collection of water and firewood

Status

Son-preference cultures
Boys/men higher than women/girls

Rights

Inheritance
Guardianship of children
Access to productive resources

Value

higher selective abortion for girls

Education

Boys more access than girls

Root causes of gender based violence:

Culture

- cultural beliefs that socialise girls and boys into different gendered roles
- culture is dynamic and changing and contains practices that impact differently on boys, girls, men and women benefiting some groups and disadvantaging others
- other social structures such as race, gender, class and religion impact on perpetrators and survivors of abuse

Unequal power relations

- In most cultures men often have power and control over women and girls. They often maintain this power through violence.
- Violence and abuse perpetuate inequalities in interpersonal relationships and reinforce structures that enable violence against women and children to continue. This creates a “cycle of oppression”.
- Unequal power relations are often perpetuated through structures that give men social, economic and political advantages over women and children.
- The treatment both girls and boys receive from adults can be affected. However, in general discrimination against women and girls disadvantages girls even more than boys in certain situations i.e. girls have less access to education.
- This gender inequality disempowers girls by giving them unequal access to resources and limiting girls’ and women’s participation in making decisions that affect them.

Poverty and displacement

- Poverty and underdevelopment are also facilitating factors in the abuse and exploitation of women and children, trafficking of women and children, prostitution and pornography.

Men and women are different but these differences can never be accepted as the basis for discrimination. “Respect” for culture should never be used as an excuse for ignoring abuses of women and children.

Faith, religion and protection – briefing paper

Introduction

This paper provides a brief overview of some key factors relating to the protection women and children from sexual abuse and exploitation where faith or religion is part of the context. It will also provide some advice and tips for practice.

Any allegation of sexual abuse or exploitation by staff should be investigated, whether or not the staff member works in a context where religion or faith has a role. Many faith-based organisations have developed safeguards for women and children and have policies and procedures in place about how to manage concerns.

In any investigation, the focus should always remain on the best interest of the alleged victim and his/her welfare should be considered paramount. However, when abuse by staff of a faith based NGO or organisation is alleged, there are powerful factors at play that can influence individuals and agencies as they try to maintain this basic premise. The implementation of investigation procedures may be affected at an organisation or a local level. The following examples illustrate this:

Examples

- *An allegation was made against a priest that he had sexually and physically assaulted a young man of 19 years old. The priest had known the young man through his role as school priest. The supervising bishop did not want to pursue the concern within established procedures as the young man was 19 years old at the time of the allegation. The priest was still active in the school.*
- *A criminal records check for a woman wanting to take up a post as a Sunday school teacher was returned with information that she had convictions of cruelty to her own children 5 years previously. She was appointed on the basis that she had sought redemption in the eyes of the Lord and her adult*

children had forgiven her. No consideration to risk was given to this appointment. There were no other volunteers for the post.

- A nun, working as a teacher, physically and emotionally abused a 5 year old over a period of weeks. The incidents were reported to the parents, who attended a meeting at the school. The nun was retired from her teaching position and the parents agreed not pursue further action as they didn't want to jeopardise their children's places in the upper schools. The nun remained active within the school.
- A police authority received 20 separate allegations about physical abuse within a madrassah. The children had reported incidents to their aid worker over a period of time. None of the parents wished to pursue the complaints and claimed it was a normal practice of the Imam to physically chastise the children when necessary. The police took no further action.
- Several allegations were made by teenage boys of inappropriate sexual behaviour by a youth leader. The youth leader was also a pastor, who was well-respected and managed worship and youth activities in a highly deprived shantytown. When he was appointed they knew he had a conviction of indecent assault 20 years previously. He claimed that it had been sexual experimentation into homosexuality, which he had since renounced as sinful. The faith-based organisation reprimanded the leader and put protecting measures in place to prevent him having boys visit his home after dark.

Faith-based context and protection of women and children

No faith or religion encourages or supports the abuse or exploitation of women or children. However there are some issues which are within a faith-based or religious context that makes it possible for measures protecting vulnerable people to be compromised. These obstacles to protection can be explored from three angles (although the issues within each are interconnected):

1. individual
2. organisation
3. external factors

1. Individual

Whether or not you practice a faith or religion, your life, your beliefs, will at some level be touched, if not shaped, by religion. Often legal systems and calendars have evolved from religious beliefs and values, for example in many countries Sunday is non-working day based on a Christian view that Sunday is a day of rest and worship.

The media and society constantly influence us, often inaccurately, with news and information about faith groups. As an individual you should take time to stop and think about your personal values and the views and opinions you hold about different religions. It is challenging for most of us to maintain objectivity when faith or personal values are concerned. If you do hold religious beliefs, how do you manage these when they are in conflict with situations that arise in your professional life?

For example, what are your personal views on:

- women's rights and roles in society
- gay, lesbian, bisexual, transgender people
- child sexual abuse & homosexuality
- children born outside of marriage
- abortion
- physical punishment
- fasting
- male circumcision
- female genital mutilation
- blood transfusion
- divorce

These can be controversial topics, which as an individual you may hold very strong views about. There are many other issues that are not quite so obvious.

When dealing with complaints that have a "faith" dimension, the individuals with whom you communicate may hold very different views about such topics; judgments, decisions and the way interventions are carried out to protect vulnerable people/victims can often be influenced by these conscious or subconscious views.

All individuals will have personal value and belief systems which may or may not be consciously shaped by faith and religion. While everyone is entitled to their personal values and to practice their beliefs, individuals need to be aware of how their personal beliefs may influence their judgements or capacity to investigate allegations of abuse and exploitation in much the same way as their gender, culture and experience will impact on how decisions are made.

PRACTICAL TIPS WHEN MANAGING OR CONDUCTING INVESTIGATIONS

- Find out and use the **correct terminology** for:
 - the venue/building where worship takes place e.g. church, synagogue, mosque
 - the religious leader e.g. Rabbi, Pastor, Priest, Imam
 - the name of the deity e.g. God, Jesus, Allah, Confucius, and the language of prayer
- It is **ok to say you are unfamiliar with a religion** and will need some help in understanding the context of that faith.
- If concerns are raised about how children or women are treated or disciplined and it is explained that this “practice” is usual within that faith, **check this out with authoritative sources**. Key questions to bear in mind are: what might be the impact of such a practice on a child’s development and well being and how might this practice breach the rights of the woman or child involved?
- Take account of and **manage your own feelings and thoughts** about different faiths and religions.
- **Do not make assumptions**; many faiths and religions have very different branches which practice and believe different things. Also people who belong to a particular faith may practice their religion in different ways and adhere to only some or all of the religion’s practices.
- **Do not discriminate** either by minimising concerns or by being influenced by negative or prejudicial opinions on the basis of cultural or religious relativism.

2. Organisation

One of the primary lessons from research and experience is that a failure to protect the vulnerable is not because of the weakness of one person but because there is an institutional and social context that permits abuse and exploitation to happen and go unchallenged. Faith and religious communities are not immune to this phenomena and provide a specific context which should be examined at every level, including:

- recruitment and selection
- management and strategic planning
- direct services to and contact with vulnerable beneficiaries
- pastoral care and support to people/children who have been harmed, offenders and communities

There are several factors which may underlie how faith organisations respond to protection concerns. All of the factors affect the interface between faith organisations and protection mechanisms.

Perceptions of women and children and views on relationships

How are women and children perceived? Are women seen as equals? Are there specific roles reserved for women and men? Do children have a voice and are their rights respected? How are women or children who have been sexually abused perceived? How are same sex relationships viewed? For example, in faith organisations where women are not encouraged to speak up or do not participate in decision-making, it will be hard for them to speak out about abuse. If women are considered as the guardians of proper sexual behaviour or morality, they may be less able to complain about abuse for fear that the abuse may be regarded as their fault.

Social structure

Does the faith or religion operate within a social structure that permits abusive practices to be hidden or to continue? For example, a society does not believe that religious people could abuse. Alternatively, abusive practices are explained away as being necessary on religious grounds.

Belief systems

The language of faith and spirituality identifies that there is good and evil, victims and offenders within life and so there may be a level of acceptance that perpetrators of abuse exist. It is also widely accepted that sexual abusers are not following the values of the religion and that they have strayed and need saving.

Management tradition

This refers to how faith communities manage offenders and people who have been abused. Many faiths have strong beliefs that redemption and forgiveness can absolve people of their wrongdoings. Therefore, if an abuser has repented and sought forgiveness, the matter has been dealt with. At the same time, there are strong views on virginity, sexual behaviour, purity and innocence which can influence how women and children who have been abused or make allegations of abuse are treated.

Manipulation of the system by offenders

There have been many high profile cases in the media about religious leaders who have sexually abused children but it may not just be leaders who manipulate their positions to abuse. Any individual can/could use the system to obtain or sustain power through gaining a position of trust or a virtuous role, or by being an indispensable member of a community and then manipulating their position to exploit or abuse others. This is a scenario that may occur in any religious organisation, faith-based organisation or humanitarian organisation.

Wider society

There are the wider societal systems, which do not challenge the power and trust that religious leaders or representatives receive. Alternatively, in some societies, faith organisations may:

- believe “outsiders” cannot understand them
- have had bitter experience of disrespectful practice by external agencies
- feel fear and shame about exposing failures in their people and system
- need to believe that abuse just could not happen in their community
- not want to appear disloyal to their community

3. External factors including interventions by national authorities or protection agencies

There are several factors which may affect how external organisations respond to protection concerns when issues of faith or religion are involved. External organisations may:

- exhibit extreme ignorance about the faith which inhibits usual good practice
- practice reverence to faith systems and religious individuals which they (consciously or unconsciously) believe are inherently non-abusive
- not wish to question or challenge faith groups for fear of being deemed discriminatory or prejudiced
- may fear hostile reactions including community unrest
- be unintentionally disrespectful and therefore alienate potential allies who would assist in any intervention

PRACTICAL TIPS

- Develop **contacts with key individuals** within faith communities.
- **Consult a diary of faith festivals** and regular days of worship.
- Consider holding **meetings in a neutral venue** rather than the place of worship.
- Ask authoritative sources for **advice on religious practices and beliefs**.
- **Involve faith communities in planning** projects and work programmes.
- **Hold consultations about concerns or protection issues** with the management committees or leaders of faith organisations.
- Maintain your understanding of what harms women and children and **always question any practices that are harmful**, no matter how they are justified.
- **Research the faith of the organisation being investigated** in order to be as familiar as possible with the context.

Extracted from a paper written by Edwards, Helen. October 2005. *Faith, Religion and Protection*. National Society for the Prevention of Cruelty to Children (NSPCC) for the Building Safer Organisations project.

Exercise

Please discuss the following in your groups. You have 20' minutes for discussion.

What messages were relayed to you when you were growing up that made you aware you were a boy or a girl?

As a child, do you recall a particular experience, which reminded you of your gender?

Use 2 flipcharts, one for boys and one for girls. On the flipchart, write up your experiences, under three columns entitled:

1. message
2. who
3. how you felt

The three columns correspond to the specific questions below:

- What was the message?
- Who gave you this message?
- How did this make you feel?

ICVA/Building Safer Organisations Investigations workshop Risk – Module 2

HO7

Case study

You are an investigator and have just received the following case.

Case summary

An aid worker has been accused of sexually assaulting a 14 year old girl for 18 months. She and her family are too scared to tell for fear of losing extra rations. The child's mother told a family friend who was so upset that she persuaded the family to tell another aid worker that she knew could be trusted. The worker has followed appropriate procedures and made a referral to you.

Task

When you have read the case study spend 20 minutes discussing the following issues with your group. Record your answers on a flipchart.

- Consider the factors that put the following parties at risk:
 1. The child?
 2. The aid worker who made the referral?
 3. The family?
 4. The family friend?
 5. The subject of complaint (i.e. the aid worker that has been accused of the abuse)?
 6. The organisation?
 7. You, as the investigator?
- Is anyone else at risk or vulnerable in this situation? If so who and how?
- What are each of the above people vulnerable to?

Questionnaire

	Agree/Disagree	
1. A gay man can find consolation and therapy in prayer and religious teachings.	<input type="checkbox"/>	<input type="checkbox"/>
2. Women should not behave in a provocative way around a religious leader	<input type="checkbox"/>	<input type="checkbox"/>
3. People of faith are vulnerable to false allegations.	<input type="checkbox"/>	<input type="checkbox"/>
4. A sexual abuser who has been forgiven and redeemed his sins is less of a risk than an offender who hasn't.	<input type="checkbox"/>	<input type="checkbox"/>
5. The main purpose of sexual relationships is for pro-creation.	<input type="checkbox"/>	<input type="checkbox"/>
6. If you do not know about a religion you should not question someone's opinions or behaviour when they state it's the usual practice of that faith.	<input type="checkbox"/>	<input type="checkbox"/>
7. Sexual intimacy should only take place within a loving established relationship.	<input type="checkbox"/>	<input type="checkbox"/>
8. Women and children who have been abused need to find some level of forgiveness in their hearts for the abuser.	<input type="checkbox"/>	<input type="checkbox"/>

ICVA/Building Safer Organisations Investigations workshop Mountainites case study – Module 3

HO9

Case study – Background information

Armed conflict has erupted in Id, a small country in the Middle East. A minority ethnic group, the Mountainites, have fled the fighting in their semi-autonomous territory as they have become the target of attacks by the government of Id. They have escaped to a remote, mountainous region that is on the northern border of Id and the neighbouring country Oz. Given the remote rugged terrain and age-old land disputes, it is not clear if the Mountainites have crossed into Oz. The Mountainites share a similar religion and culture with the population living in the border region of Oz. The Ozzies are poor themselves but generous and welcoming to the Mountainites. This is facilitated by their common language.

Both the local population of Ozzies, and the Mountainites are small-scale agriculturalists and fishing folk (there used to be bountiful supplies of fish in the rivers, however these have been depleted due to over fishing and pollution). They share a traditional Muslim faith and their family structure, informal “laws”, values and lifestyle reflect this. Oral history through songs, stories and poetry are an important aspect of their culture, with communities gathering during the evenings to listen to the elders. Until the recent upsurge in violence, the Mountainites were not a strongly unified people, living in small villages, their family and small community played the most important role in their lives.

The Mountainites maintain order among the population through heads of households bringing forth their grievances to the community elder. The elder establishes guilt and reparation, and justice is usually swift and severe. This is viewed by most as a just and fair system. Grievances are rarely taken to the national judicial system, which is viewed as biased and unjust.

The Mountainites have been subject to discrimination from the Idiates, the main ethnic group of Id, since the founding of the country. They do not have equal access to education and their territory has received little to no development funding from the government. They are amongst the poorest people in Id and only 38% of Mountainites are literate. Girls are often not sent to school as they are needed to assist their mothers in household chores. On average, boys attend primary school until they are 12, then are sent to fish with their fathers or tend the fields. The poor quality of the land, with limited nutrients leads to minimal harvests and high levels of malnutrition among the population.

Children are considered a great blessing and families are large. Polygamy is accepted but only if a man can afford to care for two wives and their children equally. In Id, women were largely excluded from public life and were more likely to be in the home caring for large families. However, with many men away fighting or dead, women are called upon to take on non-traditional roles. In some cases, women are now the head of the household, while in other families with sons, boys as young as 8 years old are the new heads of households (even when there is an adult woman in the house).

Winter is about to close in. When it does, the temperatures will be extreme and the mountain passes will close. Thus far there have been three deliveries of food, household items and emergency medical supplies. These deliveries have been based on “standard” relief packages supplied in the aftermath of an emergency. The international community is confident that the Mountainites have been supplied with adequate temporary shelter to last out the winter. However, there is only a brief window during which it will be possible to get in food supplies.

Given that there have been new arrivals and clandestine departures from the makeshift camp, no one is sure exactly what the population of the area is.

An emergency team from the aid organisation, Operation Hope, has been living in the camp with the Mountainites for the last six weeks. They will go on MARS (Mandatory Absence for the Relief of Stress) leave while a replacement team comes to take a census. The replacement team will only be in place for two weeks so time is of the essence. Moreover, resources are limited so the team of five has only one vehicle

and a driver. The “camp” is not set up in conformity with Sphere standards as mostly people arrived and settled where they could on the rough terrain. The designated “meeting area” is within the area where the staff tents are located about 3 kilometres on foot from the Mountainite tents. Census will be taken in a large tent that accommodates about 50 community leaders.

ICVA/Building Safer Organisations

Investigations workshop

Aid workers – Module 3

HO10

Role description – Operation Hope staff

You are a group of Operation Hope staff from Headquarters Registration Section sent out to replace the Emergency Team originally deployed to respond to the flow of displaced people to this region. You are only in the area for two weeks while the Emergency Team prepares to return for the winter.

Your task is to take an initial needs assessment and census of the population of refugees in order to supply adequate food/calories to the whole population to cover the three months when it will be impossible to get out except via helicopter (which is expensive and dangerous). In addition, you have been asked to check with the community leaders if there is any other issue they need addressed before winter sets in. For example, do they have adequate blankets, lighting, latrines, etc? Funds are limited so you should not give the impression that anything is possible but you do have the autonomy to weigh priorities and make a decision about what can be provided in addition to food.

You have called in advance and been assured that the community leaders know that they must come to the meeting point today to tell you in detail the numbers in the camp. Each leader is responsible for a sector. The leaders have been asked to count and number heads of households in their sector (both male and female) and provide family names and numbers of family members in order to come up with the figures. They also know that they are required to bring to the table any other issues of concern.

Attached is a population survey form.

1. You have 15 minutes to decide how your team will function and whether you need any additional information added to the form.
2. You have 15 minutes to obtain the information you need. (A facilitator will bring the “beneficiaries” to your group.)
3. You have 15 minutes to formulate your report and recommendations to HQ.

ICVA/Building Safer Organisations

Investigations workshop

Refugees – Module 3

HO11

Role description – Mountainite women and children

You are a group of women and children from the sector of the camp that is headed by the local religious leader. He is well respected and well liked as he seems to know a lot about how aid workers think and operate. He went to religious school in the capital of Id and is accepted as a well-read scholar. His wives and family are also among you.

Winter is about to begin and soon the weather will make travel in and out of the region impossible. Winter is always like that in this region and you know how to protect your families as best as is possible. You are concerned that the aid agency provides you with the right type of calories for the winter and for enough people as many of the women are pregnant so the numbers today will be increased by the late winter.

While these are concerns that you have, you are reasonably confident that the men will be able to bring these concerns to the aid workers as they too will go hungry if not enough food is provided.

You have several other concerns that need to be brought to the attention of the aid workers. Firstly, the Head of Sector (religious leader), beats his younger wife severely. Culturally, this is a sign of love and concern as he is disciplining her to make her a better wife. She is often injured after these assaults and the first wife must care for the whole family when this happens. Moreover, this is seen as a sign for other men to treat their wives similarly. You cannot tell the Head of Sector as he will obviously not report this matter.

Aside from feeding your children, the other pressing concern is that one of the aid workers that came with the Emergency Team is demanding sex from adolescent girls in return for food supplies. You are unable to bring this directly to the leadership as the girls in question will be murdered should this “secret” become public knowledge in order to protect the family honour. However, you have mentioned on several occasions to your husbands (those of you that have husbands) that the aid worker in question (you do not know his name but he has black hair and a bushy moustache) should be sent away as he is not religious, he looks at women in a familiar way and he is trying to touch women on the arm. You have not mentioned any names of the girls involved. Moreover, you cannot really discuss it openly among yourselves as then you would “know” of the shame and be obligated to report it. That is as far as you can go without putting the girls at risk.

You have 30 minutes to decide amongst yourselves how you will bring your concerns about food to the leaders and whether you will mention the other problems you are facing. Please decide as a group what issues you will directly ask the leadership to take to the new team. How will you express them? If the leaders do not ask you, how will you take the message to them or to the aid workers? If it is not possible what alternative course of action will you follow?

Role description – Mountainite leadership

You are the leaders of the Mountainite displaced population. Each of you is the leader of a sector of about 200 families. Families are of different sizes and composition but for the most part each family has between 6 and 10 members. You are all aware that the winter will be harsh and that you need to convince the aid team of the importance of sending enough food for everyone. In addition, some of the families in your sectors have members who are soldiers who will return to fight the Idiats on behalf of your people so you need stores to feed them when they return from the front and to supply to them when they are away. You are aware that foreign infidels working for aid organisations are not interested in your cause and that you should hide this particular piece of information from them.

You are all fairly traditional in your views and recognise that the best way to preserve order and avoid panic during this crisis is to maintain as much stability as possible by keeping to the old ways. You have chosen several men as your spokesmen and they are also responsible for maintaining law and order. So far there has been very little dissent.

The women are responsible for maintaining the family and have been managing reasonably well despite your reduced circumstances. Some of you feel that they complain too much about domestic issues given that there is a war raging at home and the Id Government appear determined to destroy your people.

There have been some murmurings about a particular aid worker who is disrespectful and may well have gone as far as touching some silly girl on the arm. She is a known trouble-maker and you do not wish to jeopardize your chances of getting adequate food by making too much fuss about it. However, others in your group think that this type of thing is typical of disrespectful westerners and should be addressed.

1. You have 15 minutes to determine how you will bring the relevant information regarding the census and food needs to the aid workers. You have been provided in advance with a form to help you.
2. You have 15 minutes to decide what other issues should be brought to the attention of the aid workers or to determine if you will handle the problem internally.
3. You have 15 minutes to speak to the aid workers and get your problem across.

Additional information for one of the aid workers

(to be provided ten minutes into the exercise)

During the pre-assignment briefing, one of the Emergency Response Team members made several comments regarding how attractive the Mountainite girls are. He said they are very friendly but terrified of Mountainite men who decide everything for them. He gave the impression that the Mountainite girls are happy to be friends with the aid workers but have to be sly about it to avoid any conflict in their families. Is this something worth raising with your team? What will you say?

ICVA/Building Safer Organisations

Investigations workshop

Complaints mechanisms

HO14

It is the responsibility of all organisations to ensure that a safe, confidential, transparent and accessible complaints system is established in each location so that all staff and beneficiaries, including women and children know where to go to make a complaint and receive assistance.

Enabling beneficiaries to complain¹

Organisations should develop their complaints mechanisms in consultation with beneficiaries in order to ensure that it adequately reflects their needs. In this way, organisations will be aware of the barriers beneficiaries face when making complaints. Beneficiaries should be informed of what their rights are and what they can and should complain about. This includes informing them of the organisation's Code of Conduct. A description of the complaint process must be provided to beneficiaries which outlines the stages of the process, timeframes for each stage, rules governing decision-making and who is responsible for the process. Beneficiaries must also be informed that the process will be kept as confidential possible and that the organisation will try to protect them from retaliation. If necessary, it should be possible for complaints to be made on behalf of victims of abuse and exploitation with their consent.

Information on the complaints mechanisms must be actively disseminated in a clear way in suitable forms and through appropriate media. Appropriateness will require consideration of gender, age, physical ability, language, level of literacy, ethnicity or any other factor that may affect people's ability to lodge a complaint safely. The contact details of a specific focal point in the organisation must be provided.

The design of the mechanism must cater to the situation and needs of the beneficiaries for which it is intended, particularly the most at risk in the population. This makes it necessary to have a number of entry points where reports can be made. These can include:

- Complaints boxes where written or typed complaints can be lodged
- Well-known and trusted community focal points such as the protection officers and health workers
- Youth focus groups in community centres or schools

The population can be informed of their rights and the complaints mechanisms through:

- Posters demonstrating that aid workers offering goods and services in return for sexual favours are wrong
- Educating women either through women's organisations within a camp or through women leaders, about their rights as persons of concern. This education can include information on existing legal frameworks, women's rights, organisational policies regarding allegations and avenues to social and physical refuge
- Having a safe space allocated to women and children who are victims of abuse
- Dramas or games developed to inform children of their rights

All NGOs working with a given population need to have a common approach to receiving and responding to allegations of SEA. To be effective, organisations should actively solicit, respond to and follow-up on complaints.

Enabling staff to complain

All organisations must have a confidential complaints mechanisms that is accessible to staff. The mechanisms must be published and described to staff at the time of entry into service. It should be easily accessible for staff in remote or isolated locations. Ideally, the system will require oral or written allegations to be lodged directly with the most senior manager in the duty station, unless that manager is implicated in the complaint. In this case the CEO should designate another staff member to be the focal point for receiving complaints, such as the Director of Human Resources.

¹ *Pathways to Accountability: A short guide to The GAP Framework*, Monica Blagescu, Lucy de Las Casas and Robert Lloyd.

Pursuant to the United Nations, *Secretary General's Bulletin on Special Measures for Protection from Sexual Abuse and Sexual Exploitation*, 2003/13, it should be explicit that it is mandatory for all staff to report when they have a concern or suspicion that a colleague or another staff member may be involved in abuse and exploitation. It should be clear that information on misconduct that is submitted in good faith with honesty and sincerity will be kept confidential.

Protecting complainants from reprisals

No threats or action may be taken against a complainant as reprisal for making a report or disclosing information to, or otherwise cooperating with, an official investigation by the organisation. If an investigator receives information that the complainant may be at risk of reprisal for reporting allegations of misconduct or because of an investigation process, the investigator must immediately report this to her/his supervisor and together they should consider protective measures.

All organisations should have an official whistleblowing policy to protect staff lodging complaints from official and informal sanctions or reprisals from their colleagues or employer. Disciplinary proceedings may be initiated against any staff member who is proven to have retaliated against another staff member or other individual who made a complaint or cooperated with an investigation.

Malicious or false allegations

When a complainant makes an allegation that they know to be false or that wilfully disregards the truth, this constitutes misconduct and disciplinary measures may be imposed². As a result, the identity of this complainant may be disclosed during the subsequent administrative and disciplinary proceedings.

Processing allegations

Once received, those responsible for the investigation must adhere to the process set out in the organisation's SEA policy. It is therefore crucial that the organisations develop clear and exhaustive procedures for processing and investigating complaints. For example, all complaints however received should be directed to the Country Director, unless s/he is implicated in the allegation. For national or local organisations, the Director will appoint the investigators and supervise the investigation. If the organisation is regional or international, the complaint should be transmitted to Head Quarters where the Director of Human Resources will appoint investigators and supervise the investigation.

Confirmation of receipt of complaint

When making an allegation of misconduct in writing, by telephone or in any other manner, the complainant should receive an official acknowledgement, in writing, within five working days of the allegation(s) being received. Some complainants may reveal their identities but be reluctant to receive written acknowledgement for fear their action may be revealed to their colleagues or other members of the community. In these cases, no confirmation should be sent. A note should be kept on file detailing this decision.

The manager of an office that may be affected by an investigation should also be informed, in general terms, by the investigator's supervisor about the investigation without prejudicing the investigative process. The identity of the complainant should never be disclosed. However, the complainant does not "own" the complaint and may not use it for any purpose other than to assist the organisation. At no stage during the investigation does the complainant have to be informed about the status of the investigation.

² Point 16 of the *Draft Guidelines on the Application of the ST/SGB/2003/13*, 2005. Organisations should have a policy on how to deal with false or malicious allegations.

ICVA/Building Safer Organisations Investigations workshop Principles case study – Module 3

HO15

Principles case study

You are an investigator and have just received the following case. You have also been assigned a principle; please think about your principle when reading through the case.

Task

When you have read the case study, spend 30 minutes discussing the following issues with your group. Record key points on flipchart paper.

- Why is the principle important to the investigation in this case?
- How can the principle be applied in the investigation from now on?

POPAID Case

1. POPAID is an international NGO working with refugees and displaced populations.
2. POPAID has a Code of Conduct for its entire staff.
3. Peter is a POPAID driver. He approached Charles, the senior driver, to ask for advice. Recently Henry, the Senior Medical Officer, asked Peter to bring two refugee girls from the camp to a nearby guesthouse. Peter was not on duty at the time and so was unable to do as requested. He was not sure if anyone else had been approached by Henry, and had no additional information about what might have taken place on that evening. Charles suggested that Peter ask the other drivers if they knew anything.
4. One other driver said he had received a similar request and he had taken the two girls to the guesthouse as requested. This driver gave Peter and Charles the names of the girls.
5. Peter and Charles thought there may have been improper conduct by Henry, but they did not know what had gone on in the guesthouse. The other driver was a friend, so Charles and Peter were concerned about raising the matter with senior staff.
6. They decided to approach the girls to find out what had happened. Charles stopped one of the girls in the camp, to ask if she knew Henry. The eighteen year old said that, yes, she knew him, that he was a friend and she had the right to be friends with whom she chose. She suggested that Charles should concentrate on his job and leave her alone.
7. Later in the day, Peter saw the girl in the camp and also approached her, to ask what had happened at the guesthouse. The girl became angry and refused to answer any questions.
8. Peter and Charles decided that they had insufficient evidence to report this. They later heard that not reporting concerns would also be against the Code of Conduct and they could get into trouble if it ever came out.
9. Peter still felt uneasy and reported to Mary, the Field Coordinator. The Field Coordinator emailed the Deputy Director. The Deputy Director was on leave and learned about the driver's story when he returned two weeks later. He then informed the Country Director. The Country Director decided to do a preliminary investigation and asked Mary, the Field Coordinator, to "find out what was going on".
10. All of the senior staff working in this location live in a shared house.
11. In the meantime, the other girl, aged 14, who had been taken to the guesthouse, approached the Gender Based Violence programme, run by a different NGO. News had reached her father of her relationship with one or more of the humanitarian workers, he beat her and then threw her out of the family barrack. Lydia, the GBV programme manager, reported this to UNHCR through the only means of communication in that

field site – the radio. She included identifying details about the girl and her family but did not mention the alleged perpetrator or his organisation. UNHCR had no protection officer in the camp for some days but assured Lydia that they would follow up as soon as possible and investigate the allegation.

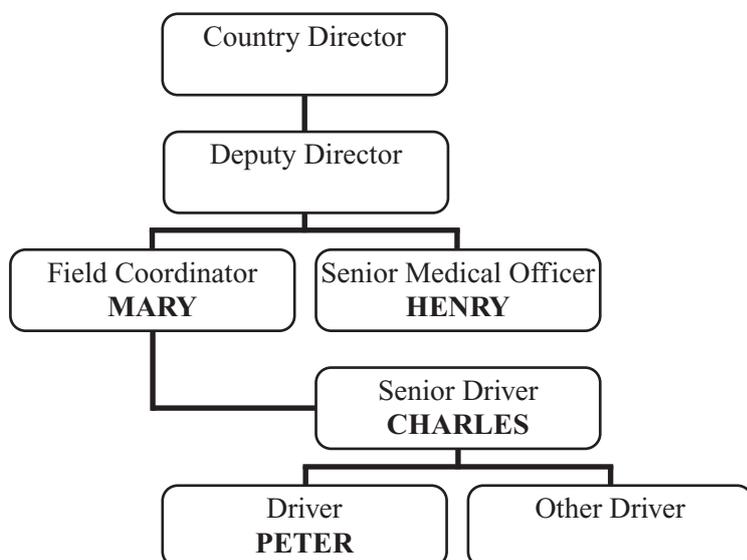
12. UNHCR, the organisation responsible for camp management and POPAID each decided on an investigation and independently set out to gather evidence from all the parties concerned.

Principles

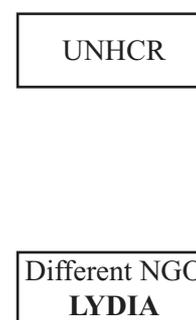
- a) confidentiality
- b) anonymity
- c) the safety and welfare needs of women and children
- d) safety of girls, analysis of the risks
- e) health
- f) psycho-social
- g) legal/justice
- h) professional care and competence
- i) thoroughness
- j) independence
- k) planning and review
- l) respect for all concerned
- m) timeframes
- n) working in partnership with other interested parties
- o) national authorities

POPAID case study diagram:

POPAID staff:



Other organisations:



VICTIM 1
18 years old

VICTIM 2
14 years old

ICVA/Building Safer Organisations

Investigations workshop

Hollywood Aid case study – Module 3

HO16

Victim

Sunita Akhtar	13 years	Female
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Family

Rubina Akhtar	unknown	mother and complainant
Nasima Akhtar	10 years	sister
Hossain Akhtar	15 years	brother
Mohammed Akhtar	(deceased 4 years previously)	father

Address

Shanty, Kuril Slum, Dhaka, Bangladesh

Names of accused person

Adrian Smith	29 years	Hollywood Aid, male
Abdul Jabber	54 years	Hollywood Aid, male

Names of witnesses

Karim Hussein	11 years	local community, male
Sister Mary Murphy	42 years	Project Manager Hollywood Aid, nun, female

Incident – reported by mother

Nasima is in Dhaka Community Hospital being treated for dysentery. Sunita has been visiting daily to care for her. After a visit last month she has refused to go to visit her sister anymore. Eventually Sunita told her brother, Hossain, that on her last visit to the hospital two aid workers said if she let them take photos of her she would get extra food for Nasima. The aid workers had told Rubina (mother) that they were going to be “portrait” pictures. She and her mother had agreed not to tell Hossain as they knew he would disapprove.

Sunita was distraught telling her brother this and begged him not to tell anyone. Rubina and Hossain did discuss it and are very worried about Sunita. She has been withdrawn and depressed, often found crying. She refuses to go outside of the shanty unless she is with her mother or brother. She has not been eating and has said she is worried about Nasima being in the hospital. Hossain has managed to get work in another city and he will be away for some time. This also means the family will not receive any income from him for some months.

Rubina talked to Sunita who broke down, begging not to have to get more photos taken. She then said the white man had “touched” her. They have agreed to complain about the two aid workers.

Rubina complained to the project manager, Sister Mary Murphy.

Preliminary information

Further account from Rubina Akhtar, Sunita’s mother –

She describes the two aid workers and recalls one name Abdul Jabber whom she knew from previous circumstances. She believes he is a “bad man” with “no respect”.

The two aid workers approached Sunita first and asked her if she'd like to earn extra food for having her photo taken. Abdul Jabber and a white man then came with Sunita to her house and asked Rubina's permission explaining that she could earn food. Abdul said they were going to the Korean Church as that is where they had all the equipment.

Sunita returned about 2 hours later alone, with extra food parcels. Sunita was very upset, shaking and flushed faced. Rubina said at the time she didn't ask about what had happened. At the time Sunita mentioned that she saw Karim Hussein outside the church when she left after the photo shoot.

Since then Rubina has been worried about her daughters and wants the matter looked into. She doesn't want the police involved as this will bring too much shame on the family and they have no man to protect them.

Local information

The local police are corrupt, accept bribes and are very physically violent. It is not expected that they would assist in this matter especially as there is not yet any clear evidence of illegal acts. If any sexual assault is identified, it is likely they would blame the victim and her mother and may initiate community "lashings".

Sister Mary Murphy, the project manager, has identified the aid workers as follows:

WORKER 1: Adrian Smith

white British male,
29 years old,
Buddhist.

Physical description:

Blonde hair but shaved head, green eyes, two earrings in left ear, small beard.

Recent employment history:

Worked for Hollywood Aid for 1 year. He has been in Bangladesh for 2 months. He previously worked in Bangkok for Water Aid.

WORKER 2: Abdul Jabber

Bangladeshi national, male,
54 years old,
Ethnic Rohingya.

Physical description:

Black hair, moustache, brown eyes. Left leg physically impaired from polio.

Recent employment history:

Worked for Hollywood Aid for past 3 years, initially as a volunteer, then as paid employee. Previously, he worked in a missionary organisation helping street children. He is highly regarded by Sister Mary Murphy and other Hollywood Aid colleagues.

ICVA/Building Safer Organisations

Investigations workshop

The four stages of interviewing – Module 4

HO17

A. Rapport building and opening information

Thank the witness for attending the interview.

Thank you for coming today and speaking to us/me. I imagine it was difficult to fit this into your full schedule. I understand that today is your day off. How long have you worked for the organisation? Is it a good job?

Outline the pre-interview information:

- **Introduce yourself**
Explain who you are, offer your card with contact details and introduce any other investigators, observers or interpreters present.
- **Honesty and accuracy**
Staff members have a duty to cooperate and obligation to tell the truth. For witnesses who are not staff members, simply thank them for their time and explain it is important for them to be accurate.
- **Confidentiality**
Staff members have an obligation to refrain from communicating with other persons interviewed in the framework of the same investigation. Explain that the investigation process is confidential for both witnesses and investigators alike. Describe who you, as the investigator, and who you may have to share information with and why. If they are a staff witness, explain that breaching confidentiality can result in disciplinary measures.
Non staff witnesses cannot be obliged to maintain confidentiality but investigator should explain the importance of confidentiality to a fair process.
- **Purpose of note-taking**
Explain who will be taking the notes i.e. the interviewer or the second interviewer. Explain the purpose of taking notes is to ensure accuracy when investigation report is written up and to offer the witness a chance to verify the accuracy of what is written in the statement.
- **Acceptable to state when answer not known**
Clarify to witness that it is ok if they cannot remember or do not know a particular piece of information.
- **Right to ask for short break**
Tell the witness where the bathroom facilities are; offer them water and explain that they can ask for a short break if they need it. You should also ask if there are any other problems you can help with that might interfere with the interview i.e. if the driver has to drive the representative to an appointment in half an hour's time, offer to ask to have the interview rescheduled or to find an alternative solution.

Lack of cooperation, fraud, malicious reports and concealment of facts or evidence can lead to disciplinary measures for staff witnesses.

B. Free narrative

- “Do you know why we are here today?”
- “I understand that there have been some problems in the office. Have you encountered anything like this?”
- “Tell me about that...”
- “I wasn't there and I'm not allowed to assume or guess anything so tell me about it in your own words.”
- “If you could tell me about that and try not to leave anything out.”
- “I understand that this might be difficult but it is important because...”

Remember:

Avoid interrupting or clarifying ambiguities. Have an “active listener” posture. Elicit more information by repeating key phrases used by the witness. Offer prompts that relate to the witness’ account only – not to other witnesses’ evidence. Work at the pace of the interviewee. Do not give positive or negative feedback. Beware of unintentionally communicating approval or disapproval through facial expressions and voice inflexions.

C. Questions

- Open questions (designed to elicit further information)
 - “Describe for me the exact events surrounding... (for example, collecting the girls and taking them to the guest house)”?
 - “Please tell me the full names and give physical descriptions of the individuals involved”.
 - “Tell me what was said”.
 - “Who saw this”?
 - “Whom did you talk to about this”?
- Closed questions (designed to clarify something you already know or to specify some earlier information – usually involves a “yes” or “no” answer or one piece of information)
 - “What is that person’s name”?
 - “Did you personally witness these events”?
 - “Were you in the car at the time”?
 - “Do you have this instruction in writing”?

D. Summary and closure

- “I am going to sum up now, please tell me if I get anything wrong”.
- “I have summarised what I think I heard you say. Did I leave anything out? Would you like to correct anything”?
- “Do you have any questions for me”?
- “Explain what will be done with the information”.
- “Thank you for your time”.

Remember:

Check with second interviewer (recorder) if there are any outstanding matters before you summarise. Summarise what the interviewee has stated in his/her words. Answer any questions s/he may have.

ICVA/Building Safer Organisations

Investigations workshop

Witnesses with special needs – Module 4

HO18

Witnesses with fear of authority

- Fear of authority may result in phobias, panic attacks or fears of persecution. It will be important to consider how this may impact upon questioning in terms of style, rapport, information giving etc.
- If a witness has a fear of authority, s/he may require support from trusted individuals to enable them to participate effectively.
- Also, such witnesses may wish to please the interviewer by giving information they think the interviewer wants to hear. It is important to reassure the witness that they should feel free to say if they don't know or are unsure of something.

Witnesses with learning or intellectual disabilities

- Early assessment of needs is required and professional advice should be sought when possible. For example, people with learning difficulties may have difficulties with language skills relative to other skills or they may have a shorter attention span.
- Support prior to, during and post interview must be considered.
- The issue of consent should also be considered given that the witness must understand why they are being interviewed and give their consent to participate.
- Remain calm as the witness may become concerned by emotion or shouting.
- Be aware that unfamiliar sights, sounds and people may make the witness afraid.
- Do not sit with your back to the light and minimise any background noise.
- Close physical contact may cause stress to the witness.
- Direct eye contact may not be comfortable for the witness.
- A familiar environment may be the best place for the interview.
- Witnesses may be afraid of authority figures.
- If the witness has language difficulties, s/he may require assistance to understand your questions. Consider using alternative materials such as pictures.
- Words which sound similar may become confused.
- Keep sentences short. Do not include more than one concept in a sentence.
- The witness may be more vulnerable to leading questions.

Witnesses with physical disability

- Consider access requirements and how the witness will be able to get to and from the interview site.
- A carer may be required to attend for physical assistance or an interpreter/intermediary if they have speech impairment and/or hearing loss.
- If the witness needs a supporter to assist, explain the role of the supporter to both witness and supporter.
- Build in additional rest and refreshment periods.

Preparation of children for interview¹

- Explain role of interviewer to the child.
- Explain purpose of interview (without detailing the nature of complaint).
- Seek permission for child's information to be included in report.
- Explain the concept of confidentiality and who will see the information in a way a child understands.
- Explain "ground rules" of interview.
- Brief any supporter about his/her role.

Engage and explain/rapport

- State day, time and place of interview for the record.
- Introduce everyone present and explain what everyone is doing (e.g. the supporter).
- Explain why the child is being interviewed without specifying the nature of the complaint (e.g. the interviewer has been told that something has happened to the child and it is the interviewer's job to find out what happened).
- Discuss neutral topics and reassure the child that they have not done anything wrong.
- Use open questions.
- Assess the child's ability to participate in the interview and their ability to understand.
- Inform the child that:
 - the interviewer was not there at the time of the incident and therefore needs the child to tell him/her what happened
 - if the interviewer asks questions the child does not understand the child should feel free to say so
 - if the child does not know the answer to a question it is ok to say that s/he does not know the answer
 - if the interviewer summarises the child's account incorrectly, the child should say so
- Explore the child's understanding of what is the truth and what is not the truth

Account/free narrative

- Ask the child to describe what happened in their own words.
- Use active listening skills.
- If appropriate, use other mediums such as drawing, figures, modelling clay etc.

Clarification/questions

- Remind the child of the ground rules (in explain/rapport section).
- Keep questions short and simple.
- Use child's vocabulary.
- Begin with open ended questions.
- Move on to specific questions (use "who", "what", "where" or "when" and avoid use of "why" questions).
- Stay focused (e.g. gather all the information you need on one topic before moving on to another, do not move from incident to incident and back again).
- Try not to repeat questions.
- Don't ask about things that the child does not understand (e.g. time, height, weight, age etc).

¹ When interviewing a child, whenever possible, take a verbatim record of the interview rather than making a summary of the most important points.

- If you need to use a closed question, clearly re-state to the child that if s/he do not know the answer or is unsure s/he should say so.
- Do not ask a leading question unless it is absolutely necessary (i.e., if you do not to ask it, the child's safety or the integrity of the investigation may be compromised).
- Where a child responds to a leading question with information not previously known or referred to, revert to open or specific questions.
- Be aware that if you give a child two options in a question, they will often repeat the last option. For example, if you ask "Was the car black or blue?", they will answer "blue".

Closure

- Check that any second interviewer does not think that any more questions need to be asked.
- Summarise the information given by the child using the child's words.
- Answer any questions from the child.
- Thank the child for their time and effort.
- Tell the child whom they can speak to if they have any problems.
- Return to the rapport phase.
- State time of end of interview.

Evaluation

- Do not interpret the child's behaviour as a reliable indicator of the accuracy or otherwise of what they have said. Instead, consider:
 - what information has been obtained
 - how the account fits with the other information/evidence
 - whether any action needs to be taken and, if so, what
 - what further enquiries need to be undertaken
 - your performance (including how you can develop your skills)
 - the fact that children are vulnerable and easily intimidated

POPAID is an international NGO working with refugees and displaced populations. POPAID developed and disseminated its Code of Conduct to its entire staff. For background information, please read the POPAID Principles case study again (HO14).

Role description

- David Kamara is the “other driver” referred to in paragraph 4 of the Principles case study (HO14) discussed on day 2.
- David has worked as a driver with POPAID for 2 years.
- He has received training on the Code of Conduct.
- He is married and has two daughters aged 17 years and 14 years.

The facts

On 1 June 2005, Henry, the senior Medical Coordinator, called David on the radio and asked him to meet him at the guest house where all the POPAID international staff are lodged.

- David arrived at the guesthouse at 20:00hrs.
- Henry then asked David to collect two girls, Ruby Coles and Penelope Moore, from a nearby restaurant.
- Henry requested that David bring Ruby and Penelope to the guest house at 20:20hrs.
- He brought the girls to the Guest House at 20:30 hrs due to a delay at the restaurant.
- He left the girls with Henry, drove the vehicle back to the office compound and walked back to his home about 2.5 km away.
- David has not seen the girls since the evening of 1 June 2005.

Demeanour during the interview

David is extremely pleasant, helpful and co-operative. He is fully aware of his obligation under the terms of his employment contract with POPAID to assist the investigation.

What you want to know from interview

- name
- age
- job description
- what happened on the evening of 1 June 2005
- description of exact events surrounding collections of the girls and taking them to the guest house
- full names of the relevant individuals
- what the relevant individuals look like i.e. physical description
- what they were wearing and what they said
- whether other colleagues saw this and, if so, how many
- whom he spoke to

ICVA/Building Safer Organisations

Investigations workshop

Interviewing subject of complaint – Module 4

HO21

Devise an interview plan

- rapport building and introduction to explain and engage
- free narrative to take statement and gather information
- questions to clarify
- summary to close

Key issues

- What information do you want to give?
- Develop strategies around what you already know.
- What factual gaps have you got?
- What do you want to know?
- What background information is important?
- Use chronologies, timelines etc.
- Use other evidence to establish clarification.
- Be clear about timescales.
- Adopt an appropriate questioning style.
- Avoid judgmental words/approaches.
- Ensure body language is comfortable and reflects what is being said.

During the interview establish the following

- Why is the subject being interviewed?
 - Explain the complaint/allegation if possible without divulging the identity of the complainant or other witnesses.
 - Give a clear breakdown of why the allegation equates to a breach of the SG's Bulletin and your organisation's Code of Conduct.
 - Explain the procedure to be followed.
 - Explain that it is a condition of the employment contract and therefore they must co-operate.
 - Explain the duty of confidentiality owed by them and to them.
 - Explain what will happen to the information given e.g. where it will go, who will see it, how will it be reported.
 - Inform them that:
 - harassment of anyone involved in this investigation is misconduct
 - breach of confidentiality is misconduct
 - notes will be taken
 - investigation may lead to disciplinary and/or law enforcement action
 - information may be given to future employers
- Record the interview at the earliest opportunity.
- Both interviewers (or observer) should sign and date the record of interview.
- Present the record to the subject of complaint who should sign that the record reflects the content of the interview.
- Any amendments should be signed and dated by the witness and the interviewer.

Victim

Mrs Mercy Okeye

Family

Mr. Jeffrey Okeye	husband and complainant	
Justice Okeye	son	age 5
Eunice Okeye	daughter	age 3
Maryse Karaguba	foster daughter	age 8

Address

Block D, Hopetown refugee settlement, Kenya

Name of subject of complaint

Mr. Michael Ayegame, Feed the Hungry, African Regional NGO

Names of witnesses

Mr. Jeffrey Okeye, husband

Incident

Reported by Mr. Jeffrey Okeye. Jeffrey and Mercy are residents of the Hopetown refugee settlement. Jeffrey is employed by Michael as a cleaner and cook. Jeffrey claims that at 3am on 2 February 2005, he returned to his home from the local café where he had been meeting with friends. When he entered the family home, he found his wife semi-naked and being assaulted by Michael. He had his friend's camera with him and he immediately took photographs of the scene as evidence. Michael fled the scene.

Preliminary information

At 4am on 2 February 2005, Michael called his supervisor, Ms. Kalista Rau, the Head of Office requesting an urgent meeting. At 5am that morning, Kalista met with Michael at the Feed the Hungry office. Michael explained the following:

He received an invitation to visit the home of his employee, Jeffrey for a drink on the evening of 1 February 2005. Jeffrey had insisted that Michael stop by for a drink and snack “no matter how late” even though Michael had made his excuses as he had a party to attend earlier. When Michael arrived at Jeffrey and Mercy's home, he was ambushed and at gunpoint forced to undress and assume compromising poses with Mercy while Jeffrey took photographs. Jeffrey then demanded money and said that if Michael did not pay, he would accuse him of sexual abuse.

Local information

Hopetown refugee settlement was first settled 25 years ago. The majority of refugees are from Sudan but there are also Ethiopians, Eritreans and a few Rwandans. Many of the residents have been there for over a decade and there is little hope of return or resettlement. There are few work opportunities and those with jobs are considered privileged.

ICVA/Building Safer Organisations

Investigations workshop

Role description Michael – Module 4

HO23

Role description – Michael Ayegame

Michael is a Nigerian national. He is 32 years old, married with a wife and two children who live back home in Lagos. He is 175cm tall and wears his hair very short. He has worked for Feed the Hungry for 10 months of a 12 month contract. Previously he has worked for WaterAid in Chad for 11 months and the International Family Support in Niger for 8 months where he implemented a revolving loan fund for women as part of a gender empowerment programme.

He has employed Mr. Jeffrey Okeye to cook for him and clean his house since he first arrived in Hopetown.

The facts

Michael has employed Jeffrey for 9½ months. During that time he has become friends with the family and offered additional food and financial support to enable the two older children to attend school. In return for this help, he has been coercing Mercy into having sex with him on Tuesday nights when Jeffrey is in town playing his regular backgammon game with friends. Mercy is distraught and finally broke down and told her husband who agreed to come home in time to catch Michael so that the matter could be reported.

Demeanour during the interview

Michael is very aggressive during the interview. He regularly interrupts the interview to assert his innocence and to explain that he is a victim of extortion and blackmail. He asserts that he has an untainted reputation and comes from a good family. Both his father and his wife's father are in local government and highly respected in their communities. He appeals to the fact that both he and the investigator are expatriates and notes money is always a problem for the refugees who will do anything to augment their income. Now that the refugees know about the Feed the Hungry Code of Conduct they want to use that against the international staff.

Eventually he states that he has had sexual intercourse with Mercy on some four previous occasions but that it was a consensual relationship that has lasted some 6 months. He claims that Mercy told her husband that she was being sexually abused as she was fearful for her safety when her husband caught them having oral sex.

Victim/Complainant

Maya Dinahli age 16

Family

Arun Dinahli	brother	age 15
Vimmila Dinahli	sister	age 11
Harshini Dinahli	sister	age 6

Address

SOS Street Children project shelter, India

Name of subject of complaint

Rajeeva Singh, teacher

Names of witnesses

Arun Dinahli

Incident

The incident was reported by Ms. Maya Dinahli. Mr. Rajeeva Singh approached his student Arun Dinahli and told him that as Arun's grades were not good enough he would not be advanced to the next class at the end of the academic year. Arun was surprised and asked how he could improve his grades. Rajeeva told him that he needed to speak to his older sister and if Arun would bring her to the school on the evening of Saturday 25 December, he would make sure that Arun's grades improved.

