Community-Based Complaints Mechanisms

InterAction

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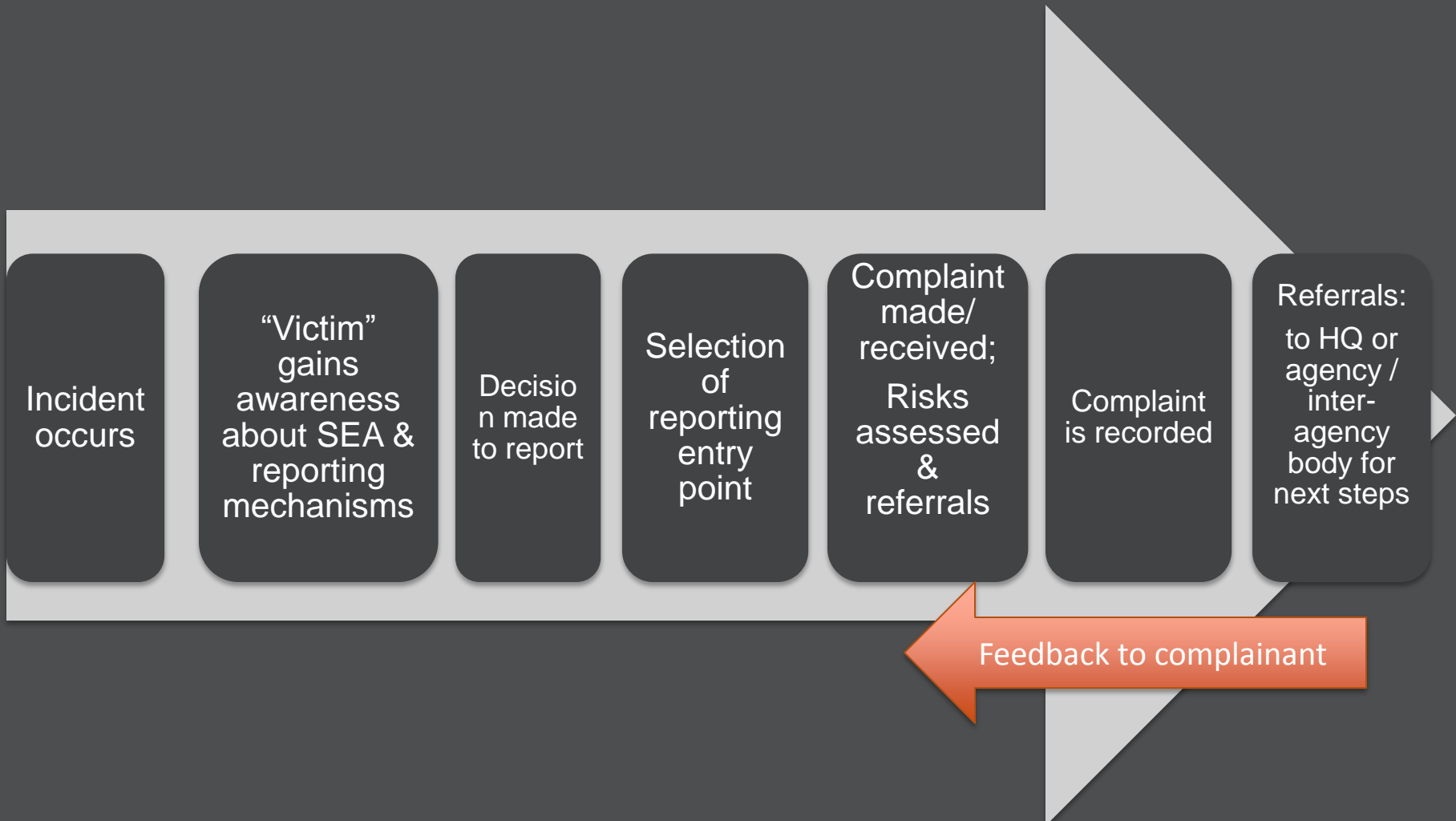
Complaints mechanism:

