

IMC
COMPLAINTS PROCEDURES MANUAL
FOR CASES OF SEXUAL EXPLOITATION AND ABUSE

August 2008

Introduction

The purpose of this Complaints Procedures Manual is to specify steps to be taken when sexual exploitation or abuse (SEA) of a program beneficiary or other person of concern (such as a member of the community) is allegedly perpetrated by an International Medical Corps (IMC) staff member or by any other staff member of the aid community.

IMC takes complaints about sexual exploitation or abuse of beneficiaries or other persons of concern by its staff very seriously and will take disciplinary action when complaints are substantiated. IMC senior management will be notified of all allegations of SEA.

IMC will endeavor to ensure that all staff are made aware of their responsibilities under the IMC Code of Conduct and under the complaints procedures set forth in this Manual.

The following definitions apply throughout this Manual:

“Accused” means the person alleged to have sexually exploited or abused the victim.

“Beneficiary” means a person who receives assistance as part of either emergency relief or development aid through assistance programs.

“Complainant” means the person who initially notifies IMC of the SEA complaint. The Complainant may or may not be the Victim.

“Focal Point” means a person specifically designated to receive complaints of cases of sexual exploitation and abuse and to provide support to management on SEA matters.

“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.

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

“Staff member” means any person who either works for or represents IMC, regardless of whether or not s/he is compensated monetarily for such work or representation.

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

“Witness” means any person in a position to give testimony or evidence in an investigation, including but not limited to the Victim, the Complainant, a beneficiary, a staff member of another agency, the Accused or another IMC staff member.

IMC's Code of Conduct

IMC adheres to a code of conduct that includes the core principles on SEA adopted by the Interagency Standing Committee (IASC) Task Force.¹

The IMC Code of Conduct is as follows:

1. All people have the right to adequate nutrition, sanitation, health care, housing, and education and to be treated with respect, dignity, and courtesy.
2. IMC staff members will promote the human rights of all people and may not discriminate on the basis of an individual's race, color, ethnicity, national origin, religion, age, political affiliation, gender, sexual orientation, marital status, pregnancy, or disability.
3. IMC staff members are accountable to local, national, and international laws and should be aware of the consequences for violating these laws.
4. Sexual exploitation, sexual abuse, corruption, trafficking of adults or children, and other abuse by IMC staff members constitute acts of gross misconduct and will result in disciplinary action, up to and including immediate termination of employment.
5. In accordance with international law, sexual activity with a child (a person under age 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief in the age of a person is not a defense. The sole exception in applying this principle may be in the instance where a staff member is legally married to a person under the age of 18.
6. IMC staff members are prohibited from having sexual relationships with beneficiaries. These relationships are often based on unequal power dynamics and may undermine the credibility and integrity of humanitarian work.
7. Exchange of money, employment, goods, or services for sex, including sexual favors or other forms of humiliating, degrading or exploitative behavior, is prohibited. This includes the exchange of money, employment, goods, or services for sex, including sexual favors or other forms of humiliating, degrading or exploitative behavior, for selection as a beneficiary or assistance as a beneficiary.
8. When an IMC staff member has concerns or suspicions of sexual exploitation or sexual abuse committed by a fellow worker, whether or not the person is affiliated with IMC, he or she must report such concerns in accordance with the procedures outlined in IMC's Complaints Procedures Manual.
9. IMC staff members must properly care and account for money, vehicles, equipment, assets, assistance, and property for which they are responsible.
10. IMC supervisory employees will aspire to promote equal opportunity in hiring and to prohibit job discrimination based on race, color, religion, ethnicity, national origin, age, disability, gender, marital status, pregnancy or sexual orientation.
11. IMC staff members are obliged to create and maintain an environment that prevents sexual exploitation and abuse and promotes implementation of IMC's Code of Conduct. Managers at all levels have a particular responsibility to support and develop systems that maintain this environment.

¹ The IASC Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises was established in May 2002. The Task Force was co-chaired by OCHA and UNICEF and comprised WFP, UNHCR, OHCHR, DPKO, UNOPS, UNDP, OSAGI, OSRSG/CAAC, IFRC, InterAction and SCHR (Oxfam and Save the Children/UK).