Maya agreed to come to speak to Rajeeva about her brother's grades at the appointed time. She says that when she arrived at the school on 25 December 2004, it was dark. She became afraid and decided to leave. As she was leaving, Rajeeva approached her and forced himself on her. He told her that if she did not submit, her brother would fail classes.

Preliminary information

Maya has been ill since the incident with severe abdominal pain and nausea. Her brother convinced her to speak to the Project Manager about what happened as he has heard another school student has been asked to bring his sister to meet with Rajeeva also.

Local information

The Dinahli family is a child-headed family. Their mother died 6 years ago and their father left to find work in the city 2 years ago. They have not heard from him since. The children came to the SOS Street children project as they are fed and able to attend school. Maya does not go to school but takes in laundry to pay the bills while the other children are funded to attend school through the project. As they all receive their only daily meal at school, Maya's income is sufficient for the family to get by.

ICVA/Building Safer Organisations

Investigations workshop

Role description – Module 4

HO25

Role description – Rajeeva Singh

Rajeeva Singh is 40 years old. His wife died after a long illness two years ago. He has 8 dependent children. He has been a teacher with the project for six years and prior to that he was a teacher at the state run high school. He came to the project highly recommended by his previous employer.

His wife died of AIDS and he recently discovered that he is HIV positive. He cannot afford the medication needed to keep him healthy but a local “wise man” informed him that if he only had sexual intercourse from now on with virgins the disease could be cured.

The facts

Rajeeva forced Maya to have anal sex with him on the evening of 25 December. She submitted believing that if she did not, her brother would have to leave school and the family would never escape their current situation of poverty.

Demeanour during the interview

Rajeeva weeps throughout the whole interview. He is full of self-pity because of his illness and he is desperately worried about who will care for his children if he dies. He is also responsible for the care of his elderly mother and mother-in-law who both live with the family. He has no other living relatives and the children are all still young. His income keeps the family in a situation of relative financial stability. He says that he has never done anything like this before and was driven to it through desperation to get better. He begs to be allowed to keep his job and promises this will never happen again. He is sure that Maya did not mind so much as she did not resist and was silent. In addition, she is still a virgin and can marry as he penetrated her anus with his penis in order to “protect” her virginity. He begs for mercy from God, Maya and the interviewer.

Investigation planning tool

This document is designed to assist you to plan your investigation. However, every investigation is different so it is not exhaustive.

Consider the following:

A. What is/are the allegation/s? Is an investigation needed?

- i. What breach of the Secretary General’s Bulletin or your organisation’s Code of Conduct does the allegation refer to? Rewrite the allegation to reflect the breach in the language of the Code of Conduct/SG’s Bulletin.
- ii. Is further information required to decide whether the complaint is appropriate within your organisation’s procedures?
- iii. Does the complaint meet the criteria for investigation under IASC *Model Complaints and Investigation Procedures*?
 [Yes, No, why?]
- iv. In what order should the allegations be addressed?

Table 1

Allegation	Is an investigation needed?	Priority
1.		
2.		
3.		
4.		
5.		

B. What rule(s) is/are violated by the alleged misconduct?

- i. Staff Code of Conduct (reference).
- ii. United Nations Secretary General’s Bulletin (section).
- iii. What elements must be proven to establish violation?
- iv. Illegal act → host country
 → country of origin

Identify specific elements of the rule that must be shown to have occurred to state the rule has been violated.

Table 2

Alleged violation	Law	Specific elements to be proven
e.g. sex with a child	SG Bulletin Staff Code of Conduct	victim is under 18 sex occurred

C. Timeframe?

- i. When did the incident/alleged abuse occur?
- ii. When was the incident first reported?
- iii. When did the investigator receive the complaint?
- iv. Are these timeframes relevant to the investigation? For example, has a significant amount of time passed that will make the investigation difficult? Are the allegations of extremely recent events?
- v. Set timeframes for each stage of the investigation to ensure completion (without prejudice of quality) at the earliest opportunity.

D. What documents will the investigating team need to gather?

- i. As background information on the investigation?
 - o contract of service
 - o alleged subject of complaint job description
 - o description of project
 - o organigram/staffing table
 - o correspondence between agencies
- ii. As evidence?
 - o work logs/rosters, leave requests
 - o e-mails, photographs
 - o stockpiles of rations, ration books

In planning the compiling of evidence, investigators should bear in mind the need to **seek and evaluate evidence which might support the complaint and evidence which might refute it**. Investigators should conduct interviews in a “neutral” frame of mind, i.e. they should **neither assume guilt nor innocence** on the part of the subject.

E. Confidentiality

It is essential that the plan address how to preserve the confidentiality of the identity of the victim and the subject of complaint. This includes:

- i. Only disclosing identities to those who “need to know”.
- ii. Accessing interpreters in such a way as to maximise confidentiality.
- iii. Carefully considering how the confidentiality of the complainant in particular, is to be preserved when informing the subject of the nature of the complaint. There are potential conflicts of interest in such situations.
- iv. The subject needs to know the details of the allegation if s/he is to have an opportunity to respond. However, paramount consideration must be given to ensuring the safety and security of the

- vii. Organisations must take a policy decision on how long to keep records related to investigations. If an investigation finds misconduct was not proved, then the documents can be discarded after seven years (similar to obligations regarding financial documents). However, if the investigation finds that misconduct has occurred a record of that finding should be maintained until the subject of complaint reaches retirement age.

H. Prepare and record interviews – (complete 1 for every interviewee)

Name:

Role in complaint:

Child/adult/age if known:

Use of interpreters:

- i. Is an interpreter required?
- ii. How will an interpreter be found?
- iii. Who will it be?
- iv. How can the confidentiality of witnesses and the subject be maintained?
- v. Any other communication needs?

Witness protection – Are there immediate safety needs of the victim/s to be considered?

- i. Is witness protection needed?
- ii. What are the risks?
- iii. What resources are available to meet these needs?

Health needs:

- i. Is urgent medical attention indicated?
- ii. What other health needs are there?
- iii. Is a forensic medical examination possible/needed?

Other witness needs:

- i. Additional support or counselling?
- ii. Help to understand the criminal justice implications and make an informed view as to whether s/he wishes to make a complaint.
- iii. How will this interviewee be kept informed of the progress and outcome of the inquiry?

Subject of complaint (SOC) needs:

- i. What “duty of care” responsibilities does the agency have?
- ii. Should the SOC be suspended, with or without pay, or moved to other duties, while the investigation is underway?
- iii. How will the SOC be kept informed of the progress and outcomes of the inquiry and the expected time frame?

Location of interview:

Interviews need to be conducted in a location which is suitable and protects confidentiality.

I. Who will be the investigating team?

It is best practice to always conduct investigations with a co-investigator. Who will this be? If it is not possible, it is crucial to have an observer at all interviews.

- i. manager
- ii. interviewer 1
- iii. interviewer 2
- iv. interpreter (if necessary)
- v. specialists i.e. IT technician, legal advisor

J. Resources

What will the investigation cost in terms of:

- i. people
- ii. money

K. Strategy discussions and meetings

- i. Who needs to be involved?
- ii. How will this happen?

ICVA/Building Safer Organisations Investigations workshop Interview schedule – Module 4

HO28

	RUBINA complainant	SUNITA victim	KARIM witness	MARY witness	ABDUL SOC2	ADRIAN SOC1
08.30	Planning and clarification about the interview process					
09.00	Team A	Team B	Team C	X	X	X
10.15	BREAK					
10.30	Team D	Team E	Team A	X	X	X
11.45	LUNCH					
12:45	Plenary –Share information obtained thus far					
13.15	X	X	X	Team B	Team D	Team E
14.45	BREAK					
15.00	X	X	X	Team D	Team C	Team B
16.15	BREAK					
16.30	X	X	X	Team E	Team A	Team C
17.45	BREAK					
18.00	Plenary feedback session (15')					
18.15	Evaluation					

Team members

Team A	Team B	Team C	Team D	Team E
Insert name				

45 minutes for interviews, 30 minutes feedback.

Feedback order:

1. actor
2. interviewer
3. second interviewer
4. observer
5. facilitator

What you already have

Information about witness	Information known:	
	YES	NO
1. age		
2. preferred name		
3. race, culture, ethnicity, religion, and first language		
4. gender and sexuality		
5. disability and impairment, cognitive ability, linguistic ability		
6. health needs		
7. current emotional needs		

Circumstances

Additional information on the victim	Information known:	
	YES	NO
1. family members, carers and nature of relationships		
2. routines (attendance at school, work, care for children)		
3. aid provision (what they are receiving, who provides it, is it still accessible)		
4. recent changes in circumstances contributing to vulnerability and/or reliance on others		
5. previous allegations of abuse		
6. whether witness is currently safe		

Alleged complaint

	Information known:	
	YES	NO
1. what type of and how many alleged incident(s)		
2. what happened immediately before incident		
3. what happened during incident		
4. what happened immediately after incident		
5. how did the subject of complaint come into contact with the victim		
6. how did the complaint come to the attention of investigators		

Details of abuse/exploitation

	Information known:	
	YES	NO
1. victim's relationship with any protective adult and their reaction to complaint i.e. spouse, parent		
2. frequency and duration of abuse		
3. co-existence of different forms of abuse		
4. single or multiple subjects of complaint		
5. degree of violence and aggression used		
6. level of threat to life (e.g. withholding of food, water or essential items from victim or others on behalf of victim)		
7. form of coercion		
8. who the victim has told		

Considerations

	Questions asked:	
	YES	NO
1. initial investigative findings (full record to be kept)		
2. need for support and/or intermediary/interpreter		
3. potential blocks to communication and methods for dealing with them		
4. willingness to talk to investigators		
5. whether the witness is currently in a safe environment		

Planning the interview

Set objectives for interview and decide:	Decision made:	
	YES	NO
1. whether the objective of the interview have been set		
2. who will be present and who will lead the interview		
3. where the interview will take place		
4. when the interview will take place		
5. how long will the interview last and the need for breaks		
6. what is likely to happen after the interview		

Identification of vulnerable and/or intimidated witnesses

	Questions to ask before:	
	YES	NO
1. does the witness have a physical/learning impairment?		
2. does the witness have an identified mental health difficulty?		
3. what is the witness's current emotional state?		
4. what is the relationship between the witness and the subject of complaint?		
5. will the nature of the offence, i.e. levels of violence and aggression, impact on witness accounts and, if so, how?		
6. does the subject of complaint have access to the witness?		
7. is there evidence of previous intimidation by the SOC or any other party towards the witness?		
8. is the witness also a victim?		

ICVA/Building Safer Organisations
Investigations workshop
Complaints referral form – Module 4

HO30

Model complaints referral form (sexual exploitation and abuse)

Name of Complainant: Rubina Akhtar	Ethnic origin/Nationality: Bangladeshi
Address/Contact details: Shanty 68 Kuril Slum, Dhaka	Identity no: _____
Age: not known	Sex: Female

Name of Victim (if different from Complainant): Sunita Akhtar	Ethnic origin/Nationality: Bangladeshi
Address/Contact details: Shanty 68 Kuril Slum, Dhaka	Identity no: _____
Age: 13 years	Sex: Female
Name(s) and address of Parents, if under 18: Mother above	
Has the Victim given consent to the completion of this form? <input type="checkbox"/> YES <input type="checkbox"/> NO don't know	

Date of Incident(s): 28 July 2004	Time of Incident(s): 12.30	Location of Incident(s): Korean Church
Physical & Emotional State of Victim (Describe any cuts, bruises, lacerations, behaviour, and mood): no known physical injuries. Very frightened for self & family.		
Witnesses' names and Contact Information: Rubina Akhtar (above) Mohammed Akhtar (brother) but working away probably for few months, Karim Hussein, neighbour		
Brief Description of Incident(s) (Attach extra pages if necessary): see attached sheet		

Name of accused person (s): Adrian Smith Abdul Jabber	Job Title of Accused person(s): engineer aid worker
Organisation accused person(s) Works For: Hollywood Aid	
Address of accused person(s) (if known): Project office, Main Street, Dhaka	
Age: Adrian 29 years	Sex: male
Abdul 54 years	male
Physical description of accused person(s): Adrian – white British, blond, short hair, green eyes, small beard. Abdul – Bangladeshi national, black hair, brown eyes, moustache, walks with limp.	

Have the police been contacted by the victim? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
If yes, what happened? _____

If no, does the victim want police assistance, and if not, why? Fear of repercussions and loss of family honour

Has the victim been informed about available medical treatment? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
If Yes, has the victim sought medical treatment for the incident? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
If Yes, who provided treatment? What is the diagnosis and prognosis? _____

Giving and constructing feedback

Feedback is one of the most effective ways of learning more about ourselves.

Constructive feedback increases self awareness, offers options and encourages self development, so it can be important to learn to give and receive it. Constructive feedback can contain both positive and negative feedback and it is therefore important to learn to give it skilfully. Destructive feedback is feedback which is given in an unskilled way and which leaves the recipient feeling bad. One of the disadvantages to this type of feedback is that the recipient is likely to reject what has been said.

Skilled feedback

Before:

1. Be clear about what you want to say in advance, practise if necessary. State the purpose of what you are about to say.

If you are not absolutely clear about what it is you're going to say it is easy to forget the main message or deliver a confused message. Giving feedback is often as difficult as receiving it.

It is important to explain the purpose of what you are about to say so the recipient understands that you are not simply making gratuitous comments. This will also enable the recipient to understand that feedback is a two-way process and that they have a right to respond.

2. Encourage self assessment

It can be very helpful if you can encourage an individual, through using gentle probing questions to identify a pattern of behaviour for themselves rather than by telling them. This can cut down your hard work and also means the individual is more likely to commit to change as they feel they have ownership of the problem.

During:

3. Use the positive/negative sandwich

Most people need encouragement, to be told when they are doing something well. When offering feedback it can really help the receiver to first hear what you like about them or what they have done well. Sometimes the focus of comments can be on weaknesses rather than strengths. In a rush to criticise, we may overlook the things we like. If the positive registers first, negatives are more likely to be listened to and acted upon. It is useful to apply the sandwich technique throughout your feedback session, prefacing each negative with a positive and ending on a positive note so the recipient does not feel totally disillusioned.

4. Be specific

Avoid general comments which are not useful when it comes to development. Statements such as "Could do better" or "Reasonably good" may be pleasant or dreadful to hear, but they do not give enough detail to be useful sources of learning. Pinpoint exactly what the person did which led you to use the label.

5. Be descriptive rather than evaluative

Give the person specific examples of what you saw or heard and the effect it had on you, rather than merely saying something was "good or bad", etc.

6. Select priority areas

Don't save it all up and give the person one huge bumper bundle, especially if there is considerable negative feedback to be given. This is not only likely to alienate the recipient entirely but also may mean they will never again value any feedback you give them.

¹ Originally written by Emma Jowett, independent consultant for the OCHA Consolidated Appeal Process Training of Trainers materials, 19 to 24 May 2002.

7. Offer alternatives

If you do offer negative feedback, then do not simply criticise. Rather, suggest what the person could have done differently. Turn the negative into a positive suggestion.

8. “Own” the feedback

It can be easy to say to the other person “You are...” suggesting that you are offering a universally agreed opinion about that person. It is important that we take responsibility for the feedback that we offer. Beginning the feedback with “I think...” or “In my opinion...” is a way of avoiding the impression that we are telling the person a “universally agreed judgement” about themselves.

Finally:**9. Leave the recipient with a choice**

Commitment to change is achieved by reaching agreement. Feedback which demands change or is imposed heavily on the other person may invite resistance as it may feel to the recipient as if they must change in order to suit us. Skilled feedback offers people information about themselves in a way which leaves them with a choice about whether to act on it or not.

It can help to examine the positive consequences of any decision to change and identify appropriate ways forward for the individual. Gaining commitment by encouraging the individual to repeat back to you any planned change can help to reinforce commitment to that change.

10. Recap on good points

End on a cheerful note by reminding the recipient that there were lots of good points!

Remember:

Failure to give negative feedback can result in:

- a) No change in the person’s behaviour because they have never heard that it is causing difficulties.
- b) An enormous confrontation in the future as things build up until they blow up.
- c) Problems in our continuing relationship with the person which naturally develop when we are aware of something and they are not or when we are trying to keep something from them.

Remember feedback should be non-judgmental, clear information to another person about how their behaviour affects you.

Receiving feedback

If you are on the receiving end of feedback you can help yourself by:

1. Listening to the feedback rather than immediately reacting or arguing with it.

Feedback may be uncomfortable to hear, but we may be poorer without it. People may think things without telling us and then we may be at a disadvantage. Remember that people do have their opinion about you and will have their perceptions of your behaviour and it can help to be aware of those. However, do remember that you are also entitled to your opinion and you may choose to ignore the feedback as insignificant, irrelevant or referring to behaviour which you wish to maintain.

2. Being clear about what is being said.

Avoid jumping to conclusions or becoming immediately defensive. If you do, people may cut down their feedback or you may not be able to use it fully. Make sure you understand the feedback before you respond to it. A useful technique can be to paraphrase or repeat the criticism to check that you have understood it.

3. Checking it out with others rather than relying on only one source.

If we rely on one source then we may imagine that the individual’s opinion is shared by everybody. In fact, if we check with others we may find that others experience us differently and we will have a more balanced view of ourselves which can keep the feedback in proportion.

4. Asking for feedback you want but don’t get.

Feedback can be so important that we may have to ask for it if it does not occur naturally. Sometimes we do get feedback but it is restricted to one aspect of our behaviour and we may have to request feedback we would find useful but do not get.

5. Deciding what you will do as a result of the feedback.

When we receive it, we can assess its value, the consequences of ignoring or using it and finally decide what we will do as a result of it. If we do not take decisions on the basis of it, then it is wasted.

In the final analysis it is always your choice whether to accept or reject the feedback.

Finally, thank the person for giving the feedback. We might benefit from it, it may not have been easy for the person to give and it is a valuable practice to reinforce in any organisation or relationship.

Remember:

There are three types of criticism: justified criticism, unjustified criticism and put downs.

When dealing with justified criticism:

Don't: Deny criticism
Get defensive
Counter-criticise

Do: Listen
Respond – by asking for more direct specific information

When dealing with unjustified criticism:

Don't: Take the bait
Deny the criticism
Get angry
Counter-criticise

Do: Listen
Respond to what is said – not what is implied

“Crumple buttons”: These are criticisms, usually based on truth, which are so painful that we crumple inside. On the surface you may act angrily but inside you are feeling dreadful. The way to deal with these is to identify your crumple buttons and “de-sensitise” them by repeating them to yourself.

“Put downs”: These criticisms are not really criticisms at all. They are not designed to be helpful, only to hurt and humiliate you. “Put-downers” are usually insecure and they boost themselves by putting others down. Often they operate in groups, looking for a victim, someone who they can repeatedly ‘put down’ in order to get laughs from the audience. “Put downs” may be disguised as jokes or even as compliments.

When dealing with a “put down”:

1. Recognise the ‘put down’.
2. Expose the sender using negative enquiry:
 - i. “What exactly are you trying to say?”
 - ii. “Was that designed to be helpful?”
3. Keep your voice calm and assertive and try not to let anxiety show in your body language. Most importantly don't become the “put downer's” victim.

¹ Based on the United Nations High Commissioner for Refugees Interview Statement.

ICVA/Building Safer Organisations

Investigations workshop

Observer – Module 4

HO32

Observer's sheet

Observing who:

In observing the interview, consider:

- B = Behaviour – body language
- L = Language – tone, implicit/explicit questions, flow of interview
- C = Content

Behaviour:

Language:

Content:

Rapport building
Free narrative
Questions
Summary/closure

Interview statement¹

This document is protected by the provisions of Hollywood Aid's HAM/07/2001 – FOM/09/2002 of 24 May 2002 concerning the confidentiality of the proceedings related to an investigation into an allegation of sexual abuse and exploitation.

Investigation Case Reference Number: INV/05/001

Investigation Officers	
Investigation Officer:	
Investigation Officer:	
Observer:	
Interpreter:	

Person Interviewed	
Name of the person:	
ID verified (Yes/No):	
Nationality:	
Occupation/Title:	

Interview Details	
Date:	
Language of interview:	
Place of the interview:	
Explained to the interviewee:	<ul style="list-style-type: none"> • Duty to cooperate and obligation to tell the truth. • Obligation to refrain from communicating with other persons interviewed in the framework of the same investigation case. • Purpose of note-taking. • Acceptable to state when answer not known. • Right to ask for short break. • Consequences of lack of cooperation, fraud, malicious reports, concealment of fact/evidence. • Confidentiality of the investigation procedure.

Transcript of the Interview

Detailed record of questions asked and interviewee's responses

The interview starts at: (time)

Q1. Do you have any preliminary questions?

Q2. Are you ready to start the interview?

Please formulate as many questions as you might need to gather sufficient information from this witness. Add extra sheet if necessary.

Q3. -

Q4. -

Q5. -

Q6. -

Q7. Is there something else that you would like to add?

The interview ends at: (time):

This is a true and accurate record of the interview.

1) For the Interviewee: In accordance with the procedure outlined in Hollywood Aid's mandatory reporting procedures of 9 October 2003, I, the undersigned, declare to understand that my statement may be used in a disciplinary procedure and could be shared with staff under investigation, unless Hollywood Aid management advises that this would affect my security.

Date and signature:

2) For the Witness/Interpreter to the interview: I, the undersigned, undertake not to divulge any confidential information to which I have had access in the exercise of my capacity as witness/interpreter to the present interview.

Date and signature:

3) Date and signature of the Investigation Officer(s):

Report

- confidentiality statement
- details of complaint
- details of subject of complaint
- details of investigating team and manager
- details of the initial referral – who by? to whom? what was said?
- procedure or protocol under which the complaint was investigated
- process followed e.g. dates of meetings, dates of interview etc
- scope of the investigation
- blocks to obtaining information

Summarise

- interviews
 - documentary evidence
 - research and/or theory used
 - any other evidence
- } factual, clear, consider the use of headings and numbered paragraphs

Analyse (separate into elements/components)

- Findings – What facts did you find that were undisputed?
- What is the testimony and what supports the testimony?
- What is disputed?

Evaluate (find and judge the value of)

- What weight do you give to the evidence and why?
- Express opinion and be clear that it is an opinion
- Use research and theory where appropriate

Conclude

- Be decisive about your findings
- “Join up” your evidence, analysis and evaluation
- What are the outcomes?

Recommend

- What should happen next, who should do it?

Appendices

- Consider the use of appendices e.g.
 - timelines
 - signed interview notes
 - copies of relevant documentation
 - copies of relevant procedures

Other issues

- Consider anonymity of victims and witnesses
- Consider placing recommendations at the front/end of the report
- Consider a summary report of the major points

ICVA/Building Safer Organisations Investigations workshop Support – Module 5

HO35

Support, aftercare, monitoring and review for witnesses

- What would be ideal for your witness?
- What are you likely to get?

Building Safer Organisations

Investigations workshop Module 1

Defining abuse

Aim of the course

Demonstrate how to manage and conduct investigations into abuse and exploitation and to promote best practice within organisations.

Objectives

To increase understanding of:

- the contexts within which abuse and exploitation can occur
- the principles underpinning the IASC investigation of complaints document
- the model complaints and investigation procedures
- the relevant codes of conduct
- what constitutes offending behaviour and the impact on victims

Objectives

To increase skills in:

- planning investigations
- managing investigations
- keeping all parties safe
- interviewing witnesses/complainants
- interviewing the subject of complaint
- reporting findings and making recommendations

Five modules

- Module 1: What is abuse?
- Module 2: Factors influencing protection and abuse.
- Module 3: Complaints and investigation procedures.
- Module 4: Interviewing and conducting investigations.
- Module 5: Investigation closure.

The rationale

"Humanitarian agencies have a duty of care to beneficiaries and a responsibility to ensure that beneficiaries are treated with dignity and respect and that certain minimum standards of behaviour are observed."

The rationale cont.

"The goal is to create an environment free of sexual exploitation and abuse in humanitarian crises, through integrating the prevention of and response to sexual exploitation and abuse into the protection and assistance function of all humanitarian workers."

ISC Task Force on Preventing Sexual Exploitation and Abuse, 2002.

7

Building Safer Organisations exercise

1. Who is most vulnerable to sexual abuse and exploitation and why?
2. Who might be doing the abusing?
3. What can organisations do to mitigate the vulnerability of these people?

8

Discrimination exercise

In pairs share an example of:

- one saying from your country about women
- one saying from your country about children

9

What is abuse? exercise

Read the 8 case studies and in your group discuss the following questions:

- Is this abuse?
- Who is or might be abusing?
- Who is being abused?
- Can anything be done?

Rank the cases from most serious (1) to least serious (8).

10

Defining abuse

"**Sexual abuse**" is actual or threatened physical intrusion of a sexual nature, including inappropriate touching, by force or under unequal or coercive conditions and

"**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.

SG's Bulletin

11

Local definitions of abuse

- How is abuse understood or defined in the country that you work in?
- Are there known reporting mechanisms or focal points for those who have been abused?
- What legal, medical and social support exists if people are displaced? And what protection is there for them?

12

Legal framework

- international treaties
- customary international law
- regional treaties
- national law
- IASC Protocol

13

Legal framework quiz

1. Describe three sources of international law that protect displaced people.
2. Which international convention specifically protects children?
3. Which international convention specifically protects women?
4. Name three prohibitions on, or obligations of, aid workers specifically mentioned in the SG's Bulletin under section 3.

14

SG's Bulletin

- ✓ Sexual exploitation and abuse by humanitarian workers constitute acts of serious misconduct and are therefore grounds for disciplinary measures including termination of employment.

Section 3.2 (a)

18

SG's Bulletin

- ✓ Sexual activity with children (person under the age of 18) is prohibited regardless of the age of consent locally. Mistaken belief in the age of the child is not a defence.

Section 3.2 (b)

19

SG's Bulletin

- ✓ 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 the exchange of assistance that is due to beneficiaries.

Section 3.2 (c)

17

SG's Bulletin

- ✓ Sexual relationships between 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.

Section 3.2 (d)

18

SG's Bulletin

- ✓ Where a worker develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, s/he must report such concerns via the reporting mechanisms.

Section 3.2 (e)

18

Causes for concern

A concern is expressed as:

- a breach of a code of conduct
- an allegation of a breach of the code of conduct outside the work environment
- exploitation of women and/or children
- past behaviour of a staff member

19

SG's Bulletin

- ✓ All workers are obliged to create and maintain an environment which prevents sexual exploitation and abuse and promotes the implementation of this code of conduct.

Section 3.2 (f)

21

SG's Bulletin

- ✓ Non-United Nations entities and their staff that are in co-operative agreements with the UN are also bound by the provisions of the SG's Bulletin. Failure to comply can result in termination of those agreements.

Section 6.2

22

SG's Bulletin

- ✓ Where the SG's Bulletin establishes a stricter standard than local laws, the standards of the Bulletin will prevail.

Chief Constable on the application of S17(2)(b)(ii)

23

SG's Bulletin

- ✓ Managers at all levels have particular responsibilities to support and develop systems which maintain this environment.

24

Why do we want to understand sexual offenders?

- To assist us with investigation and in particular interviewing.
- To determine risks to vulnerable people, either current or future.
- To identify patterns of behaviour which can help us make our cultures and processes more effective at safeguarding.

25

What is known from the UK, USA, Europe and Australia

- Most reported abuse against women and children is perpetrated by men.
- 5%-20% of sex offences against children are known to have been committed by women.
- 25% of all rapes in the UK are against children under 18 years old.
- Much sex offending against children and women goes unreported.

26

What is known from the UK and USA

- Charges are frequently withdrawn or there may be insufficient evidence to proceed to trial.
- Lesser charges may be substituted to secure agreement by the defendant to plead guilty.
- Many child sex abusers will not have previous convictions.

27

Sex offenders may be:

- good at their jobs
- charismatic, articulate, well networked, caring professionals
- in a position of particular responsibility, authority and trust
- domineering, influential workers

28

Sex offenders may be:

- in alliances with outside people enabling them to avoid scrutiny
- isolated dutiful staff members
- from any culture, religion, race, age, sexuality

29

Why do sex offenders abuse children?

- being on an equal emotional level with children
- being sexually aroused by children

30

Finkelhor (1996)

Why do sex offenders abuse women and children?

- blockage to adult relationships
- emotional loneliness
- not seeing anything wrong with abusive sexual contact
- a failure to understand or to care about the damage caused
- poor impulse control or desire to impose controls

31
Finkelhor (1986)

Why do sex offenders abuse?

- Criminals who abuse, or arrange the abuse of, children for financial gain.
- Viewing of abusive images on the internet prompts others to see the abuse of children as "normal" and to seek to abuse children themselves.
- Opportunity that is not usually available.

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Sexual abuse cycle

Pre-offending thinking or behaviour accompanied by fantasy



33
Finkelhor (1986)

Pre-conditions to sexual offending



34
Finkelhor (1984)

Inhibitors exercise

- What are "internal inhibitors" and how do abusers overcome them?
- What are "external inhibitors" and how do abusers overcome them?

35

Grooming

- The organisation of the environment in order to gain maximum access to the intended victim or victims with minimum risk of discovery.

36

Four stage process of entrapment

- **ensnaring** – providing gifts and expensive lifestyle
- **creating dependency** – including encouraging the cutting of ties with family and friends
- **taking control** – over all aspects of the victim's life
- **total dominance** – creation of the willing victim

37
Bernado (1998)

Professional perpetrators

- 90% of "professional perpetrators" were aware of their interest in children by the age of 21.
- About 2/3 had committed a sexual offence against a child by age 21.
- Over half said their choice of career was wholly or partly motivated by gaining access to children.

38
Sullivan (2003)

Distorted attitudes

Sex offenders have distorted thinking and attitudes. They *justify, minimise, excuse, legitimise* and *blame others* – particularly the victim – and most of all *deny* it.

28

Myths and prejudices

A sexual offender can be:

- in a trusted position or position of authority
- a parent
- in an adult heterosexual relationship
- a youth or gender programme manager or advocate

29

Sexual offender video exercise

- Discuss with your neighbour your first thoughts and feelings after watching the video.
- In plenary, discuss how he justified abusing.

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Building Safer Organisations

Module 2

Factors influencing protection and abuse



UN Declaration on the Elimination of Violence against Women 1993 (CEDAW)

"Any act of gender based violence that results in, or is likely to result in physical, sexual or psychological harm or suffering, including exploitation."

Convention on the Rights of the Child 1981 (CRC) Article 19.1

"...protection from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child."

Vulnerability to abuse and exploitation

Children:

- physical status – smaller, less powerful, less strong, less resistant to ill treatment and ill health
- societal status – unable to provide for most basic human rights/needs e.g. shelter, food, warmth
- developmental status – less understanding generally, undeveloped conscience, undeveloped understanding of consequences

Vulnerability to abuse and exploitation

Women:

- traditional subordinate status relative to men, traditional roles, responsibilities and culture
- physical status, particularly strength and exposure to sexual violence
- economic status relative to men

Vulnerability to abuse and exploitation

Refugee women and children:

- access to protection and assistance programmes
- changing roles
- gender and age constructions

7

Definitions

- Sex:** Biologically determined differences between men and women that are universal.
- Gender:** Social differences between men and women that are learned, changeable over time and have wide variations both within and between cultures.

8

Boys and girls

In your groups discuss the following questions:

1. What messages were relayed to you when you were growing up that made you aware you were a boy or a girl?
2. As a child, do you recall a particular experience which reminded you of your gender?

9

Cycle of gender gaps



10

Gender constructions

Are:

- socially constructed and vary over time and between cultures
- determine roles and responsibilities and the value placed on those roles
- systematic and self-reproducing
- can cause limitations such as unfulfilled potential or emotional inhibitions

11

Why use gender and age analysis?

- Systematic investigation of the different impacts of humanitarian assistance on women/men and boys/girls.
- Examines how roles, including labour, reproduction, control of resources and assistance impact on risk of abuse and exploitation for women, men, boys and girls.
- Cuts across other categories such as poverty, caste, social class, race, culture and disability to impact risk of abuse and exploitation.

12

Root causes of violence affecting women and children

- unequal power relations
- cycles of oppression
- social structures such as culture, class, religion etc.
- poverty

13

Risks

Subject of complaint may be vulnerable:

- physically
- emotionally
- financially

14

Risks

Investigators may be vulnerable:

- physically
- emotionally - retaliation in the workplace i.e. allegations of harassment or mistreatment during an investigation
- financially - lack of promotion and advancement

10

Risks

Witnesses may be vulnerable:

- physically - to prevent them giving testimony
- emotionally - excluded by others socially or professionally
- financially - excluded from jobs, promotion, assistance

10

Risks

Organisation may be vulnerable:

- exposed to bad publicity
- loss of funding
- loss of reputation
- criticism resulting in action being taken against the organisation or individual

11

Additional risks

- Boys - there may be a social taboo around homosexuality and a refusal to believe it exists
- Children who live away from home - in institutions, schools, children's homes, orphanages, foster care
- Very young children - there have been examples of babies being subject to sexual and serious physical abuse

11

Additional risks

Disabled women and children:

- Myths and barriers may prevent the recognition or belief that anyone would do such things to disabled people.
- They are socially isolated, excluded from the community and especially dependent on aid agencies for their survival.

12

Faith, personal values and protection

12

Faith, personal values and protection the context

- the organisation
- the individual
- external factors/wider community

21

Faith, personal values and protection the organisation

- perceptions of women and children
- social structure
- beliefs
- management tradition
- manipulation of the system

(Purk 2011)

22

Faith, personal values and protection the social structure

What social factors influence faith communities and what elements of faith influence society?

23

Faith, personal values and protection Management tradition

What do you think about the view that victims should forgive their abusers?

24

Faith, personal values and protection Manipulation of the system

Conditions that may "enable" offending:

- physical environment: access to homes, youth groups, etc
- lack of supervision, accountability
- isolation from their home community
- access to intimate relationships
- culture of redemption and forgiveness
- being perceived as having divine authority

25

Faith, personal values and protection exercise

In your group, respond to the following questions:

1. Reflect on the content of the session and write down your comments/thoughts.
2. In what ways do faith communities protect women and children?
3. What assumptions are made about people who work with vulnerable populations?
4. What assumptions are made about religious leaders?
5. What religious beliefs or practices potentially put women and children at risk?

26

Faith, personal values and protection The individual

Is influenced by:

- personal values
- religion or faith
- media, law and culture

27

Faith, personal values and protection Personal values and attitudes exercise

Complete the questionnaire privately, without sharing your answers. Put down your immediate reaction i.e. do not analyse your responses.

28

Faith, personal values and protection Personal values and attitudes exercise cont.

- In pairs, discuss how the questions made you feel. Were you uncomfortable with any questions?
- How might your responses impact on an investigation into sexual abuse and exploitation?

29

Faith, personal values and protection External factors/wider community

Appropriateness of response by external bodies to protection concerns may be impeded by:

- extreme ignorance about the faith
- belief that faith-based organisations and individuals are inherently non-abusive
- fear of being deemed discriminatory or prejudiced if challenge practices
- fear of hostile reactions/community unrest
- alienation of potential allies through unintentional disrespect

30

Faith, personal values and protection External factors question 1

What similarities are there between working for a humanitarian aid organisation and in a faith-based community?

11

Faith, personal values and protection External factors question 2

Aid workers often find themselves in a different culture where they can re-invent themselves or be anonymous. How might this influence their behaviour?

12

Faith, personal values and protection Difficulties ensuring safeguards

Potential difficulties in ensuring safeguards for beneficiaries as a result of inherent values and belief systems of religious based and secular humanitarian agencies:

- having to challenge well established beliefs
- opportunities for abusers
- convincing leaders/management to identify risks and need for safeguards

13

Faith, personal values and protection Safeguarding strategies

- Set aside resources and funds to establish and maintain a safeguarding strategy
- Make sure that protection procedures, protocols are put into practice
- Ensure that it is mandatory to report concerns
- Have a transparent mechanism for investigating allegations and managing offenders
- Have a "whistleblowing" policy

14

Faith, personal values and protection Safeguarding strategies

- Ensure that children and women have a voice in decision-making in humanitarian activities and faith communities
- Consider the impact on spiritual well being of survivors of harm within faith communities
- Respect faiths, beliefs and value systems
- Provide opportunities to debate and challenge established belief and tradition in a positive environment

15

ICVA/Building Safer Organisations

Investigations workshop

PowerPoint presentation – Module 3

PPT M3

Building Safer Organisations

Module 3

Complaints and investigation procedures

1

Barriers to complaining exercise

Think of a situation, **NOT** related to child protection or SGBV, where you wanted to complain about something but you didn't.

In pairs, discuss what it was that stopped you from complaining.

2

Complaints mechanism Mountainites role play

- group A: aid workers
- group B: refugee population
- group C: refugee leaders

Move to your group and read:

- the handout that provides the background material
- your role description

3

Barriers to children complaining about sexual abuse

They think that they:

- will not be believed
- will be killed or hurt if they tell
- families will be hurt
- will not receive presents, money, food, supplies
- will be taken away from their families
- are bad and the abuse is their fault

4

Why adults do not hear

- No-one could possibly abuse a child in that way.
- The child is too young or too clever and therefore not trustworthy.
- The child is a liar or fantasising.
- The child is wicked and evil.
- The child is trying to get the adult into trouble.

5

Myths about abuse of the disabled

- Nobody would stoop so low.
- Disabled children and adults are less likely to become victims of abuse.
- It doesn't affect disabled people so badly.
- Disabled people are more likely to make false allegations.
- If it has happened, it is best not to look into it.
- It is impossible to protect disabled children and adults from abuse.

6

Core principles of establishing beneficiary complaints mechanisms

- confidentiality
- transparency
- accessibility
- safety

7

The advantages of ensuring implementation

- Beneficiaries, particularly women and children are protected.
- NGO staff are protected.
- NGO's reputation is upheld.

8

"When ma asked me to go to the stream to wash plates, a peacekeeper asked me to take my clothes off so he can take a picture. When I asked him for money he told me, no money for children - just a biscuit."

9

Why have the complaints and investigation protocols?

- Provides a framework to assist those responsible for ensuring standards and quality.
- Makes explicit what users of the service can expect.
- Provide a basis for accountability if practice falls below the expected standards.
- Is a basis for quality assurance, audit and inspection.

10

IASC Protocol Aim

To clarify steps to be taken when the potential sexual exploitation/abuse of women and children is suspected and when that abuse is allegedly perpetrated by a NGO, United Nations or partner agency.

11

IASC Protocol

This document clarifies:

- the reporting and decision-making process, including fact-finding, initial assessment and further inquiry
- how and when staff both regional and at head office should be informed of concerns
- how both internal and external complaints and investigations are to be conducted and reported
- management responsibilities

12

IASC Protocol

Document structure:

- introduction
- making/receiving complaints
- investigation guidelines
- interviewing witnesses and victims
- recommendations for implementation

13

Core principles for investigations

- confidentiality and anonymity
- safety and welfare of the parties
- professional care and competence
- thoroughness
- independence
- planning and review
- respect
- time frames
- working in partnership
- national authorities

14

Principles case study

In your groups:

- Read the "POPAID" case study.
- Discuss and answer the questions of the "principle" allocated to you.
- Write your answers on a flipchart and paste the flipcharts around the room.

After you have completed your group work go around the room and read other groups' answers. Feel free to add comments to other's flipchart.

10

Basic principles of conducting an investigation

- investigating the allegations, not an individual
- presumption of innocence
- the investigator is not the decision-maker
- the investigator does not make moral judgments relating to any of the parties to the complaint

11

Stages of an investigation

1. receive allegation
2. decide whether to investigate
3. plan the investigation
4. gather and study background material and documentary evidence
5. revisit investigation plan
6. interview witnesses
7. write investigation report
8. conclude the investigation

12



Active listening cycle



13

Levels of active listening

- **Thinking** – what is the logic and the rationale of what is being said?
- **Feeling** – how am I reacting, how are others reacting?
- **Intent** – why am I being told this, are there any hidden messages?

14

Gathering information

Information can be gained through a number of sources:

- testimony (including that of experts)
- information about the subject of complaint
- information about complainant, victim and witnesses documentation
- previous complaints
- research
- examination of location

23

Gathering information Testimony

- is gathered through the interviewing the victim/s, witnesses and the subject of complaint
- should demonstrate adherence to guidelines and rules
- of experts should include status, experience and identify facts and opinion
- should be relevant to the complaint

24

Gathering information Information about SOC

- is achieved through timelines, personnel knowledge, employment status (during & prior to current post if possible)
- personnel file
- interview
- behaviours

25

Gathering information Documentation

- written complaint
- application for post and previous history
- personnel/HR information
- previous complaints against subject
- information previously given in similar incidents about/by others
- previous statements made by witnesses
- information relating to policy and/or procedure
- logs/rosters, stockpiles of rations, photos, e-mails etc

26

Gathering information Previous complaints

- may indicate previous patterns of behaviour
- or may identify unclear boundaries of right and wrong
- information about similar issues which may link the current incident and provide leads

27

Gathering information Examination of location

- Does it fit with nature & circumstances of complaint?
- Are there considerations that would make the environment safer to others?
- Could the incident have taken place there?
- Do the statements make sense?
- Take pictures of location for future reference

28

Gathering information Information about complainants

Any previous complaints:

- Vulnerability – did this make them more vulnerable to abuse and/or aware of abuse?
- Is there a possibility that complaints are malicious?
- Is there information to suggest that there is any other reason for making a statement?

29

Gathering information How information is obtained

Establish how the following information will be obtained:

- interviews with all relevant witnesses including complainant, victim and subject of complaint
- records & documentation
- visiting the scene/location of incidents if appropriate
- research & knowledge
- policy, procedure & protocol
- expert advice, assistance & interpretation

30

Gathering information Record keeping

- Keep organised records of all information gathered throughout the investigation.
- All records should be kept in a locked, secure location to ensure they will not be tampered with.

ii

Gathering information Which information becomes evidence?

Evidence is information that
proves or disproves the allegation.

iii

Building Safer Organisations

Module 4

Investigation planning and interviewing

1

Interviewing stages

Phase one - Establishing rapport

- clarify purpose
- explain ground rules
- engage witness

2

Interviewing stages

Phase two - Free narrative account

- victim's/witness' account of relevant events
- investigator acts only as facilitator not interrogator

3

Interviewing stages

Phase three - Questioning

Use simple appropriate questions which follow this sequence.

- open ended
- specific
- closed
- leading (last resort only)

4

Interviewing stages

Phase four - Closure

- summary
- answer any questions
- advice and next steps
- thanks
- return to rapport and neutral topics

5

Interviewing witnesses and victims

Principles of good practice:

- communication
- sensitivity
- awareness of barriers which may lead to fears

6

Interviewing witnesses and victims

Factors to consider:

- age
- race, culture and ethnicity
- religion
- gender and sexuality
- special needs

7

Interviewing witnesses and victims

Possible special needs to consider:

- physical/learning impairments
- specialist health needs
- cognitive abilities (e.g. memory, attention)
- linguistic abilities and preferred first language
- current emotional/psychiatric state
- significant other recent stresses

8

Safety issues for witnesses and victims

- environment
- medical needs
- physical safety
- knowledge/understanding of process
- connections to subject of complaint and those supporting subject of complaint

9

Safety issues for victims and witnesses

- Is the victim/witness still at risk?
- Who is responsible for their welfare?
- Does victim/witness know how to report concerns re: harassment/intimidation?
- What family/friends/professional support networks are available to the victim/witness?

10

Witness interview role play

Read the handout:

- In your pairs choose who will be the investigator and who will be David Kamara.
- The "investigator" will interview "David", using stage 1 - building rapport – for 5' minutes.
- Then switch roles, using stage 1 again (the witness becomes the investigator).
- Then discuss for 5 minutes how it felt to interview and be interviewed.
- Repeat the process for the other 3 stages of interviewing.

11

Using explicit language exercise

- Provide examples of alternative words we use to describe sexual acts or genitals.

12

Interviewing subjects of complaints

Purpose is to establish whether there has been a breach of code of conduct.

Remember: you are investigating an allegation, not the person.

13

Interviewing subjects of complaints

Preparation:

- Research the subject of complaint
 - Complete a timeline.
- Inform
 - Ensure that relevant investigators and managers are aware of interview plan.
 - Ensure that support staff are briefed about sensitive issues.
- Select appropriate interview team

14

Interviewing subjects of complaints

Timelines

Include:

- date of birth of subject
- dates of important life events
- events and summary underneath line
- age of subject at time of event

Consider:

- all allegations/complaints
- new incidents which come to light during investigation
- list start and end periods of alleged abuse

10

Interviewing subjects of complaints

Chronologies

- are useful where there is more than one victim, witness and/or subject of complaint
- can be "themed" e.g. relating to a specific set of circumstances
- can list all complaints and do not have to be subject specific

Mapping

- can be useful for planning and preparation

11

Interviewing subjects of complaints

Interview Plan:

- Develop strategies around what is known
- Avoid judgmental words/approaches
- Ensure body language is comfortable and reflects what is being said
- Adopt an appropriate questioning style

12

Interviewing subjects of complaints

Contact:

- Introductions should be made by the interviewers to establish rapport.
- Timing of first contact is important – where will it take place? What will subject of complaint be doing (e.g. work, leisure time)?
- If initial contact is not made by interviewers, then provide opportunity for introductions.

13

Interviewing subjects of complaints

Investigators must:

- clarify purpose of the interview
- advise on disciplinary procedures
- explain confidentiality
- check expectations of the subject
- advise on process (breaks, recording, next steps)

14

Interviewing subjects of complaints

Managing unexpected material and information:

- Be aware of the need to manage difficulties.
- Do not be drawn into discussions of right/wrong.
- Think about how you will manage uncomfortable questions/remarks.

15

Interviewing subjects of complaints

Post interview:

- At the point of closure, maintain rapport.
- Explain how contact will be maintained with subject of complaint and how and by whom they will be informed of outcomes.
- Debrief with interview/investigation team.
- Consider any potential effects if a breach of confidentiality occurs.

21

Subject of complaint – Role play

In your pairs choose who will be the investigator and who will be the subject of complaint.

- Read the case study and prepare the interview (10').
- Conduct the interview (20').
- After the interview discuss the process (5').
- Exchange roles and repeat the process with the second case study.

22

The investigation planning tool

- what is/are the allegation/s and is an investigation needed?
- what rule/s is/are violated by the alleged misconduct or wrong doing?
- timeframe
- confidentiality
- what documents will the investigating team need to gather?
- who will have to be interviewed?
- record-keeping
- who will be the investigating team?
- resources
- strategy discussions and meetings

23

Hollywood aid exercise

In your teams construct a written plan for investigating this case using the investigations planning tool handout, HO23. (45 min)

24

Interview schedule

	Rubina	Sunita	Karim	Mary	Abdul	Adrian
08:30	Planning and clarification					
09:00	Team A	Team B	Team C			
10:15	BREAK					
10:30	Team D	Team E	Team A			
11:45	LUNCH					
12:45	Plenary – Share information obtained thus far					
13:15				Team B	Team D	Team E
14:45	BREAK					
15:00				Team D	Team C	Team B
16:15	BREAK					
16:30				Team E	Team A	Team C
17:45	BREAK					
18:00	Plenary feedback session					

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Building Safer Organisations

Module 5

Closing an investigation

Interview schedule

	Rubina	Sunita	Karim	Mary	Abdul	Adrian
08.30	Planning and clarification					
09.00	Team A	Team B	Team C			
10.15	BREAK					
10.30	Team D	Team E	Team A			
11.45	LUNCH					
12.45	Plenary – Share information obtained thus far					
13.15				Team B	Team D	Team E
14.45	BREAK					
15.00				Team D	Team C	Team B
16.15	BREAK					
16.30				Team E	Team A	Team C
17.45	BREAK					
18.00	Plenary feedback session					

Considerations for exit strategy

Closing an investigation
 Exit strategy needs to be:

- planned and managed
- transparent
- informative
- conform to protocol/code of practice

Considerations for exit strategy

Outcomes

- Who needs to be informed?
 Inform relevant professionals and agencies of the outcome as necessary.
- Agree a plan of action for any victims/witnesses who may come forward later.
- Consider the need for aftercare strategies including protection, medical care, and victim support.

Considerations for exit strategy

Possible outcomes with respect to each complaint:

- Upheld by reasonable inference based on the evidence.
- Not substantiated due to insufficient or unclear evidence.
- Unfounded based on evidence that clears the SOC or suggests a malicious complaint.

Considerations for exit strategy

Support and aftercare: It is not the role of the investigator to establish a support and aftercare strategy. However, the organisation should provide support as needed to:

- victims
- witnesses/complainant
- families
- subject of complaint
- colleagues
- staff undertaking investigation

Considerations for exit strategy

Recording and reporting

Reports should:

- provide all relevant information and outcomes of an investigation
- include records of all available information from interviews and from evidence gathering

Considerations for exit strategies

Consider retention of any evidence or data, reports and records from the investigation.

- How will these be stored?
- How long should they be kept?
- What procedure is to be used by those wishing to access the records?

Considerations for exit strategies

Determine a review process:

- Are there lessons to be learned (including areas of good practice)?
- How will review findings be used to assist future investigations?
- Were principles adhered to?

Report writing exercise

Evaluating the evidence to determine outcome

- What contravention of the SG's Bulletin or a code of conduct do the allegations represent?
- What are the elements of each allegation that require proof?
- What evidence proves or disproves each element?
- Analyse your findings.
- Take your decision.

Write your answers on a flipchart.

Support exercise

Decide on support, aftercare, monitoring and review needed for the Hollywood Aid character assigned to your group:

- What would be ideal?
- What are you likely to get?

Write your answers on a flipchart.

Next steps

On the green card write:

What have I learnt?

On the pink card write:

What does my organisation need to do?

Paste your cards on the board after you have written your responses.

THANK YOU!

FOLLOW-UP WORKSHOP

ICVA/Building Safer Organisations Introduction

Introduction

The Investigation Learning Programme is comprised of five phases, pre-workshop assignment, workshops, a case study, a follow-up workshop and on-going support for professional development. Participants in the Investigation Learning Programme must demonstrate a commitment to conduct thorough, timely and confidential investigations. This component is the Investigations follow-up workshop. Facilitators of this workshop should encourage networking among participants as they may be able to provide support to one another during and after a workshop.

The follow-up workshop has been designed for 15 to 18 participants. Ideally, the workshop will not exceed 18 participants as larger groups can create challenges in the organisation of the case study component of the workshop.

Aim of the workshop

- To refresh participants' investigation skills learned during the Investigations workshop and develop new skills to assist participants in receiving complaints and conducting investigations.