Channel that gives users access to **safe means** of **voicing feedback or complaints** on areas relevant to and within the control of the agency

BROAD – "**all steps and processes** an organization adopts from the time the allegation is made up to the time the investigation report is finalized"

NARROW – "encompasses **procedures that allow a complainant to alert** an organization to allegation"

Complaints process

Incident occurs → "Victim" gains awareness about SEA & reporting mechanisms → Decision made to report → Selection of reporting entry point → Complaint made/received; Risks assessed & referrals → Complaint is recorded → Referrals: to HQ or agency / inter-agency body for next steps

Feedback to complainant

Internal and External Reporting

Staff and internal reporting

- Responsibility of each agency to develop
  - Approaches may differ
  - Not necessarily participatory

- Mandatory reporting
  - Understanding penalties for not reporting

- Clear guidelines on how to report
  - Including alternate channels if necessary

External CBCM

- Community reporting of SEA should be common to all agencies in a given location
- Simple, consistent reporting procedures
- Co-designed

Note: the terms *complaints*, *reports*, and *allegations* are used interchangeably. As a general rule:

- The alleged victim (i.e., the complainant) makes a *complaint.*

- Those who are not the alleged victim make *reports* (this includes those who are making the original report and those who are responsible for forwarding reports to the appropriate person/unit in the organization).

- *Allegations* can refer to complaints and reports.

Exercise

Why is it important to establish and implement a formal complaints, or reporting, mechanism?

A formal reporting system ensures that:

- The system is transparent and known to all
- There is a consistent approach
- Staff know what to do with concerns of inappropriate behavior
- Beneficiaries are protected
- Staff are protected (clear reporting & investigation procedures guard against false allegations)
- The organization will be less attractive to potential abusers
- The organization can maintain its reputation
- The organization shows commitment to the protection of human rights, thereby minimizing SEA

Highlighting Accountability to Beneficiaries

Complaints mechanisms:

- Help organizations learn what they are doing wrong and improve program efficiency

- Give communities a voice in programming

- Make programs safer

Why develop a complaints mechanism?

"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…"

BSO Handbook

Timeframe

- ***Ideally*** a complaints mechanism should be established at the start of a program
- Don't worry about being inundated with complaints and not being able to handle them – it is more likely to have less than expected

Management responsibilities

Building Safer Organisations:

"Managers must 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…**"

Management responsibilities
(cont'd)

UN Secretary-General's Bulletin:

"United Nations staff [and partners] are **obliged to create and maintain an environment that prevents SEA.** Managers at all levels have a particular responsibility to support and develop systems that maintain this environment…"

What should be reported?

- A **practice or behavior** 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 an agency's policy and rules regarding SEA **outside the work environment** (e.g., by engaging in sex with a person under 18)

- **Concerns that cover a wide range of issues** involving the exploitation of women and/or children ranging from inappropriate behavior to possible criminal offenses

- Concerns regarding the **past behavior** of a staff member

- **Concerns expressed by a government partner, UN agency, or NGO** about the behavior of a staff member

Barriers to Making Complaints

Exercise

- In pairs discuss an example of where you had something to complain about in the workplace, personal life but you didn't – you don't have to be too specific.

- Discuss the reasons why.

"Although beneficiaries know sexual abuse and exploitation is going on around them and perceive the risks, the **vast majority of the 295 beneficiaries consulted said they would *not* complain about misconduct.** Consequently complaints are rare and investigations even rarer."

HAP Consultations in November 2007 in Kenya, Namibia, and Thailand

Exercise

Two groups:

GROUP 1

- List some of the **staff** barriers to reporting an SEA allegation.

GROUP 2

- List some of the **beneficiary** barriers to making a complaint about SEA.

Barriers to making a complaint

- Lack of trust that the allegation will be taken seriously

- Fear of reprisal and no protection

- Respect for/fear of senior officer/expat

- Little confidence in reporting mechanisms because beneficiaries perceive no action will be taken

- Gender inequality re: attitudes to women/children

- Socioeconomic or political context that doesn't prioritize abuse in the face of other challenges

- Isolation, lack of management/ support

- Fear that there will be no confidentiality

More barriers

- Fear that aid/source of income will be taken away

- Fear of losing life, job, status, prospects

- Cultural issues and norms – SEA seen as acceptable practice

- Not culturally appropriate to challenge those in authority

- Reporting may render one "unmarriageable"

- Age – children may be less likely to report

- Lack of knowledge concerning reporting process or lack of access to people with power or will to intervene

- Lack of awareness that such behavior is wrong

- Lack of faith – complained before and no response

Further barriers

- Few channels for reporting

- Concern that boxes are not secure

- Beneficiaries are benefiting from the transaction, so they may not want to complain

- Beneficiaries may not desire punishments as proposed by NGOs – may wish to shop for alternatives

- Fear of being accused of making a false accusation if they have no tangible proof

- No one has heard outcomes of investigations

- Fear of getting it wrong

- Community leaders act as gatekeepers to engaging with aid organizations

Barriers for children making a complaint

Might think that…	
•They will not be believed •They will be killed or hurt if they tell •They will be taken away from families •They will not be able to explain/articulate •Their families will be hurt	•Abuse is normal and it happens to everyone •The abuser will be sent to prison, fired, or killed •They are bad and it is their fault •Abuse is their fault because they do not practice religion enough •Will not receive presents, money, food

Barriers to boys in particular

- Often more difficult for them to report
- Perception that girls are more vulnerable and need protection
- Boys perceived to be less at risk

Adults may believe

- No one could abuse a child that way
- Child is not trustworthy
- Child is a liar or fantasist
- Child is wicked
- Child is lying to get adult into trouble

Myths related to people with disabilities

- Nobody would abuse them
- It's impossible to protect them
- It doesn't really matter

InterAction

RESULT: Chronic underreporting

THEREFORE

Mechanisms have to be created with the constraints to reporting in mind, and work with communities to break the silence and establish systems that reflect the concerns above.

The Community…

Community-Based Complaints Mechanism

Community-based complaints mechanism

A reporting mechanism that **integrates the role of formal and informal community structures** in revealing SEA faced by community members in an **all-inclusive** and **culturally appropriate** manner.

"…complaining is **not possible when there is not [a] relationship of trust**, no information provided, **no participation** in programming and **feedback mechanisms are non existent.**"

HAP (2007) *To Complain or Not to Complain: Still the Question*

Community-Based – why?

- Builds on existing community mechanism
- Contributes to empowerment of communities disempowered by their reliance on aid
- Greater accessibility for the community should increase reports
- Efficiency – incorporating local solutions

"the CM should build upon local structures and systems … In the eyes of the user, this will facilitate and strengthen the legitimacy of the mechanism'"

Danish Refugee Council

Existing complaints structures

- Consider:
  - How beneficiaries have organized themselves in the emergency or new setting
  - How beneficiary communities would normally organize themselves traditionally
  - Could these structures be adopted/integrated?

What/who is the "community"?

Difficult to define:

- Geographical/shared beliefs or interests/cultural/socially cohesive?
- A community of refugees, for example, contains many different groups or communities

Challenge of committees

"[HAP]…found that the structure and functioning of **camp committees are a major accountability challenge** for the humanitarian response. Rather than these governance structures serving as effective accountability mechanisms … they are means by which victims … are subject to unaccountable and corrupt practice…"

HAP (2010) *Camp Committees in Haiti: Un-accountable Mechanisms?*

In establishing a CBCM, understand how the community is defined

- If you decide to work through committees consider:
  - Who chose committee members and how were they selected?
  - Are all included in the CBCM decision-making structure?
  - Who is excluded – how can those people be included?
  - Does the committee share information with the community?
  - Will this approach challenge an established status quo and lead to additional exclusion/challenges for some people?
  - How much power should be invested in a committee?
  - What checks are in place to minimize corruption?

"Without mechanisms in place to ensure the accountability of camp committees, it is the humanitarian community itself that is placing people affected by the disaster at risk of further hardship and abuse…"

HAP (2010)