Procedures to be Followed in Making or Receiving a Complaint

It is the responsibility of the staff member to report **within 24 hours** a concern/complaint via the process outlined below:

1. The staff member who initially receives the complaint should immediately report it to his or her direct supervisor, the Country Director (CD), the Regional Coordinator (RC), the DIHR Director of International Human Resources (DIHR), or the SEA Focal Point. It is particularly important that the staff member receiving the complaint considers whether the Complainant has immediate health or safety needs requiring attention. If the Complainant is the Victim of sexual exploitation or abuse, s/he may require immediate medical attention. If the Complainant may be returning to an unsafe situation, his or her safety should be given careful consideration. These needs should be reported directly to either the CD, DIHR, RC or SEA Focal Point.
2. The IMC manager named in paragraph 1 (above) who received a report of a complaint from a staff member must ensure that that staff member has properly completed the **Complaints Referral Form** in accordance with the procedures set forth in this Manual.
3. The IMC manager named in paragraph 1 (above) must ensure that the Complainant is informed of IMC's policy on confidentiality. That policy is as follows:
 - a. Complainants, Witnesses, and the Accused have a right to confidentiality.
 - b. In some instances, it will not be possible to guarantee confidentiality, in which case the guiding principle will be that of "informed consent."²
 - c. It is possible that the Accused will be informed of the allegations.
 - d. Records will be stored securely to avoid accidental or unauthorized disclosure of information.
4. Once a complaint is received, the SEA Case Team, comprising the DIHR, the Director of International Operations (DIO) and the VP of International Operations, with the SEA Focal Point and RC advising, as necessary, will determine whether to initiate an investigation, in accordance with IMC policy. The IMC Global Security Director will be advised by the SEA Case Team that a complaint was received, however, confidential information will be shared only on an as-needed basis.
5. If the complaint involves staff of another NGO, or military or other non-IMC personnel, the DIO and DIHR will determine whether to inform such agency of the complaint.
6. A decision as to whether or not to report the complaint to national law enforcement authorities or to other external stakeholders will be made by the DIO, DIHR and Legal Counsel.
7. A detailed record of information gathered via the complaints procedure must be kept confidentially on file in the field, for eventual forwarding to the DIHR, as it may be used in subsequent disciplinary or legal action. IMC must make all reasonable efforts to ensure the security of such files.

² "Informed consent" is a person's decision to allow something to happen that is based on a full disclosure of facts needed to make the decision intelligently; that is, knowledge of risks involved, alternatives, etc.

8. If the Accused is an IMC staff member, and if a formal investigation has been launched, he/she shall be suspended, pending the conclusion of any investigation.

Causes for Concern

Concerns about sexual exploitation or abuse in relation to a member of staff may arise in a number of ways, for instance:

- A practice or behavior 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 or other person of concern.
- An allegation that a member of staff has breached IMC rules regarding sexual exploitation and abuse outside the work environment (e.g., by paying for sex with a child prostitute).
- Concerns that cover a wide range of issues involving the exploitation of women and/or children, ranging from inappropriate behavior to various criminal offenses.
- Concerns regarding the past behavior of a staff member.
- Concerns expressed by a government partner, United Nations (UN) agency, NGO, donor or others about the behavior of a staff member.

Responsibility to Report

Although it is the responsibility of all IMC staff members to report any suspected violations of the Code of Conduct, it is not the reporting staff member's responsibility to determine whether or not the complaint is true. S/he must simply report the concern via the process outlined in this Manual.

No action will be taken against any member of staff who reports in good faith information indicating a breach in the Code of Conduct that, following an 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 behavior will constitute misconduct.

Good Practice in Receiving a Complaint

When a staff member receives a complaint, s/he should:

- Find a discrete location in which to discuss the matter.
- 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, explaining that there are limits to ensuring confidentiality to the extent that staff members are obliged to report SEA complaints, and that senior management must be informed of SEA complaints. Reassure the Complainant that information will only be shared on a “need-to-know” basis. It is possible that the Accused will be informed of the allegations. If an investigation will be conducted, the Accused must be informed of the allegations.
- Take what is said seriously: the ‘unthinkable’ *is* possible.
- Avoid asking too many questions. Ask only as many as are required to gain a clear understanding of the complaint, so that it can be passed on via IMC’s reporting procedures.
- Make note of the Complainant’s safety needs.
- Make note of the Complainant’s need for medical attention.
- Inform him/her of the next steps in the procedure, namely, that the matter will be reported to senior management at IMC and appropriate steps will be taken.
- Make a written record of what has been said, using the Complaints Referral Form if possible. **At a minimum, a record of the complaint should be filled out and submitted within 24 hours of the complaint, and it must be signed and dated by the person receiving the complaint.**

Recording of Information, Suspicions, or Concerns

Information that is gathered via the complaints procedure 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.
- The nature of the complaint.
- An accurate account of what was said by the Complainant in his or her own words.
- Any observations made by the staff member receiving the complaint.
- Times, locations and dates of any reported exploitation or abuse.
- Whether anyone else knows or has been given information about the complaint.
- The relationship between the Complainant and the staff member receiving the complaint.