Pre-workshop assignments

The Investigation follow-up workshop has three pre-workshop case study assignments, which require participants to read and refer to all three pre-workshop materials, namely the SG's Bulletin, Draft Guidelines on SG's Bulletin and the IASC Protocol (see Pre-workshop materials chapter). Feedback for the KIDAID case study assignments is included in these materials.

Duration

The workshop should be 3 days long. Training days run from approximately 09:00 until 17:30. The schedule includes a 15 minute mid-morning and mid-afternoon break for refreshments. Participants may be required to complete a group exercise on the evening of day 2. As a result, participants should be requested to be available for this evening of the workshop.

Workshop modules

The workshop is divided into 3 modules:

Module 1: In-depth investigation planning (½ day)

- Review investigation skills.
- Discuss strategies to mitigate the challenges of conducting an investigation.
- Identify possible breaches of the SG Bulletin and codes of conduct arising from complaints.
- Pinpoint the elements of the allegations requiring proof.
- Revisit and revise investigation plans from self-study case study as new information is gathered.

Module 2: Conducting interviews (1 ½ days)

- Review interviewing techniques and the four phases of interviewing.
- Revisit the use of explicit language that investigators may need to use during investigations.
- Further develop interview skills.

Module 3: Investigation report writing (1 day)

- Identify relevant information gathered during an investigation
- Select which evidence proves or disproves the allegation.
- Outline information to be included in the investigation report.
- Reflect on personal development during the Investigations Learning Programme.
- Identify organisational changes that will improve NGOs' capacity to receive and respond to allegations of sexual abuse and exploitation.

Aim

This workshop comes at a time when organisations are concerned about accountability and accountability requires responsibility and predictability. The aim of the workshop is to strengthen and hone participants' skills in planning and conducting timely, confidential, transparent and safe investigations into allegations of sexual abuse and exploitation of persons of concern by aid workers. This workshop is a component of the Investigation Learning Programme.

The values of an organisation are expressed through the behaviour of its workers. Those values are codified in codes of conduct. Now that we have codes of conduct we have to exercise diligence to ensure those values are adhered to.

Method

The methodology employed for the three pre-workshop case study assignments and the three day workshop is participatory and has been developed in consultation with participants at earlier workshops, experts responding to exploitation and experienced investigators. The programme aims to incorporate participants' field experience and puts theory into practice.

Objectives

The case study assignments and workshop objectives are to increase participants' skills and knowledge in:

- Identifying possible breaches of codes of conduct and the SG's Bulletin¹ arising from an allegation and the elements needed to prove or disprove that allegation
- Outlining interviewing techniques for witnesses, complainants and the subject of complaint
- Analysing testimony to identify evidence
- Critically assessing the evidence gathered during an investigation to reach a finding supported by evidence
- Reporting findings and making recommendations

Workshop modules

The workshop is divided into three modules and takes place over three days:

Module 1: In-depth investigation planning (½ day)

- Review investigation skills.
- Discuss strategies to mitigate the challenges of conducting an investigation.
- Identify possible breaches of the SG's Bulletin and codes of conduct.
- Pinpoint the elements of the allegations requiring proof.
- Revisit and revise investigation plans from self-study case study as new information is gathered.

Module 2: Conducting interviews (1 ½ days)

- Review interviewing techniques and the four phases of interviewing.
- Revisit the use of explicit language during investigations.
- Further develop interview skills.

¹ United Nations Secretariat. 9 October 2003. *Secretary General's Bulletin on Special Measures for Protection from Sexual Abuse and Sexual Exploitation, 2003/13 (ST/SGB/2003/13)*. United Nations.

Module 3: Investigation report writing (1 day)

- Identify relevant information gathered during an investigation
- Select the evidence proving or disproving the allegation.
- Outline information to be included in the investigation report.
- Reflect on personal development during the Investigations Learning Programme.
- Identify organisational changes that will improve NGOs’ capacity to receive and respond to allegations of sexual abuse and exploitation.

Suggested agenda

Day 1	Day 2	Day 3
<ul style="list-style-type: none"> • Introduction • Investigation skills development • Challenges • Investigation planning (KIDAID study) 	<ul style="list-style-type: none"> • Planning and clarification • Interview witnesses 	<ul style="list-style-type: none"> • Review investigation • Investigation report • Report writing
LUNCH		
<ul style="list-style-type: none"> • Interview plan • Interview procedures • Practice interviews 	<ul style="list-style-type: none"> • Sharing of information • Witnesses • Discussion and feedback 	<ul style="list-style-type: none"> • Investigation findings • Self evaluation • Organisational development • Quiz and workshop closure
Write up interview plan for Day 2 if not already complete.		

Training days run from approximately 09:00 in the morning until 17:15 in the afternoon. There will be a mid-morning and mid-afternoon break for refreshments. Participants are expected to attend the whole programme and must complete the pre-workshop case study assignments in advance.

ICVA/Building Safer Organisations

Investigations follow-up workshop

Pre-workshop assignment 1¹

KIDAID case study

PWS1

PWS 1

FACILITATOR NOTES

HANDOUTS

POWERPOINT PRESENTATION

Part 1 – The complaint

You are working for KIDAID at their headquarters in New York. KIDAID is an implementing partner for the United Nations Organisation for Coordination of Humanitarian Affairs (OCHA) in Namibia promoting sport for children in crisis as a way of carrying out child protection activities.

On 1 April 2005, officials of OCHA, Namibia, telephoned the KIDAID Country Representative, Elvira Presley, and told her that they had received information from the local police concerning a KIDAID international staff member, Jack Michaelson. According to the local police, Mr. Michaelson was reportedly seen on several occasions behaving in a drunken and disorderly manner in a nightclub in the red light district of Windhoek, in July and August 2004. As the Deputy Representative in Windhoek, Namibia, since March 2004, Mr. Michaelson handles all child protection issues for KIDAID in Namibia.

OCHA officials have also reported to the Country Representative of KIDAID that Mr. Michaelson has been seen picking up prostitutes in a KIDAID car and taking them to his rented home. OCHA officials have said that the KIDAID vehicle used by Mr. Michaelson is not usually driven by him but by another individual who has not been identified. This person usually picks up a local prostitute and brings her to Mr. Michaelson's house. After two hours, the same (unidentified) individual brings the prostitute back to a bar in the red light district of the city.

Ms Presley immediately reported this information to KIDAID HQ. She is concerned about the implications of this information, not only in relation to Mr. Michaelson and his safety, but also for KIDAID's image in Namibia particularly if the police were to alert the local press. She says that the local police are corrupt and the media will pay for scandalous stories about aid workers. She has asked KIDAID HQ in New York to conduct an investigation as she claims that it would be difficult for her to investigate allegations related to a colleague in her office. She has also suggested that she could cut the Deputy Representative post on the pretext of budgetary constraints and then recreate a post of Assistant Representative in 6 months time.

You have been assigned to investigate this case. You will be going to Windhoek in 7 days.

Assignment 1 – Investigation planning

Please draft a basic investigation plan based on the information known to you. You should include answers to the following questions:

- What are the issues that need to be addressed by the investigation?
- What rule(s) appear to have been violated by the alleged misconduct in this case?
- What documentation will you need to assemble and read before proceeding on mission to Windhoek?
- What will you request from the Country Representative, Elvira Presley, in Windhoek to facilitate your planning?
- What practical measures should you consider and what equipment may you wish to take with you on this mission?

¹ Please review the materials and handouts from the earlier Investigations workshop when responding to all the pre-workshop exercises.

ICVA/Building Safer Organisations Investigations follow-up workshop KIDAID case study Feedback pre-workshop assignment 1

PWS1b

Feedback for assignment 1

There is insufficient information thus far to form a view on the allegations. It is important to remain objective and to avoid drawing conclusions at this early stage. There might be many explanations for the complaint, including police corruption. However, enough information is provided to warrant an investigation.

The information currently available would not usually warrant any action against Mr. Michaelson (suspension, etc) at this time. The subject of complaint (SOC) should only be suspended if there is a danger that the staff member might tamper with evidence, intimidate witnesses or if there is a credible security threat, either against the subject of complaint or a witness/victim.

It is important to remember that, while it is a matter of organisational policy about when to inform the SOC, best practice is **NOT** to inform the subject until later in the investigation. Informing Mr. Michaelson at this early stage could jeopardise the investigation. Alternatively, if you discover there are no grounds to continue the investigation or that the allegations are totally unfounded before you interview the SOC, it could cause unnecessary stress to that staff member to learn they are being investigated.

What issues need to be addressed in this investigation?

- The allegations against Mr. Michaelson are a clear violation of the SG's Bulletin. If Mr. Michaelson is indeed "picking up prostitutes," he is violating section 3.1 and 3.2c of the SG's Bulletin. KIDAID is an implementing partner for OCHA and therefore bound by this Bulletin.
- The possibility of another staff member from KIDAID or other organisations being involved should also be investigated.

What rule(s) appear to have been violated?

- possible exchange of money for sexual services (SG's Bulletin section 3.2 (c))
- the prostitutes may be under 18 years (SG's Bulletin section 3.2 (b))
- depending on the staff rules of KIDAID, possible misuse of vehicles and abuse of power by involving lower ranking staff members in the picking-up and driving around of prostitutes

Issues raised that are not significant to the case are:

- Ms Presley's unwillingness to conduct the investigation herself: As KIDAID is a small organisation, it may be very difficult for her to conduct the investigation and remain neutral and/or transparent, which is why she has requested outside investigators. Moreover, she may not have the proper skills to be an investigator.
- Possible breaches of religious decrees: It is not for investigators to decide if religious decrees have been broken unless specific reference is made to these in your organisation's Code of Conduct. This investigation will focus on whether the SG's Bulletin or the organisation's code for humanitarian workers and the laws of the country have been violated.

What documentation will you need?

- SG's Bulletin
- Code of Conduct for KIDAID employees (if it exists)
- copy of relevant national laws translated to English (i.e. if indeed it is illegal to use drugs and visit prostitutes)
- Mr. Michaelson's resume/job duties/job evaluations

- KIDAID staffing table
- KIDAID project information
- vehicle logbook
- police reports
- reports from OCHA, if available
- visitor logbooks from guards at Mr. Michaelson's premises
- leave and absence sheets for Mr. Michaelson
- official telephone records

Information/assistance to request from the Country Representative, Ms Presley, in Windhoek:

- a confidential, locked database and cabinet to which only the investigators have access
- Ms Presley to maintain confidentiality concerning the case and that other staff members should only be told details on a "need to know basis"
- arrangements made for confidential interview locations
- names of the OCHA representatives who made the complaint (for interview purposes)
- general information on the country/city such as national laws e.g. whether prostitution is illegal in Namibia and, if so, the national authorities may need to be informed of the investigation

What practical measures should you consider?

- Estimate the length of time you need to be on site in Namibia and your budget.
- Prepare a list of possible interviewees and of the order in which they should be interviewed. It is important to keep this list flexible as certain witnesses may provide names of others who may have information to contribute to the investigation.
- Send your tentative schedule of interviews as early as possible so that the Country Representative can ensure KIDAID staff are available for interviews and not on leave or on mission.
- Organise interpreters if needed.

What equipment will you take with you?

- tape recorder and appropriate adaptors and tapes
- cameras (remember it is important to visit and document the locations of where the alleged abuse took place to assess if it is even possible)
- investigation report materials i.e. record of interview and confidentiality forms
- laptop and mobile phone

General comments:

- It is important to remember that you are not investigating an individual. You are investigating an allegation of an incident. Do not personalise or pre-judge the findings.
- You should involve a second investigator to ensure transparency, confidentiality and efficiency. Consider composition of team i.e. gender, ethnic background etc.
- When conducting the interview, the order should be:
 - complainant
 - victim(s)
 - witnesses
 - subject of complaint

ICVA/Building Safer Organisations Investigations follow-up workshop Pre-workshop assignment 2¹ KIDAID case study

PWS2

Part 2 – The investigation

Upon your arrival in Windhoek, you request a security briefing with the KIDAID Senior Security Advisor, Mr. Clarke Kent.

You then meet with Ms Presley, the Representative, who provides you with some basic information about the KIDAID office in Windhoek, the KIDAID activities, the staffing structure and Mr. Michaelson's responsibilities.

She tells you that KIDAID has only been working in Namibia for five years. Ms Presley repeats the information she already reported to HQ.

You then meet with Ms Presley's contact at OCHA, Mr. Simon BeLon. Mr. BeLon restates what he had told Ms Presley. He explains also that the authorities want to keep the matter informal with KIDAID, as they do not want this situation to affect the image of KIDAID or to jeopardise on-going cooperative projects. Mr. BeLon thinks that KIDAID should deal with this problem discreetly and quickly. Thus far, nothing has been reported in the local press.

Mr. BeLon provides a detailed description of the car used by Mr. Michaelson: a KIDAID Toyota with the plate number CD007. He tells you that he has no information on the "unknown driver", nor does he have any concrete information about the dates or times the KIDAID car was reported in the red light district of Windhoek with Mr. Michaelson and the "unknown driver". He does not know the name of the bar where the prostitutes are picked up and dropped off and he wonders if some of the prostitutes are younger than 18 years old. The local police have also told OCHA that when the "unknown driver" takes the prostitutes to Mr. Michaelson's house, he parks the vehicle inside the compound in which Mr. Michaelson's house is located. The driver reappears from inside the property two to three hours later when he takes the prostitute(s) back to the nightclub.

It is not yet clear to you whether the Namibian authorities are investigating the drunk and disorderly allegation alone or whether they are also interested in allegations that Mr. Michaelson is seeing prostitutes; prostitution will soon be legalised in Namibia. They claim that they do not have Mr. Michaelson under surveillance as the case is not a priority for them.

As a first step, you decide to identify the "unknown driver". You have asked Ms Presley to provide you with the original logbook of vehicle CD 007 and you intend to examine it tonight at your hotel. You now want to better plan the second day of this investigation.

Assignment 2 – Review of evidence gathered to date

- What useful information (if any) might Mr. Kent provide during your security briefing?
- What would you say during your meeting with the Ms Presley regarding your investigation plan? Are there some specific issues that you should discuss with her?
- Was it appropriate to collect the logbook of vehicle CD 007 after your meeting at OCHA? How should you obtain the vehicle logbook in order to comply with correct procedure?
- Identify the information gaps between the report given to you by OCHA and Ms Presley?
- Are there any other documents you need?

¹ Please review the materials and handouts from the earlier Investigations workshop when responding to all the pre-workshop assignments.

Feedback for assignment 2

The information that has been collected during your first day of investigations is still insufficient to draw a conclusion. It is important to remain objective and open-minded. There is no new information to suggest there is a risk of Mr. Michaelson tampering with the evidence and therefore no reason to suspend or cut his post.

Your co-investigator must still be named. Due to budgetary constraints, organisations often cannot afford to send more than one investigator on mission to conduct an investigation, but good practice requires a second investigator or at the very least an objective witness on the investigation team. Mr. Kent is a good candidate for the position of co-investigator. Security Advisors are often former police officers and have good investigation and interviewing skills. Alternatively, you might consider asking the KIDAID legal officer to assist you, if one exists. Ask Ms Presley to release whoever you select as co-investigator; be aware that this may cause workload difficulties for the office.

Questions

1. What useful information (if any) might Mr. Kent provide during your security briefing?

Security Advisors often have good contacts in the duty station and good relationships with a variety of staff and partners. Mr. Kent may be able to provide you with a feel for the situation in the city. Security Advisors frequently know if the local mafia are running the red light district or certain bars in the area. Moreover, Mr. Kent should be able to provide you with information about the relationship between KIDAID and the local authorities/police, as well as whether the government might be targeting KIDAID or international NGO staff for any reason. Depending on how you assess the situation once you meet with him, you may decide to divulge information concerning the investigation to Mr. Kent: he may be a great help even if he is not a co-investigator. He can also provide you with:

- information on security issues relating to the conduct of the investigation e.g. security measures that should be in place for witnesses/subject
- situational as well as cultural information e.g. whether “organised crime” is involved in prostitution or running the red light district
- communication information, including list of official/important contacts in Windhoek
- risks to KIDAID/affiliated organisations/individuals if media or the public becomes aware of the investigation
- if security clearances will be needed within or (if necessary) outside of Windhoek
- his views on the KIDAID drivers e.g. their contacts

Naturally, he would be required to sign a confidentiality agreement.

2. What would you say during your meeting with the Country Representative, Ms Presley?

Information control and confidentiality

- Remind her of the importance of confidentiality and informing staff only on a “need to know” basis.
- Explain that due to the confidential role of investigator you will not be able to keep her briefed on the details of your findings but your own supervisor will brief her.
- Explain that she should not speak to the media if they question her until you have come up with a media strategy together and had it approved by HQ.

Investigation procedure

- Review the summary investigation plan with Ms Presley so that she is aware, in general terms, of what will be taking place while you are conducting the investigation.

- Offer to do an exit interview before you leave Windhoek to explain the next steps.
- Inform her that she should not suspend or cut Mr. Michaelson's post at the moment as not enough evidence has been collected to prove the allegation. Moreover, no mention of the investigation should be made to Mr. Michaelson, his driver or KIDAID staff at this stage.

Practical assistance/information

- Request her help in identifying secure locations to conduct interviews.
- Ask her to arrange the interviews and interpreters, if not already done.
- Request her cooperation in obtaining documentation as well as a locked cabinet to store documents pertaining to the case. It may be best not to have the cabinet in KIDAID's office.
- Ask her about KIDAID policies, procedures and common practices relevant to the investigation including how compensation for overtime work is managed.
- Ask if there are measures that should be taken to protect the subject of complaint (as victims are unknown at this point).
- Ask her about KIDAID's office policies and common practices regarding vehicle use. Can staff use vehicles for personal matters?

It is not important to discuss why Ms Presley was unwilling to conduct the investigation, but perhaps ask her why she thought an investigator from HQ would be more appropriate than someone working locally – this could trigger answers that may help the investigation and give an idea of the security situation.

3. Was it appropriate to collect the logbook of vehicle CD 007 after your meeting at the OCHA?

- It is **not** good practice to ask for the logbook of CD 007 and not the logbooks of the other vehicles as this may raise suspicions about the driver in question when it is important the investigation remain as confidential as possible; if only logbook of CD 007 is collected, the driver of this vehicle or Mr. Michaelson may become aware of this request and tamper with evidence.
- It would be better to ask for the logbooks of all vehicles, for a given timeframe, **before** your arrival to Windhoek. In this case, the logbooks should be obtained from March to September 2004 to cover the period when Mr. Michaelson was allegedly acting inappropriately.
- You should ask Ms Presley to approach the Administration Coordinator to provide the logbooks for the investigation. Ms Presley's permission however is not necessary. Review the logbooks with your co-investigator and be in a secure environment to ensure confidentiality. Do not take the original logbooks off site. If you want to examine them outside the office then it would be preferable to copy the relevant pages and secure the originals.

4. Identify the information gaps between the OCHA reports to you and to Ms Elvira Presley

- The police's actions and statements do not correspond. The police say that they are not conducting surveillance and that the case is of a low priority, however, they know the licence plate of the car, the location where the women are picked-up and dropped off in the red light district etc. Their inconsistencies should be kept in mind and discretion used when reading their reports and/or conducting interviews with them. Hopefully, Mr. Kent will have information on the allegations of corruption made against the police by Ms Presley.
- Ms Presley was not provided with as much detailed information by OCHA as you, such as the license plates of the car and that the prostitutes may be younger than 18 years old.
- The chain of reporting is somewhat surprising – that the local police would directly contact OCHA. Does Ms Presley have any suggestion as to why this happened?

5. Are there any other documents that you need?

- dossier on Mr. Michaelson and home address
- the Code of Conduct for KIDAID workers, if exists
- the police report
- written and signed reports from OCHA witnesses

- other relevant logbooks and documentation from KIDAID
- information on KIDAID drivers and their schedules
- extracts from relevant Namibian national laws
- KIDAID's standard operating procedures
- duty roster for guards (N.B. guards may have been contracted through a separate company, so permission to interview them may have to be obtained from their manager especially if that company has a confidentiality clause for clients)
- permission to interview the guards from the guards' manager or owner of the security company. It is important to do so without disclosing information regarding the investigation, i.e. "I am doing some research on some possible irregularities at KIDAID".

ICVA/Building Safer Organisations Investigations follow-up workshop Pre-workshop assignment 3¹ KIDAID case study

PWS3

Part 3 – The interview

You have asked the Senior Security Advisor, Mr. Clarke Kent, to help you organise the schedule of interviews. You would like to talk to the five security guards working for the private company serving KIDAID and to a KIDAID driver, Mr. Barry Glitter.

Mr. Glitter is one of the drivers at the Windhoek KIDAID Office. He has been working for KIDAID for 5 years according to the information available on file. As a senior driver, you wonder if Mr. Glitter may have been approached for assistance by Mr. Michaelson or if he knows who usually drives Mr. Michaelson outside office hours.

Assignment 3 – Interview preparation

- Is it appropriate to interview five security guards and Mr. Glitter?
- What might be an alternative?
- What specific measures and practical considerations do you need to take into consideration in order to conduct effective interviews with the security guards and Mr. Glitter?
- What are the main differences between the interviews with the guards and the interview with Mr. Glitter?

Interview with Mr. Glitter

1. What are the objectives of your interview?
2. What information will you need before interviewing Mr. Glitter?
3. Are there special measures that you need to take in relation to this interview?
4. What lines of questioning do you intend to develop during this interview? (Identify the main themes and organise them in a logical sequence.)
5. What difficulties can you reasonably expect in this interview?
6. Who else would you add to your list of people to be interviewed?

Now complete an outline for interviewing Mr. Glitter using the attached example sheet.

Interview outline for Mr. Glitter

Investigation Case Reference Number: INV/05/001

Investigation Officers	
Investigation Officer:	(name of investigator)
Investigation Officer:	
Witness:	(name of witness)
Interpreter:	

Person Interviewed	
Name of the person:	Mr. Barry Glitter
ID verified (Yes/No):	Not necessary
Nationality:	Namibian
Occupation/Title:	Driver

¹ Please review the materials and handouts from the earlier Investigations workshop when responding to all the pre-workshop assignments.

Interview Details	
Date:	
Language of interview:	English
Place of the interview	KIDAID office in Windhoek
Explained to the interviewee:	<ul style="list-style-type: none"> • Duty to cooperate and obligation to tell the truth. • Obligation to refrain from communicating with other persons interviewed in the framework of the same investigation case. • Purpose of note-taking. • Acceptable to state when answer not known. • Right to ask for short break. • Consequences of lack of cooperation, fraud, malicious reports, concealment of fact/evidence. • Confidentiality of the investigation procedure.

Transcript of the Interview

Detailed record of questions asked and interviewee's responses

The interview starts at: *(time)*

- Q1.** Do you have any preliminary questions?
- Q2.** Are you ready to start the interview?
- Q3.** How long have you worked as a driver for KIDAID?
- Q4.** ?
- Q5.** ?
- Q6.** ?

Please formulate as many questions as you might need to gather sufficient information from this witness.

- Q7.** Is there something else that you would like to add?

The interview ends at: _____ *(time)*

This is a true and accurate record of the interview.

- 1) For the Interviewee: In accordance with the procedure outlined in KIDAID's mandatory reporting procedures of 9 February 2003, I, the undersigned, declare to understand that my statement may be used in a disciplinary procedure and could be shared with staff under investigation, unless KIDAID management advises that this would affect my security.

Date and signature: _____

- 2) For the Observer to the interview: I, the undersigned, undertake not to divulge any confidential information to which I have had access in the exercise of my capacity as witness/interpreter to the present interview.

Date and signature: _____

- 3) Interpreter to the interview: I, the undersigned, undertake not to divulge any confidential information to which I have had access in the exercise of my capacity as witness/interpreter to the present interview.

Date and signature: _____

Date and signature of the Investigation Officer(s): _____

ICVA/Building Safer Organisations Investigations follow-up workshop KIDAID case study Feedback pre-workshop assignment 3

PWS3b

Feedback for assignment 3

The time and effort you put into completing the assignments and your commitment to this important issue is appreciated. **Please bring the case study assignments and your responses to the workshop**, as they will assist you greatly during the three day workshop.

Interview preparation

Is it appropriate to interview five security guards and Mr. Glitter? What might be an alternative?

It is not appropriate to interview the 5 security guards and Mr Glitter. A better approach would be to interview 3 guards and 3 drivers. Before the interviews, you should collect information on the shifts of the security guards to determine who will be able to provide the relevant information. For example, the security guard(s) who work(s) the weekend shifts will know who uses KIDAID vehicles during those times, who the driver of CD 007 is and s/he may be able to confirm whether Mr. Michaelson brought prostitutes to the KIDAID office. Once you have ascertained who this guard is from the staffing schedule/roster you should select an additional two guards to interview as “cover”.

You should then try to determine:

- if there is a designated driver of vehicle CD 007 and if so, who;
- if drivers work mostly for 1 staff member and if so, whether Mr. Michaelson has a driver;
- if a driver registered vehicle CD 007 for personal use during evenings from March 2004 to March 2005.

Some of this information can be gathered through an interview with Ms Presley and through close inspection of the vehicle logbooks. Analysis of logbooks should be completed to determine if they provide more information on the activities of drivers at KIDAID.

If you decide that Mr. Glitter is the “unknown” driver, it is possible that he is an accomplice – it is alleged that an unknown driver takes the prostitutes from the red light district to Mr. Michaelson’s apartment. Once this information is gathered, you will be more prepared for the interview and know Mr. Glitter’s role in the investigation (if he has one).

What practical factors do you need to take into consideration in order to conduct effective interviews with the security guards and Mr. Glitter?

Interviews should be well-prepared and questions thought-out before hand. All relevant information that can be reviewed before the interview should be analysed. Also, the investigators should consider the length of the interview and remember to proceed at the speed of the witness.

Specific measures and practical considerations:

- Confirm availability of a secure and discreet location for the interview.
- Agree to a time for the interviews taking into consideration work responsibilities, e.g. in order to avoid guards and drivers discussing the interviews beforehand, give little advanced notice but balance this with practicalities and courtesy.
- Decide who will be lead interviewer and who will take notes. If you were not able to appoint a second investigator then select a reliable support person who has signed a confidentiality agreement.
- Confirm availability of interpreters, if this was identified as a need.
- Check that you have all equipment and materials e.g. photograph of Mr. Michaelson for identification, connections for computer.
- Address any safety issues and any cultural, gender, religious or health factors that you identified as needing to be dealt with before each interview begins.
- Do not inform Ms Presley of the details of the planned interviews. As the country representative, she needs to know that you will be interviewing staff, but not specifically who or when.

- Explain to witnesses when the interview commences:
 - i. the need for confidentiality and that information is given only on a need to know basis. Only KIDAID staff are required to sign a confidentiality statement; for other witnesses you must ask them to maintain confidentiality
 - ii. the importance of the interview and investigation
 - iii. the duty of staff to cooperate and tell the truth
 - iv. their obligation not to discuss anything about the case with others, including those who were interviewed
 - v. the purpose of note-taking
 - vi. that it is acceptable to state when answer is unknown
 - vii. their right to ask for a break
 - viii. the consequences of lack of cooperation, fraud, malicious reports or concealment of evidence

What are the main differences between the interviews with the guards and the interview with Mr. Glitter?

Mr. Glitter	Security guards
He can provide information on KIDAID policies and procedures such as a Code of Conduct specific to drivers, routine procedures for vehicle use etc.	Guards can report on comings and goings of KIDAID staff especially during the weekend evenings. They may maintain own logbooks where residents and guests sign in and out.
He may be involved in misconduct and/or breach of KIDAID's Code of Conduct through direct involvement in the allegation or by using KIDAID vehicles for private use.	They are most likely not involved nor a possible victim of the alleged misconduct.
He can provide information on relations within the office and his personal relationship with Mr. Michaelson. If he is a friend of Jack, he may give information about Jack that could be useful to the investigation.	They may have seen passengers in the car with Mr. Michaelson after hours. Also, they may be able to identify or give a description of the passengers.
He may be afraid of reprisal or punishment from Mr. Michaelson or KIDAID.	May be afraid of reprisal or punishment from Mr. Michaelson, KIDAID or the security company they work for.
He may be able to provide specific evidence on the allegation if he is involved in the alleged activities or a personal friend of Mr. Michaelson, e.g. he may be able to give specific dates and/or answer the following questions: does Mr. Michaelson go to the red light district and do prostitutes go to his home?	

Interview with Mr. Barry Glitter

1. The objectives of your interview:

- establish whether Mr. Glitter is involved in the allegation or not;
- determine whether he is the “unknown driver”;
- clarify dates, times and places that are relevant.

To do so you will need to determine the following:

- Is Mr. Glitter aware of the Code of Conduct?
- Mr. Glitter's knowledge about the use of vehicle CD 007 e.g. does he know the individual who usually drives vehicle CD 007?
- Any further knowledge on the following activities:
 - use and frequency of vehicle use by Mr. Michaelson
 - identity of passengers
 - reason for pick-up and drop-off of girls if relevant
- Mr. Glitter's relationship with Mr. Michaelson – is it purely professional or does he know what Mr. Michaelson does on weekends?

- Any other information that he can provide which supports or refutes the allegations.

2. What information will you have at hand before interviewing Mr. Glitter?

- vehicle logbook for CD 007, Mr. Glitter's job description, standard operating procedures for drivers, time sheets, leave and absence forms
- the driver assigned to work for Mr. Michaelson (if he has a driver)
- Mr. Glitter's performance evaluation sheets
- language abilities (to determine need for interpreter)
- any physical or mental impairment
- his nationality, religion and ethnicity (to assess any special requirements that should be met during the interview)

3. Are there special measures that you need to take in relation to this interview?

- None in particular. As mentioned earlier, protect Mr. Glitter from being singled out and ensure that his safety or position at KIDAID will not be jeopardised as a result of the interview.

4. What lines of questioning do you intend to develop during this interview? Identify the main themes and organise them in a logical sequence.

i. Establishing rapport

- Clarify the purpose of the interview – you are investigating a complaint and think Mr. Glitter may be of assistance.
- Explain the ground rules – see list on interview transcript sheet (confidentiality, obligation to tell the truth etc).
- Engage with Mr. Glitter to gain his trust.

ii. Free narrative

- Ask open questions e.g. *“Tell me about your duties as a driver for KIDAID?”*
- Avoid interrupting or clarifying ambiguities at this stage.
- Prompt by using neutral phrases such as *“and then what happened?”* or by repeating key phrases *“He asked you to pick up the women in the red light district?”*
- Offer prompts that relate to his account only – not to other witnesses' evidence.
- Do not give positive or negative feedback. Beware of unintentionally communicating approval or disapproval through face expressions and voice inflexions.
- Conduct the interview at Mr. Glitter's pace.
- Have an “active listener” posture.

iii. Questions

Clarify information Mr. Glitter has already given and help him to give relevant evidence if unable to do so during the free narrative. Follow this sequence of questioning when possible:

- Open-ended: *“How would you characterise your relationship with Mr. Michaelson?”*
- Specific: *“How often did Mr. Michaelson ask you to pick-up the women?”*
- Closed: *“Did you use the KIDAID vehicle CD 007 to pick-up women for Mr. Michaelson or not?”*
- Leading (only as a last resort) *“Are these women entering Mr. Michaelson's home?”*

iv. Closure

- Check with second interviewer (recorder) if there are any outstanding matters.
- Summarise what Mr. Glitter has stated in his words.
- Ask if he has anything he would like to add and answer any questions he may have.
- Check if he requires any outside assistance.
- Thank him for his time.

5. What difficulties can you reasonably expect in this interview?

The main difficulty you will face is gaining Mr. Glitter's trust. Without his trust any account may be inaccurate or incomplete. A lack of trust may have several causes including his seeing you as a figure of authority and therefore tell you what he thinks you want to hear. Other barriers to a full disclosure of information may include:

- loyalty to the subject of complaint or others implicated in the allegation
- his own involvement in the allegations
- fear of reprisal including losing his job because of the information he provides

All of these factors may make him unwilling to cooperate. Therefore, it is important to explain to him the need for the truth during the investigation and to discuss any worries or fears he may have about sharing information. Remind him of the requirement to keep the information discussed during the interview confidential. You can also assure him that he cannot be sanctioned for cooperating. But be careful he does not take this as an assurance that he is protected from an offence because he cooperated with the investigation.

6. Who else would you add to your list of people to be interviewed?

- other drivers if they frequently drive Mr. Michaelson or vehicle CD 007
- Ms Presley
- anyone employed by Mr. Michaelson, e.g. the housekeeper, gardener etc
- staff members who work with Mr. Michaelson; interview several to avoid singling him out
- staff in the bar Mr. Michaelson frequents (if it exists)
- others identified during the investigation who may be able to provide relevant information
- Mr. Michaelson

You should also go to the police and collect their testimony of events personally. This should not be a formal interview as they are providing information on the evidence and information they have gathered.

ICVA/Building Safer Organisations Investigations follow-up workshop Module 1 Facilitator notes In-depth investigation planning

FUFN1

MODULE 1 OBJECTIVES:

- Review investigation skills developed during the previous workshop and KIDAID pre-workshop case study assignments.
- Discuss strategies to mitigate the challenges of conducting investigations.
- Identify possible breaches of the Secretary General’s Bulletin and codes of conduct arising from a complaint in order to formulate an allegation.
- Pinpoint the elements of the allegations requiring proof.
- Revisit and revise investigation plans as new information is gathered.

SUGGESTED SCHEDULE

Session 1 – Introduction		Minutes allocated
09.00	Arrivals, registration and introductions	15’
09.15	Overview of the course – presentation	15’
09.30	Investigation skills development – discussion	30’
10.00	Challenges – group exercise	30’
10.30	BREAK	15’
Session 2 – Investigation planning		
10.45	Investigation planning – group exercise	75’
12.00	Review investigation plans – group exercise	60’
13.00	LUNCH	60’

MODULE 1 PREPARATION:

Resources	<p>Check the equipment:</p> <ul style="list-style-type: none"> • 1 x laptop • 1 x data projector • 2 x flipcharts, 4 x blocks of flipchart paper and flipchart pens • small cards <p>Prepare the following:</p> <ul style="list-style-type: none"> • venue set-up (arrange tables) • photocopy handouts as specified below • select interview/investigation teams for day 2 using grid on AFUFN2 • develop the format of the evaluation and types of questions to be asked the before the workshop begins • prepare evaluation sheets and questions for daily evaluations
Handouts	<p>Spare photocopies needed:</p> <ul style="list-style-type: none"> • PWM1_IASC Protocol • PWM2_SG’s Bulletin • PWM3_Draft Guidelines to the SG’s Bulletin <p>Photocopy 1 per participant:</p> <ul style="list-style-type: none"> • PWM4_FU_AgendaandCourseSummary • HO1_FU_M1_S2_InvestigationPlanning.doc • HO2_FU_M1_S2_ClarificationofInvestigationPlanning.doc • HO3_FU_M1_S2_KIDAID.doc • HO4_FU_M1_S2_KIDAIDFeedback.doc • HO5_FU_M1_S2_KIDAIDAdditionalInformation.doc • M1_FU_ppt.doc (3 slides per page, distribute at beginning of Module)
Additional facilitator notes	The following document gives guidance on key messages to be elicited from the exercises. FU_M1_Additional_Facilitator_Notes.doc

Time	Facilitator's notes	Resources
09.00 (15')	<p style="text-align: center;">INTRODUCTIONS</p> <p>Aim – to allow participants to introduce themselves to the group and to create an open environment for the workshop.</p> <p>Welcome and acknowledge individuals' commitment to attending the course.</p> <p>Trainers introduce themselves first using the same format as the participants. Explain that you would like everybody to introduce themselves by saying:</p> <ul style="list-style-type: none"> • the names of all the others who have been introduced before • their name • who they work for • the main responsibilities of their post. <p>The timing for introductions is based on a group of 15 participants and allows time for late arrivals!</p>	Slide 1: BSO workshop
09.15 (15')	<p style="text-align: center;">OVERVIEW OF THE COURSE</p> <p>Distribute the participant agenda, PWM4_FU_AgendaandCourseSummary.</p> <p>Go over domestics:</p> <ul style="list-style-type: none"> • schedule and the importance of being on time • where is the bathroom • where is the fire exit • where to go to smoke • arrangements for use of cell phone <p>Present the course aims with assistance from Slides 2-4.</p> <p>Discuss in plenary:</p> <ul style="list-style-type: none"> • This investigation programme comes at a time when organisations are concerned about accountability; accountability requires responsibility and predictability. • The values of an organisation are expressed through the behaviour of the individuals that work for the organisation. Those values are codified in codes of conduct. Now that we have codes of conduct we have to exercise diligence to ensure those values are adhered to. <p>Refer to the emotive nature of the subject which makes it important to establish some principles to ensure a safe and comfortable learning environment. If managers are present with their supervisees, discuss how issues raised on the course might impact or effect working relationships after the course.</p> <p>If there are participants present for whom English is not their first language, discuss how this will be managed.</p> <p>Finally advise the group of any mandatory child protection responsibility i.e. if a specific case of sexual abuse or exploitation is referred to and no action has been taken, this will have to be reported.</p>	PWM4_FU_Agendaand-CourseSummary Slide 2: Investigation learning programme Slide 3: Workshop activities Slide 4: Investigation stages
09.30 (30')	<p style="text-align: center;">INVESTIGATION SKILLS DEVELOPMENT</p> <p>Aim – to identify and refresh the skills participants gained during the investigations workshop.</p> <p>Ask the participants if they have used any of the skills they acquired at the investigation workshop.</p> <p>Then ask the participants to discuss with their neighbour if and how they have used any skills acquired during the first investigation workshop. Participants should be encouraged to share how they have used their skills in all aspects of their work life and not to focus solely on investigations.</p> <p>After 15' ask the participants to share their discussions in plenary. During this plenary discussion ask if any questions have arisen since the previous workshop.</p>	Slide 5: Skills exercise

Time	Facilitator's notes	Resources
<p>10.00 (30')</p>	<p style="text-align: center;">CHALLENGES</p> <p>Aim – to give participants an opportunity to share and express anything on their minds, freeing them up for learning. It is also an opportunity for participants to discuss strategies to deal with the challenges of an investigator.</p> <p>Divide participants into 3 groups. Ask each group to share their feelings on the following:</p> <ul style="list-style-type: none"> • What do you think are the 3 greatest challenges in the role of the investigator? • What are your strategies to deal with these challenges? <p>Ask the groups to allow each individual to share his/her feelings with their group and then come to a consensus. Ask the participants to write their answers on a flipchart and choose one person to present them.</p> <p>Take feedback in plenary on both questions. Address any concerns or worries with solutions where possible and offer reassurance.</p> <p>Evaluation groups Explain that their current group will be an evaluation focus group and will meet at the end of one assigned day to evaluate the workshop. The focus groups are formed to provide feedback to the trainers on any aspect of the workshop, including content, flow, timing, environment etc. Ask them to discuss and gain feedback from participants not in their group during “their” day in order to gain feedback from all participants.</p> <p>Explain that the evaluation should be constructive and more or less the consensus of all participants and feedback can influence how the workshop is run.</p> <p>Show the participants the daily evaluation forms in their binders.</p> <p>The process will allow participants to provide input into and have ownership over the programme. Trainers will meet the designated focus group at the end of the day for approximately 15' and spend 5' at the start of each day summarising the salient comments and making amendments as possible.</p>	<ul style="list-style-type: none"> • flipcharts • markers <p>Slide 6: Challenges exercise</p>
<p>10.30</p>	<p>BREAK</p>	<p>15'</p>
<p>10.45 (75')</p>	<p style="text-align: center;">INVESTIGATION PLANNING</p> <p>Aim – to review the basic skills of conducting an investigation and give participants an opportunity to use their skills in identifying breaches of the SG's Bulletin and codes of conduct from an allegation of sexual abuse and exploitation.</p> <p>Give a presentation on investigation planning with the assistance of the Slides 7-9.</p> <p>Handout PWM1_IASC Protocol, PWM2_SG's Bulletin, PWM3_Draft Guidelines to the SG's Bulletin to participants who did not bring copies to the workshop.</p> <p>Exercise Divide the participants into four groups and distribute HO1_FU_M1_S2_InvestigationPlanning.doc. Ask them to read the case studies carefully and answer the questions on slide 9 for each case study:</p> <ul style="list-style-type: none"> • Has the Code of Conduct or the SG's Bulletin been breached? • How would you formulate the allegation i.e. what rule has been broken? • How would you define the elements requiring proof? • What evidence you would need? Documents, witnesses etc? <p>Assign a different case study for each group to start on to ensure all case studies are covered.</p>	<p>PWM1_IASC Protocol PWM2_SG's Bulletin PWM3_Draft Guidelines to the SG's Bulletin HO1_FU_M1_S2_InvestigationPlanning.doc HO2_FU_M1_S2_ClarificationofInvestigationPlanning.doc FU_M1_Additional_Facilitator_Notes Slide 7: Basic principles of conducting an investigation Slide 8: Stages of an investigation Slide 9: Investigation planning exercise</p>

Time	Facilitator's notes	Resources
	<p>After 45' ask each group to give their responses to the case study they completed first. Discuss their answers and ask if others have additional information to provide or questions for the group.</p> <p>Use FU_M1_Additional_Facilitator_Notes for guidance on feedback. After discussion handout HO2_FU_M1_S2_ClarificationofInvestigation-Planning.doc.</p>	
12.00 (60')	<p style="text-align: center;">REVIEW INVESTIGATION PLANS</p> <p>Aim – to provide participants with an investigation planning tool and time to refresh their knowledge of the KIDAID case study.</p> <p>Divide the group into the pre-determined investigation/interview teams and give them HO3_FU_M1_S2_KIDAID.doc and HO4_FU_M1_S2_KIDAIDFeedback.doc as well as the new elements of the major case study, HO5_FU_M1_S2_KIDAIDAdditionalInformation.doc.</p> <p>In plenary, review the additional information handout, HO5_FU_M1_S2_KIDAIDAdditionalInformation.doc. Discuss the questions included in the handout and changes that will be made to the investigation plans as a result of the new information.</p> <p>Ask the participants to re-read the case study in their teams, revisit the plans they made as part of the pre-workshop assignments, investigation plans and make the appropriate changes.</p>	<p>HO3_FU_M1_S2_KIDAID.doc HO4_FU_M1_S2_KIDAIDFeedback.doc HO5_FU_M1_S2_KIDAIDAdditionalInformation.doc.</p>
13.00	LUNCH	60'

ICVA/Building Safer Organisations Investigations follow-up workshop Additional facilitator notes – Module 1 In-depth investigation planning

AFUFN1

Investigation planning case studies

These scenarios demonstrate examples of acts that specifically violate the standards listed in the *SG's Bulletin on Special Measures for Protection from Sexual Exploitation and Sexual Abuse*, 2003/13. These acts constitute misconduct and could lead to the appropriate disciplinary and administrative measures, such as summary dismissal.

Case a

Carlos is a logistics officer with your organisation. He has helped set up a boys' soccer club in town. Carlos enjoys the soccer games but he seems to particularly enjoy being with local teenagers. He gives presents (magazines, candy, sodas, pens) to many boys. You have heard rumours that he offers these gifts in exchange for sexual acts. However, when you ask around, you are told that the boys making the allegation are always fabricating stories like this. The senior manager who has reported the allegation to you, finds the allegation hard to believe as last summer he went on leave with Carlos to Geneva. While in Geneva he and Carlos visited a brothel together.

If it is true that Carlos has offered gifts in exchange for sexual acts, he has abused a position of differential power for sexual purposes: the exchange of money for sexual services violates the standards of conduct expected of any category of NGO staff. Such acts constitute serious misconduct under SG's Bulletin, **section 3.2 (c)**. In addition, Carlos is in breach of the same policy for performing sexual acts with children (anyone under 18, regardless of the local age of consent), SG's Bulletin **section 3.2 (b)**.

Visiting a brothel in Geneva violates the SG's Bulletin **section 3.2 (c)**. Aid workers are expected to be held to a higher standard than other people in the community, even when they are abroad or not on duty.

Case b

Joey is a 19 year old locally hired driver for an NGO. He transports relief items from the warehouse to the refugee camp where the items are distributed. On one of his trips he recognised a 17 year old refugee girl walking on the side of the road and gave her a ride back to the camp. Since then, to impress her, he frequently offers to drive her wherever she is going and sometimes gives her small items from the relief packages in his truck, which he thinks she and her family could use. The last time he drove her home she asked him to come inside her home to meet her family. The family was pleased that she had made friends with a NGO worker. Joey really likes the girl; he wants to start a romantic relationship with her and to ask her parents permission to marry her. He knows her family will approve. The local age of consent is 16 years old and Joey is from the same ethnic group as the young woman.

Under SG's Bulletin **section 3.2 (b)**, Joey is prohibited from sexual activity with anyone under 18, regardless of the local age of consent. Moreover, the rules also strongly discourage sexual relationships between NGO staff and people of concern, since these relationships are based on inherently unequal power dynamics and undermine the credibility and integrity of the humanitarian work (see SG's Bulletin **section 3.2 (d)**). This said, there is an exception which allows local staff to marry girls of less than 18 if they are over the age of consent in their country of citizenship. However, Joey cannot engage in any sexual activity with the girl until they are married.

Case c

Josie is a refugee in one of the camps. Pieter is a refugee recruited as an incentive worker by an NGO to distribute food. He has offered to give Josie a little extra during the distribution if she will be his "special friend". She agrees willingly. Both of them agree that they should start a sexual relationship and neither

of them thinks that anything is wrong. Josie hopes that the relationship might be a passport to a new life in another country or at least an opportunity to supplement her rations. Pieter does nothing to discourage these hopes.

Pieter's relationship with Josie constitutes sexual exploitation; exchange of goods for sex or sexual favours is explicitly prohibited under by the SG's Bulletin section **3.2 (c)**. This includes any exchange of aid that is due to beneficiaries of assistance.

Case d

Darlene is an international recruit. She is always on the lookout for good business opportunities since she has to support her family back home. She has been asked by a local colleague, Stanislaus, to contribute some money towards renovating a bar in the town in return for a portion of the bar's profits. Darlene soon finds she is getting a steady income from the bar and gives more money to hire more staff, including security etc. She does not go to the bar, but knows that there is a lot of prostitution going on there and that peacekeepers, CIVPOLs, NGO and UN staff use the bar often. However, she doesn't think that concerns her since she is not directly involved in those issues. She's just glad of the extra money.

Darlene and Stanislaus are at least aiding sexual exploitation. Darlene is in breach of SG's Bulletin section **3.2 (f)** as aid workers are "obliged to create and maintain an environment that prevents sexual exploitation and abuse."

ICVA/Building Safer Organisations Investigations follow-up workshop Module 2 Facilitator notes Conducting interviews

FUFN2

MODULE 2 OBJECTIVES:		
<ul style="list-style-type: none"> Review interviewing techniques and the four phases of interviewing. Prepare a detailed investigation plan. Further develop interview skills and experience. 		
SUGGESTED SCHEDULE		
Session 1 – Interview plans		Minutes allocated
14.00	Arrivals, registration and introductions	120'
16.00	BREAK	15'
16.15	Investigation skills development – discussion	45'
17.00	Challenges – group exercise	15'
DAY 2		
Session 2 – Interviews		
09.00	Planning and clarification – discussion	30'
09.30	Interview 1	75'
10.45	BREAK	15'
11.00	Interview 2	75'
12.15	LUNCH	60'
13.15	Sharing of information – discussion	45'
14.00	Interview 3	75'
15.15	BREAK	15'
15.30	Interview 4	75'
16.45	Feedback and discussion	30'

MODULE 2 PREPARATION:	
Resources	<p>Check the equipment:</p> <ul style="list-style-type: none"> 1 x laptop 1 x data projector 2 x flipcharts, 4 x blocks of flipchart paper and flipchart pens <p>Prepare the following:</p> <ul style="list-style-type: none"> venue set-up (arrange tables) photocopy handouts as specified below reserve 5 breakout rooms for the interviews hire 6 actors for the KIDAID Case Study interviews (day 2) well in advance provide the actors with their roles, case study information and actors notes well in advance (HO11_FU_M3_S2_RoleDescription.doc and HO12_FU_M3_S2_ActorsNotes.doc)
Handouts	<p>Photocopy 1 per participant:</p> <ul style="list-style-type: none"> HO6_FU_M2_S1_InterviewSchedule.doc HO31_Inv_M4_S3_Feedback* HO32_Inv_M4_S3_Observer* M2_FU_ppt (3 slides per page, distribute at beginning of Module) <p><i>*HO31 and HO32 can be found in Module 4 of the Investigations workshop.</i></p>

Additional facilitator notes	<p>The following document gives guidance on key messages to be elicited from the exercises. FU_M2_Additional_Facilitator_Notes.doc</p> <p>The interview schedule is based on 15 participants and may need to be amended accordingly. Factors that should be considered when amending the interview schedule include:</p> <ul style="list-style-type: none"> • All participants should be given the opportunity to be a lead interviewer and a support interviewer at least once. • A break should be scheduled after every interview. • All teams should have the opportunity to interview either Mr. Vador or Mr. Michaelson. • Mr. Michaelson should be interviewed in the afternoon or only after all teams have conducted at least one interview. • If there are fewer than 5 teams, try to arrange the schedule to allow more time for each interview. <p>Alternative</p> <p>An alternative is to hire a second actor to play Jack in the afternoon, as more participants will then be able to interview the subject of complaint. If you decide to use this alternative, ensure that the 2 "Jacks" are briefed thoroughly on their roles and demeanour in the interview for consistency in responses.</p>
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Time	Facilitator's notes	Resources
14.00 (45')	<p style="text-align: center;">INTERVIEW PROCEDURES</p> <p>Aim – to review the main elements of conducting an interview and to assist participants with their interview plans.</p> <p>Remind participants of the main elements of conducting a good interview:</p> <p>Preparation</p> <ul style="list-style-type: none"> • Research, read and digest all the relevant information on the complaint that you can find. • Distil what you know into questions that elicit facts and details of the allegation and also questions that give contextual information about the people involved and the events that may influence the allegation. • Discuss these questions confidentially with managers/mentors and refine them. <p>Behaviour</p> <ul style="list-style-type: none"> • You are forming a relationship with the interviewee. In conducting the interview, you want to be prepared, yet flexible, and create a communication climate in which the interviewee will feel comfortable. • Be professional. Arrive on time, dress appropriately. • Always speak clearly, maintain eye contact with the subject (if culturally appropriate) and sit or stand straight with neutral body language. • Balance note-taking with maintaining eye contact with the interviewee. If you record the interview, be sure to ask the interviewee's permission before the interview and note this in the record of interview. Don't rely solely on the audiotape as your record of what was said in the interview as tape recorders can fail. • Signal your interest, but avoid leading the interviewee to respond in particular ways. Listen carefully, ask secondary/probing questions and use your interview plan to keep you on track. <p>Questions</p> <ul style="list-style-type: none"> • Free narrative: establish rapport. You may ask the participant "How long have you worked at your organisation? What other posts have you held? What do you enjoy most about this duty station?" • Closed questions: demonstrate by asking "Rohan, is your shirt blue?" • Open questions: demonstrate by asking "Jane, how did you decide what to eat for breakfast this morning?" 	<p>Slide 1: Module 2 intro</p> <p>Slide 2: Conducting interviews purpose and key principles Slide 3: Conducting interviews preparation</p> <p>Slide 4: Conducting interviews behaviour</p> <p>Slides 5-9: Conducting interviews 4 phases and information seeking</p>

Time	Facilitator's notes	Resources
	<ul style="list-style-type: none"> • Leading questions: demonstrate by asking: "Joyce, isn't your neighbour taking up some of your space at the table?" or give an illustration of a leading question in an interview subject: "Don't you think that the driver was behaving strangely that morning?" NOTE: leading questions should be avoided and only introduced as a last resort. <p>Closing – concluding the interview</p> <ul style="list-style-type: none"> • The goal of a good summary and closing is to leave the interviewee feeling satisfied with the interview. • Alert the witness to the fact that the interview is drawing to a close. The interviewer might say, "My final question..." • Your summary of entire interview should: <ul style="list-style-type: none"> — confirm your listening and note taking skills — highlight key testimony and overall conclusions — point out areas of agreement and disagreement — be agreed with the interviewee: "Have I correctly summarised your statement?" • Post-interview discussion should be informal. The interviewer and interviewee should engage in relaxed conversation. • This phase of the interview is signalled when the interviewer closes his/her notebook or laptop. • You should not introduce any new information at this point. <ul style="list-style-type: none"> — If necessary, you can reassure the interviewee, restate confidential nature of interview, purpose and use of information. — The interviewee often relaxes at this stage and may relay additional information. If this occurs, add the new information to the record of interview and ask the witness to sign the additional information. — Bid the interviewee farewell and end the post-interview discussion. <p>Situations to avoid</p> <ul style="list-style-type: none"> • The investigating officer must not make promises that s/he cannot keep, such as promises of immunity, confidentiality which may not be possible, promises of action relating to a particular case or promises of assistance. • The investigating officer must not discuss what the findings and recommendations may or may not be with anyone except the appointed manager. • The investigating officer must not have verbal or physical confrontations with witnesses; if problems arise, s/he should report the incident to the appointed manager. • The investigating officer must not close the investigation before all available evidence has been gathered. If s/he does so, s/he is likely to gather only evidence that supports his/her preconceived conclusion. <p>After the presentation, discuss the investigation teams, interview plans for day 2 in the plenary.</p>	<p>Slide 10: Conducting interviews situations to avoid</p>
<p>14.45 (120')</p>	<p style="text-align: center;">INTERVIEW PLAN</p> <p>Aim – to give participants a further opportunity to make detailed interview plans as part of an investigation team.</p> <p>Allocate which witnesses each team will interview. Distribute the interview schedule, HO6_FU_M2_S1_InterviewSchedule.</p> <p>Allow a minimum of 105' for the investigation teams to design their interview plans.</p> <p>Participants should be invited to take a break for refreshment for 15' during this exercise.</p>	<p>HO6_FU_M2_S1_InterviewSchedule</p> <p>Slide 11: Interview schedule</p>

Time	Facilitator's notes	Resources
17.00 (15')	<p style="text-align: center;">CLARIFICATION ON THE PRACTICE INTERVIEWS</p> <p>Aim – to provide clarification on the interview process for day 2 of the workshop and to answer any outstanding questions.</p> <p>Ask participants to remain in their teams. Explain that the interview plans need to be completed overnight if they were unable to complete them during the last session.</p> <ul style="list-style-type: none"> • There will be five teams: A, B C, D and E. • Each team has three participants and will conduct four interviews. • Each individual in the team will have an opportunity to be the lead interviewer, a support interviewer and an observer at least once during day 2. • Explain that interview teams will get information from the interviews with witnesses they did not interview in a plenary session in the early afternoon of day 2 and that due to logistics, the correct interview order cannot be followed i.e. complainant first, SOC last. Also, not every team will be able to interview Jack. • All interviews are to be conducted in closed locations where teams cannot see or hear each other so they will be as close to a real investigation interview as possible. <p>75' has been scheduled for each interview. In this time, ideally 45' is allocated to the interview and 30' to the feedback process (debriefing and analysis). The feedback order is:</p> <ul style="list-style-type: none"> • actor • lead interviewer • second interviewer/recorder • observer • facilitator (if in the interview room) <p>A facilitator may not be present during some interviews, therefore inform the participants that it is important to give constructive feedback, especially when acting as the observer. This gives participants the opportunity to conduct some interviews with only their investigation team and the witness present in the room, creating a more "real" situation.</p> <p>Note: the giving/receiving feedback document and the observer's sheet can be found in the Investigations workshop, Module 4 – Investigation planning and interviewing. The handouts can be distributed to participants either during this session or during the morning plenary session on day 2.</p> <p>HO31_Inv_M4_S3_Feedback HO32_Inv_M4_S3_Observer</p> <p>When the handouts are distributed, discuss the need for constructive feedback after the interviews, asking the observer to complete the observer's sheet during the interview. The observer's role is to watch how the participant conducting the interview manages the task. The observations and comments should focus on how the interviewer asks questions using the four phases, whether they are able to elicit information, their behaviour, body language and tone.</p>	<p>HO31_Inv_M4_S3_Feedback HO32_Inv_M4_S3_Observer</p> <p>(These two documents can be found in Module 4 of the Investigations workshop.)</p>
17.00 (10')	EVALUATION	

Time	Facilitator's notes	Resources
	DAY 3	
09.00 (30')	<p style="text-align: center;">INTERVIEW SCHEDULE – CLARIFICATION AND QUESTIONS</p> <p>Aim – to answer any concerns about the interview schedule as well as to provide teams further preparation time.</p> <p>Provide information and advice to teams and clarify any outstanding questions. Review the interview schedule and locations of interviews.</p>	Slide 11: Interview schedule
09.30 (75')	<p style="text-align: center;">INTERVIEW 1</p> <p>Aim – to hone interview skills and have experience in conducting interviews in a secure environment.</p> <p>Refer to interview schedule in FU_M2_Additional_Facilitator_Notes.doc (AFUFN2)</p>	FU_M2_Additional_Facilitator_Notes.doc
10.45	BREAK	15'
11.00 (75')	<p style="text-align: center;">INTERVIEW 2</p> <p>Aim – to hone interview skills and have experience in conducting interviews in a secure environment.</p> <p>Refer to interview schedule in FU_M2_Additional_Facilitator_Notes.doc (AFUFN2)</p>	FU_M2_Additional_Facilitator_Notes.doc
12.15	LUNCH	60'
13.15 (45')	<p style="text-align: center;">SHARING OF INFORMATION</p> <p>Aim – to enable testimony from witnesses to be shared among all teams before the subject of complaint is interviewed.</p> <p>To utilise new information gathered through the testimony of witnesses into interview plans for the subject of complaint and other witnesses. Ask Teams A and E not to share information gathered from interviewing Mr. Glitter.</p>	
14.00 (75')	<p style="text-align: center;">INTERVIEW 3</p> <p>Aim – to hone interview skills and have experience in conducting interviews in a secure environment.</p> <p>Refer to interview schedule in FU_M2_Additional_Facilitator_Notes.doc (AFUFN2)</p>	FU_M2_Additional_Facilitator_Notes.doc
15.15	BREAK	15'
15.30 (75')	<p style="text-align: center;">INTERVIEW 4</p> <p>Aim – to hone interview skills and have experience in conducting interviews in a secure environment.</p> <p>Refer to interview schedule in FU_M2_Additional_Facilitator_Notes.doc (AFUFN2)</p>	FU_M2_Additional_Facilitator_Notes.doc
16.45 (30')	<p style="text-align: center;">FEEDBACK ON TESTIMONY OBTAINED IN THE INTERVIEWS</p> <p>Aim – to provide teams with an opportunity to debrief and share relevant testimony from interviews.</p> <p>Ask the teams to share information obtained through the interviews process. Remind them to remain on task and only share relevant information with regards to the allegation or new information which may warrant broadening of the investigation or conducting a secondary investigation.</p>	
17.15 (10')	EVALUATION	

ICVA/Building Safer Organisations Investigations follow-up workshop Additional facilitator notes – Module 2 Conducting interviews

AFUFN2

KIDAID case study

Interview schedule

	Mrs. ELVIRA PRESLEY witness	Mrs. MAGDALENA JOLIE WITNESS	Mr. GARTH VADOR witness	Ms. "DELILAH" witness	Mr. BARRY GLITTER witness	Mr. JACK MICHAELSON SOC
09.00	Planning and clarification about the interview process					
09.30	Team A	Team B	Team C	Team D	Team E	
10.45	BREAK					
11.00	Team B	Team C	Team D	Team E	Team A	
12.15	LUNCH					
13:15	Plenary – Share information obtained thus far					
14.00		Team D	Team E	Team A	Team B	Team C
15.15	BREAK					
15.30		Team E	Team A	Team B	Team C	Team D
16.45	Plenary feedback session					
17.15	Evaluation					

Team members

Team A	Team B	Team C	Team D	Team E

45 minutes for interviews, 30 minutes for feedback.

Feedback order:

1. actor
2. interviewer
3. second interviewer
4. observer
5. facilitator (if in interview room)

ICVA/Building Safer Organisations Investigations follow-up workshop Module 3 Facilitator notes Investigation report writing

FUFN3

MODULE 3 OBJECTIVES:		
<ul style="list-style-type: none"> Identify relevant information gathered during an investigation. Select which evidence proves/disproves the allegation. Outline the information to be included in the investigation report. Reflect on personal skill development during the learning programme. Identify organisational changes that will improve NGOs' capacity to receive and investigate allegations of sexual abuse and exploitation 		
SUGGESTED SCHEDULE		
Session 1 – Review of investigation plan		Minutes allocated
09.00	Review of investigation and interview plans – discussion	45'
Session 2 – Investigation report		
09.45	Investigation skills development – discussion	30'
10.15	BREAK	15'
10.30	Report writing – group exercise	120'
12.30	LUNCH	60'
13.30	Investigation findings – group presentation	45'
14.15	Self evaluation – exercise	25'
14.40	Organisational development – discussion	20'
Session 3 – Investigation report		
15.00	Outstanding questions and issues – discussion	30'
15.30	BREAK	15'
15.45	Quiz – group exercise	20'
16.05	Workshop closure	25'

MODULE 3 PREPARATION:	
Resources	Check the equipment: <ul style="list-style-type: none"> 1 x laptop 1 x data projector 2 x flipcharts, 4 x blocks of flipchart paper and flipchart pens glue or tape 1 x package of coloured cards Prepare: <ul style="list-style-type: none"> venue set-up (arrange tables) photocopy handouts as specified below flipcharts with the appropriate headings for the self-evaluation, session 2
Handouts	Photocopy 1 per participant: <ul style="list-style-type: none"> HO7_FU_M3_S2_InvestigationReport.doc HO8_FU_M3_S2_RoleDescription.doc HO9_FU_M3_S2_ActorsNotes.doc M3_F3_ppt.doc (3 slides per page, distribute at beginning of Module).
Additional facilitator notes	The following document gives guidance on key messages to be elicited from the exercises: FU_M3_Additional_Facilitator_Notes.doc

Time	Facilitator's notes	Resources
09.00 (45')	<p align="center">REVIEW OF INVESTIGATION AND INTERVIEW PLANS</p> <p>Aim – to revisit the investigation and interview plans and discuss what was relevant, useful and how to better prepare the interviews the next time.</p> <p>In plenary discuss:</p> <ul style="list-style-type: none"> • Did their investigation and interview plans help with the interviews? • Did the teams find out anything during the interviews that they missed in the planning? • How can the plans be better prepared? <p>This is an opportunity for the facilitator to recognise the extra work participants have done, especially during the evenings.</p>	<p>Slide 1: Module 3 intro</p> <p>Slide 2: Review of interview plans</p>
09.45 (30')	<p align="center">INVESTIGATION REPORT</p> <p>Aim – to review the main elements of good report writing and provide suggestions to facilitate the process.</p> <p>Provide a presentation on the elements of an investigation report. Distribute HO7_FU_M3_S2_InvestigationReport.doc.</p> <p>The investigation report should:</p> <ul style="list-style-type: none"> • Address evidence to support and refute the complaint (where such exists). • Evaluate evidence against specific breaches of UN rules and code of conduct regarding sexual exploitation and abuse. • Provide sufficient evidence to support conclusions and recommendations. <p>Remind the group that the investigation report includes:</p> <p>Executive summary</p> <ul style="list-style-type: none"> • A concise overview of the investigation from inception through to the report. It should not contain any information, which is not in the main body of the report. The executive summary should not be written until all other sections of the report have been completed. <p>Introduction</p> <ul style="list-style-type: none"> • Name(s) or case reference number of subject(s) of complaint • Date • Confidentiality statement; • Brief contextual information e.g. the country; refugee camp etc • The nature of the complaint and which UN rules regarding sexual exploitation and abuse are alleged to have been breached • The scope of the investigation (how many complainants, witnesses, subjects etc). <p>Methodology</p> <p>Describe the process used during the investigation to gather information and reach a conclusion.</p> <ul style="list-style-type: none"> • Procedures or measures that were followed in accordance with the organisation's policies (if relevant) • Type and location of fieldwork (if relevant) • Type of assistance provided and by which staff members or other agencies (if relevant) • Type of witnesses interviewed (e.g. refugees, organisation's own staff, other aid workers etc) • Number of interviews • Any impediments to the investigation e.g. lack of co-operation by the subject of complaint or unwillingness of witnesses to be interviewed 	<p>HO7_FU_M3_S2_InvestigationReport.doc</p> <p>Slide 3: Report writing</p> <p>Slide 4: Investigation report structure</p> <p>Slide 5: Investigation report introduction and methodology</p>

Time	Facilitator's notes	Resources
10.30 (120')	<p style="text-align: center;">REPORT WRITING</p> <p>Aim – to provide the participants with an opportunity to practice writing the main elements of an investigation report.</p> <p>Divide the participants into 4 teams of a different composition to the interview teams. The formation of new groups maximises information sharing, understanding about the case and exposure to different opinions.</p> <p>Ask the teams to draft an investigation report focussing on:</p> <ul style="list-style-type: none"> • What were the allegations, as phrased in the SG's Bulletin or Code of Conduct? (Additional allegations if identified through testimony should be included.) • What elements of each allegation need proof? • What evidence proves each element? • What is their decision? <p>For the exercise, do not focus on methodology or recommendations unless the group has sufficient time.</p> <p>Answers should be written on flipchart paper and a representative from each group will be asked to share the conclusions reached for one of the allegations after lunch.</p> <p>Once the task is completed ask the participants to paste their flipcharts in the workshop room for other participants to see.</p>	<ul style="list-style-type: none"> • flipcharts • markers • glue or tape <p>Slide 8: Investigation report writing guidelines</p>
12.30	LUNCH	60'
13.30 (45')	<p style="text-align: center;">GROUP PRESENTATIONS OF THEIR INVESTIGATION FINDINGS</p> <p>Aim – for participants to present the contents of the reports and justify their decision as to whether the evidence is sufficient to substantiate the allegations.</p> <p>Each team is to present their findings and recommendations for one of the allegations of the KIDAID case study.</p> <p>The findings will differ from workshop to workshop depending on the information the actors provide to the investigation teams. To substantiate an allegation, the investigation teams need to determine that there is sufficient evidence to support the allegation. As this is an administrative process and not a criminal process the allegation needs to be proved by reasonable inference.</p> <p>After all presentations are completed, distribute HO8_FU_M3_S2_RoleDescription.doc and HO9_FU_M3_S2_ActorsNotes.doc.</p> <p>Disclose the findings of the KIDAID case study, including:</p> <ul style="list-style-type: none"> • Mr. Michaelson went to a sex worker once while in Namibia, however he felt bad for her and did not engage in sexual activities with her. Instead, he offered her a job as his housekeeper. This woman is Magdalena Jolie. • Mr. Michaelson is teaching English to three girls who work at <i>The Pussy Cat Club</i> on weekend nights in his home. One of these girls is Ms Jolie's daughter, Betty. • Mr. Michaelson pays the owner of <i>The Pussy Cat Club</i>, Delilah, for the time he spends with the girls. • Mr. Glitter has picked the girls up from <i>The Pussy Cat Club</i> at Mr. Michaelson's request on at least two occasions, namely 19 February 2005 and 25 March 2005. He used the KIDAID vehicle when picking up the girls. • Mr. Michaelson pays Mr. Glitter in cash for picking up and dropping off the girls. • Mr. Glitter offers KIDAID food parcels to one of the girls he picks up at <i>The Pussy Cat Club</i>. This girl is Betty, Ms Jolie's daughter. • Mr. Michaelson thinks he is being framed by the police as he has protested several times about the abuse of refugee children in schools and is critical of the way the police treat sex workers, migrants and refugees. 	<p>HO8_FU_M3_S2_RoleDescription.doc</p> <p>HO9_FU_M3_S2_ActorsNotes.doc</p>

Time	Facilitator's notes	Resources
14.15 (25')	<p style="text-align: center;">SELF EVALUATION</p> <p>Aim – to have participants evaluate their skills as investigators and reflect on their progress during the entire training programme.</p> <p>Each participant will complete a self evaluation of their progress and skill development. Ask the participants to individually consider the skills they have learned or improve on during this workshop.</p> <p>Hand out three blank cards to each participant. Ask them to answer the following questions on separate cards:</p> <ul style="list-style-type: none"> • What did you do differently this time, compared to the last workshop? • What will you do differently next time? • How can you use these skills in your regular work? <p>Ask them to paste their cards on the appropriate flipcharts around the room when finished.</p> <p>Allow 10' for participants to walk around and view the others' responses. In plenary, ask them to share their thoughts, observations and points of clarification.</p>	<ul style="list-style-type: none"> • flipchart • markers • coloured cards • glue or tape Slide 9: Self evaluation exercise
14.40 (20')	<p style="text-align: center;">ORGANISATIONAL DEVELOPMENT</p> <p>Aim – to identify how participants can assist their organisations to improve capacity to receive complaints and conduct investigations into allegation of sexual abuse and exploitation.</p> <p>Ask participants to consider what changes they can make within in their organisations to improve capacity to receive and respond to allegations of sexual abuse and exploitation. Have them focus on how their investigation skills and knowledge of the issue can assist in making crucial changes within their organisations.</p> <p>Allow 5'-10' for consideration, then ask participants to share their responses in plenary</p>	Slide 10: Organisational development
15.00 (30')	<p style="text-align: center;">OUTSTANDING QUESTIONS AND ISSUES</p> <p>Aim – to provide an opportunity for participants to raise any outstanding questions or issues before the conclusion of the learning programme.</p> <p>In plenary ask participants to raise any outstanding questions or issues relating to receiving and responding to allegations of sexual abuse and exploitation.</p>	Slide 11: Outstanding questions or issues?
15.30	BREAK	15'
15.45 (20')	<p style="text-align: center;">QUIZ</p> <p>Aim – to close to workshop in an energised manner and review the main elements of the investigation learning programme.</p> <p>Divide the participants into three or four groups. Each group will choose a person to be the buzzer. The "buzzer" must decide on a noise s/he will make when the group wishes to answer a question. In order to buzz in, the "buzzer" must be touched by another team member or know the answer to the question him/herself. The first group to buzz in has fifteen seconds to answer the question. If the answer is incorrect or incomplete, the floor opens up to the group who buzzed in second.</p> <p>See FU_M3_Additional_Facilitator_Notes for sample questions</p>	FU_M3_Additional_Facilitator_Notes
16.05 (25')	<p style="text-align: center;">WORKSHOP CLOSURE</p> <p>Close the workshop by thanking all those who were involved in the organisation and running of the workshop.</p>	Slide 12: Thank you!
16.30 (10')	EVALUATION	

ICVA/Building Safer Organisations
Investigations follow-up workshop
Additional facilitator notes – Module 3
Investigation report writing

AFUFN3

Quiz

Sample questions

1. What are the 4 main principles to establishing a complaints mechanism?
2. What are the 4 phases of interviewing?
3. What are 3 basic principles to conducting an investigation, not including confidentiality?
4. What is the driver Barry's family name/last name?
5. Name 4 barriers to making a complaint.
6. What are 2 of the first steps in an investigation?
7. Name 5 prohibitions in the SG's Bulletin.
8. Describe 3 principles of good report writing.
9. What are the possible conclusions of an investigation report?
10. Name 3 possible allegations against Mr. Michaelson

Add some "fun" questions with personal information that has been shared during the workshop about the facilitators and/or participants.

ICVA/Building Safer Organisations

Investigations workshop

Investigation planning – Module 1

HO1

Read the case studies below and answer the following questions:

1. Has the Code of Conduct or SG's Bulletin been breached?
 2. How would you formulate the allegation i.e. what rule has been broken?
 3. How would you define the elements requiring proof?
 4. What evidence you would need? Documents, witnesses, etc?
- a. Carlos is a logistics officer with your organisation. He has helped set up a boys' soccer club in town. Carlos enjoys the soccer games but he seems to particularly enjoy being with local teenagers. He gives presents (magazines, candy, sodas and pens) to many boys. You have heard rumours that he offers these gifts in exchange for sexual acts. However, when you ask around, you are told that the boys making the allegation are always fabricating stories like this. The senior manager who has reported the allegation to you finds it hard to believe as last summer he went on leave with Carlos to Geneva. While in Geneva he and Carlos visited a brothel together.
 - b. Joey is a 19 year old locally hired driver for an NGO. He transports relief items from the warehouse to the refugee camp where the items are distributed. On one of his trips he recognised a 17 year old refugee girl walking on the side of the road and gave her a ride back to the camp. Since then, to impress her, he frequently offers to drive her wherever she is going and sometimes gives her small items from the relief packages in his truck, which he thinks she and her family could use. The last time he drove her home she asked him to come inside her home to meet her family. The family was pleased that she had made friends with a NGO worker. Joey really likes the girl; he wants to start a romantic relationship with her and to ask her parents permission to marry her. He knows her family will approve. The local age of consent is 16 years old and Joey is from the same ethnic group as the young woman.
 - c. Josie is a refugee in one of the camps. Pieter is a refugee recruited as an incentive worker by an NGO to distribute food. He has offered to give Josie a little extra during the distribution if she will be his "special friend". She agrees willingly. Both of them agree that they should start a sexual relationship and neither of them thinks that anything is wrong. Josie hopes that the relationship might be a passport to a new life in another country or at least an opportunity to supplement her ration. Pieter does nothing to discourage these hopes.
 - d. Darlene is an international recruit. She is always on the lookout for good business opportunities since she has to support her family back home. She has been asked by a local colleague, Stanislaus, to contribute some money towards renovating a bar in the town, in return for a portion of the bar's profits. Darlene soon finds she is getting a steady income from the bar, and gives more money to hire more staff, including security etc. She does not go to the bar, but knows that there is a lot of prostitution going on there and that peacekeepers, CIVPOLs, NGO and UN staff use the bar often. However, she doesn't think that concerns her, since she is not directly involved in those issues. She's just glad of the extra money.

Based on some of the scenarios produced by the Inter-Agency Standing Committee Task Force on Protection from Sexual Exploitation and Abuse, a number of which are adapted from materials contained in the Facilitator's Guide: *Understanding Humanitarian Aid Worker Responsibilities: Sexual Exploitation and Abuse Prevention*, produced by the Coordination Committee for the Prevention of Sexual Exploitation and Abuse in Sierra Leone.

Clarification of case studies

- a. If it is true that Carlos has offered gifts in exchange for sexual acts, he has abused a position of differential power for sexual purposes; the exchange of money for sexual services violates the standards of conduct expected of any category of NGO staff. Such acts constitute serious misconduct under the SG's Bulletin **section 3.2 (c)**. In addition, Carlos is in breach of SG's Bulletin **section 3.2 (b)** for performing sexual acts with children (anyone under 18, regardless of the local age of consent). Carlos and the senior manager visiting a brothel in Geneva violates the SG's Bulletin **section 3.2 (c)**. Aid workers are expected to be held to a strict standard even when they are abroad or not on duty.
- b. Under SG's Bulletin section **3.2 (b)**, Joey is prohibited from sexual activity with anyone under 18, regardless of the local age of consent. Moreover, the rules also strongly discourage sexual relationships between NGO staff and beneficiaries of assistance, since they are based on inherently unequal power dynamics and undermine the credibility and integrity of the humanitarian work (see SG's Bulletin section **3.2 (d)**). This said, there is an exception which allows local staff to marry girls of less than 18 if they are over the age of consent in their country of citizenship. However, Joey cannot engage in any sexual activity with the girl until they are married.
- c. Pieter's relationship with Josie constitutes sexual exploitation; exchange of goods for sex or sexual favours is explicitly prohibited under SG's Bulletin **section 3.2 (c)**. This includes any exchange of assistance that is due to beneficiaries of aid. Also, SG's Bulletin **section 2 (d)** strongly discourages relationships between NGO staff and beneficiaries.
- d. Darlene and Stanislaus are at least aiding sexual exploitation. Darlene is in breach of SG's Bulletin section **3.2 (f)**, as aid workers are "obliged to create and maintain an environment that prevents sexual exploitation and abuse."

ICVA/Building Safer Organisations

Investigations workshop

KIDAID case study – Module 1

HO3

Case study

Part 1 – The complaint

You are working for KIDAID at their headquarters in New York. KIDAID is an implementing partner for the United Nations Organisation for Coordination of Humanitarian Affairs (OCHA) in Namibia promoting sport for children in crisis as a way of carrying out child protection activities.

On April 1 2005, officials of OCHA, Namibia, telephoned the KIDAID Country Representative, Elvira Presley, and told her that they had received information from the local police concerning a KIDAID international staff member, Jack Michaelson. According to the local police, Mr. Michaelson was reportedly seen on several occasions behaving in a drunken and disorderly manner in a nightclub in the red light district of Windhoek, in July and August 2004. As the Deputy Representative in Windhoek, Namibia, since March 2004, Mr. Michaelson handles all child protection issues for KIDAID in Namibia.

OCHA officials have also reported to the Country Representative of KIDAID that Mr. Michaelson has been seen picking up prostitutes in a KIDAID car and taking them to his rented home. OCHA officials have said that the KIDAID vehicle used by Mr. Michaelson is not usually driven by him but by another individual who has not been identified. This person usually picks up a local prostitute and brings her to Mr. Michaelson's house. After two hours, the same (unidentified) individual brings the prostitute back to a bar in the red light district of the city.

Ms Presley immediately reported this information to KIDAID HQ. She is concerned about the implications of this information, not only in relation to Mr. Michaelson and his safety, but also for KIDAID's image in Namibia, particularly if the police were to alert the local press. She says that the local police are corrupt and the media will pay for scandalous stories about aid workers. She has asked KIDAID HQ in New York to conduct an investigation as she claims that it would be difficult for her to investigate allegations related to a colleague in her office. She has also suggested that she could cut the Deputy Representative post on the pretext of budgetary constraints and then recreate a post of Assistant Representative in 6 months time.

You have been assigned to investigate this case. You will be going to Windhoek in 7 days.

Part 2 – Beginning the investigation

Upon your arrival in Windhoek, you request a security briefing with the KIDAID Senior Security Advisor, Mr. Clarke Kent.

You then meet with Ms Presley, the Representative, who provides you with some basic information about the KIDAID office in Windhoek, the KIDAID activities, the staffing structure and Mr. Michaelson's responsibilities.

She tells you that KIDAID has only been working in Namibia for five years. Ms Presley repeats the information she already reported to HQ.

You then meet with Ms Presley's contact at OCHA, Mr. Simon BeLon. Mr. BeLon restates what he had told Ms Presley. He explains also that the authorities want to keep the matter informal with KIDAID, as they do not want this situation to affect the image of KIDAID or to jeopardise on going cooperation projects. Mr. BeLon thinks that KIDAID should deal with this problem discreetly and quickly. Thus far, nothing has been reported in the local press.

Mr. BeLon tells you that he has no information on the "unknown driver" but he does provide a description of the car used by Mr. Michaelson: a KIDAID Toyota with the plate number CD 007. Nor does Mr. BeLon have

any concrete information about the dates or times the KIDAID car was reported in the red light district of Windhoek with Mr. Michaelson or the “unknown driver”. He does not know the name of the bar where the prostitutes are picked up and dropped off. However, he wonders if some of the prostitutes are younger than 18 years old. The local police have also told OCHA that when the “unknown driver” takes the prostitutes to Mr. Michaelson’s house, he parks the vehicle inside the compound in which Mr. Michaelson’s house is located. The driver reappears from inside the property two to three hours later when he takes the prostitute(s) back to the nightclub.

It is not yet clear to you whether the Namibian authorities are investigating the drunk and disorderly allegation alone or whether they are also interested in allegations that Mr. Michaelson is seeing prostitutes; prostitution will soon be legalised in Namibia. They claim that they do not have Mr. Michaelson under surveillance as the case is not a priority for them.

As a first step, you decide to identify the “unknown driver”. You have asked Ms Presley to provide you with the original logbook of vehicle CD 007 and you intend to examine it tonight at your hotel. You now want to better plan the second day of this investigation.

Module 3 – The interview

You have asked the Senior Security Advisor, Mr. Clarke Kent, to help you organise the schedule of interviews. You would like to talk to the five security guards working for the private company serving KIDAID and to a KIDAID driver, Mr. Barry Glitter.

Mr. Glitter is one of the drivers at the Windhoek KIDAID Office. He has been working for KIDAID for 5 years according to the information available on file. As a senior driver, you wonder if Mr. Glitter may have been approached for assistance by Mr. Michaelson or if he knows who usually drives Mr. Michaelson outside office hours.

Interview outline for Mr. Glitter

Investigation Case Reference Number: INV/05/001

Investigation Officers	
Investigation Officer:	(name of investigator)
Investigation Officer:	
Witness:	(name of witness)
Interpreter:	

Person Interviewed	
Name of the person:	Mr. Barry Glitter
ID verified (Yes/No):	Not necessary
Nationality:	Namibian
Occupation/Title:	Driver

Interview Details	
Date:	
Language of interview:	English
Place of the interview	KIDAID office in Windhoek
Explained to the interviewee:	<ul style="list-style-type: none"> • Duty to cooperate and obligation to tell the truth. • Obligation to refrain from communicating with other persons interviewed in the framework of the same investigation case. • Purpose of note-taking. • Acceptable to state when answer not known. • Right to ask for short break. • Consequences of lack of cooperation, fraud, malicious reports, concealment of fact/evidence. • Confidentiality of the investigation procedure.

Transcript of the Interview

Detailed record of questions asked and interviewee's responses

The interview starts at: *(time)*

- Q1.** Do you have any preliminary questions?
- Q2.** Are you ready to start the interview?
- Q3.** How long have you worked as a driver for KIDAID?
- Q4.** ?
- Q5.** ?
- Q6.** ?

Please formulate as many questions as you might need to gather sufficient information from this witness.

- Q7.** Is there something else that you would like to add?

The interview ends at: _____ *(time)*

This is a true and accurate record of the interview.

- 1) For the Interviewee: In accordance with the procedure outlined in KIDAID's mandatory reporting procedures of 9 February 2003, I, the undersigned, declare to understand that my statement may be used in a disciplinary procedure and could be shared with staff under investigation, unless KIDAID management advises that this would affect my security.

Date and signature: _____

- 2) For the Observer to the interview: I, the undersigned, undertake not to divulge any confidential information to which I have had access in the exercise of my capacity as witness/interpreter to the present interview.

Date and signature: _____

- 3) Interpreter to the interview: I, the undersigned, undertake not to divulge any confidential information to which I have had access in the exercise of my capacity as witness/interpreter to the present interview.

Date and signature: _____

Date and signature of the Investigation Officer(s): _____

Feedback on case study assignments

Assignment 1

There is insufficient information thus far to form a view on the allegations. It is important to remain objective and to avoid drawing conclusions at this early stage. There might be many explanations for the complaint, including police corruption. However, enough information is provided to warrant an investigation.

The information currently available would not usually warrant any action being taken against Mr. Michaelson (suspension, etc) at this time. The subject of complaint (SOC) should only be suspended if there is a danger that the staff member might tamper with evidence, intimidate witnesses or if there is a credible security threat, either against the subject of complaint or a witness/victim.

It is important to remember that while it is a matter of organisational policy about when to inform the SOC, best practice is **NOT** to inform the subject until later in the investigation. Informing Mr. Michaelson at this early stage could jeopardise the investigation. Alternatively, if you discover there are no grounds to continue the investigation or that the allegations are totally unfounded before you interview the SOC, it could cause unnecessary stress to that staff member to know about the investigation too early.

What issues need to be addressed in this investigation?

- The allegations against Mr. Michaelson are a clear violation of the SG's Bulletin. If Mr. Michaelson is indeed "picking up prostitutes," he is violating section 3.1 and 3.2c of the SG's Bulletin. KIDAID is an implementing partner for OCHA and therefore bound by this Bulletin.
- The possibility of another staff member from KIDAID or other organisations being involved should also be investigated.

What rule(s) appear to have been violated?

- Possible exchange of money for sexual services (SG's Bulletin section 3.2 (c))
- The prostitutes may be under 18 years (SG's Bulletin section 3.2 (b))
- Depending on the staff rules of KIDAID, possible misuse of vehicles and abuse of power by involving lower ranking staff members in the picking up and driving around of prostitutes

Issues raised that are *not* significant to the case are:

- Ms Presley's unwillingness to conduct the investigation herself. As KIDAID is a small organisation, it may be very difficult for her to conduct the investigation and remain neutral and/or transparent, which is why she has requested outside investigators. Moreover, she may not have the proper skills to be an investigator.
- Possible breaches of religious decrees. It is not for investigators to decide if religious decrees have been broken unless specific reference is made to these in your organisation's Code of Conduct. This investigation will focus on whether the SG's Bulletin or the organisation's code for humanitarian workers and the laws of the country have been violated.

What documentation will you need?

- SG's Bulletin
- Code of Conduct for KIDAID employees (if it exists)
- Copy of relevant national laws translated to English (i.e. if indeed it is illegal to use drugs and visit prostitutes)

- Mr. Michaelson’s resume/job duties/job evaluations
- KIDAID staffing table
- KIDAID project information
- Vehicle logbook
- Police reports
- Reports from OCHA, if available
- Visitor logbooks from guards at Mr. Michaelson’s premises
- Leave and absence sheets for Mr. Michaelson
- Official telephone records

Information/assistance to request from the Country Representative, Ms Presley, in Windhoek:

- A confidential, locked database and cabinet to which only the investigators have access
- Ms Presley to maintain confidentiality concerning the case and that other staff members should only be told details on a “need to know basis”
- Arrangements made for confidential interview places
- Names of the OCHA representatives who made the complaint (for interview purposes)
- General information on the country/city such as national laws e.g. whether prostitution is illegal in Namibia and, if so, whether the national authorities may need to be informed of the investigation

What practical measures should you consider?

- Estimate the length of time you need to be on site in Namibia and your budget.
- Prepare a list of possible interviewees and of the order in which they should be interviewed. It is important to keep this list flexible as certain witnesses may provide names of others who may have information to contribute to the investigation.
- Send your tentative schedule of interviews as early as possible so that the Country Representative can ensure KIDAID staff are available for interviews and not on leave or on mission.
- Organise interpreters if needed.

What equipment will you take with you?

- Tape recorder and appropriate adaptors and tapes
- Cameras (remember it is important to visit and document the locations of where the alleged abuse took place to assess if it is even possible)
- Investigation report materials i.e. record of interview and confidentiality forms
- Laptop and mobile phone

General comments:

- It is important to remember that you are not investigating an individual. You are investigating an allegation of an incident. Do not personalise or pre-judge the findings.
- You should involve a second investigator as all investigations should be conducted by two people to ensure transparency, confidentiality and efficiency. Consider composition of team i.e. gender, ethnic background etc.
- When conducting the interview, the order should be:
 - complainant;
 - victim(s);
 - witnesses;
 - subject of complaint.

Assignment 2

The information that has been collected during your first day of investigations is still insufficient to draw a conclusion. It is important to remain objective and open-minded. There is no new information to suggest there is a risk of Mr. Michaelson tampering with the evidence and therefore no reason to suspend or cut his post.

Your co-investigator must still be named. Due to budgetary constraints, many organisations often cannot afford to send more than one investigator on mission to conduct an investigation, but good practice requires a second in-country investigator or at the very least an objective witness on the investigation team. Mr. Kent is a good candidate for the position of co-investigator. Security Advisors are often former police officers and have good investigation and interviewing skills. Alternatively, you might consider asking the KIDAID legal officer to assist you, if one exists. Ask Ms Presley to release whoever you select as co-investigator; be aware that this may cause workload difficulties for the office.

Questions

1. What useful information (if any) might Mr. Kent provide during your security briefing?

Security Advisors often have good contacts in the duty station and good relationships with a variety of staff and partners. Mr. Kent may be able to provide you with a feel for the situation in the city. Security Advisors frequently know if the local mafia are running the red light district or certain bars in the area. Moreover, Mr. Kent should be able to provide you with information about the relationship between KIDAID and the local authorities/police as well as whether the government might be targeting KIDAID or international NGO staff for any reason. Depending on how you assess the situation once you meet with him, you may decide to divulge information concerning the investigation to Mr. Kent as he can be a great help (even if he is not a co-investigator). Naturally, he would be required to sign a confidentiality agreement. He can also provide you with:

- information on security issues relating to the conduct of the investigation e.g. security measures that should be in place for witnesses/subject
- situational as well as cultural information e.g. whether “organised crime” is involved in prostitution or running the red light district
- communication information, including list of official/important contacts in Windhoek
- risks to KIDAID/affiliated organisations/individuals if media or the public becomes aware of the investigation
- if security clearances will be needed within or (if necessary) outside of Windhoek
- his views on the KIDAID drivers e.g. their contacts

2. What would you say during your meeting with the Country Representative, Ms Presley?

Information control and confidentiality

- Remind her of the importance of confidentiality and informing staff only on a “need to know” basis.
- Explain that, due to the confidential role of investigator, you will not be able to keep her briefed on the details of your findings but your own supervisor will brief her.
- Explain that she should not speak to the media if they question her until you have come up with a media strategy together and had it approved by HQ.

Investigation procedure

- Review the summary investigation plan with Ms Presley so that she is aware, in general terms, of what will be taking place while you are conducting the investigation.
- Offer to do an exit interview before you leave Windhoek to explain the next steps.
- Inform her that she should not suspend or cut Mr. Michaelson’s post at the moment as not enough evidence has been collected to prove the allegation. Moreover, no mention of the investigation should be made to Mr. Michaelson, his driver or KIDAID staff at this stage.

Practical assistance/information

- Request her help in identifying secure locations to conduct interviews.
- Ask her to arrange the interviews and interpreters, if not already done.
- Request her cooperation in obtaining documentation as well as a locked cabinet to store documents pertaining to the case. It may be best not to have the cabinet in KIDAID’s office.
- Ask her about KIDAID policies, procedures and common practices relevant to the investigation including how compensation for overtime work is managed.

- Ask if there are measures that should be taken to protect the subject of complaint (as victims are unknown at this point).
- Ask her about KIDAID's office policies and common practices regarding vehicle use. Can staff use vehicles for personal matters?

It is not important to discuss why Ms Presley was unwilling to conduct the investigation, but perhaps ask her why she thought an investigator from HQ would be more appropriate than someone working locally – this could trigger answers that may help the investigation and give an idea of the security situation.

3. Was it appropriate to collect the logbook of vehicle CD 007 after your meeting at the OCHA?

- It is **not** good practice to ask for the logbook of CD 007 and not the logbooks of the other vehicles as this may raise suspicions about the driver in question when it is important the investigation remain as confidential as possible; if only logbook of CD 007 is collected the driver of this vehicle or Mr. Michaelson may become aware of this request and tamper with evidence.
- It would be better to ask for the logbooks of all vehicles, for a given timeframe, **before** your arrival to Windhoek. In this case, the logbooks should be obtained from March to September 2004 to cover the period when Mr. Michaelson was allegedly acting inappropriately.
- You should ask Ms Presley to approach the Administration Coordinator to provide the logbooks for the investigation. Ms Presley's permission, however, is not necessary. Review the logbooks with your co-investigator and be in a secure environment to ensure confidentiality. Do not take the original logbooks off site. If you want to examine them outside the office then it would be preferable to copy the relevant pages and secure the originals.

4. Identify the information gaps between the OCHA reports to you and to Ms Elvira Presley

- The police's actions and statements do not correspond. The police say that they are not conducting surveillance and that the case is of a low priority, however, they know the license plate of the car, the location where the women are picked-up and dropped off in the red light district etc. Their inconsistencies should be kept in mind and discretion used when reading their reports and/or conducting interviews with them. Hopefully, Mr. Kent will have information on the allegations of corruption made against the police by Ms Presley.
- Ms Presley was not provided with as much detailed information by OCHA as you, such as the license plates of the car and that the prostitutes may be younger than 18 years old.
- The chain of reporting is somewhat surprising – i.e. that the local police would directly contact OCHA. Does Ms Presley have any suggestion as to why this happened?

5. Are there any other documents that you need?

- Dossier on Mr. Michaelson and home address
- The Code of Conduct for KIDAID workers, if exists
- The police report
- Written and signed reports from OCHA witnesses
- Other relevant logbooks and documentation from KIDAID
- Information on KIDAID drivers and their schedules
- Extracts from relevant Namibian national laws
- KIDAID's standard operating procedures
- Duty roster for guards (N.B. guards may have been contracted through a separate company, so permission to interview them may have to be obtained from their manager especially if that company has a confidentiality clause for clients)
- Permission to interview the guards from the guards' manager or owner of the security company. It is important to do so without disclosing information regarding the investigation, i.e. "I am doing some research on some possible irregularities at KIDAID"

Assignment 3

The time and effort you put into completing the assignments and your commitment to this important issue is appreciated. **Please bring the case study assignments and your responses to the workshop**, as they will assist you greatly during the three day workshop.

Interview preparation

Is it appropriate to interview five security guards and Mr. Glitter? What might be an alternative?

It is not appropriate to interview the 5 security guards and Mr Glitter. A better approach would be to interview 3 guards and 3 drivers. Before the interviews, you should collect information on the shifts of the security guards to determine who will be able to provide the relevant information. For example, the security guard(s) who work(s) the weekend shifts will know who uses KIDAID vehicles during those times, who the driver of CD 007 is and s/he may be able to confirm whether Mr. Michaelson brought prostitutes to the KIDAID office. Once you have ascertained who this guard is from the staffing schedule/roster you should select an additional two guards to interview as “cover”.

You should then try to determine:

- if there is a designated driver of vehicle CD 007 and if so, who
- if drivers work mostly for 1 staff member and if so, whether Mr. Michaelson has a driver
- if a driver registered vehicle CD 007 for personal use during evenings from March 2004 to March 2005

Some of this information can be gathered through an interview with Ms Presley and through close inspection of the vehicle logbooks. Analysis of logbooks should be completed to determine if they provide more information on the activities of drivers at KIDAID.

If you decide that Mr. Glitter is the “unknown” driver, it is possible that he is an accomplice – it is alleged that an unknown driver takes the prostitutes from the red light district to Mr. Michaelson’s apartment. Once this information is gathered, you will be more prepared for the interview and know Mr. Glitter’s role in the investigation (if he has one).

What practical factors do you need to take into consideration in order to conduct effective interviews with the security guards and Mr. Glitter?

Interviews should be well-prepared and questions thought-out before hand. All relevant information that can be reviewed before the interview should be analysed. Also, the investigators should consider the length of the interview and remember to proceed at the speed of the witness.

Specific measures and practical considerations:

- Confirm availability of a secure and discreet location for the interview.
- Agree to a time for the interviews taking into consideration work responsibilities, e.g. in order to avoid guards and drivers discussing the interviews beforehand, give little advanced notice but balance this with practicalities and courtesy.
- Decide who will be lead interviewer and who will take notes. If you were not able to appoint a second investigator then select a reliable support person who has signed a confidentiality agreement.
- Confirm availability of interpreters, if this was identified as a need.
- Check that you have all equipment and materials e.g. photograph of Mr. Michaelson for identification, connections for computer.
- Address any safety issues and any cultural, gender, religious or health factors that you identified as needing to be dealt with before each interview begins.
- Do not inform Ms Presley of the details of the planned interviews. As the country representative she needs to know that you will be interviewing staff, but not specifically who or when.
- Explain to witnesses when the interview commences:
 - a. the need for confidentiality and that information is given only on a need to know basis. Only KIDAID staff are required to sign a confidentiality statement; for other witnesses you must ask them to maintain confidentiality
 - b. the importance of the interview and investigation
 - c. the duty of staff to cooperate and tell the truth
 - d. their obligation not to discuss anything about the case with others, including those who were interviewed

- e. the purpose of note-taking
- f. that it is acceptable to state when answer is unknown
- g. their right to ask for a break
- h. the consequences of lack of cooperation, fraud, malicious reports or concealment of evidence.

What are the main differences between the interviews with the guards and the interview with Mr. Glitter?

Mr. Glitter	Security guards
He can provide information on KIDAID policies and procedures such as a Code of Conduct specific to drivers, routine procedures for vehicle use etc.	Guards can report on comings and goings of KIDAID staff especially during the weekend evenings. They may maintain own logbooks where residents and guests sign in and out.
He may be involved in misconduct and/or breach of KIDAID's Code of Conduct through direct involvement in the allegation or by using KIDAID vehicles for private use.	They are most likely not involved nor a possible victim of the alleged misconduct.
He can provide information on relations within the office and his personal relationship with Mr. Michaelson. If he is a friend of Jack, he may give information about Jack that could be useful to the investigation.	They may have seen passengers in the car with Mr. Michaelson after hours. Also, they may be able to identify or give a description of the passengers.
He may be afraid of reprisal or punishment from Mr. Michaelson or KIDAID.	They may be afraid of reprisal or punishment from Mr. Michaelson, KIDAID or the security company they work for.
He may be able to provide specific evidence on the allegation if he is involved in the alleged activities or a personal friend of Mr. Michaelson, e.g. he may be able to give specific dates and/or answer the following questions: does Mr. Michaelson go to the red light district and do prostitutes go to his home?	

Interview with Mr. Barry Glitter

1. The objectives of your interview:

- establish whether Mr. Glitter is involved in the allegation or not;
- determine whether he is the “unknown driver”;
- clarify dates, times and places that are relevant.

To do so you will need to determine the following:

- Is Mr. Glitter aware of the Code of Conduct?
- Mr. Glitter’s knowledge about the use of vehicle CD 007 e.g. does he know the individual who usually drives vehicle CD 007?
- Any further knowledge on the following activities:
 - use and frequency of vehicle use by Mr. Michaelson
 - identity of passengers
 - reason for pick-up and drop-off of girls, if relevant
- Mr. Glitter’s relationship with Mr. Michaelson – is it purely professional or does he know what Mr. Michaelson does on weekends?
- Any other information that he can provide which supports or refutes the allegations.

2. What information will you have at hand before interviewing Mr. Glitter?

- Vehicle logbook for CD 007, Mr. Glitter’s job description, standard operating procedures for drivers, time sheets, leave and absence forms
- The driver assigned to work for Mr. Michaelson (if he has a driver)
- Mr. Glitter’s performance evaluation sheets
- Language abilities (to determine need for interpreter)
- Any physical or mental impairment

- His nationality, religion and ethnicity (to assess any special requirements that should be met during the interview)

3. Are there special measures that you need to take in relation to this interview?

- None in particular. As mentioned earlier, protect Mr. Glitter from being singled out and ensure that his safety or position at KIDAID will not be jeopardised as a result of the interview.

4. What lines of questioning do you intend to develop during this interview? Identify the main themes and organise them in a logical sequence.

i. Establishing rapport

- Clarify the purpose of the interview – you are investigating a complaint and think Mr. Glitter may be of assistance.
- Explain the ground rules – see list on interview transcript sheet (confidentiality, obligation to tell the truth etc).
- Engage with Mr. Glitter to gain his trust.

ii. Free narrative

- Ask open questions e.g. *“Tell me about your duties as a driver for KIDAID?”*
- Avoid interrupting or clarifying ambiguities at this stage.
- Prompt by using neutral phrases such as: *“and then what happened?”* or by repeating key phrases *“He asked you to pick up the women in the red light district?”*
- Offer prompts that relate to his account only – not to other witnesses’ evidence.
- Do not give positive or negative feedback. Beware of unintentionally communicating approval or disapproval through face expressions and voice inflexions.
- Conduct the interview at Mr. Glitter’s pace.
- Have an “active listener” posture.

iii. Questions

Clarify information Mr. Glitter has already given and help him to give relevant evidence if unable to do so during the free narrative. Follow this sequence of questioning when possible:

- Open-ended: *“How would you characterise your relationship with Mr. Michaelson?”*
- Specific: *“How often did Mr. Michaelson ask you to pick-up the women?”*
- Closed: *“Did you use the KIDAID vehicle CD 007 to pick-up women for Mr. Michaelson or not?”*
- Leading (only as a last resort) *“Are these women entering Mr. Michaelson’s home?”*

iv. Closure

- Check with second interviewer (recorder) if there are any outstanding matters.
- Summarise what Mr. Glitter has stated in his words.
- Ask if he has anything he would like to add and answer any questions he may have.
- Check if he requires any outside assistance.
- Thank him for his time.

5. What difficulties can you reasonably expect in this interview?

The main difficulty you will face is establishing Mr. Glitter’s trust. Without his trust any account may be inaccurate or incomplete. A lack of trust may have several causes including his seeing you as a figure of authority and therefore tell you what he thinks you want to hear. Other barriers to a full disclosure of information may include:

- loyalty to the subject of complaint or others implicated in the allegation
- his own involvement in the allegations
- fear of reprisal including losing his job because of the information he provides

All of these factors may make him unwilling to cooperate. Therefore, it is important to explain to him the need for the truth during the investigation and to discuss any worries or fears he may have about sharing information. Remind him of the requirement to keep the information discussed during the interview confidential. You can also assure him that he cannot be sanctioned for cooperating. But be careful he does not take this as an assurance that he is protected from an offence because he cooperated with the investigation.

6. Who else would you add to your list of people to be interviewed?

- Other drivers if they frequently drive Mr. Michaelson or vehicle CD 007
- Ms Presley

- Anyone employed by Mr. Michaelson, e.g. the housekeeper, gardener etc
- Staff members who work with Mr. Michaelson; interview several to avoid singling him out
- Staff in the bar Mr. Michaelson frequents (if it exists)
- Others identified during the investigation who may be able to provide relevant information
- Mr. Michaelson

You should also go to the police and collect their testimony of events personally. This should not be a formal interview as they are providing information on the evidence and information they have gathered.

Please re-read the three KIDAID Pre-workshop case studies and the responses you provided in the assignments.

Assignment 4 – Continuing to gather evidence

Late in the evening of your second day on the investigation mission, you decide to examine Mr. Glitter's computer. You then produce the following record:

KIDAID Head Quarters

This document is protected by the provisions of the KIDAID administrative instructions of 9 October 2003, concerning the confidentiality of the proceedings related to a preliminary investigation conducted by the investigations office.

Report on computer search¹

INVESTIGATION CASE NUMBER: INV/05/001

Date: 16 June 2005

Location of search: KIDAID Windhoek

Subject: Barry Glitter

Scope of the search: examination of the desktop computer located in Mr. Glitter's office; review of the KIDAID e-mail boxes assigned to Mr. Glitter and of internet sites consulted using the "history" function.

Description of the findings:

The search started at 18.35 hours.

- "Trash" folder has been emptied of all items.
- Incoming e-mails sent by Mr. Michaelson have been deleted, with the exception of two e-mails dated 18 February 2005 and 25 March 2005.
- A copy was made of the following Word documents on the C drive: Vehicle rotation/referral for maintenance, January – April 2005.doc.
- The following internet sites were visited by Mr. Glitter two weeks ago: "hotbar.com", "Namibian-girls.com", and "xtremepleasure.com",

The search ended at 19.20 hours.

Name of investigator: Your name

Name of witness:

Signature(s): _____

Questions (to be discussed in plenary)

- *Is there anything that should be changed/added to this record?*

¹ The computer search was conducted by the KIDAID investigators in accordance with the KIDAID administrative instruction of 29 November 2004 on the use of information and communication technology resources and data.

The following two e-mails were seized in the desktop computer located in Mr. Glitter's office:

From: Jack Michaelson
To: Barry Glitter
Date: 18 February 2005 3:29:19 PM
Subject: This weekend

Dear Baz,

Sorry, I was so busy today that I had no time to go to your office. As briefly discussed yesterday, I would need your assistance to pick up some friends tomorrow at around 10.00 p.m. Ask Delilah. Call me on my mobile if you have any problem, do not use the radio. You will have to tell me whether you prefer to have US \$ or local currency this time. Many thanks again.

J.

From: Jack Michaelson
To: Barry Glitter
Date: 25 March 2005 4:11:45 PM
Subject: Tonight

"For Your Eyes Only" ha ha ha

Hey Barry my friend,

Same as last Friday. I hope that you are free. You won't need to wait at my place; I will manage on my own. Thank you again for your assistance as usual. Cheers.

J.

Questions (to be discussed in plenary)

- Do these emails provide evidence to support the case against Mr. Michaelson? If so how?
- What additional verification should be made before interviewing Mr. Glitter?
- Please revisit your initial investigation plan and update it.

Remaining evidence collected

Interview with the guards

You have continued the investigation for another two days and collected information from the guards at Mr. Michaelson's residence. They tell you that Mr. Garth Vador is usually the guard on duty in the evenings and weekends so he will have the most information to give you about Mr. Michaelson's guests at those times. However, two security guards confirm that Mr. Michaelson returned twice to the KIDAID office on Friday nights in March 2005 (18 March and 25 March) as he had allegedly forgotten something in his office. The guards stated that two girls (very young looking but age unknown) were sitting in the car and looked to them to be prostitutes. On these occasions Mr. Glitter was driving.

Examination of the logbooks

When examining the vehicle logbooks, you have noticed that Mr. Michaelson's name does not appear in the logbooks regarding service provided by Mr. Glitter for any private assignment, including 18 February and 25 March 2005. Mr. Glitter has not made any entry for vehicle use after working hours. Mr. Glitter did not report vehicle use for any private services for other KIDAID staff after working hours or during weekends.

Police testimony

You have managed to contact the local police who had originally informed OCHA of the allegations. They confirmed that the club frequented by Mr. Michaelson is *The Pussy Cat Club* and that the owners are Mr. "Basher" Bush and Ms Delilah. They told you that at this bar men come to pick up prostitutes. Police searches of *The Pussy Cat Club* conducted in April 2005 found illegal gambling, prostitution and children involved in selling alcohol. The police also informed you that this place is now closed as a result of a court order. The police stated that Mr. Michaelson is well known to them and they are worried about KIDAID's reputation in Namibia.

Task sheet for day 2

Tomorrow the investigation team will interview these witnesses.

- **Ms Elvira Presley, Country Representative, KIDAID**

While you have had earlier discussions with Ms Presley you now feel you have enough information to go back and question her in more detail about the events and the allegations. Unfortunately, due

to a schedule mix up, you are late for your interview with Ms Presley so you should consider how to handle this.

- **Ms Magdalena Jolie, Housekeeper**

It has come to your attention that Ms Jolie is working as a private housekeeper for Mr. Michaelson at his rented house. You do not know the nature of her contract or the living arrangements but you believe that she might be able to provide information on the allegations of misconduct. You have heard some gossip in the office that Ms Jolie is a woman of “low character”.

- **Mr. Barry Glitter, Senior Driver, assigned to the Deputy Representative, KIDAID**

After reading the office vehicle logbooks, organigram and work schedule, you are aware that Mr. Glitter is the driver assigned to the subject of complaint and very likely the unknown driver.

- **Ms Delilah, owner, *The Pussy Cat Club***

During interviews with some of the other drivers and guards you have discovered that the bar where Barry collects the alleged prostitutes is called *The Pussy Cat Club*. You have managed to secure an appointment with the owner, Ms Delilah. You do not know her family name.

- **Mr. Garth Vador, security guard**

You have also discovered that Mr. Vador is the night guard at Mr. Michaelson’s residence. Mr. Vador is usually on duty at the time the alleged prostitutes are brought to Mr. Michaelson’s private home.

- **Mr. Jack Michaelson, subject of complaint and Deputy Representative KIDAID**

Mr. Michaelson will be the last interview for the day. Thus far, Mr. Michaelson is unaware that there is an investigation into allegations made against him although he suspects something is going on.

ICVA/Building Safer Organisations Investigations workshop Interview schedule – Module 2

HO6

Interview schedule

	Mrs. ELVIRA PRESLEY witness	Mrs. MAGDALENA JOLIE WITNESS	Mr. GARTH VADOR witness	Ms. "DELILAH" witness	Mr. BARRY GLITTER witness	Mr. JACK MICHAELSON SOC
09.00	Planning and clarification about the interview process					
09.30	Team A	Team B	Team C	Team D	Team E	
10.45	BREAK					
11.00	Team B	Team C	Team D	Team E	Team A	
12.15	LUNCH					
13:15	Plenary –Share information obtained thus far					
14.00		Team D	Team E	Team A	Team B	Team C
15.15	BREAK					
15.30		Team E	Team A	Team B	Team C	Team D
16.45	Plenary feedback session					
17.15	Evaluation					

Team members

Team A	Team B	Team C	Team D	Team E

45 minutes for interviews, 30 minutes for feedback.

Feedback order:

1. actor
2. interviewer
3. second interviewer
4. observer
5. facilitator (if in interview room)

Investigation report outline

Executive summary

An executive summary is a very concise overview of the investigation from inception through to the report. It should only contain information, which is in the main body of the report.

Introduction

- Name(s) or case reference number of subject(s) of complaint
- Date
- Confidentiality statement
- Nature of the complaint and which stipulations of UN rules and Code of Conduct are alleged to have been breached
- Scope of the investigation (how many complainants, witnesses, subjects etc)
- Brief contextual information e.g. country, refugee camp etc

Methodology

- The process used during the investigation
- Evidence required
- Interviews conducted
- Any impediments to the investigation i.e. lack of cooperation by subject or unwillingness to be interviewed by any witnesses

Findings

- Take each complaint in turn (if there is more than one) and summarise the evidence given by all interviewees in respect to each complaint in turn
- Describe other evidence – photos, work logs, emails etc
- Impartially state evidence to support and refute the complaint(s)
- Draw logical and fair conclusions based on the evidence

Conclusions and recommendations

The findings should be clearly stated for each complaint according to the following:

- established by reasonable inference
- not established – insufficient or unclear evidence
- not established – based on evidence to clear the complainant or to establish a malicious complaint

Possible outcomes

- Allegations established/substantiated:
 - The organisation's appropriate disciplinary procedures should be pursued by the disciplinary decision maker – not investigator
 - Investigation report written
 - Note on subject of complaints human resources file

The above information has been modified from the IASC Protocol.

- Allegations not established/substantiated:
 - Inform the subject of complaint.
 - Managers are encouraged to inform other staff on a need to know basis only (i.e. inform those aware of the allegations, that the person has been cleared.)
 - Investigation closure report written.
 - If investigation finds that a malicious complaint was made by another staff member, sanctions should be pursued against that member of staff.
- Management implication report – make recommendations if the investigation indicates poor practice or negligence (i.e. training, supervision, policy changes).
- Any particular concern about possible reprisals against witnesses should be noted.

Example of an executive summary:

1. On 12 December 2005, the Human Resources Director received a written complaint of sexual exploitation filed by Ms Victim, a refugee from W country in camp 1, country Y, against Mr. Offender, Protection Officer. Ms Victim claimed that in 2003, she had sexual relations with Mr. Offender who subsequently promised to help her with her resettlement case.
2. In her complaint, Ms Victim further claimed that Mr. Accomplice, Senior Protection Officer covered up Mr. Offender's misbehaviour and discouraged her from filing a complaint by also promising to resettle her.
3. On 10 January 2006, upon request from the Human Resources Director, Ms Victim was interviewed in Town A by the Sexual Exploitation and Abuse (SEA) focal point for Country Y.
4. From 20 to 27 January 2006, an Investigation Officer conducted inquiries in Town A. On 13 February 2006, Mr. Offender was interviewed by the Investigation Officer in Town B, Country Y.
5. As regards to the allegations made by Ms Victim, the organisation is satisfied that the evidence gathered during the investigation supports a finding of misconduct against both Mr. Offender and Mr. Accomplice. Whilst there is no direct evidence of Mr. Offender's improper relations with Ms Victim, nor of Mr. Accomplice's subsequent involvement, the evidence analysed together as a whole, supports Ms Victim's account. This evidence includes:
 - testimony obtained from six witnesses, including four women, who stated that Ms Victim had confided in them in 2003 and 2004 about her relationship with Mr. Offender
 - the accurate details Ms Victim provided about Mr. Offender's bedroom and cologne
 - the fact that Ms Victim's case is the only case that Mr. Offender ever referred to resettlement
 - Mr. Offender's confused explanation as to why and how he referred Ms Victim's case for resettlement
 - the fact that Mr. Offender's written referral disappeared from Ms Victim's file and that neither he nor Mr. Accomplice made any records of their meetings with Ms Victim
6. In the organisation's view, this body of consistent testimonial and circumstantial evidence supports Ms Victim's credibility and raises a reasonable inference that her allegations against Mr. Offender and Mr. Accomplice are founded.

Example modified from an example investigation report prepared by the Inspector General's Office of the United Nations High Commissioner for Refugees (UNHCR)

Jack Michaelson, subject of complaint and Deputy Representative KIDAID

Mr. Michaelson is a 32 year old Australian national who has worked for KIDAID since March 2004. He was hired by Ms Elvira Presley, the KIDAID Country Representative in Namibia on the recommendation of her mentor and colleague Paul Lennon, the Director General of WaterAid in Geneva, Switzerland.

Mr. Michaelson is a graduate of Ruddock University in Australia. Immediately after graduation, he worked as a statistician for the Australian Public Service in Canberra, Australia for five years. In 1997, after the break-up of his marriage he decided he needed adventure and took a job as an “eco” tour guide in Kenya. In 1999, he was hired as Regional Logistics Manager with WaterAid in Tanzania through his expatriate contacts. In 2002, he moved to Bangkok as a Community Development Officer with Feed the Hungry, another small NGO. However after 11 months, he left Feed the Hungry as he missed East Africa and wanted to move back. He did a few small consulting jobs in Nairobi until he bumped into his old “drinking buddy” Mr. Lennon who told Mr. Michaelson of the vacant KIDAID Deputy Representative position in Namibia.

Mr. Michaelson is the only child of a middle class family. Before retiring, his father was a dentist and his mother a librarian. Mr. Michaelson has always enjoyed working with aid agencies especially in Africa where he feels the rhythm of life is less hectic and more relaxed. He does not make friends easily and is not interested in marrying again. Initially he thought this was because his first marriage ended bitterly but lately he has been attracted to his driver Mr. Glitter. Mr. Michaelson is starting to question his own sexual orientation as a result and he wonders if he is gay.

Mr. Michaelson’s account in the interview

Mr. Michaelson provides a full account of his previous work history.

He denies that he is using the services of prostitutes. Initially he does not want to reveal anything about his trips to the red light district of Windhoek and denies that he has ever been there. Eventually, when it is clear that there are witnesses who have seen him in the red light district regularly, he admits that he has several friends in the area who come to his house on the weekend for English lessons. He explains that the “girls” come to his home to learn English as girls that speak fluent English have access to better clients and are less likely to be injured or abused. Specifically, Mr. Michaelson discloses that there are three girls called Betty, Gladys and Leander taking his English classes. However, he refuses to disclose their identity, as he considers this information part of his private life. He agrees that Betty looks younger than the others but he has never asked them how old they are as he feels this would be an inappropriate question. He believes that they are older than 18 years old.

Mr. Michaelson admits that when he first came to Windhoek, he was very lonely and did go to a brothel in town with an idea of having sex with a prostitute; however once he had met the woman, Ms Jolie, he felt bad and offered her a job as his house keeper instead. He insists that he has never had sex with her and it was her idea to start teaching her former workmates English. He is aware that one of the ‘girls’ who comes to learn English at his house is Ms Jolie’s daughter. Ms Jolie did not tell him this but he worked it out from conversations with the girls.

Mr. Michaelson admits that he used KIDAID vehicles to transport the “girls” and that sometimes he asked Mr. Glitter to transport them. He gave instructions by email to Mr. Glitter to pick up these female friends in a bar called The Pussy Cat Club and paid him in cash for these services. He states that he never instructed Mr. Glitter to destroy any of his instructions regarding requests for vehicles and denies asking Mr. Glitter not to log these private journeys in the KIDAID vehicle logbook.

When asked why he did not reimburse KIDAID for his private use of vehicles for the last 8 months, Mr. Michaelson responds that it was an oversight and that the Administrative Officer, Mr. Minogue did not remind him.

He strongly denies being an alcoholic and claims that he is being framed by the Namibian authorities for having protested several times against the abuse of refugee children in the local schools and because he has been critical of the way the police treat prostitutes, always arresting them and demanding sex in return for their release while allowing the clients of the prostitutes to get off without any consequences. He claims that he has also been critical of the national authority's attitude towards refugees, migrant workers and child rights.

Demeanour during the interview

Mr. Michaelson is initially offended he is being investigated. As he has always been respected and well liked in his earlier posts, and, until this incident he has had the full support of Ms Presley, he is astonished that no-one came to him first and asked him about the incident.

He is shocked that his good work with these women is being misunderstood and angry about being targeted in this way.

His body language is defensive (e.g. his arms are crossed across his chest).

Once he understands how serious the allegations are, he is helpful but guarded.

Barry Glitter, witness and KIDAID Senior Driver

Mr. Glitter is a 30 year old Namibian national. He has been driving for KIDAID for 5 years. Previously, he was a taxi driver for two years and prior to that he trained as a mechanic at a garage called Uncle Ben's Chop Shop. He is 185 cm tall and dark skinned with very short hair.

Mr. Glitter is very pleased to have this great job with KIDAID as he earns far more than he could in any other local job. He supports his widowed mother and his seven brothers and sisters. When he was young he contracted a virus which resulted in nerve damage. As a result the right side of his face droops. He is embarrassed by this as he considers it a disfigurement and the reason that no one has approached his mother with a view to offering their daughter in marriage.

He has worked almost exclusively for Mr. Michaelson since Mr. Michaelson's arrival in Windhoek. Mr. Glitter prides himself on knowing all about his employer and anticipating his needs. He has no hesitation in working overtime with or without compensation and regularly handles private trips for Mr. Michaelson. He regards Mr. Michaelson as a very fine man who has lots of "girlfriends" whom he brings to his home on the weekends.

Mr. Glitter has feelings for one of Mr. Michaelson's friends, Betty, who is still young. He often gives Betty KIDAID food parcels to impress her. Mr. Glitter would like to start a relationship with Betty but doesn't want to upset Mr. Michaelson.

Mr. Glitter has heard the girls talk about Mr. Michaelson and is confused as they talk about "improving their English" and "learning" when they are at Mr. Michaelson's house. He assumes this is slang for some sexual practice.

Mr. Glitter's account in the interview

Mr. Glitter has worked for KIDAID for 5 years. He says that he is highly regarded and was promoted to senior driver very quickly. He admits to providing private services to Mr. Michaelson, e.g. as doing shopping for him, bringing people to fix appliances in his house and sometimes bringing home some of his female friends.

Mr. Michaelson pays him extra money to bring his "friends" to his home on the weekends. Mr. Glitter cannot describe the women and indicates that he does not know their family names or their ages. He states that he normally picks them up in a bar called *The Pussy Cat Club* which is located downtown.

Mr. Glitter claims that Mr. Michaelson has several women who he meets with regularly and assumes these are Mr. Michaelson's "girlfriends". However, he has never seen Mr. Michaelson touch any of the women. He is aware that these women may in fact be prostitutes who come from Angola or Sudan.

He explains that Mr. Michaelson is usually quite generous with him, compared to other international staff members who have asked him for other "private" services and he indicates that he is often paid in cash (\$US) by Mr. Michaelson.

Mr Glitter admits that he deleted all e-mails from Mr. Michaelson from his computer at Mr. Michaelson's request and was also asked not to make any entries in his vehicle logbooks regarding the short trips during weekends or outside of working hours.

Mr. Glitter explains that he would increase the mileage in the official duties recorded after the weekend, to account for the difference caused by the trips for Mr. Michaelson. He also says that Mr. Michaelson has asked him to be discreet about picking "the girls" up at Delilah's place and to bring them inside the compound.

Mr. Glitter confesses that he has given Betty a couple of KIDAID food parcels to impress her.

Demeanour during the interview

Mr. Glitter comes across as worried; he didn't think it was bad to take women to Mr. Michaelson's house, as the women were prostitutes by their own choice. He is horrified that Mr. Michaelson might get into trouble and would do anything to protect his boss.

He is extremely remorseful and begs that he not be dismissed as he is responsible for the care of his mother and siblings. He cannot afford to lose his job.

Additional role play requirements at the close of the interview

When the interviewer starts to conclude the interview and asks if you have anything to add, he raises the following points:

1. Can you guarantee that this statement will not be shared with anyone on the office?
2. Have I done anything wrong? If I have done anything wrong, can you guarantee that nothing will happen to me, as I fully cooperated with the investigation and I cannot afford to lose my job?
3. I have given you more information that I had initially planned to do and I feel uncomfortable telling you anything else.

He encourages the investigator to interview others but insists that he does not want to speak anymore. Then he stands up and starts to leave the room explaining that he has work waiting for him so he does not have time to review and sign the statement now. He asks for a copy to take away with him so he can review the statement overnight and return it later.

Delilah, witness and bar owner of *The Pussy Cat Club*

Delilah is 54 years old and an Angolan national. She became a prostitute when she arrived in Namibia as a refugee. After several years she saved enough money to open *The Pussy Cat Club* with the help of a former client Mr. Bush. The club is a bar that is licensed to sell alcohol. In addition, Delilah runs a brothel from the bar. Prostitution is illegal in Namibia but Delilah is a business woman and there is no money to be made in running a legitimate bar. She pays the police to stay away and tells the girls to have sex with the police for free to keep them happy. The bar has recently been closed but she is confident that if she pays a bribe it will reopen soon.

She recruits her girls from the rural areas and refugee camps where there is a great deal of poverty. In addition, rural girls are not experienced and accept very low wages.

She knows that three of her girls visit Mr. Michaelson regularly. They claim not to have sex with him but he pays Delilah directly for their time every week. In her view, he is obviously having sex with all three of them. One of the women, Betty, is the daughter of Mr. Michaelson's house keeper, Ms Jolie. Ms Jolie used to work for Delilah and made a lot of money as she was very attractive. After Betty was born Ms Jolie was desperate to leave the bar and eventually moved in with Mr. Michaelson.

Delilah's account in the interview

Delilah makes it clear that she does not want to jeopardise her business so initially denies any illegal activity – especially prostitution as she believes that the "foreign" investigators will report the prostitution activities to national authorities who will punish her and keep the brothel closed. She will not give the names and ages of the prostitutes who work for her or the names of clients. She tells the investigators to leave her alone as she does not want any trouble from the national authorities. She does not think it is anyone else's business what she does.

However, she is proud of her business achievement and talks about what she has created over the years. Continuously, she states that she is a good person because the women working for her do so willingly and are content with their jobs.

As she is talking about the bar she accidentally admits that Mr. Michaelson is a customer. She eventually tells them that Mr. Michaelson is a regular client but only on the weekends when he is not working. After her “mistake” she states that he is a frequent client, who requests the same three girls each time. She states that the girls go to his home.

When asked further about Mr. Michaelson, she says she does not know him well as he very rarely comes to the bar. Someone else picks up the girls, a local guy with a funny face. She thinks Mr. Michaelson is an honest and decent man, although suggestions that he has strange social behaviour (i.e. why does he pay for the three girls each week if he does not always have sex with them, wondering if he is a “real” man etc.). She justifies this by asking the interviewers what they expect; a healthy guy from Australia stuck in Windhoek needs to have “friends” and some “fun”. Anyway, Mr. Michaelson is a great man who always sticks up for the women and has even been down to the police station to get “his” girls out of jail when they have been arrested.

Dememeanour during the interview

At first Delilah is very confrontational and angry. She is very defensive of her bar and worried it will be shut down. She is proud of the business and what she has created and she enjoys talking about her business achievements, what goes on at the bar and her management skills.

Once she realises the scope of the investigation, she calms down and becomes cooperative with certain questions.

Additional role play requirements at the close of the interview

At the end of the interview Delilah refuses to sign any papers, saying that she cannot read and will not sign anything that she cannot understand. The investigation means nothing to her. She runs out of the interview room and states that she will not answer anymore questions.

Garth Vador, witness and security guard at Mr. Michaelson’s home

Mr. Vador is 28 years old. He has been a security guard with the Mind your Business (MYB) security company for 7 years. It is an excellent job as the MYB clients are not high risk. In addition, he can work overtime and night shifts which allows him to earn a good salary. He supports his elderly parents.

He finished school when he was 14 and became a delivery boy for 7 years. Then he started to work as a labourer. A year later his uncle introduced him to someone at MYB who was able to get him the job. Mr. Vador is not highly educated. He takes his job seriously.

Mr. Vador is aware that MYB has a strict confidentiality policy requiring all security guards not to disclose any information about the clients they protect. He is also aware of the KIDAID Code of Conduct which MYB was required to sign and he was also asked to follow.

Mr. Vador’s account in the interview

Mr. Vador is aware that three “working girls” come to the home of Mr. Michaelson regularly. They always come on the weekends and stay for a few hours each time. He thinks they eat something as he knows the housekeeper makes special preparations whenever the girls are expected. The girls always arrive well dressed and clean and seem very happy to come to Mr. Michaelson’s house. Mr. Vador does not have first hand knowledge of what is going on but feels it is obvious that if a man is having prostitutes in his house, then he must be having sex with them. If not, then the guy cannot be normal!

Mr. Vador recognises the girls as when he was younger he visited the same bar which is owned by a woman called Delilah. The brothel is called The Pussy Cat Club. He doesn’t visit the brothel now as he has a girlfriend and she wouldn’t like it if he went there. One of the girls, Betty, was just a little girl when he saw her last time but now he thinks she must be about 17 years old. He uses the word “girls” to describe the young women but he is not sure of their real ages. Mr. Vador assumes that Mr. Michaelson must be having sex with the prostitutes and that probably his friend Barry is having sex with them too. He is of the view that “these girls are all the same and they will have sex with anyone.”

He looks forward to the arrival of the girls on the weekend as he gets a few hours to chat with the KIDAID driver, Barry. He is not sure what Barry's family name is but he thinks it is something fancy like "Shiny" or "Diamond". Garth explains that Mr. Glitter usually brings the girls to the house in a KIDAID vehicle although once or twice he recalls that they came in a taxi.

Demeanour during the interview

Initially Mr. Vador is not very keen to cooperate as he is aware of the very strict MYB policy of not speaking about the movements and activities of clients. He is not comfortable about this interview, as he does not know the subject. In addition, Mr. Vador is upset that he seems to be the only person among the staff who this investigator from a foreign country wants to talk to.

Once Mr. Vador receives assurances of permission to speak from his boss he is very open and helpful and gives his opinion freely.

Additional role play requirements at the beginning of the interview

After a few sentences from the investigator, Mr. Vador asks the following questions:

1. Can I bring a colleague to attend the interview in a witness capacity?
2. What will happen to me if I report wrongdoings by some KIDAID staff members?
3. Will you keep my testimony confidential?
4. If not, how can you protect me against retaliation?
5. Can I remain silent if I do not want to reply to one of your questions?
6. How long will the interview last?

He also states:

7. I am supposed to pick up my son from school in 15 minutes.
8. Could we have this interview later on today or tomorrow?

Additional role play requirements at the close of the interview

Mr. Vador refuses to sign any statement. He says that he is not a KIDAID staff member and therefore not required to sign anything. In addition, he explains that he will not promise to keep anything confidential as Mr. Glitter is his friend, Mr. Michaelson has always been generous with him and Ms Jolie is attractive and he wants to impress her. He is planning on telling them everything that has been discussed during the interview.

Magdalena Jolie, witness and Mr. Michaelson's house keeper

Ms Jolie comes from a small village two hours walk from Windhoek. She is 29 years old and has a 14 year old daughter. She was forced from her father's home in the village at the age of 13 when her mother died. Her mother was the first wife of her father and Ms Jolie was her mother's only child. As her mother only had one daughter, she did not get much respect in the family and Ms Jolie's father took two younger wives who gave birth to several sons. On the death of her mother, the other wives threw Ms Jolie out of the house. She fled to Windhoek where she found work in a bar called The Pussy Cat Club. She had a daughter, Betty, when she was 15 and the child was "adopted" by the woman who co-owns the brothel, Delilah.

Ms Jolie met Mr. Michaelson in April 2004 when he came to Delilah's bar to have sex with a prostitute. He paid for Ms Jolie's time but they ended up chatting and he was kind to her. She told him that she didn't want to be a prostitute. He took pity on her and offered her a job as a housekeeper. The money is not as good as what she earned in the bar but she can keep it all and she is no longer a prostitute. She did not tell Mr. Michaelson about her daughter, Betty, because she believes he would not have given her the job if he knew she had a child.

Ms Jolie's account in the interview

She has worked for Mr. Michaelson since April 2004. Her description of Mr. Michaelson matches the preliminary information i.e. Mr. Michaelson, white Australian male, approximate age mid-thirties, red hair, and brown eyes.

She has never had sex with Mr. Michaelson. He respects her and treats her well. She hopes he will fall in love with her, marry her and take her back to Australia with him one day.

She confirms that Mr. Michaelson brings three girls to the house every weekend to learn English. One of the girls is her daughter Betty and this is how she gets to see her regularly. Ms Jolie is always present when the girls come to the house because she wants to verify that Mr. Michaelson is not having sex with the girls.

Demeanour during the interview

Ms Jolie is terrified of being interviewed. She is silent unless asked for very specific information.

She wants to be helpful and is cooperative, but is afraid she will lose her job and future opportunities. She is ashamed of her former job and the fact that she left her daughter with Delilah. She tries to not speak about this. Ms Jolie wants to protect Mr. Michaelson who has been so kind and helpful to her and her daughter, Betty.

Elvira Presley, witness and Country Representative of KIDAID

Ms Presley is a 42 year old Swedish national. She is the KIDAID Country Representative and has worked with the organisation since its creation in 1990. She recruited and trained both Mr. Michaelson and Mr. Glitter. Ms Presley trained as a lawyer in Paris before joining the KIDAID and also has PhD in gender studies.

While working for KIDAID she has worked in a number of countries, including Kenya, Tanzania, Zambia and Zimbabwe before moving to Namibia. As she studied at the Sorbonne prior to joining KIDAID she considers herself to be well educated and experienced. She likes to wear the local dress and head covering. She considers herself to be a radical feminist, open-minded and non-judgmental.

Ms Presley's account in the interview:

She knows Mr. Michaelson well as a colleague. She does not believe that Mr. Michaelson and Mr. Glitter could have done what is alleged particularly as they both passed her strict selection process. She personally vouches for the character of Mr. Michaelson and Mr. Glitter.

In her view, Mr. Glitter is a being targeted because of his disfigured face. She thinks Mr. Michaelson may be targeted for these allegations as he is a westerner, perceived to be wealthy and critical of the local authorities.

Ms Presley is stunned at the allegations. She doesn't know if Mr. Michaelson is actually visiting sex workers but even if the investigators do believe the allegations, that it is no one else's business if Mr. Michaelson wants to pay adult sex workers. She only reported the matter because OCHA were making such a fuss and the police had become involved.

Ms Presley thinks Mr. Michaelson is a bit of a "rough diamond", not very cultured on the outside but with a good heart.

She thinks that Mr. Michaelson is too close to Mr. Glitter and that is a problem for their working relationship. However she thinks if Mr. Michaelson is gay, then homosexuality is no big deal and staff can do whatever they want on their own time.

Demeanour during the interview

Once Ms Presley is over the initial irritation (see text below) she is completely calm and polite throughout the interview. She never raises her voice or becomes excited. She is totally cooperative.

She is somewhat patronising in manner as she "knows that she is right" and the investigators are wasting everyone's time.

Additional role play requirements at the beginning of the interview

At the beginning of the interview she should make it clear that she has already been interviewed once and that she is very busy. She is willing to cooperate but is frustrated that the investigators did not ask all their questions earlier and have not informed her every evening of all their findings and whom they spoke to.

She demands to know why the interview is starting so late (the interviewers are one hour late to the interview). She explains that she is very busy and does not have much time. She reported the allegation because it was her duty to do so but she thought the investigators would close the investigation immediately as the allegations are obviously false and a set up to discredit KIDAID. She asks the investigators "Whose side are you on anyway?"

She also asks the interviewers for a full list of the people they intend to interview today, the full investigation plan and the details of the information they received from the local police.

Main characters:		
1	Jack Michaelson	KIDAID Deputy Representative, subject of complaint
2	Barry Glitter	KIDAID Senior Driver, mostly drives for Mr. Michaelson
3	Delilah	Co-owner of <i>The Pussy Cat Club</i>
4	Garth Vader	Security guard at KIDAID's compound, contracted to MYB security company
5	Magdalena Jolie	Mr. Michaelson's privately contracted house keeper
6	Elvira Presley	KIDAID Country Representative
Minor characters:		
7	Clarke Kent	KIDAID Assistant Field Safety Advisor
8	Simon LeBon	OCHA representative
9	Betty	Ms Jolie's daughter
10	Paul Lennon	Friend of Mr. Michaelson and colleague and mentor of Ms Presley
11	Mr. Minogue	KIDAID Administrative Officer

Investigation details:

- Complaint made April 2005 by OCHA to Elvira Presley (complaint to OCHA made by local police):
 - Mr. Michaelson behaved in a drunken and disorderly manner in July and August 2004.
 - Mr. Michaelson picks up prostitutes and brings them back to his home in KIDAID vehicle.
 - Unidentified driver picks up prostitutes in KIDAID vehicle and brings them to Mr. Michaelson's home.
 - Prostitutes stay for two hours and driver drives them back to the bar.
- KIDAID vehicle that allegedly is used to pick up/drop off the prostitutes is a Toyota with the plate number CD 007.
- Ms Presley says the local police are corrupt.
- KIDAID has been active in Namibia for five years.

Characters to be interviewed:

Jack Michaelson

- Mid-thirties
- Australian
- Divorced
- Only child
- Unsure about his sexual orientation
- Worked for KIDAID since March 2004
- May have feelings for Mr. Glitter
- Girls arrive at his place late in the evenings on weekends (around 10pm)

Barry Glitter

- 30 years old
- Namibian
- Lives with his mother, seven brothers and sisters
- Right side of his face droops (disfigured)
- Works almost exclusively for Mr. Michaelson
- Has feelings for Betty

Delilah

- 54 years old
- Namibian
- Co owner of *The Pussy Cat Club*
- Magdalena used to work for her until she began working for Mr. Michaelson and now her daughter, Betty, works for Delilah

Garth Vader

- 28 years old
- Namibian
- Has a girlfriend
- Security guard for 7 years
- Aware of KIDAID's Code of Conduct

Magdalena Jolie

- 29 years old
- Namibian
- Worked for Mr. Michaelson as a house keeper since April 2004
- Before being hired by Mr. Michaelson she worked for Delilah at *The Pussy Cat Club*
- Mother of Betty
- Has feelings for Mr. Michaelson

Elvira Presley

- 42 years old
- Swedish
- Has worked with KIDAID in various countries since 1990
- Mr. Michaelson and Mr. Glitter's supervisor

**Building Safer Organisations
Investigations follow-up workshop**

Module 1

In-depth investigation planning

**Investigation learning programme
five phases**

pre-workshop assignment
Investigations workshop
post workshop investigation and/or completion of KIDAID case study
Investigations follow-up workshop
On going opportunities for professional development

Workshop activities

Review the basic skills used in an investigation:

- planning
- research, accessing records, managing evidence, analysis
- interviewing
- reporting

Use of case studies/role playing to practice

Investigations stages



Skills exercise

With your neighbour you have 15 minutes to discuss if and how you have used the skills acquired during the first investigation workshop.

Challenges exercise

In your groups answer:

- What do you think are the 3 biggest challenges in the role of investigator?
- What are your strategies to deal with these challenges?

Basic principles of conducting an investigation

- investigating the allegations, not an individual
- presumption of innocence
- the investigator is not the decision-maker
- the investigator does not make moral judgments relating to any of the parties to the complaint

4

Stages of an investigation

1. receive allegation
2. decide whether to investigate
3. plan the investigation
4. gather and study background material and documentary evidence
5. revisit investigation plan
6. interview witnesses
7. write investigation report
8. conclude the investigation

4

Investigation planning exercise

- Has the Code of Conduct or SG Bulletin been breached?
- How would you formulate the allegation i.e. what rule has been broken?
- How would you define the elements requiring proof?
- What evidence do you need? Documents, witnesses etc.

4

**Building Safer Organisations
Investigations follow-up workshop**

Module 2

Conducting interviews

**Conducting interviews
Purpose and key principles**

Structured question-and-answer session for the purpose of eliciting information:

- focus on events, not emotions
- include only information relevant to the case

**Conducting interviews
Preparation**

- **research, read, understand** and read again
- **what you know** - ask questions to confirm
- **what you don't know** - ask questions that clarify and increase understanding
- **be prepared for new information** - be flexible, creative and innovative
- **discuss with manager**

**Conducting interviews
Behaviour**

The interviewer should:

- be professional
- arrive on time, dress appropriately
- speak clearly and make eye contact
- use neutral body language and verbal feedback
- be prepared but flexible
- balance note-taking and eye contact
- go at the interviewee's pace

**Conducting interviews
Phase 1 - rapport building**

- introduce yourself and others present
- establish rapport, display a cooperative attitude
- explain ground rules such as confidentiality, etc
- neutral questions, background information

**Conducting interviews
Phase 2 - free narrative**

- Use free narrative to draw the interviewee in and help you begin to establish facts,
- Use only open questions.

Basic principles of conducting an investigation

- investigating the allegations, not an individual
- presumption of innocence
- the investigator is not the decision-maker
- the investigator does not make moral judgments relating to any of the parties to the complaint

7

Conducting interviews Information-seeking techniques

- Don't link two ideas together which might require more than one answer i.e. "How late was your colleague at the office that night? Has he always had unlimited access?"
- Pursue facts one after another, in a straightforward manner at a pace comfortable for interviewee.
- Rephrase an answer which is unclear for confirmation of understanding.

8

Conducting interviews Phase 4 - concluding the interview

- Signal the conclusion
- Final summary - highlight key aspects and check the accuracy of your summary with the interviewee. Ask them to sign the *Record of interview*
- Post-interview discussion – close the notebook/turn off laptop. Reassure the interviewee

9

Conducting interviews Situations to avoid

- Do not make promises
- Do not discuss what the findings may or may not be
- Avoid verbal or physical confrontations
- Do not make conclusions until all available evidence has been gathered

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Interview schedule

	Edina Prosser	Mughdass Jallo	Garth Vader	Debbie Cotton	Barry Cotton	Jack Michaelson
09.00	Planning and clarification					
09.30	Team A	Team B	Team C	Team D	Team E	
10.45	BREAK					
11.00	Team B	Team C	Team D	Team E	Team A	
12.15	LUNCH					
13.15	Plenary - Share information obtained thus far					
14.00		Team D	Team E	Team A	Team B	Team C
15.15	BREAK					
15.30		Team E	Team A	Team B	Team C	Team D
16.45	Plenary feedback session					
17.15	Evaluation					

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**Building Safer Organisations
 Investigations follow-up workshop**

Module 3

Investigation report

**Conducting interviews
 Review of plans**

- Did your investigation plans and interview plans help with the interview?
- Did you discover anything new in the interviews that you had missed in the planning?
- How can your plan be better prepared?

**Investigation report
 Purpose/scope**

- Address evidence that supports and refutes the complaint (where it exists)
- Evaluate evidence against specific stipulations of UN rules and Code of Conduct regarding sexual exploitation and abuse
- Provide sufficient evidence to back conclusions and findings
- Disciplinary action should be decided by the senior HR staff or designated manager, not by the investigator

**Investigation report
 Structure**

- Executive summary
- Introduction
- Methodology
- Analysis of findings
- Outcomes and conclusions
- Recommendations

**Investigation report
 Introduction and methodology**

Introduction

- who/where/when
- allegation
- rules breached
- elements needing proof

Methodology

- evidence required/ evidence collected
- impediments
- interviews conducted

**Investigation report
 Outcomes and conclusions**

Finding	Outcome
no grounds to investigate	• note to file
allegations are established i.e. found by reasonable inference	• investigation report • referral to disciplinary decision maker
allegations not established	• investigation report closing matter • clearance letter to subject of complaint
staff misled investigator	• recommend that decision maker investigate malicious claim as misconduct
subject leaves organisation	• if a serious allegation, continue investigation and add note to file

Investigation report Management implication report

- possible referral to national authorities
- policy and organisation changes
- poor practice/negligence
- training needs
- protection needs

Investigation report Writing guidelines

- separate fact from opinion
- be clear and concise
- use plain language and good grammar
- maintain agreed time frame

Self evaluation exercise

- What did you do differently this time?
- What will you do differently next time?
- How can you use the skills learned in this workshop in your every day work?

Organisational development

What changes can you make within in your organisation to improve its capacity to receive and respond to allegations of sexual abuse and exploitation?

Outstanding questions or issues?

Thank you!

Building Safer Organisations

MANAGING AN INVESTIGATION WORKSHOP

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MANAGEMENT WORKSHOP

ICVA/Building Safer Organisations Introduction

Management workshop – Managing an Investigation Learning Programme

Introduction

Participants of the Management workshop should be managing staff working directly with populations of concern, particularly women, children and/or vulnerable adults. All participants must have knowledge and experience in protection and prevention of exploitation and abuse. Facilitators should highlight the need for participants to continue working in the humanitarian field for a minimum of 3 years after attending the Management workshop.

The Management workshop has been designed for 15 to 25 participants. Ideally, the workshop will not exceed 25 participants as larger groups can inhibit a quality and open learning environment.

Aim of the workshop

- To train managers of organisations that work directly with refugees, IDPs and host populations on how to manage investigations into allegations of staff misconduct, particularly involving sexual exploitation and abuse
- To identify safeguarding strategies that managers can implement in their organisations to reduce the risk of exploitation and abuse and improve their organisations capacity to receive and respond to allegations of staff misconduct

Pre-workshop assignment

The Management workshop has one pre-workshop assignment with an answer key. Participants must read and refer to all three pre-workshop materials, namely the SG's Bulletin, Draft Guidelines on SG's Bulletin and the IASC Protocol (see Pre-workshop materials chapter) to find the answers.

Duration

The workshop is 3 days long. Training days run from approximately 09:00 until 17:30. The schedule includes a 15 minute mid morning and mid afternoon breaks for refreshments.

Workshop modules

The workshop is divided into 3 modules.

Module 1: *Defining and responding to abuse (1 day)*

- Share experience.
- Define different types of abuse.
- Discuss global definitions of abuse in local context.
- Become familiar with the legal framework for protecting women and children.
- Identify barriers to making complaints.
- Agree on basic principles of developing complaints mechanisms.

Module 2: *Managing investigations (¾ day)*

- Understand the principles all investigations must adhere to.
- Identify the elements critical to managing an investigation.
- Increase awareness of pitfalls for managers.
- Discuss what should be addressed in an investigation management plan.

Module 3: *Creating a culture of safety (1¼ day)*

- Provide opportunity to consider the issues within faith communities and religious systems which can influence effective protection of women and children.
- Strengthen skills in identifying, evaluating and managing the risks associated with managing investigations including protection and safeguarding.
- Managing ongoing risks and learning from investigations.
- Consider what practical measures can create a culture of safety in an organisation to promote the welfare of beneficiaries, staff and the organisation.

ICVA/Building Safer Organisations Management workshop Course summary and agenda

PWM4 (m)

“Humanitarian agencies have a duty of care to beneficiaries and a responsibility to ensure that beneficiaries are treated with dignity and respect and that certain minimum standards of behaviour are observed. The goal is to create an environment free of sexual exploitation and abuse in humanitarian crises, through integrating the prevention of and response to sexual exploitation and abuse into the protection and assistance function of all humanitarian workers.”¹

Aim

This workshop demonstrates how to **manage** investigations into allegations of staff misconduct, particularly involving sexual exploitation and abuse and to promote best practices within organisations. This involves:

- discussing the core principles for managing investigations into exploitation and abuse
- considering the risks and benefits of implementing complaints and investigation procedures
- understanding the basic requirements for creating a culture of safety within organisations

Method

The methodology employed for the pre-workshop assignment and the three day workshop is participatory and has been developed in consultation with earlier participants, experts responding to exploitation and experienced investigators. The programme incorporates participants’ field experiences and puts theory into practice.

Objectives

The objectives of the training programme are:

1. To increase participants’ understandings of:
 - the context within which abuse and exploitation can occur
 - the model complaints and investigation procedures²
 - the implications for organisations of having codes of conduct for staff
 - the benefits of implementing standardised investigation procedures across organisations
 - organisational responsibility
2. To provide participants with skills in:
 - implementing the SG’s Bulletin³ and the IASC Protocol⁴
 - planning and managing investigations
 - keeping all parties safe
 - developing and implementing prevention strategies

¹ Inter-Agency Standing Committee (IASC) Task Force on Preventing Sexual Exploitation and Abuse in Humanitarian Crises. 13 June 2002. *Plan of Action*. IASC Task Force on Preventing Sexual Exploitation and Abuse in Humanitarian Crises.

² Procedures based on the IASC Protocol.

³ United Nations Secretariat. 9 October 2003. *Secretary General’s Bulletin on Special Measures for Protection from Sexual Abuse and Sexual Exploitation, 2003/13 (ST/SGB/2003/13)*. United Nations.

⁴ Inter-Agency Standing Committee (IASC) Task Force on Protection from Sexual Exploitation and Abuse. March 2004. *Draft Model Complaints and Investigation Procedures and Guidance Related to Sexual Abuse and Exploitation*. IASC Task Force on Protection from Sexual Exploitation and Abuse.

Workshop modules

The workshop is divided into **three modules** and takes place over three days:

Module 1: *Defining and responding to sexual abuse and exploitation (1 day)*

- Share experience
- Define different types of abuse
- Discuss global definitions of abuse in local context
- Become familiar with the legal framework for protecting women and children
- Identify barriers to making complaints
- Agree on basic principles of developing complaints mechanisms

Module 2: *Managing investigations (3/4 day)*

- Understand the principles all investigations must adhere to
- Identify the elements critical to managing an investigation
- Increase awareness of pitfalls for managers
- Discuss what should be addressed in an investigation management plan

Module 3: *Creating a culture of safety (1 1/4 days)*

- Provide opportunity to consider the issues within faith communities and religious systems which can influence effective protection of women and children
- Strengthen skills in identifying, evaluating and managing the risks associated with managing investigations including protection and safeguarding
- Managing ongoing risks and learning from investigations
- Consider what practical measures can create a culture of safety in an organisation to promote the welfare of beneficiaries, staff and the organisation

Suggested agenda

Day 1	Day 2	Day 3
<ul style="list-style-type: none"> • Introduction • Background and context • Defining abuse 	<ul style="list-style-type: none"> • Principles of managing an investigation • Critical elements of managing investigations 	<ul style="list-style-type: none"> • Risk assessment and management • Building safer organisations
LUNCH		
<ul style="list-style-type: none"> • Legal framework • SG Bulletin • IASC Protocol • Complaints mechanisms 	<ul style="list-style-type: none"> • Investigation management plan • Faith, personal values and protection 	<ul style="list-style-type: none"> • Quiz and workshop closure

Training days run from approximately 08:30 until 17:30. There will be a mid-morning and a mid-afternoon break for refreshments. Participants are expected to attend the whole programme and must complete the four pre-workshop assignments in advance.

ICVA/Building Safer Organisations Management workshop Pre-workshop assignment 1 Questionnaire

PWS1

Please complete this assignment in the electronic format in which you have received it and return it to the workshop organiser one week before the workshop starts. Once your completed assignment is received the answer key will be sent to you.

Task

Please highlight the correct response(s) for all of the following questions. Note that in some cases there is more than one correct answer to a question i.e. you may need to select several options to respond to certain questions.

Use the SG's Bulletin (ST/SGB/2003/13)¹ and the Draft Guidelines to the SG's Bulletin to answer questions 1-3.

- 1) The following matter has been brought to your attention for investigation: a refugee claims she had sexual relations with a staff member, who promised in return to advocate for her resettlement case with UNHCR. When her resettlement case was rejected, she went to complain to the staff member's supervisor. The latter, however, first promised to reopen her resettlement case if she did not file a complaint against the staff member and later threatened to withdraw her ration card. Please select all the applicable rules:
 - a) ST/SGB/2003/13, section 2.2
 - b) ST/SGB/2003/13, section 3.2 (b)
 - c) ST/SGB/2003/13, section 3.2 (c)
 - d) ST/SGB/2003/13, section 3.2 (d)
 - e) ST/SGB/2003/13, section 3.2 (e)

- 2) The SG's Bulletin on special measures for protection from sexual exploitation and sexual abuse applies to:
 - a) all UN employees
 - b) UN peace-keeping forces
 - c) NGOs and contractors working for or in partnership with the UN
 - d) all NGOs

- 3) A key provision of the SG's Bulletin is to "prevent, oppose and combat all exploitation of refugees and other persons of concern". A relationship can be defined or perceived as "exploitative" if it (select as appropriate):
 - a) involves requesting personal favours or services from refugees
 - b) involves requesting services and favours in return for protection and assistance
 - c) is consensual
 - d) only when it is not consensual
 - e) involves hiring beneficiaries or other persons of concerns for private services, in accordance with local conditions of employment

Use the following document to answer questions 4-23, IASC Task Force on Protection from Sexual Exploitation and Abuse, *Model Complaints and Investigation Procedures and Guidance Related to Sexual Abuse and Sexual Exploitation* (IASC Protocol), 2004

¹ United Nations Secretariat. 9 October 2003. *Secretary General's Bulletin on Special Measures for Protection from Sexual Abuse and Sexual Exploitation, 2003/13 (ST/SGB/2003/13)*. United Nations.

- 4) Read the following statements and indicate which statement(s) is/are correct:
 - a) In the course of an investigation, the subject of complaint (SOC) must be afforded the opportunity to respond to the allegations against him/her.
 - b) The investigator must always disclose the name of the complainant to the SOC and provide him/her with copies of the documentary evidence obtained.
 - c) The SOC should normally only be interviewed, after all potential witnesses have been interviewed and the facts of the case have been established through evidence gathered.
- 5) If an allegation of misconduct is found to be unsubstantiated, which of the following step/s is/are mandatory?
 - a) Inform the SOC that s/he is cleared if s/he is aware of the investigation.
 - b) Investigate the person who made the original complaint as the complaint was probably malicious.
 - c) Inform all the other staff that the SOC has been cleared.
 - d) Pay compensation to the SOC to make up for his/her loss of standing in the organisation.
- 6) Which of the following statements is/are correct regarding complaints?
 - a) Complaints must always be made in writing.
 - b) Anonymous complaints will not be investigated.
 - c) Staff members who receive a complaint of misconduct must immediately inform their supervisor.
 - d) Only staff members can file complaints directly with their organisation.
- 7) The procedures outlined in the IASC Protocol apply to which of the following category/ies of “staff” working for an NGO in a partnership agreement with the UN?
 - a) a person with a contract
 - b) a volunteer
 - c) a short term consultant
 - d) a refugee incentive worker
 - e) a person employed by an implementing partner of your organisation
 - f) unpaid volunteer from the refugee community
 - g) a former staff member
- 8) Is there an explicit obligation for a staff member to report all cases of suspected misconduct?
 - a) yes
 - b) no
- 9) Describe seven elements that should be included in an investigation report:
 - a)
 - b)
 - c)
 - d)
 - e)
 - f)
 - g)
- 10) During the interview, a staff member has the right to have present:
 - a) a witness of his/her choice
 - b) an interpreter, if the staff member does not possess a good command of English, French, etc
 - c) legal counsel
 - d) another staff member of his/her choice
 - e) a witness (staff member or otherwise) not related to the investigation process
- 11) A good interpreter will have which of the following qualities?
 - a) a good moral framework
 - b) a recognised interpreter’s qualification
 - c) be able to ensure confidentiality
 - d) be a close relative of the victim to give them confidence to speak up
 - e) be familiar with local slang and terminology

- 12) Which of the following concerns are not covered by the IASC Protocol?
- a rumour that a staff member has abused his/her power to sexually exploit a beneficiary
 - suggestions that a current staff member may have breached the SG's Bulletin in the past
 - sexual harassment by one staff member of another staff member
 - suggestions by a disgruntled former staff member that a current staff member is in breach of the SG's Bulletin
 - the marriage of a staff member to a person under 18
- 13) The principle of maintaining strict confidentiality applies to:
- the SOC not discussing the investigation with anyone
 - the investigator not divulging the name of the complainant
 - the investigator not discussing the case with anyone
 - all documentary evidence being kept under lock and key
 - non-staff witnesses being required to sign a confidentiality statement
 - interpreters being required to agree to a confidentiality arrangement such as signing of a confidentiality agreement
- 14) The principle of ensuring the safety and welfare of people who may have been victims of sexual abuse or exploitation includes:
- physical safety
 - compensation
 - immediate health care, if necessary
 - counselling
 - mandatory reporting to the national police authorities
- 15) Name three blocks to making a complaint that do not come from within the victim themselves or the culture that they are from:
- -
 -
- 16) What are seven factors that might impact on a witness's ability to clearly understand the interview process and the questions put to him/her?
- -
 -
 -
 -
 -
 -
- 17) The investigator has completed the investigation and must now draft an investigation report. Which of the following statement/s is/are correct?
- It is necessary to gather proof beyond reasonable doubt to conclude that misconduct has been established.
 - Investigation reports must be signed by their author(s).
 - Investigation reports should include a reference to all the regulations, rules and instructions, which may have been violated.
 - Investigation reports should contain recommendations on the appropriate disciplinary measure(s).
- 18) The relevant standard of proof for the purpose of an internal investigation into allegations of misconduct against a SOC is:
- beyond reasonable doubt that misconduct has occurred
 - more probable than not that the misconduct has occurred
 - a reasonable inference from the facts that misconduct has occurred
 - a possibility that misconduct has occurred

- 19) A good investigator will:
- develop a written investigation plan
 - assess and advise on the needs of the survivors/victims
 - advise on appropriate discipline of the SOC if allegations are substantiated
 - mediate between the SOC and the victim when appropriate to reach an acceptable conclusion
 - provide moral guidance to assist the SOC to avoid similar actions in the future
- 20) A matter is referred for investigation. Select three steps that should be taken as a priority:
- Contact the complainant to obtain as many details as possible on the allegations, names of witnesses, etc.
 - Inform the SOC that allegations have been made against him/her and that an investigation will be conducted.
 - Interview the SOC to obtain his/her version of the facts.
 - Immediately request the suspension of the SOC.
 - Assess whether there is a risk of evidence being destroyed or tampered with.
 - Determine what rules may have been violated by the alleged conduct.
- 21) At all stages of the investigation process, investigators must take appropriate measures to safeguard the evidence. Which of the following statements is/are correct?
- Investigators may retain original documents and assets belonging to the office.
 - If a staff member claims that a document or item is private, rather than work-related, s/he has a right to refuse to provide it to the investigator.
 - Investigators are required to return original material collected as evidence within 30 days.
 - Investigators should be particularly careful in recording how and when a document or item was obtained.
 - Investigators may access a staff member's desktop computer, without informing him or her in advance.
- 22) An investigation should take how long to complete?
- 28 days
 - 15 days
 - 2 months
 - a reasonable period
- 23) When interviewing children which of the following considerations should always be adhered to?
- A parent or legal guardian must be present.
 - The lead interviewer must always be of the same sex as the child.
 - Check that the child understands the concept of telling the truth.
 - Never interview a child more than once.
 - Give the child guarantees that all his/her concerns will be taken care of once s/he assists with the interview.
 - The interview should be an appropriate length to suit the child.

ICVA/Building Safer Organisations Management workshop Pre-workshop assignment 1 Feedback

PWS1b

All correct answers are highlighted in blue. General comments are in *bold italics* at the end of each question. Please bring a copy of the SG's Bulletin, the Draft Guidelines to the SG's Bulletin, the IASC Protocol and your completed questionnaire to the workshop.

Use the SG's Bulletin (ST/SGB/2003/13)¹ to answer questions 1-3.

- 1) The following matter has been brought to your attention for investigation: a refugee claims she had sexual relations with a staff member, who promised in return to advocate for her resettlement case with UNHCR. When her resettlement case was rejected, she went to complain to the staff member's supervisor. The latter, however, first promised to reopen her resettlement case if she did not file a complaint against the staff member and later threatened to withdraw her ration card. Please select all the applicable rules:
 - a) ST/SGB/2003/13, section 2.2
 - b) ST/SGB/2003/13, section 3.2 (b)
 - c) ST/SGB/2003/13, section 3.2 (c)
 - d) ST/SGB/2003/13, section 3.2 (d)
 - e) ST/SGB/2003/13, section 3.2 (e)

- 2) The SG's Bulletin on special measures for protection from sexual exploitation and sexual abuse applies to:
 - a) all UN employees
 - b) UN peace-keeping forces
 - c) NGOs and contractors working for or in partnership with the UN
 - d) all NGOs

- 3) A key provision of the SG's Bulletin is to "prevent, oppose and combat all exploitation of refugees and other persons of concern". A relationship can be defined or perceived as "exploitative" if it (select as appropriate):
 - a) involves requesting personal favours or services from refugees
 - b) involves requesting services and favours in return for protection and assistance
 - c) is consensual
 - d) only when it is not consensual
 - e) involves hiring beneficiaries or other persons of concerns for private services, in accordance with local conditions of employment

A case can be defined as exploitative, even if both individuals involved consider the relationship to be consensual. It will be a question of fact for the investigators to determine whether a relationship is exploitative.

Use the following document to answer questions 4-23, IASC Task Force on Protection from Sexual Exploitation and Abuse, *Model Complaints and Investigation Procedures and Guidance Related to Sexual Abuse and Sexual Exploitation* (IASC Protocol), 2004

- 4) Read the following statements and indicate which statement(s) is/are correct:
 - a) In the course of an investigation, the subject of complaint (SOC) must be afforded the opportunity to respond to the allegations against him/her.
 - b) The investigator must always disclose the name of the complainant to the SOC and provide him/her with copies of the documentary evidence obtained.
 - c) The SOC should normally only be interviewed, after all potential witnesses have been interviewed and the facts of the case have been established through evidence gathered.

¹ United Nations Secretariat. 9 October 2003. *Secretary General's Bulletin on Special Measures for Protection from Sexual Abuse and Sexual Exploitation, 2003/13 (ST/SGB/2003/13)*. United Nations.

The SOC must be afforded the opportunity to respond to allegations against him/her prior to the investigators providing their findings. However, in the interests of securing the best evidence available, whenever possible the SOC should be given a chance to respond only after all potential witnesses have been interviewed.

- 5) If an allegation of misconduct is found to be unsubstantiated, which of the following step/s is/are mandatory?
 - a) Inform the SOC that s/he is cleared if s/he is aware of the investigation.
 - b) Investigate the person who made the original complaint as the complaint was probably malicious.
 - c) Inform all the other staff that the SOC has been cleared.
 - d) Pay compensation to the SOC to make up for his/her loss of standing in the organisation.

Staff members should be notified that the SOC has been cleared, only if they have knowledge of the investigation to begin with. If other staff members are not aware of investigation, there is no need to tell them that the allegations made against their colleague have not been proved.

- 6) Which of the following statements is/are correct regarding complaints?
 - a) Complaints must always be made in writing.
 - b) Anonymous complaints will not be investigated.
 - c) Staff members who receive a complaint of misconduct must immediately inform their supervisor.
 - d) Only staff members can file complaints directly with their organisation.

Complaints do not always have to be made in writing as some complainants may be illiterate or not in a position to submit a written complaint. In addition, staff members must immediately inform their supervisor if they receive a complaint of misconduct, unless their supervisor is implicated in the complaint. Organisations therefore need to develop alternative reporting procedures in case the people designated to receive complaints are implicated.

- 7) The procedures outlined in the IASC Protocol apply to which of the following category/ies of “staff” working for an NGO in a partnership agreement with the UN?
 - a) a person with a contract
 - b) a volunteer
 - c) a short term consultant
 - d) a refugee incentive worker
 - e) a person employed by an implementing partner of your organisation
 - f) unpaid volunteer from the refugee community
 - g) a former staff member

The procedure applies to a former staff member if a complaint filed against him/her coincides with the period of time s/he was working for your organisation.

- 8) Is there an explicit obligation for a staff member to report all cases of suspected misconduct?
 - a) yes
 - b) no

The explicit obligation only applies to suspected cases of sexual abuse and exploitation. It does not apply to cases of misconduct that involve fraud, etc.

- 9) Describe seven elements that should be included in an investigation report. (See pages 38-39 of the IASC Protocol.)
 - a) name of subject
 - b) date
 - c) clarification of the nature of the complaint and which rules regarding sexual exploitation have been breached
 - d) scope of the investigation
 - e) discussion of each complaint individually
 - f) description of evidence
 - g) findings with respect to each complaint, etc

- 10) During the interview, a staff member has the right to have present:
- a witness of his/her choice
 - an interpreter, if the staff member does not possess a good command of English, French, etc
 - legal counsel
 - another staff member of his/her choice
 - a witness (staff member or otherwise) not related to the investigation process

Legal counsel should not be involved in an investigation; it is an human resources/disciplinary issue and therefore an administrative procedure rather than a legal matter.

- 11) A good interpreter will have which of the following qualities?
- a good moral framework
 - a recognised interpreter's qualification
 - be able to ensure confidentiality
 - be a close relative of the victim to give them confidence to speak up
 - be familiar with local slang and terminology

The moral framework of an interpreter is a subjective concept and should not be a consideration. It is imperative that an interpreter maintain confidentiality regarding information relating to the investigation. It is useful if s/he is familiar with local slang and terminology to facilitate the interviews. See page 35 of the IASC Protocol.

- 12) Which of the following concerns are not covered by the IASC Protocol?
- a rumour that a staff member has abused his/her power to sexually exploit a beneficiary
 - suggestions that a current staff member may have breached the SG's Bulletin in the past
 - sexual harassment by one staff member of another staff member
 - suggestions by a disgruntled former staff member that a current staff member is in breach of the SG's Bulletin
 - the marriage of a staff member to a person under 18

The marriage of a staff member to a person under 18 is referred to in the SG's Bulletin in section 3.2 (b). The legality of a marriage to a person under 18 is determined by the national law of the member of staff and the nationally-defined legal age of consent of the child-spouse.

- 13) The principle of maintaining strict confidentiality applies to:
- the SOC not discussing the investigation with anyone
 - the investigator not divulging the name of the complainant
 - the investigator not discussing the case with anyone
 - all documentary evidence being kept under lock and key
 - non-staff witnesses being required to sign a confidentiality statement
 - interpreters being required to agree to a confidentiality arrangement such as signing of a confidentiality agreement

The SOC should be made aware that a breach of confidentiality concerning the investigation may be considered misconduct. Also, the investigator should not discuss the case with anyone nor divulge the SOC's name unless it is on a "need to know basis." For example, the investigator will have to discuss the case with his/her supervisor or someone responsible for the final decision concerning disciplinary action. Lastly, the investigator can ask a non-staff witness to sign a confidentiality statement, however, they cannot force him/her to sign it nor can they force him/her to maintain confidentiality. It should be explained to a non-staff witness why confidentiality is so important.

- 14) The principle of ensuring the safety and welfare of people who may have been victims of sexual abuse or exploitation includes: (See page 35 of the IASC Protocol.)
- physical safety
 - compensation
 - immediate health care, if necessary
 - counselling
 - mandatory reporting to the national police authorities

- 15) Name three blocks to making a complaint that do not come from within the victim themselves or the culture that they are from:
- poor reporting/complaints mechanism
 - local political context
 - no confidentiality, etc
- 16) What are seven factors that might impact on a witness's ability to clearly understand the interview process and questions put to him/her? (See pages 43 - 49 of the IASC Protocol.)
- age
 - time constraints
 - pressure and perception
 - language and vocabulary
 - religious beliefs and expectations
 - cultural norms, customs and expectations
- 17) The investigator has completed the investigation and must now draft an investigation report. Which of the following statement/s is/are correct?
- It is necessary to gather proof beyond reasonable doubt to conclude that misconduct has been established.
 - Investigation reports must be signed by their author(s).
 - Investigation reports should include a reference to all the regulations, rules and instructions, which may have been violated.
 - Investigation reports should contain recommendations on the appropriate disciplinary measure(s).

The report should be limited to findings of the investigation. Recommendations on disciplinary measures should come from the organisation's Human Resources Manager.

- 18) The relevant standard of proof for the purpose of an internal investigation into allegations of misconduct against a SOC is:
- beyond reasonable doubt that misconduct has occurred
 - more probable than not that the misconduct has occurred
 - a reasonable inference from the facts that misconduct has occurred
 - a possibility that misconduct has occurred
- 19) A good investigator will:
- develop a written investigation plan
 - assess and advise on the needs of the survivors/victims
 - advise on appropriate discipline of the SOC if allegations are substantiated
 - mediate between the SOC and the victim when appropriate to reach an acceptable conclusion
 - provide moral guidance to assist the SOC to avoid similar actions in the future

Good investigators will refer the survivor/victim to a specialist(s), depending on his/her needs, rather than advise on needs they are not knowledgeable about or trained in.

- 20) A matter is referred for investigation. Select three steps that should be taken as a priority:
- Contact the complainant to obtain as many details as possible on the allegations, names of witnesses, etc.
 - Inform the SOC that allegations have been made against him/her and that an investigation will be conducted.
 - Interview the SOC to obtain his/her version of the facts.
 - Immediately request the suspension of the SOC.
 - Assess whether there is a risk of evidence being destroyed or tampered with.
 - Determine what rules may have been violated by the alleged conduct.

The SOC should be interviewed only after all other possible witnesses have been interviewed.

- 21) At all stages of the investigation process, investigators must take appropriate measures to safeguard the evidence. Which of the following statements is/are correct?
- a) Investigators may retain original documents and assets belonging to the office.
 - b) If a staff member claims that a document or item is private, rather than work-related, s/he has a right to refuse to provide it to the investigator.
 - c) Investigators are required to return original material collected as evidence within 30 days.
 - d) Investigators should be particularly careful in recording how and when a document or item was obtained.
 - e) Investigators may access a staff member's desktop computer, without informing him or her in advance.

A staff member has the right to refuse to provide a private document to an investigator; however failure to cooperate may be interpreted as misconduct. Therefore, if in doubt, place the document in a sealed envelope and have an outside senior manager adjudicate.

- 22) An investigation should take how long to complete?
- a) 28 days
 - b) 15 days
 - c) 2 months
 - d) a reasonable period

The suggested amount of time that should be given to an investigation is 28 days. However, this can change depending on the magnitude of the complaint(s) made and scope of the investigation.

- 23) When interviewing children which of the following considerations should always be adhered to?
- a) A parent or legal guardian must be present.
 - b) The lead interviewer must always be of the same sex as the child.
 - c) Check that the child understands the concept of telling the truth.
 - d) Never interview a child more than once.
 - e) Give the child guarantees that all his/her concerns will be taken care of once s/he assists with the interview.
 - f) The interview should be an appropriate length to suit the child.

Good practice states that if possible a parent or guardian should be informed of the complaint and be present during an interview. Certain circumstances, however, override this practice such as if a parent is implicated in the complaint, if the child does not want the parent involved, suspicion that the child may be punished for being a victim etc.

There is no evidence that a child is more likely to lie than an adult. However, it is good practice to ascertain that a small child understands telling the truth for evidentiary purposes as young children may not be aware of the difference between fantasy and reality or mix the two. Nevertheless, when it is explained clearly, young children can differentiate the two and understand the importance of telling the truth.

ICVA/Building Safer Organisations
Management workshop
Module 1 Facilitator notes
Defining and responding to abuse

ManFN1

MODULE 1 OBJECTIVES:

- Share experience.
- Define different types of abuse.
- Discuss global definitions of abuse in local context.
- Become familiar with the legal framework for protecting women and children.
- Identify barriers to making complaints.
- Agree on basic principles of developing complaints mechanisms.

SUGGESTED SCHEDULE

Session 1 – Introduction, background and context		Minutes allocated
09.00	Arrivals and registration and introductions	25'
09.25	Overview of the course – presentation	20'
09.45	Challenges and strategies – group exercise	30'
10.15	BREAK	15'
10.30	Background and context – presentation	30'
Session 2 – Defining abuse		
11.00	FilmAid video – <i>No excuses</i>	30'
11.30	What is abuse? – group exercise	60'
12.30	LUNCH	60'
13.30	The legal framework and SG's Bulletin – presentation	45'
Session 3 – IASC Protocol		
14.15	IASC Protocol – group exercise	30'
Session 4 – Complaints mechanisms		
14.45	Barriers to complaining – group exercise	30'
15.15	BREAK	15'
15.30	Complaints mechanisms – <i>Mountainites</i> role play exercise	75'
16.45	Complaints mechanisms post role play – group exercise	30'

MODULE 1 PREPARATION:	
Resources	<p>Check the following equipment:</p> <ul style="list-style-type: none"> • 1 x laptop • 1 x data projector • 2 x flipcharts, 4 x blocks of flipchart paper and flipchart pens • small cards (1/2 A4 size cardboard) • FilmAid video for presentation, "No Excuses" <p>Prepare the following:</p> <ul style="list-style-type: none"> • Set up venue (arrange tables) • Photocopy handouts as specified below • Inform participants to bring the SG's Bulletin, the Draft Guidelines to the SG's Bulletin, the IASC Protocol and their Pre-workshop questionnaire to the first day of the workshop • Prepare evaluation sheets • Write articles/definitions of international law that specifically establishes the rights of women and children to protection on flipchart paper • Prepare "What is abuse?" matrix on flipchart for discussion • Arrange 2 breakout rooms for complaints mechanism <i>Mountainites</i> role play • Select the groups for the complaints mechanism <i>Mountainites</i> role play and have their names under their group on a flipchart. See page 4 of the main facilitator notes
Handouts	<p>Spare photocopies needed:</p> <ul style="list-style-type: none"> • PWM1_IASC Protocol • PWM2_SG's Bulletin • PWM3_Draft Guidelines to the SG's Bulletin • PWS_A1_Man.doc <p>Photocopy 1 per participant:</p> <ul style="list-style-type: none"> • PWM4_Man_AgendaandCourseSummary • HO1_Man_M1_S2_WhatIsAbuse.doc • HO3_Inv_M1_S3_LegalFramework.doc* • HO9_Inv_M3_S1_Mountainites.doc* • HO10_Inv_M3_S1_AidWorkers.doc* • HO11_Inv_M3_S1_Refugees.doc* • HO12_Inv_M3_S1_RefugeeLeaders.doc* • HO13_Inv_M3_S1_AdditionalInformation.doc* • Man_M1.ppt (3 slides per page, distribute at beginning of Module) <p><i>*HO9-HO13 can be found in Module 3 of the Investigations workshop.</i></p>
Additional facilitator notes	<p>The following documents give guidance on key messages to be elicited from the exercises.</p> <p>Inv_FAQ.doc*</p> <p>Man_M1_Additional_Facilitator_Notes.doc</p> <p><i>*Inv_FAQ.doc can be found in Module 1 of the Investigations workshop.</i></p>

Time	Facilitator's notes	Resources
09.00 (25')	<p style="text-align: center;">INTRODUCTIONS</p> <p>Aim – to allow participants to introduce themselves to the group and to create an open environment for the workshop.</p> <p>Welcome and acknowledge individuals' commitment to attending the course.</p> <p>Facilitators introduce themselves first using the same format as the participants. Explain that you would like everybody to introduce themselves by answering the following questions:</p> <ul style="list-style-type: none"> • How would you like to be known? • Who do you work for? • What is your role? • First or worst job? <p>The timing for introductions is based on a group of 20 participants, and allows time for late arrivals!</p>	<p>Slide 1: Module 1 intro Slide 2: Aim Slides 3-4: Objectives</p>
09.25 (20')	<p style="text-align: center;">OVERVIEW OF THE COURSE</p> <p>Aim – to give participants an opportunity to share and air anything on their minds, freeing them up for learning. It is also an opportunity for facilitators to hear perceptions and expectations.</p> <p>Distribute the participant agenda.</p> <p>Go over domestics such as:</p> <ul style="list-style-type: none"> • schedule and the importance of being on time • where is bathroom • where is fire exit • where smoking is permitted • arrangements for use of cell phone <p>Refer to the emotive nature of the subject which makes it important to establish some principles to ensure a safe and comfortable learning environment. If managers are present with their supervisees, discuss how issues raised on the course might impact or affect working relationships after the course.</p> <p>If there are participants present for whom English is not their first language, discuss how this will be managed.</p> <p>Finally advise the group of any mandatory child protection responsibilities i.e. if a specific case of sexual abuse and exploitation (SEA) is referred to and no action has been taken, this will have to be reported.</p> <p>Exercise Split participants into 3 groups.</p> <p>Ask each group to share their feelings on the following:</p> <ul style="list-style-type: none"> • What principles will ensure an open learning environment? (e.g. being on time, respecting one another, listening, allowing everyone to talk etc.) • What are your hopes and concerns for the week? <p>Ask the groups to allow each individual to share their feelings with their group and then summarise their discussions on coloured cards. Allow 10' for discussion. Ask the participants to place the cards on the flipcharts.</p> <p>Take feedback in plenary on both questions. Ask participants to stick their cards describing what they want to learn on the flipchart. Go through the cards and check expectations, indicating which are realistic and which are not.</p> <p>Put the flipchart on the wall to save it to refer back to. Address any concerns or worries with solutions where possible, and offer reassurance.</p>	<ul style="list-style-type: none"> • coloured cards • flipcharts • markers • tape or glue <p>PWM4_Man_Agendaand-CourseSummary.doc</p> <p>Slide 5: Three modules</p>

Time	Facilitator's notes	Resources
	<p>Evaluation groups Explain that their current group will be an evaluation focus group. The focus groups are formed to provide feedback to the facilitators on any aspect of the workshop, including content, flow, timing, environment etc. Assign each group one day that they will be responsible for evaluating. Each group will meet at the end of their "assigned" day for the evaluation.</p> <p>The process will allow participants to provide input into and have ownership over the programme. Explain that the evaluation should be constructive and more or less the consensus of the group and feedback can influence how the workshop is run.</p> <p>Ask them to discuss and gain feedback on the workshop from other participants not in their group during their "assigned" day in order to gain feedback from the whole group.</p> <p>Facilitators will meet the designated focus group at the end of the day and spend 5' at the start of the following day summarising the salient comments and making amendments as possible.</p> <p>Show the participants the daily evaluation forms in their binders. (Facilitators are responsible for developing the format of the evaluation and types of questions to be asked before the workshop begins.)</p> <p>(This instruction will need to be repeated when a group meets at the end of the day.)</p>	
<p>09.45 (30')</p>	<p style="text-align: center;">CHALLENGES AND STRATEGIES</p> <p>Aim – to give participants an opportunity to share and air anything on their minds, freeing them up to learn.</p> <p>Exercise Split the participants into three groups of different composition to the earlier exercise. Ask the groups to come to consensus on the following questions:</p> <ul style="list-style-type: none"> • What are the three main challenges to organisations when managing complaints and investigations into sexual abuse and exploitation? • What are the strategies for dealing with these? <p>Ask the groups to write their agreed answers on a flipchart. Post the flipcharts on the wall and refer back to them throughout the workshop.</p>	<ul style="list-style-type: none"> • flipcharts • markers <p>Slide 6: Challenges and strategies exercise</p>
<p>10.15</p>	<p>BREAK</p>	<p>15'</p>
<p>10.30 (30')</p>	<p style="text-align: center;">BACKGROUND AND CONTEXT</p> <p>Aim – to "set the scene" and describe why the training is needed and for participants to personally identify the importance of organisations developing policies and procedures that protect women and children from sexual abuse and exploitation.</p> <p>Briefly discuss the rationale for the Building Safer Organisations (BSO) project and this Learning Programme.</p> <p>Then divide the participants into groups of 4-5. Give the groups 10' to answer the following questions:</p> <ul style="list-style-type: none"> • Who is most vulnerable to sexual exploitation and abuse and why? • Who might be doing the abusing? • What can organisations do to mitigate the vulnerability of these people? <p>During this discussion, set up three flipcharts: 1. Who is vulnerable? Why? 2. Who is abusing? 3. What can be done? What does a good protection system need?</p>	<ul style="list-style-type: none"> • flipchart • markers <p>Slides 7-8: the rationale</p> <p>Slide 9: Building safer organisation exercise</p>

Time	Facilitator's notes	Resources
	<p>The following points should have been identified during the discussion:</p> <p>Who is vulnerable? Women, boys, girls, refugees, displaced, poor, people living in crisis situations, anyone else?</p> <p>Why?</p> <ul style="list-style-type: none"> • The lack of economic options for displaced populations may result in commercial and exploitative sex being one of the few ways people can meet basic needs. • Beneficiary communities often come from an environment where sex and gender-based violence is common and community structures may collude to maintain this violence. • Where women and children are displaced and excluded from community decision making or education <p>Who is abusing? Employees, staff members other beneficiaries, food distributors, government officials. It is important to remind the group that this workshop is focussing on abuse by staff.</p> <p>What can be done?</p> <ul style="list-style-type: none"> • <i>Know the national legislation</i> – who has the power to intervene when child abuse is suspected? What law and guidance exists, what trust is there with and between statutory agencies? What if people move across borders? • <i>Implement strong protection systems</i> – systems are often weak and leave staff facing complex protection dilemmas. • <i>Share guidance and standards</i> – there is little common understanding across agencies of sexual exploitation and child protection issues of varying standards of practice. • <i>Understand the context</i> – there are huge difficulties in applying protocols and procedures in the many different legal, social and cultural contexts in which international agencies work. • <i>Implement strong recruitment practices</i> – lack of standard recruitment practices. How do you conduct identity and background checks? How do you assess motivation to work with children and vulnerable people? There are simple and basic human resources procedures which, if put in place, will strengthen an NGO's position vis-à-vis sexual exploitation and abuse. • <i>Address culture and myths</i> – ignorance and misunderstanding about what certain religious or ethnic groups believe can often contribute to the failure to protect children, as does fear of racism. • <i>Provide training materials and resources</i> – to support both prevention and response. <p>Protection systems require</p> <ul style="list-style-type: none"> • Start with leadership. Without the commitment of managers nothing changes. • Have a clear complaints and investigation protocol and procedures for dealing with complaints/breaches in codes of conduct. Protocols must reflect the local situation and legal and social welfare systems. • Recognise that adopting procedures and protocols involves organisational change and development, even at a cultural level. • Develop training opportunities to ensure that all staff have a chance to discuss and build understanding about codes of conduct and what to do if they have a complaint. <p>Remind the participants that the workshop this week is only a piece of the puzzle in safeguarding beneficiaries from sexual abuse and exploitation. The next five days will focus on development of functioning confidential complaints mechanisms and standard investigation procedures into allegations of sexual abuse and exploitation. The Learning Programme is part of a larger process required to make sure that abuse and exploitation is prevented and responded to in a comprehensive manner by all organisations.</p>	

Time	Facilitator's notes	Resources
11.00 (30')	<p style="text-align: center;">FILMAID VIDEO</p> <p>Aim – to provide participants with a visual example of sexual exploitation to facilitate the learning process.</p> <p>Show <i>No excuses</i>, a FilmAid video about abuse and exploitation in Tanzanian camps. Make sure that you credit FilmAid who are kind enough to allow the Building Safer Organisations project to use it for training purposes.</p>	<p>Video: <i>No excuses</i> – FilmAid</p>
11.30 (60')	<p style="text-align: center;">WHAT IS ABUSE?</p> <p>Aim – to encourage participants to think about the difficulties in identifying what is abuse and highlight the fact that everyone has very different ideas about what constitutes abuse.</p> <p>Divide the participants into groups of 4 - 5.</p> <p>Distribute the case studies and exercise instructions, (HO1_Man_M1_S1_WhatisAbuse.doc). Allow the groups 30' to discuss the questions. Each group should start on a different case study to ensure all case studies are covered. Emphasise that there are no "wrong" answers; it is simply a forum for discussion. Use Man_M1_Additional_Facilitator_Notes.doc as guidance for this exercise.</p> <p>Ask the groups to read the case studies and discuss the following for each case study:</p> <ul style="list-style-type: none"> • Is this abuse? • Can anything be done? • Should the matter be investigated? <p>After 25', ask each group is to rank the cases from the most serious case study 1 to the least serious, 8. There must be a consensus in the group on rankings. Give the participants 5' to rank the case studies.</p> <p>In plenary, ask each group to give their rankings and enter these into the matrix. Results will be varied and participants may be surprised how other groups have ranked cases. The reason the participants are asked to rank the case studies from most serious to least serious is so that each group will define "serious" through varying factors – serious to the organisation, serious to the beneficiary, etc.</p>	<ul style="list-style-type: none"> • flipchart with • ranking matrix • markers <p>HO1_Man_M1_S1_WhatisAbuse.doc Man_M1_Additional_Facilitator_Notes.doc</p> <p>Slide 10: What is abuse? exercise</p> <p>Slide 11: What is abuse? exercise cont.</p>
12.00	<p>Allow 25' for discussion. Facilitate a group discussion in plenary about the different rankings. Discussion can be stimulated by asking why each group ranked a certain case as they did. Was there a factor in the case that had it been different they would have ranked differently, such as the age or gender of the child? Ensure values and personal barriers are discussed. It is important to be clear that there is no right or wrong answer. Wrap up by emphasising that the differences in grading illustrate the need for guidance and procedures.</p>	<p>Slide 12: Defining abuse</p>
12.30	LUNCH	60'
13.30 (45')	<p style="text-align: center;">THE LEGAL FRAMEWORK AND SG'S BULLETIN</p> <p>Aim – to reinforce that women and children have rights and that there is a legal framework to protect those rights.</p> <p>This session reviews the pre-workshop assignment and refreshes participants' knowledge on international law and the SG's Bulletin. It will also assist participants to come to an understanding that the international framework compels us to follow certain international standards.</p>	<p>HO3_Inv_M1_S3_LegalFramework.doc (HO3 can be found in Module 1 of the Investigations workshop.) Man_M1_Additional_Facilitator_Notes.doc Inv_FAQ.doc PWM2_SG's Bulletin PWM3_Draft Guidelines to the SG's Bulletin</p>

Time	Facilitator's notes	Resources
	<p>In pairs participants should:</p> <ul style="list-style-type: none"> • Describe three sources of international law that protect displaced people. • Name the international convention that specifically protects children. • Name the international convention that specifically protects women. • List three prohibitions or obligations on aid workers specifically mentioned in the SG Bulletin under section 3. <p>Give them 15' to discuss and answer questions. In plenary have participants provide answers and ask if there are any questions. Distribute HO3_Inv_M1_S3_LegalFramework.doc.</p> <p>Afterwards review the main elements of the SG's Bulletin using the PowerPoint slides. Help participants to find each section in the SG's Bulletin as the slide comes up on the screen. Ensure that the following points are covered from PWS3_Draft Guidelines to the SG's Bulletin:</p> <ol style="list-style-type: none"> 1. UN staff and UN-related personnel are obliged to comply with the standards of the SG's Bulletin as well as with local laws. Where the SG's Bulletin establishes a stricter standard than local laws, the standards of the SG's Bulletin will prevail. <ul style="list-style-type: none"> • A staff member engaging the services of a prostitute – whether in a peacekeeping mission, in New York (where prostitution is illegal) or in the Netherlands (where prostitution is legal) – is in violation of SG's Bulletin which prohibits the exchange of money for sex. 2. Sexual activity with persons under the age of 18, regardless of the age of majority or age of consent locally is prohibited (section 3.2(b) of the SG's Bulletin). Mistaken belief in the age of the child does not constitute a defence. <ul style="list-style-type: none"> • The prohibition on sexual activity with children does not apply where the member of the United Nations staff or UN-related personnel is legally married to someone under the age of 18 but over the age of majority or consent in their country of citizenship (section 4.4 of the Bulletin). The legality of a marriage for the purposes of SG's Bulletin is to be determined by reference to the law of nationality of the member of the United Nations staff or UN-related personnel. 3. The SG's Bulletin applies to all NGO partners of the UN (section 6). It also applies to all internationally and locally-recruited staff of the UN, including staff of separately administered organs, funds and programmes of the UN. 4. The SG's Bulletin also applies to all categories of UN peacekeeping personnel (General Assembly resolution 59/300 of 22 June 2005): <ul style="list-style-type: none"> • military members of national contingents • experts on mission, including police officers, corrections officers and military observers • members of national formed police units • non-UN entities or individuals who have entered into a cooperative arrangements with the UN, including contractual arrangements with interns, international and local consultants, and individual and corporate contractors • UN volunteers <p>For further clarification, consult the Inv_FAQ.doc and PWM3_Draft Guidelines to the SG's Bulletin.</p>	<p>Slide 13: Legal framework Slide 14: Legal framework quiz</p> <p>Slides 15-19: SG's Bulletin Slide 20: Causes for concern</p> <p>Slides 21-24: SG's Bulletin</p>

Time	Facilitator's notes	Resources
	<p>Take feedback in plenary. Ask the participants what stopped them from complaining? Record their answers on the flipchart. Encourage discussion about why these might be barriers. Identify the following issues in discussion:</p> <ul style="list-style-type: none"> • surprised in retrospect that they didn't complain • something particular about that situation that affected their capacity or will to complain • fear of reprisal • fear of losing job • feelings or emotions outside of the situation meant they did not have the energy or will to complain • thought complaint was too trivial or that it would be perceived by others as such (explore who) • didn't feel they had the right to complain • fear they might not be believed • didn't know how or to whom to complain • time pressure/other pressing concerns • cultural issues and norms <p>Give brief presentation. Invite comment and discussion about what barriers might exist in their settings. Conclude by saying that barriers exist at all levels of the complaints process which inhibit complaint, disclosure, intervention, investigation and action in challenging sexual abuse and sexual exploitation and implementing the IASC Protocol.</p>	
15.15	BREAK	15'
15.30 (75')	<p style="text-align: center;">COMPLAINTS MECHANISMS</p> <p>Aim – to better understand the barriers encountered by beneficiaries when making complaints through role play and to identify how humanitarian workers enhance or neglect beneficiary access to complaints mechanisms.</p> <p>Tell the participants will now be doing a role play and explain the case study and that there are three different roles, aid workers, refugees and refugee leaders. The success of the role play will depend largely on how the groups are selected and how the time is managed. Select the groups before the session begins and have the names of participants and their groups on a flipchart. It is important to keep a tight control on time management as each group is not allocated the same amount of time for each task.</p> <p>Divide the group into three.</p> <ul style="list-style-type: none"> • Group A will play the aid workers. You should select between three and five participants to take on this role. • Group B will play the refugee women and children. (Half of the total number of participants should be in this group.) • Group C will be the refugee leaders. The leaders are an all male group. <p>Handout the background information to all the participants and move them to three separate physical locations (breakout rooms). They should not be able to hear each others' deliberations or see each other. Allocate 10' to read the handouts. The groups can read the background materials while you hand out the role descriptions to each group. Start with group A, the aid workers. Explain the timing and the task clearly and answer any questions. Then move to the leaders and finally the women and children.</p> <p>Stick to the timing outlined meticulously. Give the aid workers as much time as needed to read the case study, 15' to decide on how to proceed with their task and 15' to meet the refugee leaders. 10' into the meeting between the aid workers and the refugee leaders, give one copy of the HO13_Inv_M3_S1_AdditionalInformation_Inv.doc to an aid worker.</p>	<p>HO9_Inv_M3_S1_Mountainites.doc HO10_Inv_M3_S1_AidWorkers.doc HO11_Inv_M3_S1_Refugees.doc HO12_Inv_M3_S1_RefugeeLeaders.doc HO13_Inv_M3_S1_AdditionalInformation.doc (HO9 – HO13 can be found in Module 3 of the Investigations workshop.)</p> <p>Slide 36: Complaints mechanisms Mountainites role play</p>

Time	Facilitator's notes	Resources
	<p>When the time is up, bring the groups back together and ask them to explain to each other what their roles and tasks were so that everyone has an understanding of what happened/did not happen. Also ask them to report back on what happened and how they felt during and after the exercise.</p> <p>There are several possible outcomes, all of which make valid and useful learning:</p> <ul style="list-style-type: none"> • the aid workers will run out of time and not complete any of the tasks required • the aid workers will not speak to either of the refugee groups • the aid workers will complete part of the task but only speak to the leaders • the aid workers will not receive any information on the domestic violence or the allegations of abuse by a colleague <p>All of these are realistic reflections of what happens in crisis situations and illustrate the difficulties of enabling beneficiaries to have access to make complaints.</p> <p>Ask the participants to reflect on both the exercises and to reconsider what the barriers are to making complaints.</p>	
<p>16.45 (30')</p>	<p style="text-align: center;">COMPLAINTS MECHANISM POST CASE STUDY</p> <p>Aim – to gain an understanding of the core principles of a functioning complaints mechanism and to identify what stops beneficiaries from reporting allegations of abuse and exploitation.</p> <p>In plenary ask the groups to discuss the following question: what are the obstacles to beneficiaries complaining?</p> <p>Some possible answers are: illiteracy, language difficulties, access, culture, gender, safety and security of victim, staff and subject of complaint, shame, fear of expatriates, current conditions such as war, famine, fear of reprisal, fear of getting it wrong, fear that source of income (maybe to sustain life) will be cut off, fear of losing job, status, cultural issues and norms (it is seen as acceptable practice in the country/region), thinking the abuse was too trivial, or thought it would be perceived by others as such, fear of or respect for senior employees or ex-patriots, not knowing how or to whom to complain, lack of support mechanisms, isolation from the community, age (children are much less likely to report).</p> <p>Write the responses on a flipchart that is divided into four columns. Do not tell them what the columns represent but write responses under the four following heading: barriers from within the individual complainant, barriers from their culture, institutional barriers and barriers created by aid workers.</p> <p>During the discussion, try to get participants to recognise that the institutions we work for and we ourselves as aid workers put in place barriers too.</p> <p>In plenary ask the whole group:</p> <ul style="list-style-type: none"> • “What are the core principles in developing a complaints mechanism?” • “How can you implement a functioning complaints mechanism?” <p>Make sure that the group agrees that transparency, confidentiality, safety of parties and accessibility are all vital to implementing functioning complaints mechanisms.</p>	<ul style="list-style-type: none"> • flipchart • markers <p>Slides 37-38 : Complaints mechanisms barriers to complaining</p>

Time	Facilitator's notes	Resources
	<p>After exercise mention the advantages of implementing the code of conduct, reporting protocols and best practice guidance. Namely:</p> <ul style="list-style-type: none"> • Women and children are protected. Those who have suffered sexual exploitation/abuse can be protected and the rigorous application of such protocols acts as a preventative measure. • Staff are protected. By implementing the code and these complaints protocols and mechanisms staff will be clear what expectations the organisation has about their behaviour and what to do if they observe or are made aware of inappropriate behaviour by others. • The organisation's reputation is upheld. By implementing these protocols NGOs are making clear their commitment to protect the rights of women and children by doing all it can to prevent their sexual exploitation and abuse. The code of conduct and supporting protocols will ensure that NGOs move towards best practice and deter those who wish to abuse beneficiaries from joining the organisation. 	<p>Slide 39: Complaints mechanisms principles</p> <p>Slide 40: Complaints mechanisms advantages of implementation</p>
17.15 (10')	EVALUATION	

ICVA/Building Safer Organisations Management workshop Additional facilitator notes – Module 1 Defining and responding to abuse

ManAFN1

What is abuse? Case study

This activity is designed to:

- promote discussion
- establish that there are differences in views
- illustrate the need for guidance and procedure
- concentrate on the needs and requirements of the abused
- highlight the need for prompt action
- assist with prioritising

For the second part of the exercise participants will be asked to rank the cases. Draw a grid as follows on the flipchart prior to the start of the session.

Ranking matrix

Group/Case	A	B	C	D	E	F	G	H
1								
2								
3								
4								

Facilitator notes

- There will always be differences of opinion on severity, however “clear cut” things may seem. This is because everyone has different experiences, knowledge and skills.
- Concentrate the group on the victim, their needs and requirements and possibly on potential victims. Then consider issues pertaining to witnesses, SOC and staff.
- In essence, the exercise is one of identification and risk assessment. How participants assess risk will vary widely. For this reason we need to have a definition and protocol.

Legal framework

Introduction:

- Exploitation and abuse is a global phenomenon.
- Exploitation and abuse exists in most cultures.
- WHO report on health and violence¹ stated that 20% of women and girls, 5-10% of men and boys have been subject to sexual abuse of some sort.
- Women and girls most at risk of abuse and adult men most likely to be perpetrators. In some cultures or situations, boys are at particular risk.
- Consider gender and age dimensions of exploitation and abuse when understanding the legal basis for responding.
- To prevent and respond to exploitation and abuse of people of concern is based on principles enshrined in international and national law.

International law:

- International law can be defined as “[a] combination of treaties and customs which regulates the conduct of states amongst themselves”².
- The highest judicial authority of international law is the International Court of Justice and the administrative authority is the United Nations.
- International law is breached when rights of universal application are denied through racism, sexism or on religious or other state grounds.
- International law is rooted in **acceptance by the states**, which constitute the system. The paradox of international human rights laws is that they controlled by the entities they seek to control.

Source of international law:

Customary law and conventional law are primary sources of international law.

- Customary international law** results when states **follow certain practices generally and consistently out of a sense of legal obligation**. Customary law was codified in the Vienna Convention on the Law of Treaties.
- Conventional international law** derives from **international agreements** and may take any form that the contracting parties agree upon. Agreements may be made in respect to any matter except to the extent that the agreement conflicts with basic standards of international conduct or the obligations binding UN member states under the Charter of the United Nations.

1. (International) human rights law:

“Human rights law is a system of laws, both domestic and international which is intended to promote human rights. Human rights law includes a number of treaties which are intended to punish some violations of human rights such as war crimes, crimes against humanity and genocide. There are also a number of international courts which have been constituted to judge violations of human rights including the European Court of Human Rights and the International Criminal Court.”³ Examples of human rights law:

1. Universal Declaration of Human Rights (UDHR)
2. International Covenant on the Elimination of all Forms of Racial Discrimination
3. International Covenant on Economic, Social, and Cultural Rights
4. Convention on the Rights of the Child (CRC)
5. Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and the Declaration on the Elimination of Violence against Women (DEDAW)
6. Convention against Torture and other Cruel, Inhumane or Degrading Treatment or Punishment
7. African Charter on Human and Peoples’ Rights

¹ World Health Organisation (WHO). 2002. *World Report on Violence and Health*. WHO, Geneva.

² Gardner, Bryan (editor). 1999. *Blacks Law Dictionary*. Seventh edition, WestGroup.

³ Ibid.

1. The General Assembly (GA) adopted the Universal Declaration of Human Rights on 10 December 1958. Participants from all over the world contributed to the drafting of the UDHR. The roots of UDHR can be traced way back. In particular, the relation between the individual and the state was conceptualised within the framework of social contract theory (i.e. Rousseau, Paine, Jefferson) in the 17th century, a time in which movements for freedom and dignity were often met with repression and suffering. However, the immediate background for the drafting,³ was the atrocities of World War II. UDHR contains a system of rights, and it places social, economic and cultural rights on the same level as political rights. The non-discrimination clause in the UDHR, **Article 2**, applies throughout the body of human rights law and is based on the belief that “*differential treatment due to the special features of a person or of the group to which a person belongs is not in accordance with the principle of equality in rights*”.

The UDHR has the status of customary international law, as it is a resolution adopted by the GA. It is not a treaty and is therefore not subject to the requirements (and restrictions) applicable to those instruments. Thus, the UDHR is applicable to the whole world.

According to UDHR, **Article 14**, “*Everyone has the right to seek and to enjoy in other countries asylum from persecution.*” (The 1951 Convention Relating to the Status of Refugees gave substance to this Article.)

Question: Is there a universal consensus about human rights? Are all human rights universally applicable?

International law is breached when rights of universal application are denied through racism, sexism or on religious or other state grounds.

2. The International Covenant on the Elimination of all Forms of Racial Discrimination was adopted on 21 December 1965. According to **Article 6**, State Parties shall assure to everyone within their jurisdiction effective protection against any acts of racial discrimination, which violate human rights and fundamental freedoms contrary to that Convention, through the competent national tribunals and other State institutions.
3. The International Covenant on Economic, Social, and Cultural Rights **Article 10** provides as follows:

“The States Parties to the present Covenant recognize that:

1. The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses.

2. Special protection should be accorded to mothers during a reasonable period before and after childbirth. During such period working mothers should be accorded paid leave or leave with adequate social security benefits.

3. Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.”

Article 2 contains the main principle for the national implementation of these rights. Under **Article 3**, States Parties undertake to ensure equal rights for men and women.

³ Among the drafters were Rene Cassin, P.C. Chang, former professor at Nanking in China, Hernan Santa Cruz, a lawyer from Chile, Ribuiakar of Yugoslavia.

- The Convention on the Rights of the Child was drafted over a ten year period following a Polish initiative in 1979. It is one of the most widely ratified treaties in international law: Somalia and the USA are the only nations not to ratify it.

Article 3 imposes a pivotal duty in the context of SEA:

*“In all actions concerning children, whether undertaken by public or **private social welfare institutions**, courts of law, administrative authorities or legislative bodies, **the best interest of the child shall be a primary consideration.**”*

Article 19 further states:

“States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child”.

States are obliged to take effective steps to protect children from economic or sexual exploitation.

This Convention also requires states to respect the family unit as the most desirable environment for a child’s upbringing and emphasizes that the child should have the right to *“know and be cared for by his or her parents”*.

These principles are supported by provisions in the European Convention (inhumane treatment).

- The Convention on the Elimination of all Forms of Discrimination Against Women has been ratified by most States, but with reservations that preserve the legal system of Sharia law for Muslim countries (and for the US, the power to deny any woman abortion or paid maternity leave). CEDAW confirms that violence against women, including sexual exploitation, constitutes a breach of fundamental human rights. According to **Article 6**, States shall take all appropriate measures, including legislation, to suppress all forms of trafficking in women and exploitation or prostitution of women.
- The Convention against Torture and other Cruel, Inhumane or Degrading Treatment or Punishment was adopted in 1975. By 2001, 123 States had ratified or acceded to the Convention. However, the Convention remains one the least ratified of the core international human rights treaties, despite the fact that torture is one of the most serious human rights violations.
- The African Charter on Human and Peoples’ Rights of June 1981 contains a clause on the elimination of every form of discrimination against women and requires for the State to ensure the protection of the rights of the woman and the child as stipulated in international declarations and conventions (**Article 18**).

2. Refugee law:

Refugee law is the branch of international law which deals with the rights and protection of refugees. The 1951 Convention and its 1967 protocol relating to the Status of Refugees introduced a general definition of the term “refugee” and formulated standards for the treatment of Refugees by States. Refugee law is related to, but distinct from, international human rights law and international humanitarian law.

3. Humanitarian law:

International humanitarian law deals with the conduct of war in relation to non-combatants. It aims to protect persons who do not, or no longer, take part in the hostilities (i.e. are not bearing arms). Further, it regulates or restricts the methods and means of warfare according to the concept of “humane treatment”.

The main treaties of international humanitarian law are:

- the four Geneva Conventions of 1949
- (Protocol I) relating to the Protection of Victims of International Armed Conflicts
- (Protocol II) relating to the Protection of Victims of Non-International Armed Conflicts

International humanitarian law also applies when the conflict occurs on the territory of a single State, usually between government and dissident forces (internal conflicts). Specifically, **Common Article 3** of the four Geneva Conventions, obliges all parties to a “non-international” armed conflict, including

dissident armed factions, to respect certain minimum humanitarian rules with regard to persons who are not, or are no longer, taking part in hostilities, including women and children.⁴ The Fourth Geneva Convention deals specifically with the protection of civilians and therefore has the most relevance and importance to refugee and displaced populations.

Furthermore though, GA Resolutions are not binding and not recognised as a source of international law, they have been admitted as evidence before the International Court of Justice as *opino juris*. Through such devices, progressive claims, such as those regarding the right and protection of women and children, may be advanced more forcefully.

4. National law

See pre-workshop assignment 1.

The SG's Bulletin⁵:

The SG's Bulletin sets out the standards protecting vulnerable populations from exploitation and abuse. The Bulletin defines sexual exploitation and abuse, specifically prohibits certain behaviour on the part of UN and NGO staff and outlines the duties of managers.

It is important to emphasise why NGO's and INGO's are bound by the SG's Bulletin. The Bulletin is not a legally binding instrument, however it creates a legally binding obligation on UN officials to make sure that the standards of conduct as specified in section 3 are accepted in writing when entering into cooperative arrangements with NGOs partners. It then becomes contractually binding for implementation partners. Thus, through contractual relationships, NGO partners are bound to the same principles as the UN and are obliged to enforce the same standards for their staff.

According to section 6.2 of the Bulletin, there are legal consequences for the "entity" if it does not:

- take preventive measures against sexual exploitation and abuse
- investigate allegations thereof
- take corrective measure when sexual exploitation and abuse has occurred

Those consequences may include termination of cooperatives arrangement with the UN.

The SG's Bulletin states the following:

"Section 3.2 In order to further protect the most vulnerable populations, especially women and children, the following specific standards which reiterate existing general obligations under the United Nations Staff Regulations and Rules, are promulgated:

(a) Sexual exploitation and sexual abuse constitute acts of serious misconduct and are therefore grounds for disciplinary measures, including summary dismissal;

(b) 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;

(c) 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 any exchange of assistance that is due to beneficiaries of assistance;

⁴ Under international humanitarian law, both during international and internal armed conflicts, children and certain women benefit from protection as members of the civilian population in general, and as a vulnerable category of person deserving specific protection. Article 38 paragraph 5 of the Geneva Convention IV states that, "while protected civilians should in principle receive the same treatment as aliens in time of peace, children less than fifteen years are to benefit from any preferential treatment accorded to the corresponding categories of the native population." Additionally, Articles 76 and 77 of Protocol I make specific reference to the protection of women and children. The Parties to the conflict are to provide them with the care and aid they require.

⁵ United Nations Secretariat. 9 October 2003. *Secretary General's Bulletin on Special Measures for Protection from Sexual Abuse and Sexual Exploitation, 2003/13 (ST/SGB/2003/13)*. United Nations.

(d) Sexual relationships between United Nations staff and beneficiaries of assistance, since they are based on inherently unequal power dynamics, undermine the credibility and integrity of the work of the United Nations and are strongly discouraged;

(e) Where a United Nations staff member develops concerns or suspicions regarding sexual exploitation or sexual abuse by a fellow worker, whether in the same agency or not and whether or not within the United Nations system, he or she must report such concerns via established reporting mechanisms;

(f) United Nations staff are obliged to create and maintain an environment that prevents sexual exploitation and sexual abuse. Managers at all levels have a particular responsibility to support and develop systems that maintain this environment.

Section 3.3 The standards set out above are not intended to be an exhaustive list. Other types of sexually exploitive or sexually abusive behaviour may be grounds for administrative action or disciplinary measures, including summary dismissal, pursuant to the United Nations Staff Regulations and Rules.”

Encourage participants to discuss the specific elements of the SG’s Bulletin.

The following should be made clear.

- All forms of sexual exploitation and abuse are prohibited whether they are listed in the SG’s Bulletin or not.
- All forms of sexual activity with children are prohibited except in a marriage to a children in a country where the legal age of consent to marry is under 18.
- Prostitution and visiting prostitutes is always prohibited, even when a staff member is away from their duty station and even if prostitution is legal in that country.
- Sexual relationships between staff and beneficiaries are strongly discouraged. The question will always be whether the relationship is exploitative.
- There is a positive obligation on all staff members to create and maintain an environment that prevents sexual exploitation and sexual abuse.
- Managers are singled out as having a specific duty to support and develop systems that maintain this environment and that prevent abuse and exploitation.

Question: Are these requirements realistic? What can we do to ensure staff adhere to them and beneficiaries are aware of them?

ICVA/Building Safer Organisations

Management workshop

Module 2 Facilitator notes

Managing investigations

ManFN2

MODULE 2 OBJECTIVES:

- Understand the principles all investigations must adhere to.
- Identify the elements critical to managing an investigation.
- Increase awareness of pitfalls for managers.
- Discuss what should be addressed in an investigation management plan.

SUGGESTED SCHEDULE

Session 1 – The principles of managing investigations		Minutes allocated
09.00	Principles – case study exercise	90'
10.30	BREAK	15'
Session 2 – The elements critical to managing investigations		
10.45	Critical elements of managing investigations – group exercise	60'
11.45	Managing an investigation – video	60'
12.15	LUNCH	60'
Session 3 – The investigation management plan		
13.15	The investigation management plan – presentation	30'
13.45	Developing a plan for managing investigations – group exercise	75'
15.00	BREAK	15'

MODULE 1 PREPARATION:

Resources	<p>Check the following equipment:</p> <ul style="list-style-type: none"> • 1 x laptop • 1 x data projector • 2 x flipcharts, 4 x blocks of flipchart paper and flipchart pens • 100 pieces of thick coloured paper • two boxes • glue or tape • management video for Managing an investigation session <p>Prepare the following:</p> <ul style="list-style-type: none"> • set up venue (arrange tables) • photocopy handouts as specified below • print-outs all 41 steps on HO4 Man_M2_S1_Management.doc for the Critical elements of managing investigations session. Each step should be printed separately on thick, coloured paper. Print repeats of some steps to make up a total of 100. Place the complete collections of steps in two separate boxes • write one critical element of managing investigations heading on 9 separate flipchart sheets. Paste the flipchart sheets around the room. See HO4 for headings
Handouts	<p>Photocopy 1 per participant:</p> <ul style="list-style-type: none"> • HO2_Man_M2_S1_PrinciplesCaseStudy.doc • HO3_Man_M2_S1_PrinciplesTaskSheet.doc • HO4_Man_M2_S2_CriticalElementsofManaginganInvestigation.doc • HO5_Man_M2_S3_JBCaseStudy.doc • HO6_Man_M2_S3_TaskSheet.doc • HO7_Man_M2_S3_Clarification.doc • Man_M2.ppt (3 slides per page, distribute at beginning of Module)
Additional facilitator notes	The following document gives guidance on key messages to be elicited from the exercises. Man_M2_Additional_Facilitator_Notes.doc

Time	Facilitator's notes	Resources
09.15 (90')	<p style="text-align: center;">PRINCIPLES</p> <p>Aim – to bring the principles to 'life' and demonstrate their importance.</p> <p>Exercise Split participants in pairs or trios. Distribute the HO2_Man_M2_S1_PrinciplesCaseStudy.doc (Share the Peace) and HO3_Man_M2_S1_PrinciplesTaskSheet.doc.</p> <p>Give each pair flipchart paper and allocate the principles until all are equally assigned. Ask the pairs to write their assigned principle(s) on the flipchart paper followed by answers to the relevant questions.</p> <p>If you assign two (or more) principles per pair, match the principles to stimulate discussion in each pair – some are more straight-forward than others, some are more practical than others or more about process. So for example:</p> <ul style="list-style-type: none"> • timeframes and anonymity • safety of girls & professional care & competence • legal justice & independence • working in partnership & psycho social well-being of women & children • respect for all concerned and planning & review • thoroughness and health of women & children (health) • national authorities & confidentiality <p>Allow 45' for group discussions. Bring everyone back together and put up the charts. Invite groups to walk around and read the charts. Ask the participants to write comments to the flipcharts if they have information to add to the principle or if they disagree with a groups answer.</p> <p>Ask for any questions, observations and points of clarification. Use Man_M2_Additional_Facilitator_Notes.doc for guidance on feedback. (i.e. AFN2)</p> <p>Consider which ones might be more controversial in promoting different views:</p> <ul style="list-style-type: none"> • involving national authorities or not • confidentiality • planning and review • incorporating lessons learnt <p>Challenge the groups about how their own interpretation of the principles affected their thoughts during this exercise and discuss how this might impact on their role as managers of investigations.</p>	<ul style="list-style-type: none"> • flipcharts • markers <p>HO2_Man_M2_S1_PrinciplesCaseStudy.doc HO3_Man_M2_S1_PrinciplesTaskSheet.doc Man_M2_Additional_Facilitator_Notes.doc</p> <p>Slide 1: Module 2 intro Slides 2-3: Core investigation principles</p>
10.30	BREAK	15'
10.45 (60')	<p style="text-align: center;">CRITICAL ELEMENTS OF MANAGING INVESTIGATIONS</p> <p>Aim – to identify the elements critical to managing investigations in order to optimise best outcomes.</p> <p>Using the Power Point slides and HO4_Man_M2_S2_CriticalElementsofManaginganInvestigation.doc briefly outline the most important elements of managing an investigation. (HO4 should be handed out at the end of this session.)</p> <ul style="list-style-type: none"> • It is important to know the procedures and not to rely on the investigators and/or others. Remind participants of their accountability as managers for the complete investigation process. • Written plan should be completed with or by the investigator(s) and any other participating investigatory body. Devise potential strategies to deal with difficulties i.e. problematic interviews. • Managers should share the investigation plan appropriately. Remind participants of the need for confidentiality. Example: the Centre for Refugee Research, University of NSW, in a recent study found that refugee women complained that NGO staff discussed SEA cases amongst each other with a resulting lack of confidentiality and loss of confidence in the complaints system. 	<ul style="list-style-type: none"> • flipchart paper with managing an investigation headings • markers • glue or tape <p>HO4_Man_M2_S2_CriticalElementsofManaginganInvestigation.doc</p> <p>Slides 4-6: Managing an investigation</p>

Time	Facilitator's notes	Resources
	<ul style="list-style-type: none"> Managers need to be clear with investigators about what the procedures are and that these procedures need to be followed, including: agreement on method of reporting back to the manager, who the manager must inform (such as HR, CEO etc) and on what aspects of the investigation, and how the complainant will be informed of outcome. <p>Exercise</p> <p>Present the PowerPoint slide 6 then split the participants into groups of four. Ask each group to take out ten of the 41 steps (i.e. 10 cards) from one of the boxes. Ask the groups to take 30 minutes to discuss the step written on each card and come to consensus as to which of the 9 elements critical to managing investigations heading it belongs to, see slide 7. They should then stick the cards under that heading.</p> <p>Afterwards, participants have 15 minutes to go around the room and read the other cards. If they believe a card is under the wrong heading, they should move it to the correct heading. Facilitators should also be involved in this process and try to create discussion around the different steps to managing an investigation. At this time facilitators should also take note of the steps that caused confusion to bring up in plenary discussion.</p> <p>In plenary, provide feedback on the placement of the cards. Ask participants about the steps they found difficult to classify, or if they would like clarification on a step. Try to develop discussion within the group. Towards the end of the session hand out the answer sheet.</p>	<p>Slide 7: Elements critical to managing an investigation headings</p>
<p>11.45 (30')</p>	<p style="text-align: center;">MANAGING AN INVESTIGATION – VIDEO</p> <p>Show video and allocate 15' for discussion of the content.</p>	<p>Video: Management</p>
<p>12.15</p>	<p>LUNCH</p>	<p>60'</p>
<p>13.15 (30')</p>	<p style="text-align: center;">THE INVESTIGATION MANAGEMENT PLAN</p> <p>Aim – to introduce elements of an investigation management plan.</p> <p>Briefly introduce the unit on developing a management plan using the PowerPoint slides. While the investigator will be responsible for developing a detailed investigation plan, the manager will be responsible for developing a management plan on the overall conduct of the investigation. There are several key considerations for managers, including but not necessarily limited to:</p> <ul style="list-style-type: none"> ensuring support to possible survivors(s) and witnesses, including immediate safety of victim(s) maintaining confidentiality and sharing of information appropriately matching skills of potential investigators to the allegation addressing staff safety and support, including that of the SOC defining a media strategy ensuring the integrity and thoroughness of the investigation managing liaison with other organisations that are involved resourcing the investigation adequately including staff, budget and equipment accessing legal advice supervising the recording and reporting process reviewing the investigation process and report 	<p>Slides 8-9: Planning issues for managers</p>

Time	Facilitator's notes	Resources
13.45 (75')	<p align="center">DEVELOPING A PLAN FOR MANAGING INVESTIGATIONS</p> <p>Aim – to clarify the role of the manager and when delegation is important.</p> <p>Exercise Distribute HO5_Man_M2_S1_JBCaseStudy.doc. Split the participants into four teams and give the teams 15' to select the two most appropriate investigators for the case and their reasons. Ask the teams to report back briefly (max 5').</p> <p>Afterwards, distribute HO6_Man_M2_S1_TaskSheet.doc. Assign each of the four groups 3 or 4 issues listed in the task sheet. Ask them to create a management plan to cover the issues assigned to them. Their plans should anticipate any possible difficulties and identify potential solutions. For each issue they should identify:</p> <ul style="list-style-type: none"> • Who will be responsible for the task including consideration of which tasks should be referred and who these should be referred to for confidential advice (for example, in-house legal advisors, IT specialists, etc). In addition, which matters should they manage themselves? • What action should be taken? • Where the action should be taken, for example, if it is necessary to do it on site or if it can be done at HQ. • When it should be completed, for example, prior to departure to the location of the investigation. <p>Throughout the exercise remind participants of the procedures and principles of investigations. Ask the teams to record their answers on a flipchart.</p> <p>When the groups have finished the task, discuss their answers to each issue in plenary. Review any issues that may have been confusing.</p> <p>Distribute HO7_Man_M2_S1_Clarification.doc for further clarification on the role of the manager in the Joel Brown case study.</p>	<ul style="list-style-type: none"> • flipcharts • markers <p>HO5_Man_M2_S3_JBCaseStudy.doc HO6_Man_M2_S3_TaskSheet.doc HO7_Man_M2_S3_Clarification.doc</p> <p>Slides 10 - 12: Joel Brown case study</p>
15.00	BREAK	15'

ICVA/Building Safer Organisations Management workshop Additional facilitator notes – Module 2 Managing investigations

ManAFN2

Principles – guidance for group discussion on Share the Peace case study

How are the principles *NOT* applied in this case study?

- The Camp Manager does not take Roseanne's concerns seriously when she first approaches him about staff taking pictures of beneficiaries – a clear breach of Share the Peace's Code of Conduct.
- Roseanne should have taken the matter to higher management in Share the Peace and not approached Doctor Matthew and Nurse Wambui with her concerns.
- When Wambui provided Roseanne with the photo of Yemi, Roseanne should have placed it in a locked cabinet for safe keeping.
- Roseanne should have asked Wambui to complete a complaints form, detailing Wambui's concerns and the allegation, keeping this complaints form in a locked secure location until the investigation began.
- Roseanne should not have discussed the case with the Camp Manager as he is a SOC! She should have taken the complaint to the designated individual in higher management. She violated confidentiality by telling the Camp Manager the name of the complainant and showing him a photo of one of the potential victims (Yemi).
- The Camp Manager should not have made personal presumptions about the character of Yemi – one of the potential victims. An investigator is investigating an allegation, not an individual and all allegations should be treated equally regardless of the people involved.
- The Regional Manager should have assigned a qualified person to complete the investigation. The Camp Manager is a SOC therefore he should not be the investigator in this case because of his inexperience in investigating and his role in the allegation.
- The Camp Manager should have taken the allegation more seriously as the information thus far warrants an investigation.
- The Camp Manager should not have interviewed or discussed the case with Doctor Matthew in the initial stages of the investigation. The SOC should always be interviewed and informed of the investigation last, after all witnesses have been interviewed – unless on a need to know basis.
- Yemi's identity should not have been disclosed to Doctor Matthew.
- The Camp Manager should not have discussed the allegation openly with Yemi's family. An appointment for the interview at a safe location should have been organised with Yemi. The Camp Manager should have assessed Yemi's and the SOC's safety before disclosing information about the allegation to her family. He did not ensure that she would be safe if the family knew about the allegation. (Parents do not need to be informed about an allegation of sexual abuse or exploitation if the safety of the child is at risk. When Yemi's father stated that he would discipline Yemi for her actions, the Camp Manager should have reasoned with her father stating that she should not be punished as she has done nothing wrong.)
- Wambui should not have been moved from her position unless the allegations of her arriving late to work were substantiated or she requested the transfer herself.
- The organisation should have protected Yemi and relocated her to a safe place if the organisation knew that she would be beaten by her father and ostracised by the community.

Principles	What to consider in upholding principle:
Confidentiality	Confidentiality of individuals must be maintained while disclosing information about the allegation, in this case for: <ul style="list-style-type: none"> • complainant (Wambui) • victim (Yemi) • SOC (Doctor Matthew) Disclosure of individuals' names should only be on a need to know basis or where there is "informed consent".
Health	Yemi's health needs should have been promoted to ensure her health and well-being. The organisation should have offered medical assistance relating to the allegation. Also, assistance should have been provided after her father beat her.
Anonymity	Anonymity should have been maintained to <ul style="list-style-type: none"> • protect the safety of individuals, especially the complainant, the survivor and the SOC • ensure the investigation is not tampered with
Safety of alleged victims	A witness plan should be developed and the safety of Yemi assessed before the allegation was disclosed to her family and her identity to Doctor Matthew. The SOC should not be informed of the identity of the victim at the beginning of the investigation. This information should not be disclosed unless absolutely necessary.
Psycho-social welfare	Yemi could be suffering from serious psycho-social issues and the organisation should consider referring her to appropriate and qualified experts or a support group. As she was ostracised from the community because of the allegation, she may be suffering even more.
Working in partnership with other interested parties	If Doctor Matthew is not employed by Share the Peace, his employer should be informed and/or involved in the investigation. A safe, secure, qualified medical facility for victim's psycho-social and health needs should be identified (not the medical facility where Doctor Matthew is employed). A local safe house or shelter for Yemi to stay at after being thrown out of her house should be found.
Legal/justice	The questions are: <ul style="list-style-type: none"> • Have national laws been violated? • If so, what action can Yemi take? Will she be safe if she takes action? • If so, what would be the consequences for those who are found guilty of the crimes? How does the judicial system work? Is the SOC safe? The manager of the investigation will have to weigh the factors and risks and decide if the investigation should be referred to national authorities.
Independence	The investigators should not have professional or personal interest in the case. A qualified investigator from a different department at Share the Peace or staff from another organisation should be assigned to the case.
Professional care and competence	Those involved in the investigation should be well trained and competent. Staff or consultants who have the skills, knowledge and training should be hired to conduct the investigation.
Timeframes	The investigation should be conducted as quickly as possible without prejudicing quality. The suggested timeframe is 28 days, however many factors should be considered before coming to an agreed timeframe, such as location(s), communication channels, transportation methods etc.
Thoroughness	An investigation plan should be drafted by the investigator(s) with the assistance of the manager of the investigation. The allegation should be assessed according to breaches of the SG's Bulletin and the organisation's Code of Conduct. All potential witnesses should be identified and secure locations for evidence and interviews should be identified along with potential problems. The investigation plan should be revised as new information is revealed and evidence should be assessed thoroughly and competently.

Principles	What to consider in upholding principle:
Respect for all	Respect for Yemi and Wambui should be given regardless of their reputations or work ethic. All people involved in the investigation should be respected and their information treated equally, unless evidence suggests it is incorrect.
Planning & review	Yemi's health needs should have been promoted to ensure her health and well-being. The organisation should have offered medical assistance relating to the allegation. Also, assistance should have been provided after her father beat her.
National authorities	Investigators together with managers and legal advisors, if necessary, should assess if national laws have been violated, e.g. child pornography. If this is the case, informing the national authorities should be explored if they are reliable, just and impartial? If not, it may be prudent not to inform them. Managers of an investigation would make the final decision on whether or not to involve national authorities.

For further guidance refer to the IASC Protocol, page 14.

ICVA/Building Safer Organisations

Management workshop

Module 3 Facilitator notes

Creating a culture of safety

ManFN3

MODULE 3 OBJECTIVES:

- Provide opportunity to consider the issues within faith communities and religious systems which can influence effective protection of women and children.
- Strengthen skills in identifying, evaluating and managing the risks associated with managing investigations including protection and safeguarding.
- Managing ongoing risks and learning from investigations.
- Consider what practical measures can create a culture of safety in an organisation to promote the welfare of beneficiaries, staff and the organisation.

SUGGESTED SCHEDULE

Session 1 – Faith, personal values and protection		Minutes allocated
15.15	Faith, personal values and protection – presentation	90'
16.45	Fun debate – group exercise	30'
DAY 3		
Session 2 – Risk assessment and management		
09.00	Risk assessment and management – group exercise	90'
10.30	BREAK	15'
Session 3 – Developing policies and procedures, practical measures		
10.45	Building safer organisations – exercise	90'
12.15	LUNCH	60'
13.15	Quiz – group exercise	30'
13.45	Workshop closure – presentation	30'

MODULE 3 PREPARATION:

Resources	<p>Check the following equipment:</p> <ul style="list-style-type: none"> • 1 x laptop • 1 x data projector • 2 x flipcharts, 4 x blocks of flipchart paper, flipchart pens <p>Prepare the following:</p> <ul style="list-style-type: none"> • venue set-up (arrange tables) • photocopy handouts as specified below • flipcharts with the five faith, personal values and protection session questions written up (one question per flipchart) • statements for the fun debate session, see facilitator notes for possibilities
Handouts	<p>Photocopy 1 per participant:</p> <ul style="list-style-type: none"> • HO8_Man_M3_S1_FaithPersonalValuesandProtection.doc • HO8_Inv_M2_S2_Faith.doc* • HO9_Man_M3_S2_Risk.doc • HO10_Man_M3_S3_Checkpoints.doc • Man_M3.ppt (3 slides per page, distribute at beginning of Module) <p>*HO8_Inv_M2_S2_Faith can be found in Module 2 of the Investigations workshop.</p>
Additional facilitator notes	<p>The following document gives guidance on key messages to be elicited from the exercises. Man_M3_Additional_Facilitator_Notes.doc</p>

Time	Facilitator's notes	Resources
<p>15.15 (90')</p>	<p style="text-align: center;">FAITH, PERSONAL VALUES AND PROTECTION</p> <p>Aim – for participants to consider the issues within faith communities and religious belief systems which can influence the effective protection of women and children.</p> <p>Introduction</p> <p>This session is included in the Building Safer Organisations project as a significant number of organisations working with people in crisis are faith-based or have religious origins. The session is about considering what factors within faith and religious systems and communities affect how vulnerable people are protected. It also looks at how our own faith and beliefs will impact on our managerial role.</p> <p>Some of the participants will be working for agencies that have a strong faith-based purpose or origins or in countries where national law is the codification of religious norms, such as Sharia law. They need to think about the information in this module in relation to the value systems of their employer. In addition, individuals will have personal value and belief systems which may or may not be consciously shaped by faith and religion and may be different to those of the organisation they work for.</p> <p>Faith and religion impact on almost all areas of most societies. Even if individuals are non-practising or do not identify themselves with any faith or religion their lives will still be influenced by religion in some form. For example, in many places shops are closed on Sunday as the Christian teaching requires Sunday be a day of rest. Often legal systems are shaped by religious teachings and value systems.</p> <p>For this presentation the term “faith community” is used to encompass any setting where religious beliefs give direction to an activity or way of life. This may be within a formal place of worship, an organisation affiliated to a faith or individuals or groups of people who follow a faith. Terminology such as church or God will be used generically to apply to any place or system of worship or deity.</p> <div style="border: 1px solid #0070C0; padding: 5px; margin: 10px 0;"> <p style="color: #0070C0;">This session is drawn from research by the theologian and scholar, the Rev. Dr. Roman Paur of the Inter Faith Sexual Trauma Institute. From experience in the UK, USA, and Australia, it is suggested that the issues apply across all denominations and religions. Discussions during earlier workshops with participants of almost all faiths support this view; however, there is limited analysis from other countries.</p> </div> <p>Everyone is entitled to their personal beliefs. Reassure the group that this session is not about “testing” them or questioning their beliefs. No human is ever completely neutral - gender, age, experience and our beliefs will always come into play in how we process information and make decisions. What we want to encourage is that participants think about their personal beliefs and how these may influence their judgements; having an opportunity to consciously consider our values as individuals will better enable us to manage and investigate issues of abuse and exploitation in the workplace.</p> <p>It will also encourage thinking about how faith and religion may influence an investigation, obtaining evidence, working with communities and preventing abuse.</p> <p>Refer to HO8_Man_M3_S1_FaithPersonalValuesandProtection.doc when appropriate.</p>	<ul style="list-style-type: none"> • flipcharts • markers <p>HO8_Man_M3_S1_FaithPersonalValue-sandProtection.doc</p> <p>Slide 1 : Module 3 intro</p> <p>Slide 2: Cartoon</p> <p>Slide 3: Faith, personal values and protection</p>

Time	Facilitator's notes	Resources
	<p>The context</p> <p>One of the primary lessons from research and experience is that a failure to protect vulnerable people from abuse and exploitation is grounded in an institutional and social context that allows misconduct to happen. This is not because of the weakness of one person but because there is a context that permits abuse to happen and go unchallenged. Faith and religious communities provide a specific context which should be examined in order to identify factors which create opportunities for abuse and offending. Only by examining the factors which give rise to this context is it possible to create or strengthen a protective environment. Where faith or religion plays a part it will help to shape the protective environment at every level including recruitment and selection, direct services and contact with women and children, management and strategic planning, pastoral care and support to those who have been harmed, handling of offenders and interactions with communities.</p> <p>Familiarity with the specific context and how faith and religious beliefs influence it can help to inform our understanding of abuse and how it can be prevented. To do so we think about these issues on the following levels:</p> <ul style="list-style-type: none"> • the organisation • the individual • the wider community/external factors <p>(1) THE ORGANISATION</p> <p>The main aspects to consider with regard to the context of faith communities are:</p> <p>Relationships and perceptions of women and children</p> <p>This refers to how relationships within the faith community are perceived. For example, how does the community perceive child/adult, adult male/adult female, child/child interaction? Is the child considered an individual with human rights? For example, in some faith communities children are seen as needing strict discipline so as not to go astray. How is original sin understood? For example, in some communities women are held responsible for sexual purity. Do women have specific roles in the community? For example, in some communities women are not included in decision making.</p> <p>Illustration</p> <p>Victoria Climbié from Ivory Coast came to UK aged 8 to live with an aunt. At the public inquiry into her death, the pastor of the church her aunt belonged to testified to advising the aunt that Victoria was possessed and that physical chastisement and fasting could rid her of the demons. The pastor stated that Victoria's aunt misunderstood the advice and beat, tortured and starved the child to death. The pastor was aware of allegations that the aunt's boyfriend was sexually abusing the child but ignored these as he felt the child was unattractive and would not instil lust. In addition, social services workers who saw the child on several occasions attributed her silence and rigid comportment to cultural values of respect for authority.</p> <p>Social structure – the inter-relationship between society, culture and religion</p> <p>Religious values are linked to the culture and values of the wider society. There are very few societies which are completely impervious to religious attitudes especially in relation to sexuality and sexual behaviour. In some cases, societies will not bring themselves to challenge the integrity of religious leaders or their representatives. For example, an offending leader may be described as warm, friendly, outgoing, engaging, magnetic, and caring by the media, courtrooms, witnesses as this is part of the cultural norm to attribute these characteristics to a person in such a role.</p>	<p>Slide 4: Faith, personal values and protection the context</p>

Time	Facilitator's notes	Resources
	<p>The language within theology can also suggest social deference to a representative of the faith, giving leaders and representatives heightened status resulting in disbelief that they could abuse and reinterpretation of the act. For example, representatives of a faith could not possibly be abusers, therefore an Imam must have been seduced by a member of the community or a lay preacher's attempts to help a child must have been misunderstood. Even in societies where religious leaders have been exposed as abusers, such as USA and UK, there is still resistance to challenging society's deference to church leaders.</p> <p>Similarly, in order to avoid appearing prejudiced, secular agencies do not question abusive practices because it has been explained away on religious grounds. For example, aid workers may not challenge the practice of beating children because they consider it to be a cultural norm.</p> <p>Equally, societal attitudes impact on attitudes within a faith community. Western societies have seen changing attitudes towards sexuality, the emancipation of women, divorce and contraception. These changes have had an impact on faith communities. For example, until recently child sex abuse was not recognised in many western societies as it was felt it was not possible. As a result church communities did not report such abuses. Now it is a crime no matter who the perpetrator is. Similarly, women did not have a role in government until relatively recently. Now women are represented in most arenas and now have the possibility of being ordained as ministers in many churches.</p> <p>Social structure question: What are the social factors that influence faith communities and what elements of faith influence society?</p> <ul style="list-style-type: none"> • Politics – political regimes, values of law makers For example, when a country feels insecure, there is a tendency towards conservative religious thinking. • Economy – state of society's economic well being Economic adversity can lead to a change in roles within families. This can result in women working outside the home when this was not previously sanctioned. Alternatively, it can result in women being discouraged from taking jobs from men who are more traditionally considered as the "head of the household" or "provider". • Science and knowledge – new information and understanding Scientific discoveries can result in changes in thinking and beliefs. <p>Beliefs – the beliefs that the faithful adhere to For example, the language of the Christian faith identifies that there is good and evil as well as sinners and the sinned against within life and so a level of acknowledgement that evil and bad people exist. This can be interpreted in extreme cases as a view that sexual abuse is part of "life" and that if all sin is equally bad in God's eyes¹ then the abuser will not be seen as having done something worse than the person who steals from donations made by members of the group.</p> <p>On the other hand, it could also be interpreted that people who abuse children are outside of the faith community and by not following the values of the religion, have strayed and need be spiritually "saved".</p>	<p>Slide 6: Faith, personal values and protection social structure question</p>

¹ For example within Christianity, sexual abuse can be attributed to our "fallen nature", and the universal condition of humankind summed up in the Bible Romans 3.23 that "all have sinned".

Time	Facilitator's notes	Resources
	<p>Management tradition – how faith communities manage allegations of abuse and exploitation, offenders and survivors of abuse</p> <p>In many faith communities, if misconduct or failure to protect is discovered, the offender is moved to another position within the faith community. Many faiths have strong beliefs that redemption and forgiveness absolve people of their wrong doings. In some religions, this is interpreted as meaning that offenders can seek absolution through confession and repentance, after which they can continue to work with vulnerable people as if they never sinned. For example, a priest who is the subject of an allegation of abuse is moved from his parish to be the priest elsewhere.</p> <p>Management tradition impacts on how victims of abuse by religious leaders are treated. In some cases, they may be blamed as “seducers”. Alternatively, survivors of abuse might be encouraged to find resolution for their pain and suffering by forgiving the perpetrator.</p> <p>Management tradition question: What do you think about victims forgiving their abusers?</p> <p>Manipulation of the system – offenders who “groom” faith groups and their leaders to manipulate circumstances and create opportunities to abuse</p> <p>The majority of abuse is not spontaneous. Individuals have motivation to abuse which precedes an offence.² This motivation or inclination can be fuelled by their position of power within a community which also provides opportunities to abuse. Members of the community defer to, admire and listen to the individual which gives that person a sense of pride in his/her role. The source of their authority is “a higher power or deity”, and they have been called to this role. This makes challenging their actions very difficult. At the same time, it will create opportunities to enter people's lives and develop intimate relationships that are normally only available to close family and friends. An individual may believe because the victim did not complain, they wanted a “relationship” or consented. In this way they will seek to justify and excuse abusive behaviour.</p> <p>This pattern of manipulation and calculation means that some abusers seek work in a faith-based organisation as they know that people are generally more forgiving, trusting and want to believe the best of everyone. In addition, they know that in some organisations if they are caught, repentance may be enough to secure a pardon and avoid prosecution.</p> <p>Exercise – Faith, personal values and protection</p> <p>Divide the participants into 5 groups. Show them the pre-prepared flipcharts with the following questions written up, one question per flipchart.</p> <p>Reflect on the content of the session and write down your comments or thoughts on the following questions:</p> <ul style="list-style-type: none"> • Think of the ways in which faith communities protect women and children. • What are the assumptions made about people who work with vulnerable populations? • What are the assumptions made about religious leaders? • What religious beliefs or practices potentially put women and children at risk? <p>Assign each group a question and give them 5 minutes to read and comment. Then ask them to move on and comment on the next chart. They can add ideas, comment on thoughts already there and suggest contrary views as they like.</p> <p>Discuss in plenary for 15 minutes.</p>	<p>Slide 7: Faith, personal values and protection management tradition question</p> <p>Slide 8: Faith, personal values and protection manipulation of the system</p> <p>Slide 9: Faith, personal values and protection exercise</p>

² Finkelhor, 1984.

Time	Facilitator's notes	Resources
	<p>External factors questions:</p> <p>1) There are similarities between working in humanitarian aid organisations and faith-based communities such as the church, mosque or faith-based NGOs. What are they?</p> <p>For example, there may be trust based on position, belief that people working in these environments are motivated by good.</p> <p>2) Aid workers may find themselves in a different culture, where they can be anonymous or re-invent themselves. How might their behaviour or attitudes be influenced? For example, they might have relationships they would not consider at home, might participate in risky behaviour as the environment is so different.</p> <p>Safeguarding issues question: What are some of the difficulties in ensuring systems are in place to safeguard beneficiaries within the faith-based context?</p> <ul style="list-style-type: none"> • having to challenge well established beliefs • convincing leaders to identify the risk and need for safeguards within faith communities • abusers will manipulate the context to their advantage <p>Evidence suggests that abuse decreases when staff have proper support or supervision and awareness training or training in relationships, sexuality or human development.</p> <p>Safeguarding question: What supplementary safeguards can be established to counteract the risks specific too faith communities and aid organisations?</p> <p>Distribute HO8_Man_M3_S1_FaithPersonalValuesandProtection.doc for all participants to have a reference.</p>	<p>Slide 14: Faith, personal values and protection external factors questions</p> <p>Slide 15: Faith, personal values and protection safeguarding strategies questions</p>
16.45 (30')	<p style="text-align: center;">FUN DEBATE</p> <p>Aim – to give participants an opportunity to consider some of the arguments they will hear when they return to the office regarding the more contentious issues related to sexual abuse and exploitation</p> <p>One option is to finish the day here. However given the difficult nature of the last session, an additional session has been added to offer a change of pace and hopefully end the afternoon on a positive note.</p> <p>Prior to the debate prepare several statements such as:</p> <ul style="list-style-type: none"> • The SG's Bulletin is an excellent management tool. • NGO staff should not be bound by the SG's Bulletin. • Staff should not be prohibited from engaging in sexual relationships with people under the age of 18 as long as they respect the age of consent in the country they work in. • It is not the organisation's business what their staff do in their personal time. <p>These are just examples that will generate discussion.</p> <p>Select a statement, by taking a vote and then divide the participants into three groups. Explain that this will be a five minute debate. Team A will argue in support of the statement, Team B will argue against the statement and Team C will be the judges. Teams A and B will have ten minutes to come up with all their arguments and choose one or two people to deliver the arguments. These arguments can include serious and humorous ideas. The facilitator should make it clear that this is relaxed and fun and any arguments no matter how crazy will be accepted.</p> <p>Team A will then have a maximum of five minutes to give their arguments, followed by five minutes for Team B. Team A will then have one minute to respond to Team B. Each presentation should be simple and there is no need for great public speaking skills.</p>	

Time	Facilitator's notes	Resources
	<p>Ask the participants to identify all factors that might influence how we decide to take or avoid risk. What are some of the factors that influence how we decide to take risks?</p> <ul style="list-style-type: none"> • Familiarity with situations induces us to take more risk. For example, when you drive a route or road you know well, you are more likely to take chances. • Superstitions and/or tradition can influence us. For example, some people avoid walking under ladders. There is a good reason for this but we can overestimate or underestimate the real risk. • Fear of consequences are often over or underestimated. For example, many people are afraid of flying in an aeroplane but not afraid to drive a car. The risks involved in flying are statistically insignificant when compared to driving a motor car. In some cases, we can fail to consider consequences at all. • Inability to change behaviour causes us to have a higher tolerance of certain risks and we seek to justify this irrationality. For example: smoking, "it never harmed me". • Avoiding something difficult or uncomfortable – sometimes changing an approach or behaviour may be difficult, particularly if we have not done it before or it may cause disruption, and this outweighs the possible risks of not changing the behaviour. <p>What are the risks of conducting an investigation in your organisation? An investigation may result in bad publicity, it may affect staff morale, and will have financial costs.</p> <p>What are the risks of not conducting an investigation when an allegation has been made? If the information becomes public there may be withdrawal of funding, bad publicity, eventually the agency may cease to exist, low staff morale.</p> <p>What are the steps in conducting risk assessment?</p> <ul style="list-style-type: none"> • Identify the possible risks • Consider what can be done to reduce the risk – for example, it is likely that without an investigation procedure an unsuitable person will remain employed. Could that risk be decreased by conducting an investigation following the correct procedure? If the organisation dismisses the employee without a proper investigation, does that create another risk? • Classify the risk – What is the potential damage? For example, reduced or total loss of revenue/funding (high risk), compared to an employee leaving the organisation (low risk). • Keep a written record of all decisions in relation to risk management. • Give an identified individual the responsibility of risk manager Usually a senior manager is responsible for taking the final decision on how risky a decision will be. • Have a management plan for dealing with risk <p>Exercise Distribute HO9_Man_M3_S2_Risk.doc. In plenary ask the group to refer back to HO5_Man_M2_S1_JBCaseStudy.doc and identify issues in this case that might cause risk to the organisation. Have the participants agree on four issues they will consider for the exercise.</p> <p>Divide the participants into four groups and allocate one issue to each group. Ask each group to consider the issue allocated to them and answer the questions on the task sheet. After 30', ask the groups to report back and discuss their answers in plenary.</p>	<p>Slide 18: Risk management</p> <p>Slide 19: Risks of conducting an investigation questions</p> <p>Slide 20: Risk assessment</p> <p>HO9_Man_M3_S2_Risk.doc HO5_Man_M2_S1_JBCase Study.doc</p> <p>Slide 21: Investigation risks exercise</p>
10.30	BREAK	15'

Time	Facilitator's notes	Resources
13.15 (30')	<p style="text-align: center;">QUIZ</p> <p>Aim – to close workshop in an energised manner and review the main elements of the workshop.</p> <p>Exercise Divide the participants into 3 to 4 groups. Each group will choose a person to be the buzzer for their group. The “buzzer” must decide on a noise s/he will make when the group wishes to answer a question. In order to buzz in, the “buzzer” must be touched by another team mate or know the answer to the question him/herself. The first group to buzz in has fifteen seconds to answer the question. If the answer is incorrect or incomplete, the floor opens up to the group who buzzed in second. See Man_M3_Additional_Facilitator_Notes for sample questions.</p>	
13.45 (30')	<p style="text-align: center;">WORKSHOP CLOSURE</p> <p>Aim – to provide participants with information on the Building Safer Organisations project activities and bring the workshop to a closure.</p> <p>Discuss:</p> <ul style="list-style-type: none"> • what the project will be doing in the future • further involvement in project activities • post-workshop assistance, i.e. regional networks and advice forums <p>Close the workshop by thanking all those who were involved in the organisation and running of the workshop.</p>	Slide 26 : Thank you!
14.15 (10')	<p style="text-align: center;">EVALUATION</p>	

ICVA/Building Safer Organisations Management workshop Additional facilitator notes – Module 3 Creating a culture of safety

ManAFN3

Quiz

Sample questions

1. What are the 4 main principles to establishing a complaints mechanism?
2. What are 4 basic principles to conducting an investigation, not including confidentiality?
3. Name 4 barriers to making a complaint.
4. Are humanitarian workers forbidden to have sexual relations with beneficiaries?
5. Name 4 responsibilities managers have in conducting an investigation.
6. Name 4 prohibitions in the SG's Bulletin.
7. Name 3 strategies organisations can use to develop a culture of safety.
8. Name 3 steps in managing an investigation.
9. What are 2 causes for concern as identified by the IASC Protocol?
10. Name two types of international law.

Add some 'fun' questions with personal information that has been shared during the workshop about the facilitators and/or participants.

The aim of this activity is to explore issues and dilemmas associated with abuse. Through consideration of the cases, you will explore your own values and beliefs and see how these influence the managerial decisions you take when an allegation is reported.

Task

Read the case studies and, in your group, discuss these questions:

- Is this abuse?
- Can anything be done?
- Should the matter be investigated?

Case studies

a. Betty/Johnson

Betty is a 20 year old woman living in a refugee camp and has started a sexual relationship with Johnson, a senior officer with your NGO. Both individuals seem to be in love and Johnson says he plans to leave his wife for Betty.

b. Carlos/boys

Carlos, who works with your organisation, has helped set up a boys' soccer club in town. Carlos enjoys the soccer games but he seems to particularly enjoy being with local adolescents. He gives presents (magazines, candy, sodas, and pens) to various boys. You have heard rumours that he offers these gifts in exchange for sexual acts. However, when you ask around, you are told that the boys making the allegation are always making up stories like this.

c. Joey/young refugee woman

Joey is a 19 year old locally-hired driver for an NGO, who transports relief items from the warehouse to the refugee camp where the items are distributed. On one of his trips he recognized a 17 year old refugee girl walking on the side of the road and gave her a lift back to the camp. Since then, to impress her and win her over, he frequently offers to drive her wherever she is going and sometimes gives her small items from the relief packages in his truck, which he thinks she and her family could use. The last time he drove her home she asked him inside her house to meet her family. The family was pleased that she had made friends with a NGO worker. Joey really likes the girl and wants to start a romantic relationship with her with a view to asking her parents consent to marry her. He knows her family will approve. The local age of consent is 16 years old and Joey is from the same ethnic group as the young woman.

d. John/prostitute

John is an NGO staff member. While on home leave he picked a prostitute and took her back to his home where he paid her for sex. Prostitution is not illegal in his country.

e. Josie/Pieter

Josie is a refugee in one of the camps. Pieter is also a refugee recruited as an incentive worker by an NGO to distribute food. He has offered to give Josie a little extra during the distribution if she will be his "special friend". She agrees willingly. Both of them agree that they should start a sexual relationship and neither one of them think that anything is wrong. Josie hopes that the relationship might be a passport to a new life in another country or at the very least an opportunity to supplement her ration. Pieter does nothing to discourage these hopes.

f. Darlene/Stanislaus

Darlene is an international recruit. She is always on the lookout for good business opportunities since she has to support her family back home. She has been asked by a local colleague, Stanislaus, to con-

tribute some money towards renovating a bar in the town, in return for a cut of the bar's profits. Darlene soon finds she's getting a steady income from the bar, and gives more money to hire more staff, including security, and so on. She herself doesn't go to the bar, but she knows that there is a lot of prostitution going on there and that peacekeepers, CIVPOL, NGO and UN staff use the bar often. However, she doesn't think that concerns her, since she isn't directly involved in those issues. She's just glad of the extra money.

g. George/refugee leader

George is an NGO emergency worker. It comes to your attention, as George's manager, that the refugee population he works with dislikes and distrusts him intensely. While George is on home leave, a refugee leader warns that if George returns to the camp his security cannot be assured as he has spoken to refugee women alone and on one occasion may have touched a refugee woman on the back.

Based on some of the scenarios produced by the Inter-Agency Standing Committee Task Force on Protection from Sexual Exploitation and Abuse, a number of which are adapted from materials contained in the Facilitator's Guide: *Understanding Humanitarian Aid Worker Responsibilities: Sexual Exploitation and Abuse Prevention*, produced by the Coordination Committee for the Prevention of Sexual Exploitation and Abuse in Sierra Leone.

Share the Peace case study background

Share the Peace is a new NGO working with refugees and displaced populations in 32 countries. Share the Peace developed its Code of Conduct in 2004 and trained its entire staff on the Code in 2005. The Human Resource and Administration staff are responsible for ensuring that all staff are familiar with the Code.

After a meeting of field staff in which the Code was discussed, Roseanne, the camp Sexual and Gender Based Violence (SGBV) Co-ordinator, realised that some staff were breaking the Code of Conduct by taking photographs of the beneficiaries. She believed that many of the staff have been doing this with the best of intentions and will see any challenge to the practice as unnecessary, as “we have always done this”. Roseanne decided to discuss it with the Camp Manager.

On hearing Roseanne’s concerns, the Camp Manager responded that although taking photos is in “theory” breaking the Code of Conduct, he does not really see the harm in it. He suggested that unless Roseanne has hard evidence that the beneficiaries are being harmed or exploited in some way, there is not much he can do.

Roseanne wanted to get a better understanding of what was going on and to see if the beneficiaries were being exploited. She spoke to Doctor Matthew and Wambui the nurse, who have both been in the camp a long time. Doctor Matthew explained that the only photos taken are for calendars or brochures to promote events or raise funds. He told Roseanne that many people will be upset if she “rocks the boat” and the beneficiaries themselves will not thank her for it. He asked her not to worry and promised to discuss it with the Camp Manager.

After Roseanne left Doctor Matthew, Wambui came to see her. Wambui requested that her statement remain confidential and explained she believes the Camp Manager and Doctor Matthew are heavily involved in taking photos of women and children and make a lot of money from them. She said she had been told directly by some of the women that they and their children were asked to pose naked for the photos. Wambui also said that the doctor has “special relationships” with some children. He claims that he is a father figure or mentor to these children and spends a lot of time alone with them. Wambui is suspicious that “inappropriate physical contact” takes place and pleads with Roseanne to take the complaint further as this behaviour is wrong. She gives Roseanne a photograph of a naked child, claiming that she took it from the doctor’s desk.

Roseanne went straight to the Camp Manager, told him what Wambui had told her and gave him the photo. The Camp Manager recognised the girl as Yemi and claimed that she is a known trouble maker and prostitute amongst the beneficiaries. He telephoned the Regional Manager in front of Roseanne. The Regional Manager instructed the Camp Manager to undertake an investigation under the IASC Protocol. Roseanne was reassured that the matter was being dealt with.

The Camp Manager has never done an investigation before but has been on some training a year ago. He reviewed the document and decided that at this point the information is very vague and he doesn’t really believe Doctor Matthew would have done anything abusive or exploitative.

The Camp Manager talked to Doctor Matthew who explained that he provides physiotherapy for some children who have disorders which affect their mobility. He thought that this is probably the physical contact referred too. Doctor Matthew also informed the Camp Manager that he has treated Yemi for sexually transmitted diseases. Doctor Matthew explained that he has had difficulty with Wambui recently being late for work and having time off and thinks she has probably taken advantage of the situation to get back at him.

The Camp Manager then went to see Yemi, the girl in the picture. Yemi’s father informed the Camp Manager that he is going to discipline her for her promiscuous behaviour.

The Regional Manager, the Camp Manager and Doctor Matthew then met to discuss the issues raised by Roseanne. The Regional Manager is satisfied that there has been no misconduct but advised Doctor Matthew to try and make sure someone is always present when undertaking physiotherapy sessions. They agreed that Wambui should be moved to a camp maintenance job as this is more flexible if she is late and resolves the obvious break-down in relationship between her and Doctor Matthew.

The Camp Manager also met with the leaders of the beneficiary community and staff to explain that if anyone is unhappy with anything or has a complaint that they can go straight to him at any time.

Yemi's father beat her, threw her out of the family shelter and the community ostracised her. Roseanne is trying to arrange Yemi's relocation.

Share the Peace task sheet

Task

- Read through the case study and discuss the questions related to the principle allocated to your pair (see slide 3).
- Write your pair's responses on a flipchart. Post the flipcharts up around the room for everyone to look at. Choose a representative who will have 3 minutes to present your joint responses.

Questions

1. **Confidentiality**

This principle was not effectively applied to this complaint. Identify issues that demonstrate this. How might the principle of confidentiality be best applied from now on?

2. **The safety and welfare: health**

How has this principle not been applied in terms of the needs of beneficiaries who may have been victimised? How can this principle be applied?

3. **Anonymity**

Who might wish to remain anonymous and why? How might the investigation facilitate anonymity?

4. **The safety and welfare: safety of alleged victims**

Who is at risk? From what? How should this principle be applied?

5. **The safety and welfare: psycho-social issues**

What are the psycho-social needs of beneficiaries who may have been victimised in this case? How can you make the psycho-social needs paramount within the investigation?

6. **Working in partnership**

How has this principle not been applied? What other parties may need to be involved? How can the "working in partnership" principle be applied from now on?

7. **The safety and welfare: legal justice issues**

What factors should have been considered about legal systems and justice for beneficiaries who may have been victimised in this case? How can this principle be applied?

8. **Independence**

Was this principle applied? What factors demonstrate whether it was or not? How can this principle be fully applied?

9. **Professional care and competence**

Was this principle applied? What factors demonstrate whether it was or not? How can this principle be fully applied?

10. **Timeframes**

What are the significant issues about timeframes in this case? Was this principle applied? What factors demonstrate whether it was or not? How can this principle be fully applied?

11. **Thoroughness**

Which aspects demonstrate that this principle was not applied? What would demonstrate that this principle was being applied?

12. Respect for all

Was this principle applied to everyone? Identify examples where it was and where it was not. What would demonstrate that this principle was being applied?

13. Planning and review

What demonstrates that this principle was not applied? How could it be applied?

14. National authorities

What are the issues around the national authorities in this case? How can this principle be applied?

41 steps in managing an investigation

1. Follow procedures (5 steps)

- It is important that managers know and understand the procedures themselves. Managers are accountable for ensuring that investigators follow procedures.
- Have a written plan completed with or by the investigator(s) and any other participating investigatory body. Devise potential strategies to deal with difficulties i.e. problematic interviews.
- As a manager, you should share the contents of the investigation plan appropriately. Remind all involved of the need for confidentiality.
- Be clear with investigators about what the procedures are and that you expect them to be followed.
- Agree on the method of report back to the manager
 - Who the manager will then inform (HR, directors, etc) and on what aspects of the investigation
 - How the complainant will be informed

2. Initial steps (7 steps)

- Safety is the ultimate priority of all involved. Accountability for safety is the responsibility of managers. Safety of staff including investigators, SOC and their colleagues needs to be considered.
- As a manager you need to ensure that the thresholds for an investigation have been met, that is, that there are sufficient grounds to launch an investigation. This needs to be clear as it helps explain why the investigation is taking place, establish the authority of the investigation and allows for realistic outcomes (e.g. dismissal, management implication report).
- Determine the level of the investigation i.e. has a criminal act taken place? What are the responsibilities for joint investigating and reporting? Do the national authorities need to be informed or involved in the investigation?
- The appropriate legislation must be complied with, including criminal, civil and employment law. Any internal policy must be adhered to. Procedure should include the IASC Protocol and any internal procedure relating to child protection, disciplinary action etc.
- To ensure the integrity of the investigation, documentation should be secured at the earliest stage possible.
- Identify the resources that will be required to complete the investigation.
- It is important to ensure that the initial processes have been appropriately followed; any errors in this process are more likely to be resolved at an early stage and therefore protect the integrity of the ongoing investigation.

3. Action steps (5 steps)

- Match the skills of the potential investigators to the case. Skills matching will have resource implications. Where a subject of complaint is a senior member of staff, an individual with the appropriate skills, knowledge and status is less likely to be intimidated. Skills matching are essential to the credibility and integrity of the investigation.

- Establish with the investigators which witnesses need to be interviewed. This will assist in skills matching and will give some idea of the scale of the case and therefore how many investigators will need to be involved.
- Establish what documentation needs to be secured to assist in identifying which tools or systems can be used for managing the data so that it can be analysed effectively and confidentially.
- It is important to establish a timescale in order to manage resources such as staff time and workload. It also helps all involved, especially victims, witnesses, SOCs, families, communities and colleagues to have some understanding of how long the process will take. Investigations are very stressful for their participants; understanding that there will be an ending is important in assisting them to cope with the process.
- Develop a provisional budget.

4. Interview steps (4 steps)

- Consider how you will conduct the interviews in a way which preserves and promotes safety of all participant: victims, witnesses, the subject/s of the complaint is, colleagues and families of those involved.
- Speak to the referrer/complainant to clarify the referral and add any other relevant information.
- When to interview the victim or the witnesses depends on your plan and the individual situation. If the victim is the primary complainant, s/he should normally be seen first. If a witness has specific information, this should be assessed in order to establish the interview schedule.
- The SOC must be interviewed last. The interviewers must have all the available information to be able to structure the interview and the SOC needs to know what the evidence is against them in order for them to exercise their right to respond properly to the allegations.

5. Timescale and structure (2 steps)

- How many interviews will you need to do? Are there travel requirements for those involved? Do you need to wait for other action e.g. police, medical etc? Do you need to seek professional advice?
- Include sufficient time for supervision of the case, report writing and review time.

6. Complicating factors (8 steps)

- Use an institutional and/or organisational organigram to help you understand the structure of the organisation and how this may have impacted on the behaviour that led to the allegation. A successful investigation requires an understanding of the context in which alleged abuse occurred. Without this knowledge the investigator cannot draw management implications which may assist agencies to make their organisations safer in the future.
- Offenders may “groom” environments, e.g. colleagues.
- Where issues concern more than one authority there can be a number of different laws, policies and procedures. Agreement must be reached as to how the investigation proceeds.
- Meeting communication needs is vital to the success of the investigation. If complaints and responses to complaints are not understood, then the investigation has little or no chance of success.
- Have there been previous allegations? In some cases there may be both current and historical concerns. A decision will have to be taken as to whether to concentrate on the current concerns or look at all allegations concurrently. For example, if there are safety issues, it might be appropriate to limit the investigation initially to current concerns. Alternatively, it may be essential to thoroughly investigate all the matters, however long ago they occurred, e.g. where a pattern of behaviour needs to be established.
- There may be a need to access specialist assistance medical, social, technological or legal. Medical examinations should not be repeated for the purposes of an investigation and you should be clear

about the usefulness of any potential evidence, e.g. where sexual assault has not involved penetration there may be no evidence gathered from medical investigation.

- A joint investigation with a similar agency (another NGO) or with police or other law enforcement bodies including international bodies may be necessary. Maintain focus on the aims of your investigation but be aware of a need to work closely with others to achieve the overall aims of justice and protection. Where there is a joint investigation it is essential to have a common and agreed plan. The more complex an investigation, the more likely it is that a number of different organisations will be involved.
- Make sure you have a plan for dealing with press and the media

7. Skills matching (3 steps)

- Matching the skills and expertise of investigation staff is important. A more complex case will require investigators to have the appropriate skills and experience. As a manager, it is your responsibility to ensure adequate training, development and support. It is important for managers to take account of their responsibilities in terms of staff care. If staff is not adequately supported during investigative work, they can suffer detriment to their health, particularly in terms of stress. Using investigators without the necessary skills and knowledge may undermine the investigation.
- It is essential to the integrity of the investigation that staff are independent. If it is not possible to ensure complete independence, you should record the reasons for this fully in your plan and state how you have attempted to secure that the investigation is as independent as possible.
- You may wish to consider using people with very specific expertise. This would be essential where specific evidence is required. However, if an expert is needed you must be absolutely clear about why they have been called in.

8. Use of contracts (3 steps)

- The employment contract of a staff member will inform you if an investigation can be undertaken within the complaints procedure. For example, as an employee of the organisation they have to abide by Code of Conduct and the SG's Bulletin.
- Agreements with contractors will detail the expectations, roles and responsibilities of a staff member.
- Staff working for your organisation has agreed to abide by the Code of Conduct. The contractual arrangement may allow you to consider whether or not to maintain the contract.
- Existing contracts or working agreements may be written or verbal. It may be that things such as confidentiality or information sharing protocols have never been discussed and that practice is "just the way it is done". When managing an investigation these informal arrangements are likely to change. For example, a staff member who you might usually have a close and open relationship with becomes a SOC.
- If an expert is engaged in an investigation, an explicit written contract should be drawn up. This should include a description of their role, the purpose of their involvement, confidentiality, data protection, any payment agreements, clarity about tasks and activities.

9. Concluding an investigation (5 steps)

- If complaint substantiated outcomes may include:
 - a. disciplinary action
 - b. training/ monitoring/ shadowing (to address poor practice)
 - c. risk assessment (of risks inherent in the post)
- If complaint unsubstantiated:
 - a. support to SOC and staff
 - b. training/monitoring/shadowing (to address poor practice)
 - c. risk assessment (of risks inherent in post)

Joel Brown case study background

Joel Brown is a 54 year old Executive Officer and founding member of Share the Peace. The organisation has been operational for 2 years and is well regarded. Mr. Brown is a US national.

Mr. Brown is currently suspended from his post after a serious allegation was received concerning his behaviour with young women and children. The local police are involved in an investigation into abusive images of women (AIW) and discovered during their investigation that Mr. Brown had received 10 images on his personal computer.

This was reported to Share the Peace, Mr. Brown's employer, and he was immediately suspended. Share the Peace wanted to wait for the outcome of the police investigation before deciding what action to take concerning Mr. Brown's contract with them. However, following Mr. Brown's suspension, a number of complaints were made against him.

Complainant A is a 23 year old local administrator for Share the Peace. She alleges that Mr. Brown had a sexual relationship with her for approximately 5 months and that on at least two occasions, Mr. Brown took photographs of her with a digital camera. She states that Mr. Brown wanted her to appear as if she had been physically assaulted and that he made her wear make up to appear as if she had bruising to her body and face. She states that during one session, Mr. Brown took a picture of her whilst she engaged in oral sex with him.

Complainant B is the mother of an 11 year old boy. Both she and her son are beneficiaries of Share the Peace. "Complainant B" alleges that her son, "Victim C", was approached by Mr. Brown and asked if he would "do it" with him. Mr. Brown allegedly offered her son money. "Victim C" agreed and arranged to meet Mr. Brown. On arrival at the meeting place, the boy could not see Mr. Brown as it was dark. "Victim C" has told his mother that Mr. Brown put his hand over his mouth from behind and anally raped him. The boy states that he was given five US dollars and told not to tell anyone. "Victim C" says that this happened about 4 weeks before Mr. Brown was suspended but that he was too frightened to say anything before now.

Share the Peace have also become aware that during a period of employment 10 years ago with another NGO, staff working for the agency expressed concern about Mr. Brown's behaviour towards women. They have no further information at this time and do not know if an investigation took place, nor do they know what happened with regard to Mr. Brown's employment.

Share the Peace have asked your office to investigate as they believe that you will be more independent and that you have the required experience.

You have agreed to supervise the investigation and the case is passed to you to manage.

Staff resources

Dream Team is an investigation section of the Human Resources department set up 2 years ago to respond to the increasing number of investigations. Dream Team will provide Share the Peace with 2 of the 4 trained investigators listed below.

Esme has worked with the team for 18 months. She has completed the initial training on investigation under the IASC Protocol. She has undertaken five investigations, two of which she has co-worked with Abdul. She is a qualified nurse and has worked in aid agencies for 15 years. Esme has a particular interest in sexual health matters and HIV/AIDS issues for young people.

Katherine is new to the team; she has been with your organisation for 3 months. She was previously a lawyer for UNHCR and undertook many investigations into sexual harassment. Katherine has completed many

investigation courses and has also facilitated training of investigators. She has a well developed skill base and is particularly good at evidence-based work including the relevance of documentation. Katherine also has good IT skills. Katherine has co-worked one investigation with Christopher since she joined the team.

Christopher is an engineer who has worked in aid organisations for 9 years. He has been with the team for 2 years and has undertaken a number of complex investigations, both in this post and previously. Christopher has a good understanding of policies and procedure and applies these thoroughly in every part of his work. Christopher also has excellent communication skills with adults and children.

Abdul has been with the team for 2 years. He has completed both initial and advanced training on investigations and was previously a police officer. He has excellent interviewing skills and has been commended by senior management for his work on a particularly complex case. Abdul has retained his links with law enforcement agencies and is well respected both inside and outside of the organisation.

ICVA/Building Safer Organisations Management workshop Task sheet – Module 2

HO6

Joel Brown task sheet

First Task: In your groups, choose the two best-suited investigators for the case. You have 15 minutes for this task. Choose one representative to briefly share your choices in plenary.

Second Task: Each group will be allocated 3-4 issues. For each of those issues, decide **who** will be responsible, **what** action will be necessary, **when** the tasks or action should be completed and **where** it should be done. Throughout the exercise, be aware of the procedures and the principles of an investigation. Consider delegating action to specialists where appropriate. Your group will present one of your issues in plenary.

	Issue	Who?	What?	When?	Where?
1	victim and witness support				
2	sharing of information				
3	skills matching – selection of appropriate investigators and experts (if needed)				
4	staff safety				
5	safety and support of SOC				
6	media issues				
7	current risks to victims				
8	integrity of the investigation				
9	inter-agency management				
10	providing resources				
11	legal advice				
12	recording of evidence				
13	review of final report				

Joel Brown task sheet

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	Issue	Who?	What?	When?	Where?
1	victim and witness support	Manager refers to appropriate expert	1. medical 2. health 3. psycho-social	as soon as possible	local facilities with suitable treatment capacities that can ensure confidentiality
2	sharing of information	Manager	1. sharing of appropriate information 2. only on a "need to know basis" 3. background of complaint to investigators 4. outcome of investigation shared with staff only when necessary	1. background at the beginning 2. outcome of investigation at the end 3. ongoing, as information is gathered and needs to be shared	anywhere – as long as location/channels of information sharing is confidential
3	skills matching – selection of appropriate investigators and experts (if needed)	Manager	find suitable/experienced experts	1. before investigation begins i.e. select/hire most suitable investigators 2. during investigation as needed	in organisation's offices
4	staff safety	Staff Security Officer (if none – Manager)	1. assess potential threats to staff safety and methods to mitigate risks 2. remove staff to neutral place if possible or somewhere else in duty station when necessary	immediately when necessary	ensure confidential measures are taken and placement is classified

	Issue	Who?	What?	When?	Where?
5	safety and support of SOC	Staff Security Officer (if none – Manager)	<ol style="list-style-type: none"> 1. assess potential threats to SOC's safety and methods to mitigate potential risks 2. remove staff to neutral place if possible or somewhere else in duty station when necessary 	immediately when necessary	ensure that all measures taken are confidential and location of SOC is confidential if s/he wishes
6	media issues	Public Relations Officer (if none – Manager)	no details given unless necessary i.e. information on the case has leaked to the media. The organisation must have one agreed message and all media enquires should be channelled through one person i.e. the public relations officer	anytime as needed	official statement from the organisation given when needed
7	current risks to victims	Manager	assess their physical, psycho-social and medical safety	immediately and throughout	on location
8	integrity of the investigation	Investigators are responsible for the integrity of the investigation and the Manager must supervise, support and oversee the work of the investigators to ensure it is of the required quality	<ol style="list-style-type: none"> 1. policies well defined 2. confidentiality maintained 3. investigators are independent and conduct a thorough investigation 4. investigation is well planned and systematic 5. all people involved in the investigation have due training, skills and knowledge to fulfil their responsibilities 	within a defined timeframe, if timeframe cannot be met, investigators should provide manager with proper notification and reason for extension	confidential safe place where victims and soc needs are taken into account

	Issue	Who?	What?	When?	Where?
9	inter-agency management	Manager	<ol style="list-style-type: none"> 1. developing terms of reference (TOR) 2. roles defined 3. provide resources when appropriate 4. exchange information when deemed appropriate 	throughout investigation	in organisation offices and at other organisations/agency offices where confidentiality can be assured
10	providing resources	Manager	<ol style="list-style-type: none"> 1. personnel 2. logistics 3. funds 4. space 5. equipment 	before and during	locally
11	legal advice	Legal Officer	<ol style="list-style-type: none"> 1. knowledge of national laws and customs 2. knowledge of how to work amiably with local authorities 	beginning and ongoing	in location, or through confidential communication channels
12	recording of evidence	Investigators	recording information, interviews and evidence gathered through whole process	Throughout investigation	keep all documentation gathered and written in a secure and locked place
13	review of final report	Manager	thoroughness, independence and accuracy of investigation report and their findings to be assessed	end of investigation	in the office or in any confidential location – not necessarily on site

Introduction

This paper provides a brief overview of some key factors relating to the protection women and children from sexual abuse and exploitation where faith or religion is part of the context. It will also provide some advice and tips for practice.

Any allegation of sexual abuse or exploitation by staff should be investigated, whether or not the staff member works in a context where religion or faith has a role. Many faith-based organisations have developed safeguards for women and children and have policy and procedures in place about how to manage concerns.

In any investigation the focus should always remain on the best interest of the alleged victim and his/her welfare should be considered paramount. However, when abuse by staff of a faith based NGO or organisation is alleged, there are powerful factors at play which can influence individuals and agencies as they try to maintain this basic premise. The implementation of investigation procedures may be affected at an organisation or a local level. The following examples illustrate this:

Examples

- *An allegation was made against a priest that he had sexually and physically assaulted a young man of 19 years old. The priest had known the young man through his role as school priest. The supervising bishop did not want to pursue the concern within established procedures as the young man was 19 years old at the time of the allegation. The priest was still active in the school.*
- *A criminal records check for a woman wanting to take up a post as a Sunday school teacher returned with information that she had convictions of cruelty to her own children 5 years previously. She was appointed on the basis that she had sought redemption in the eyes of the Lord and her adult children had forgiven her. No consideration to risk was given to this appointment. There were no other volunteers for the post.*
- *A nun, working as a teacher, physically and emotionally abused a 5 year old over a period of weeks. The incidents were reported to the parents, who attended a meeting at the school. The nun was retired from her teaching position and the parents agreed not pursue further action as they didn't want to jeopardise their children's places in the upper schools. The nun remained active within the school.*
- *A police authority received 20 separate allegations about physical abuse within a madrassah. The children had reported incidents to their aid worker over a period of time. None of the parents wished to pursue the complaints and claimed it was a normal practice of the Imam to physically chastise the children when necessary. The police took no further action.*
- *Several allegations were made by teenage boys of inappropriate sexual behaviour by a youth leader. The youth leader was also a pastor, who was well-respected and managed worship and youth activities in a highly deprived shantytown. When he was appointed they knew he had a conviction of indecent assault 20 years previously. He claimed that it had been sexual experimentation into homosexuality, which he had since renounced as sinful. The faith-based organisation reprimanded the leader and put measures in place to prevent him having boys visit his home after dark.*

Faith-based context and protection of women and children

No faith or religion encourages or supports the abuse or exploitation of women or children. However there are some issues within faith-based or religious contexts that make it possible for measures protecting vulnerable people to be compromised. These obstacles to protection can be explored from three angles (although the issues within each are interconnected):

1. individual
2. organisation
3. external factors

1. Individual

Whether or not you practice a faith or religion, your life and beliefs, will at some level be touched, if not shaped, by religion. Often legal systems and calendars have evolved from religious beliefs and values. For example in many countries Sunday is non-working day based on a Christian view that Sunday is a day of rest and worship.

The media and society constantly influence us, often inaccurately, with news and information about faith groups. As an individual you should take time to think about your personal values and the views and opinions you hold about different religions. It is challenging for most of us to maintain objectivity when faith or personal values are concerned. If you do hold religious beliefs, how do you manage these when they are in conflict with situations that arise in your professional life?

For example, what are your personal views on:

- women's rights and roles in society?
- gay, lesbian, bisexual, transgender people?
- child sexual abuse & homosexuality?
- children born outside of marriage?
- abortion?
- physical punishment?
- fasting?
- male circumcision?
- female genital mutilation ?
- blood transfusion?
- divorce?

These can be controversial topics, which as an individual you may hold very strong views about. There are many other issues that are not quite so obvious.

When dealing with complaints that have a “faith” dimension, the individuals with whom you communicate may hold very different views about such topics; judgments, decisions and the way interventions are carried out to protect vulnerable people/victims can often be influenced by these conscious or subconscious views.

All individuals will have personal value and belief systems which may or may not be consciously shaped by faith and religion. While everyone is entitled to their personal values and to practice their beliefs, individuals need to be aware of how their personal beliefs may influence their judgements or capacity to investigate allegations of abuse and exploitation in much the same way as their gender, culture and experience will impact on how decisions are made.

Practical tips when managing or conducting investigations

- Find out and use the **correct terminology** for:
 - the venue/building where worship takes place e.g. church, synagogue, mosque
 - the religious leader e.g. Rabbi, Pastor, Priest, Imam
 - the name of the deity e.g. God, Jesus, Allah, Confucius, and the language of prayer
- It is **ok to say you are unfamiliar with a religion** and will need some help in understanding the context of that faith.
- If concerns are raised about how women or children are treated or disciplined and it is explained that this “practice” is usual within that faith, **check with authoritative sources**. Key questions to bear in mind are what might be the impact of such a practice on a child’s development and well being and how might this practice breach the rights of the woman or child involved?
- Take account of and **manage your own feelings and thoughts** about different faiths and religions.
- **Do not make assumptions**: many faiths and religions have very different branches which practice and believe different things. Also, people who belong to a particular faith may practice their religion in different ways and adhere to only some or all of the religion’s practices.
- **Do not discriminate** either by minimising concerns or by being influenced by negative or prejudicial opinions on the basis of cultural or religious relativism.

2. Organisation

One of the primary lessons from research and experience is that a failure to protect the vulnerable is not because of the weakness of one person but because an institutional and social context permits abuse and exploitation to happen and go unchallenged. Faith and religious communities are not immune to this phenomena and provide a specific context which should be examined at every level, including:

- recruitment and selection
- management and strategic planning
- direct services to and contact with vulnerable beneficiaries
- pastoral care and support to people/children who have been harmed, as well as offenders and communities

There are several factors which may underlie how faith organisations respond to protection concerns. All of the factors affect the interface between faith organisations and protection mechanisms.

Perceptions of women and children and views on relationships

How are women and children perceived? Are women seen as equals? Are there specific roles reserved for women and men? Do children have a voice and are their rights respected? How are women or children who have been sexually abused perceived? How are same-sex relationships viewed? For example, in faith organisations where women are not encouraged to speak up or do not participate in decision-making it will be hard for them to speak out about abuse. If women are considered as the guardians of proper sexual behaviour or morality, they may be less able to complain about abuse for fear that the abuse may be regarded as their fault.

Social structure

Does the faith or religion operate within a social structure that permits abusive practices to be hidden or to continue? For example, there may be a belief in a society that religious people could not abuse. Alternatively, abusive practices may be explained away as necessary on religious grounds.

Belief systems

The language of faith and spirituality identifies that there is good and evil, victims and offenders within life. This may lead to a level of acceptance that perpetrators of abuse exist. It may also be widely accepted that sexual abusers are not following the values of the religion, and that they have strayed and need saving.

Management tradition

This refers to how faith communities manage offenders and people who have been abused. Many faiths have strong beliefs that redemption and forgiveness can absolve people of their wrongdoings. Therefore, if an abuser has repented and sought forgiveness, the matter has been dealt with. At the same time, there are strong views on virginity, sexual behaviour, purity and innocence which can influence how women and children who have been abused or make allegations of abuse are treated.

Manipulation of the system by offenders

There have been many high profile cases in the media about religious leaders who have sexually abused children but it may not just be leaders who manipulate their positions to abuse. Any individual can/could use the system to obtain or sustain power through gaining a position of trust or a virtuous role, or by being an indispensable member of a community and then manipulating their position to exploit or abuse others. This is a scenario that may occur in any religious organisation, faith-based organisation and humanitarian organisation.

Wider society

There are the wider societal systems, which do not challenge the power and trust that religious leaders or representatives receive. Alternatively, in some societies, faith organisations may:

- believe “outsiders” cannot understand them
- have had bitter experience of disrespectful practice by external agencies
- feel fear and shame about exposing failures in their people and system
- need to believe that abuse just could not happen in their community
- not want to appear disloyal to their community

3. External factors including interventions by national authorities or protection agencies

There are several factors which may affect how external organisations respond to protection concerns when issues of faith or religion are involved. External organisations may:

- exhibit extreme ignorance about the faith which inhibits usual good practice
- practice reverence to faith systems and religious individuals believing them (consciously or unconsciously) inherently non-abusive
- not wish to question or challenge faith groups for fear of being deemed discriminatory or prejudiced
- may fear hostile reactions including community unrest
- be unintentionally disrespectful and therefore alienate potential allies who would assist in any intervention

Practical tips¹

- Develop **contacts with key individuals** within faith communities.
- **Consult a diary of faith festivals** and regular days of worship.
- Consider holding **meetings in a neutral venue** rather than the place of worship.
- Ask authoritative sources for **advice on religious practices and beliefs**.
- **Involve faith communities in planning** projects and work programmes.
- **Hold consultations about concerns or protection issues** with the management committees or leaders of faith organisations.
- Maintain your understanding of what harms women and children and **always question practices that are harmful** no matter how they are justified.
- **Research the faith of the organisation being investigated** in order to be as familiar as possible with the context.

¹ Extracted from a paper written by Edwards, Helen. October 2005. *Faith, Religion and Protection*. National Society for the Prevention of Cruelty to Children (NSPCC) for the Building Safer Organisations project.

ICVA/Building Safer Organisations Management workshop Risk – Module 3

HO9

Investigation risk exercise

The senior management of Share the Peace have become very concerned as they have been contacted by a freelance journalist wanting to talk to them about Mr. Brown's case. They are also concerned about the effects of the investigation on Mr. Brown's colleagues and the organisation as a whole. They have asked you to conduct an agency risk assessment, identifying any potential problems and possible solutions.¹

Task

In plenary, identify and agree on four issues that the organisation should consider.

In your group, consider the one issue allocated to you and answer the following questions:

1. What risks are associated with the issue?
2. What might Share the Peace be able to do to minimise or manage the risks?
3. Grade the risk by impact/severity (critical, major and manageable) then determine the likelihood of the negative outcome occurring (likely, possible or remote).
4. Record the existing controls that minimise the risk.
5. Consider the gaps and note what controls should be implemented.
6. Define who is responsible (by their role in their organisation) for ensuring the gap is being addressed.
7. Set a timetable for action.
8. Determine who will be responsible for reviewing the particular risk and when.

¹ This risk assessment tool is adapted from a similar tool used by the National Society for the Prevention of Cruelty to Children, UK.

Individually, determine to what level your organisation has implemented each of the “checkpoints” below:

- a. implemented
- b. partially implemented
- c. not implemented
- d. do not know

Checkpoint 1: philosophy and principles

- An organisation providing services or activities for people living in crisis operates within wider society and within an existing legal framework.
- Women and children living in those communities have fundamental rights, reflected in legislation and guidances.
- Organisations have a duty to protect those rights and comply with the principles enshrined in legislation and the UN Conventions.

		a	b	c	d
1.	The organisation’s duty of care for all beneficiaries is explicitly written in recruitment and policy materials.				
2.	The organisation’s policies on protecting beneficiaries is well publicised to all staff.				
3.	Statements that the welfare of all children must be the paramount consideration of the organisation are built into all policies.				
4.	Statements that women have equal rights and should be treated with dignity and respect feature in all relevant policies.				
5.	All beneficiaries, including women and children are aware of their rights through publicised material and/or awareness raising measures.				
6.	Disrespectful, abusive, exploitative and discriminatory behaviour is actively discouraged and measures are taken to deal with such incidents.				
7.	The organisation works in active partnership with the community of beneficiaries and specifically takes measures to engage with women, children and young people.				
8.	Managers and senior staff promote a culture of mutual respect between staff and beneficiaries, including women and youth. Senior staff model good practices.				

Checkpoint 2: conduct and good practice

- A code of conduct for staff is valuable to beneficiaries, including vulnerable adults and children, as it can contribute to the minimisation of abuse.
- A code of good behaviour and practice is valuable to staff of the organisations as it can help to prevent false allegations of misconduct.
- In considering the questions below, you need to distinguish between a code of conduct for the behaviour of staff towards other staff and a code of conduct for the behaviour of staff towards beneficiaries.
- For organisations in a partnership agreement with the UN or that are implementing programmes for UN partners, the code must reflect the elements of the SG’s Bulletin.

¹ The original “Checkpoints” concept was developed by George Varnava with the former Forum on Children and Violence, National Children’s Bureau, UK. It was adapted in consultation with the NSPCC for use at the Building Safer Organisations workshops.

		a	b	c	d
1.	The organisation has a staff code of good behaviour that regulates staff behaviour towards beneficiaries. and that includes a process for dealing with complaints.				
2.	The code is endorsed by senior management and well publicised.				
3.	Staff are fully aware of the code and required to sign it.				
4.	Discriminatory, violent, disrespectful or inappropriate behaviour by staff/volunteers is actively discouraged and measures are taken to deal with such incidents. Beneficiaries, including young people, are provided with information on where to go for help.				
5.	There are specific guidelines relating to responding to children's reports of abuse or unacceptable behaviour.				
6.	The code prohibits sexual abuse and exploitation of beneficiaries.				
7.	The code prohibits sexual activity with children under the age of 18 regardless of the local age of consent.				
8.	There is training and awareness-raising for all staff and volunteers on the code.				
9.	The consequences of breaching the code of behaviour are clear and linked to organisational disciplinary and grievance procedures.				
10.	There is guidance for staff and managers on managing prohibited behaviour.				
11.	There are guidelines for care of children or young people, or relating to appropriate or inappropriate touching, specifically for teachers and medical staff.				
12.	The organisation generally promotes high standards of personal behaviour, conduct and language.				

Checkpoint 3: IASC Protocol

- Any organisation providing services or activities for beneficiaries including women and children should have safe, accessible complaints procedures to enable beneficiaries and staff to inform management when the code of conduct has been breached.
- Organisations must have the IASC Protocol in place. These procedures provide a benchmark of intent and a reference point, should good protection practice be challenged or compromised.
- A statement on how beneficiaries and staff lodge complaints must be clear and simple. It should describe safe, accessible and practical methods for staff and beneficiaries to lodge complaints.
- Investigation procedures should cover all the measures by which the organisation intends to raise awareness of protection and how to respond to any allegations of sexual abuse or exploitation. They should be developed within the context of the SG's Bulletin.
- Procedures should include a clear appeals process for any party to a complaint.

		a	b	c	d
1.	The organisation has complaints procedures that are safe and accessible for staff, volunteers and beneficiaries and are endorsed by management.				
2.	The organisation has a complaints mechanism and investigation procedures and staff and beneficiaries are aware of them.				
3.	The policy and procedures are reviewed every three years or whenever there is a major change in the organisation or in legislation.				
4.	There is a designated person/focal point known to everyone in the organisation, who is responsible for receiving complaints.				
5.	There are several complaints mechanisms in place suited to various elements of the beneficiary population.				
6.	Complaints and investigation policies are widely available to staff and form part of an induction process for new staff.				
7.	There is a disciplinary and grievance policy that staff are aware of.				
8.	The organisation is aware of how its guidelines fit into international guidelines for child protection and responding to sexual abuse and sexual exploitation of women and children. Contact details for local services are readily available.				
9.	Processes for dealing with complaints are fair and open to challenge through an appeals process.				

Checkpoint 4: staff and volunteers

- In an organisation providing activities or services for beneficiaries and children, the creation of a “safe culture” depends entirely on the quality and integrity of its staff and volunteers.
- Sound recruitment practice and vetting of potential staff is of prime importance.
- An organisation that expects its staff and volunteers to be able to respond appropriately to complaints of sexual abuse and exploitation must provide training, supervision and support for staff who encounter concerns in the course of their work.

		a	b	c	d
1.	The organisation has clear policies and procedures for all staff involved in the recruitment and selection of staff and volunteers. Human resource staff are trained in these policies and procedures.				
2.	There is a staff/volunteer induction programme that includes awareness of the code of conduct, the complaints system and investigation procedures related to sexual abuse and sexual exploitation and the consequences of non-compliance.				
3.	Designated managers have access to specialist advice or training on investigations and handling staff misconduct.				
4.	Staff, volunteers, coaches or leaders are easily identifiable as belonging to the organisation and known to beneficiaries, including children and young people.				
5.	All staff and volunteers who have contact with vulnerable populations and children have all had criminal records checks.				
6.	There is a well-publicised “whistleblowing” policy to promote the disclosure by a staff member of confidential information relating to unacceptable behaviour by another member of staff or external contacts.				
7.	There are complaints, disciplinary and grievance policies in place that all staff are aware of and those responsible for dealing with them receive suitable training.				
8.	There is a policy on providing support and supervision for staff or volunteers who encounter protection concerns within their work.				
9.	Opportunity for ongoing training about sexual abuse and exploitation is available and resources are identified as part of a staff development programme.				

ICVA/Building Safer Organisations Management workshop PowerPoint presentation – Module 1

PPT M1

Building Safer Organisations

Management workshop Module 1

Defining and responding to abuse

Aim

This workshop focuses on how to **manage** investigations into allegations of staff misconduct, particularly on sexual abuse and exploitation, and to promote best practices within organisations.

Objectives

To increase understanding of:

- the context within which abuse and exploitation can occur
- the model complaints and investigation procedures
- the implications for organisations of having codes of conduct for staff
- the benefits of implementing standardised investigation procedures across organisations
- organisational responsibility

Objectives

To establish skills in:

- implementing the SG's Bulletin and the IASC Protocol
- planning and managing investigations;
- keeping all parties safe
- developing and implementing prevention strategies

Three modules

Module 1: Defining and responding to abuse

Module 2: Managing investigations

Module 3: Creating a culture of safety

Challenges and strategies exercise

In your group, come to a consensus and write your answers on flipchart paper:

1. What are the 3 main challenges to organisations when managing complaints and investigations into sexual abuse and exploitation?
2. What are the strategies for dealing with these challenges?

The rationale

"Humanitarian agencies have a duty of care to beneficiaries and a responsibility to ensure that beneficiaries are treated with dignity and respect and that certain minimum standards of behaviour are observed..."

IASC Task Force on Preventing Sexual Exploitation and Abuse, 2002.

7

The rationale

"...the goal is to create an environment free of sexual exploitation and abuse in humanitarian crises, through integrating the prevention of and response to sexual exploitation and abuse into the protection and assistance function of all humanitarian workers."

IASC Task Force on Preventing Sexual Exploitation and Abuse, 2002.

8

Building safer organisations exercise

1. Who is most vulnerable to sexual abuse and exploitation and why?
2. Who might be doing the abusing?
3. What can organisations do to mitigate the vulnerability of these people?

9

What is abuse? exercise

In your group read the case scenarios and consider:

- Is this abuse?
- What can you do as a manager?
- Should the matter be investigated?

10

What is abuse? exercise

Rank the cases from requiring immediate action (1) to requiring least immediate action (7). There must be consensus in the group on rankings.

11

Defining abuse

'**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.

SG's Bulletin

12

Legal framework

- International treaties and conventions
- Customary international law
- Regional treaties
- National law
- IASC Protocol
- SG's Bulletin

13

Legal framework quiz

In your pairs answer the following questions:

1. Describe three sources of international law that protects displaced people.
2. Name the international convention that specifically protects children.
3. Name the international convention that specifically protects women.
4. List three prohibitions or obligations on aid workers specifically mentioned in the SG's Bulletin under section 3.

14

SG's Bulletin

- ✓ Sexual exploitation and abuse by humanitarian workers constitute acts of serious misconduct and are therefore grounds for disciplinary measures including termination of employment.

Section 3.2 (a)

SG's Bulletin

15

SG's Bulletin

- ✓ Sexual activity with children (person under the age of 18) is prohibited regardless of the age of consent locally. Mistaken belief in the age of the child is not a defence.

Section 3.2 (b)

SG's Bulletin

16

SG's Bulletin

- ✓ 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 the exchange of assistance that is due to beneficiaries.

Section 3.2 (c)

SG's Bulletin

17

SG's Bulletin

- ✓ Sexual relationships between 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.

Section 3.2 (d)

SG's Bulletin

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SG's Bulletin

- ✓ Where a worker develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, s/he must report such concerns via the reporting mechanisms.

Section 3.2 (e)

SG's Bulletin

19

Causes for concern

A concern is expressed as:

- a breach of a code of conduct
- an allegation of a breach of the code of conduct outside the work environment
- exploitation of women and/or children
- past behaviour of staff

20

SG's Bulletin

- ✓ All workers are obliged to create and maintain an environment which prevents sexual exploitation and abuse and promotes the implementation of this code of conduct.

Section 3.2 (f)

SG's Bulletin

21

SG's Bulletin

- ✓ Non-United Nations entities and their staff that are in co-operative agreements with the UN are also bound by the provisions of the SG's Bulletin. Failure to comply can result in termination of those agreements.

Section 6.2

SG's Bulletin

22

SG's Bulletin

- ✓ Where the SG's Bulletin establishes a stricter standard than local laws, the standards of the Bulletin will prevail.

Staff Handbook to the SG's Bulletin

25

SG's Bulletin

- ✓ Managers at all levels have particular responsibilities to support and develop systems which maintain this environment.

Section 3.2 (f)

SG's Bulletin

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IASC Protocol: Aim

To clarify steps to be taken when the potential sexual exploitation or abuse of women and children is suspected and when that abuse is allegedly perpetrated by a NGO or any other UN or partner agency.

27

IASC Protocol: Why have it?

- It provides a benchmark against which practice can be measured.
- It is a framework to assist those with responsibility for ensuring quality.
- It makes explicit what the people receiving the service can expect.
- It provides a basis for accountability and challenge if practice falls below the expected standards.
- It provides a basis for quality assurance, auditing and inspection.

28

IASC Protocol:

The document makes clear:

- The reporting and decision-making process, including fact finding, initial assessment and further inquiry
- How and when staff, both regional and at head office, should be informed of concerns
- How both internal and external complaints and investigations are to be conducted and reported on
- Management responsibilities.

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IASC Protocol: Management responsibilities

Managers are responsible for:

- Ensuring all staff are inducted and aware of their responsibilities under the code of conduct and complaints procedure.
- Identifying how staff and beneficiaries from both emergency and development programmes can access complaint mechanisms and ensuring that mechanisms are in place that address the needs of both women and children.

30

IASC Protocol: Management responsibilities

- support/co-operate with any investigation
- consider involving the national authorities if a complaint is of a criminal nature
- understand local attitudes to sexual abuse and exploitation
- know local support/advocacy structures that support complainants and victims

31

IASC Protocol: Management responsibilities

Managers must also:

- Ensure that all investigations are undertaken in accordance with the key principles of the procedure.
- Be aware that the head of agency has ultimate responsibility.

32

IASC Protocol: Managers responsibility

Managers must ensure preventative measures are in place through:

- safe recruitment and selection
 - Criminal Record Checks (or equivalent)
 - value-based interviews
 - taking up and checking references
- induction
- training
- supervision

34

Complaints mechanisms

"Our lives begin to end the day we become silent about the things that matter"

Martin Luther King Junior

35

Complaints mechanisms: Barriers to complaining exercise

Think of a situation, **NOT** related to child protection or SGBV, where you wanted to complain about something but you didn't.

In pairs discuss what it was that stopped you from complaining.

36

Complaints mechanisms: Barriers to complaining

- Surprised in retrospect that they didn't complain
- Something particular about that situation that affected their capacity or will to complain
- Fear of reprisal
- Fear of losing job
- Feelings or emotions outside of the situation meant they didn't have the energy or will to complain
- Thought complaint was too trivial, or that it would be perceived by others as such (explore who?)

37

Complaints mechanisms: Barriers to complaining

- Didn't feel they had the right
- Might not be believed
- Didn't know how or to whom to complain
- Time pressure/other pressing concerns
- Cultural issues and norms

38

Complaints mechanisms: Mountainites role play

- Group A: aid workers
- Group B: refugee population
- Group C: refugee leaders

Move to your group and read:

- the handout that provides the background material
- your role description

39

Complaints mechanisms: Barriers to complaining

- Cultural barriers
- Current conditions (war, famine, etc)
- Think the abuse was too trivial, or thought it would be perceived by others as such
- Fear of retaliation
- Feelings of shame
- Fear of, or respect for, senior employees or expatriots

40

Complaints mechanisms: Barriers to complaining

- Do not think they have the right
- Feel they will not be taken seriously
- Feel they may have misinterpreted the situation
- Aid not know how or to whom to complain
- Lack of support mechanisms – isolation from the community
- Age - children are much less likely to report

41

Complaints mechanisms Principles

What are the core principles to establishing referral, reporting and monitoring mechanisms for beneficiaries?

- confidentiality
- transparency
- accessibility
- safety

18

Complaints mechanisms: Advantages of implementation

- Beneficiaries, particularly women and children are protected.
- NGO staff are protected.
- NGO's reputation is upheld.

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ICVA/Building Safer Organisations Management workshop PowerPoint presentation – Module 2

PPT M2

Building Safer Organisations

Module 2

Managing investigations

1

Core investigation principles

- Confidentiality
- Safety and welfare (e.g. health, legal and justice and psycho-social)
- Anonymity
- Working in partnership
- Independence
- Professional care and competence
- Timeframes
- Thoroughness
- Respect
- Planning and review
- National authorities

2

Core investigation principles exercise

In pairs:

- Read the Share the Peace case study
- Answer the questions relating to the principle(s) allocated to you
- Write your answers on a flipchart

You have 45 minutes to prepare and 3 minutes to present

3

Managing an investigation

"An error does not become a mistake until you refuse to correct it."

Orlando G. Battisti

4

Managing an investigation

- Know the procedures yourself
- Have a written plan
- Check the plan with investigation colleagues and your manager – **remember the need for confidentiality**
- Be alert to unforeseen difficulties and be prepared to manage and resolve issues
- Ensure that investigators know and follow procedure throughout

5

Managing an investigation exercise

In your groups take 10 cards out of the box (each card has a step to managing an investigation).

- Discuss the steps within your groups come to a consensus on its correct heading.
- Paste each card under its correct heading.

After:

- Read the steps of other groups.
- If you believe a card is placed under the wrong heading, then move it to the correct heading.

6

Elements critical to managing an investigation headings

- Follow procedures
- First steps
- Action steps
- Interview steps
- Timescale and structure
- Complicating factors
- Skills matching
- Use of contracts
- Completing an investigation

7

Planning issues for managers

- Support to victims and witnesses, including immediate security
- Confidentiality and information sharing
- Skills matching
- Staff safety and support, including to the SOC
- Media issues

8

Planning issues for managers

- Integrity and thoroughness of the investigation
- Inter-agency management
- Resources
- Expert advice, including legal advice
- Supervising recording of information and review process and reporting

9

Joel Brown case study exercise

In your teams select the most appropriate investigators for the case and be prepared to give your reasons for this decision,

You have 15 minutes.

10

Joel Brown case study exercise

Discuss and decide for each issue assigned to your group:

- **who** will be responsible
- **what** action will be necessary
- **when** the tasks or action should be completed
- **where** it should be done

Write your answers on flipchart paper, you have 30 minutes

11

Joel Brown case study exercise

	Who?	What?	Where?	When?
Victim and witness support				
Sharing of information				
Skills matching				
Staff safety, including SOC				
Media issues				
Risks to victims				
Integrity of the investigation				
Inter-agency management				
Resources				
Legal advice				
Recording				
Review				

12

Building Safer Organisations
Module 3
Creating a culture of safety



Faith, personal values and protection:
Questions

- What factors within faith and religious systems and communities affect how vulnerable people are protected?
- How do our own beliefs and faith impact on our role as managers?

Faith, personal values and protection:
The context

- organisation
- individual
- external factors/wider society

Faith, personal values and protection:
The organisation

- Perceptions of women and children
- Social structure
- Belief system
- Management tradition
- Manipulation of the system
- Wider society

(Pearl 2011)

Faith, personal values and protection:
Social structure question

- What social factors influence faith communities and what elements of faith influence society?

Faith, personal values and protection: Management tradition question

- What do you think about the view that victims should forgive their abusers?

7

Faith, personal values and protection: Manipulation of the system

Conditions that may “enable” offending:

- physical environment – access to homes, youth groups, etc
- lack of supervision, accountability
- isolation from their home community
- access to intimate relationships
- culture of redemption and forgiveness
- being perceived as having divine authority

8

Faith, personal values and protection: exercise

In your group:

1. Reflect on the content of the session and write down your comments/thoughts.
2. In what ways do faith communities protect women and children?
3. What assumptions are made about people who work with vulnerable populations?
4. What assumptions are made about religious leaders?
5. What religious beliefs or practices potentially put women and children at risk?

9

Faith, personal values and protection: The individual

Is influenced by:

- personal values
- religion or faith
- media, law and culture

10

Faith, personal values and protection: Personal values and attitudes exercise

Complete the questionnaire privately, without sharing your answers. Put down your immediate reaction i.e. do not analyse your responses.

11

Faith, personal values and protection: Personal values and attitudes exercise

- In pairs, discuss how the questions made you feel. Were you uncomfortable with any questions?
- How might your responses impact on an investigation into sexual abuse and exploitation?

12

Faith, personal values and protection: External factors/wider community

Appropriateness of response by external bodies to protection concerns may be impeded by:

- extreme ignorance about the faith
- belief that faith-based organisations and individuals are inherently non-abusive
- fear of being deemed discriminatory or prejudiced if challenge practices
- fear of hostile reactions/community unrest
- alienation of potential allies through unintentional disrespect

13

Faith, personal values and protection: External factors/wider community questions

- What similarities are there between working for an humanitarian aid organisation and in a faith-based community?
- Aid workers often find themselves in a different culture where they can re-invent themselves or be anonymous. How might this influence their behaviour?

14

Faith, personal values and protection Safeguarding strategies questions

- What are the difficulties in ensuring that systems are in place to safeguard beneficiaries in faith-based communities and organisations?
- What supplementary safeguards can be established to counteract the specific risks in faith-based communities and aid organisations?

10

Managing risk exercise

In your group come up with an agreed definition of *risk* and *risk management*.

10

Risk management question

All individuals practice risk management in the course of day-to-day life. What are some of the factors that influence how we decide to take risks?

11

Risk management

Factors that influence risk taking or avoiding:

- familiarity
- superstition
- fear of consequences
- inability to change behaviour
- avoiding conflict or discomfort

11

Risk assessment and management: Risks of conducting an investigation questions

- What are the risks associated with conducting an investigation into allegations of staff misconduct in your organisation?
- What are the risks of not conducting an investigation when allegations of misconduct arise?

12

Risk assessment

- Identify the possible risks
- Estimate the likelihood of the risk
- Classify the risk
- Consider what can be done to reduce the risk
- Keep a record of risk management decisions
- Give an identified individual the responsibility of risk management
- Have a management plan for dealing with risk

12

Investigation risks exercise

1. Re-read the "Share the Peace" case study.
2. In plenary, identify and agree on four issues that the organisation should consider for possible risks.
3. Consider the issue allocated to your group and answer the questions on the task sheet.

21

Building safer organisations: Basic bricks



22



- ### Building safer organisations: Checkpoint exercise
- Individually or with your colleagues from your same organisation, use the checkpoint handout to "audit" your own organisation to the best of your knowledge.
 - After 20 minutes move to form larger groups and discuss your findings.
 - What action does your organisation need to take?
- 24

Thank you!

25

ICVA/Building Safer Organisations

Appendices

Acronyms

Building Safer Organisations (project)	BSO
Bureau of Population, Refugees and Migration –(United States of America)	BPRM
Canadian International Development Agency	CIDA
Convention on the Elimination of All Forms of Discrimination Against Women	CEDAW
chief executive officer	CEO
Code of Conduct	COC
Convention on the Rights of the Child	CRC
Declaration on the Elimination of Violence against Women	DEVAW
gender based violence	GBV
General Assembly	GA
headquarters	HQ
Humanitarian Accountability Project –	
International	HAP-I
Inter Agency Standing Committee	IASC
Inter Agency Standing Committee Model Complaints and Investigation Procedures and Guidance related to Sexual Abuse and Sexual Exploitation	IASC Protocol
International Council of Voluntary Agencies	ICVA
International Court of Justice	ICJ
international non-governmental organisation	INGO
International Rescue Committee	IRC
National Society for the Prevention of Cruelty to Children non-governmental organisation	NSPCC NGO
Office Africain pour le Developpement et la Cooperation	OFADDEC
Office for the Coordination of Humanitarian Affairs – (United Nations)	OCHA
Office for Internal Oversight	OIOS
Secretary General (United Nations)	SG
Secretary General’s Bulletin for Protection from Sexual Exploitation and Sexual Abuse (ST/SGB/2003/13) (United Nations)	SG Bulletin
sexual exploitation and abuse	SEA
sexual and gender based violence	SGBV
Steering Committee for Humanitarian Response	SCHR
subject of the complaint	SOC
terms of reference	TOR
United Nations	UN
United Nations High Commission for Refugees	UNHCR
Universal Declaration of Human Rights	UDHR
Women’s Commission for Refugee Women and Children	Women’s Commission
World Food Programme	WFP
World Health Organisation	WHO

ICVA/Building Safer Organisations

Appendices

Glossary¹

Accountability – a situation in which people who are affected by decisions (e.g. staff or aid beneficiaries) are able to influence the decisions and decision-makers through questions and complaints. Accountability implies one person’s right to “have a say” and another person’s duty to consider and respond.²

Beneficiary or person of concern – a person who receives assistance as part of either emergency relief or development aid through assistance programmes.

Cause for concern – a breach of an organisation’s code of conduct, whether that breach occurred in the past or present, in a current or a previous job or within or outside the work environment (e.g. sexual abuse of a child on a previous assignment for another organisation).

Child – any individual under the age of 18, irrespective of local country definitions of when a child reaches adulthood.

Code of conduct – a set of standards about behaviour that staff of an organisation are obliged to adhere to.

Commercial or other exploitation of a child – the use of a child in work or other activities for the benefit of others to the detriment of the child’s physical or mental health, education, moral or social-emotional development.³ This includes, but is not limited to, child labour and sexual exploitation of children for financial gain⁴.

Complainant – the person making the complaint. The complainant can be the alleged victim of the sexual exploitation and abuse but it can also be another person who becomes aware of the wrongdoing.

Complaint mechanism or procedure – processes that allow individuals to report concerns, such as breaches of organisational policies or codes of conduct. Examples of mechanisms include suggestion boxes, whistle-blowing policies and designated focal points.

Conventional international law – treaties and customs regulating the conduct of States amongst themselves.⁵

Customary international law – practices which States have used so widely and consistently acknowledged that they have come to be viewed as legally binding, rather than optional.

Denial – an action or process whereby abuse that has taken place is not or cannot be acknowledged by either the abuser, the non-abusing care giver, the victim (child or adult) or the victim’s family or colleagues. Each party may deny different aspects of the abuse.

Emotional abuse of a child – abuse which includes the failure to provide a developmentally appropriate and supportive environment, such as a primary attachment figure, which would allow a child to develop a stable and full range of emotional and social competencies commensurate with their personal potential, and in the society in which the child dwells. Abuse may also include acts that have a high probability of causing harm to the child’s health or physical, mental, spiritual, moral or social development. These acts must be reasonably within the control of the parent or person in a relationship of responsibility, trust or power and include restriction of movement, patterns of belittling, denigrating, scape-goating, threatening, scaring, discriminating, ridiculing, or other non-physical forms of hostile or rejecting treatment.⁶

Evidence – information gathered during the investigation that proves or disproves an allegation.

¹ This glossary has been modified from the IASC Protocol, 2004.

² Humanitarian Accountability Partnership – International, <http://www.hapinternational.org/en/page.php?IDpage=64&IDcat=10>

³ World Health Organisation (WHO). 1999. *Report of the Consultation on Child Abuse Prevention* (WHO/HSC/PVI/99.1). WHO, Geneva.

⁴ This document will not refer to “child prostitution” as a child who is used for sex in this way is always a victim of abuse.

⁵ Gardner, Bryan (editor). 1999. *Blacks Law Dictionary*. Seventh edition, WestGroup.

⁶ World Health Organisation (WHO). 1999. *Report of the Consultation on Child Abuse Prevention* (WHO/HSC/PVI/99.1). WHO, Geneva.

Faith community – any setting where religious beliefs give direction to an activity or way of life. This may be within a formal place of worship, an organisation affiliated to a faith or an individual or group of people who follow a faith.

Focal point – a person designated to receive complaints of cases of sexual exploitation and abuse.

Gender – the social differences between men and women that are learned, changeable over time and have wide variations both within and between cultures. Gender affects roles, responsibilities, constraints, opportunities and needs of men and women in any context.

Gender roles – learned behaviours that condition the activities, tasks and responsibilities which members of a given society/community or other social group perceive as “male” and “female”. Gender roles are affected by age, class, race, ethnicity, and religion, geographical, economic and political environment. They are dynamic, i.e. they change across time and location.

Grooming – the way in which the potential abuser organises the environment to gain maximum access to the intended victim with minimum risk of discovery. They may seek physical or emotional access to the victim through physical proximity, friendship or shared interests as way of overcoming a victim’s possible resistance.

Human rights law – domestic and international legal norms which create and protect entitlements and freedoms that apply to all human beings, regardless of nationality, ethnicity, religion, gender etc. Human rights may attach to people as individuals or in their capacity as members of groups. Human rights laws may be enforceable in domestic and international human rights courts and tribunals.

Humanitarian law – legal norms that protect non-combatants (persons who do not or no longer take part in hostilities) and regulate warfare to ensure humane treatment during armed conflict.

Incentive worker – an individual who receives non-monetary compensation for work or representation for an organisation. Incentive workers are usually drawn from the beneficiary community.

Investigation procedures or protocol – a clear framework which assists organisations to conduct quality, confidential, safe and transparent investigations into allegations of staff misconduct.

Maltreatment of a child – all forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation resulting in actual or potential harm to a child’s health, survival, development or dignity in the context of a relationship of responsibility, trust or power.⁷

Neglect and negligent treatment of a child – inattentiveness or omission on the part of the caregiver to provide for the development of a child in health, education, emotional development, nutrition, shelter and safe living conditions, in the context of resources reasonably available to the family or caretakers and which causes, or has high probability of causing harm to a child’s health or physical, mental, spiritual, moral or social development. This includes the failure to properly supervise and protect a child from harm as much as is feasible.⁸

Partner – an organisation executing a project or undertaking any other work in the name of another organisation.

Physical abuse of a child – act/s or omission/s which results in actual or potential physical harm to a child from an interaction or lack of interaction, which is reasonably within the control of a parent or a person in a position of responsibility, power, or trust. There may be single or repeated incidents.⁹

Refugee law – international and domestic legal norms pertaining to refugees.

Risk – the possibility of loss or harm and/or the probability of an adverse occurrence.

⁷ As above.

⁸ As above.

⁹ As above.

Risk management – the act of identifying, analysing, handling, monitoring and controlling risk. Effective risk management will usually result in an organisation introducing systems that accept, avoid, mitigate or transfer risk.

Sex – the differences between males and females that are biologically determined and universal.

Sexual abuse – an actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions¹⁰.

Sexual abuse of children – the involvement of a child in sexual activity that s/he does not fully comprehend, give informed consent to, or for which s/he is not developmentally prepared and cannot give consent, or that violates the laws or social taboos of society. It is evidenced by an activity between a child and an adult or another child who by age or development is in a relationship of responsibility, trust or power, the activity being intended to gratify or satisfy the needs of the other person. It may include, but is not limited to, the inducement or coercion of a child to engage in any unlawful sexual activity; the exploitative use of a child in prostitution or other lawful sexual practices; the exploitative use of pornographic performances and materials.¹¹

Sexual exploitation – any 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.¹²

Sexual exploitation and abuse (SEA) prevention strategy – plans and actions designed and implemented by organisations to reduce the risk of sexual exploitation and abuse of beneficiaries. Common measures include awareness-raising, staff training, improved recruitment policies, whistleblowing policies, complaints mechanisms, investigation procedures and codes of conduct.

Staff member – a person who works for or represents an organisation, whether or not s/he is compensated monetarily.

Subject of the complaint (SOC) – the person alleged to have perpetrated the misconduct in the complaint.

Victim – the person who is, or has been, sexually exploited or abused. This term does not imply a lack of strength, resilience or capacity to survive.

Violence against women – any violent act that results, or is likely to result, in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life¹³.

Whistleblowing policy – an organisational policy which encourages staff members to report concerns or suspicions of misconduct by colleagues. The reports may concern people at other organisations and people at other levels in the organisation's hierarchy.

Witness – a person who gives testimony or evidence in the investigation, including the victim, the complainant, a beneficiary, a staff member of a partner agency, the SOC or another staff member.

¹⁰ United Nations Secretariat. 9 October 2003. *Secretary General's Bulletin on Special Measures for Protection from Sexual Abuse and Sexual Exploitation, 2003/13 (ST/SGB/2003/13)*. United Nations.

¹¹ World Health Organisation (WHO). 1999. *Report of the Consultation on Child Abuse Prevention (WHO/HSC/PVI/99.1)*. WHO, Geneva.

¹² United Nations Secretariat. 9 October 2003. *Secretary General's Bulletin on Special Measures for Protection from Sexual Abuse and Sexual Exploitation, 2003/13 (ST/SGB/2003/13)*. United Nations

¹³ United Nations Declaration on the Elimination of Violence against Women, 1993.

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Notes