Needs of the Victim or Complainant

It is particularly important to address the Victim's and/or Complainant's potential need for immediate and ongoing protection or assistance. There may be immediate safety needs if a Victim or Complainant is returning to an unsafe situation, or immediate health care and/or counseling needs. The physical and psychological well-being of any such person must be a primary concern throughout the reporting and investigation process.

Urgent medical assistance and counseling, where possible, must be made available within 72 hours of a complaint to anyone who was potentially harmed by any alleged sexual exploitation or sexual abuse. The person(s) receiving the report of the complaint--supervisor, CD, RC, DIHR and/or SEA Focal Point--are responsible for ensuring that such arrangements are made.

Every reasonable effort must be made to ensure that anyone who was potentially harmed by an alleged sexual exploitation or abuse is provided with the necessary means for ongoing protection. The DIO, working with a case manager and IMC Security staff, is responsible for ensuring that such arrangements are made.

IMC's Response to Complaints

IMC's procedure for receiving and processing complaints is outlined in the chart below. Complainants should be advised that the matter will be reported to senior management at IMC and appropriate steps will be taken. Once a complaint is received, the SEA Case Team, comprising the DIHR, the DIO and the VP of International Operations, with the SEA Focal Point and RC advising, as necessary, will determine whether to initiate an investigation, in accordance with IMC policy. A complaint will be processed with a reasonable amount of speed, allowing for the necessity of thorough investigation to ensure the fair treatment of all parties, with a view to concluding the investigation within twenty-eight days. Depending on the outcome of the complaint process, a response to a complaint may range from dismissal of the complaint to disciplinary action against the Accused, up to and including termination. The Complainant will be informed that the Complaint has been addressed and that appropriate action has been taken. IMC will endeavour to ensure a safe referral process for any complaints that IMC is not equipped to handle.

Complaints Procedure

1. Complaint received by IMC staff member



2. Complaint reported to supervisor, Country Director, Regional Coordinator, Director of Int'l HR or SEA Focal Point



3.A. Immediate medical and security needs of Victim and/or Complainant addressed by Country Director, with support from the RC, DIHR and SEA Focal Point



3.B. Complaint passed on to a member of the SEA Case Team



4. SEA Case Team addresses further security and counseling needs of Victim and/or Complainant



5. Further procedures followed in accordance with IMC policy



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(Page 1 of 2)

Complaints Referral Form Sexual Exploitation and Abuse (SEA) ALLEGATION REPORTING

The Complaints Referral Form is used to report allegations of SEA. It is the responsibility of all IMC staff to report suspected allegations of SEA to International Human Resources and to their supervisor, Country Director, other senior manager, or SEA Focal Point within 24 hours or as soon as possible. Please print or type clearly and complete this form as accurately as possible. The completed form, or the information on this form, must be given to International Human Resources (seareport@imcworldwide.org, Phone: 1-310-826-7800 or Fax: 1-310-453-3914) and a copy to your supervisor, Country Director, other senior manager, or SEA Focal Point. If your supervisor or Country Director is the person accused of the allegation, please submit your complaint directly to International Human Resources. All information is treated as confidential and must be held securely and handled strictly in line with IMC policies and procedures.

Name of Complainant: [Note: "Complainant" means the person who initially notifies IMC of the SEA complaint. The Complainant may or may not be the Victim.]	
Contact Details (<i>address, email or telephone number</i>):	
Age:	
Sex (<i>male or female</i>):	

Name of Victim (<i>required if different from complainant</i>):	
Contact Details (<i>email or telephone number</i>):	
Age:	
Sex (<i>male or female</i>):	

Date of Incident (if known): (<i>MM/DD/YY</i>)	
Local time of Incident (if known): (<i>HH:MM</i>)	
Location(s) of Incident (if known): (<i>Country and Site</i>)	

Detailed Description of the Problem/Incident(s):

[NOTE: It is not the responsibility of the complainant or of the staff member filling out this form to determine whether or not the complaint is true or to investigate any unknown details. Therefore, please insert here an accurate description of the incident and include the following additional details only if known:

- Describe the relationship between the victim and the accused person.
- Describe any visible signs of abuse or other injuries on the victim.
- Name the identity of witnesses--provide full names and contact information.
- Did the victim seek medical treatment?
- Were any security measures taken for the victim or the complainant?]

Name of Accused Person(s):	
Job Title of Accused Person(s):	
Location of Accused Person(s):	
If known, name of the organization the accused person(s) works for:	

Form Completed by <i>(full name):</i>	Signature:	Date/Time/Location:
HQ- Form Received by <i>(full name):</i>	Position:	Date/Time/Location: