

Sexual exploitation and abuse in the aid sector: next steps inquiry 2020

Written evidence from the Department for International Development

19 August 2020

Introduction and Executive Summary

DFID welcomes this inquiry. The aid sector should be free from sexual exploitation and abuse and sexual harassment (SEAH). The UK will continue to take robust action to make sure aid does not go to organisations that fall short of our high safeguarding standards.

The aid sector has made good progress in addressing SEAH since 2018. But there is still much more to do to support survivors and victims, make it easier to speak up, drive organisational culture change, and ensure accountability and adherence to standards.

Our answers include some illustrative specific examples from our work. DFID and the FCO agree that safeguarding should remain at the heart of the new FCDO as part of efforts to change the world for the better.

Theme 1 - support for survivors and victims

What mechanisms are in place to enable victims and survivors to report instances of sexual exploitation and abuse at the hands of the UN, other multilateral aid organisations, development aid NGOs, charities and the private sector (aid actors)?

1. DFID requires all our partners to have mechanisms in place to allow victims and survivors and others to report instances of SEAH. Beyond individual organisations, different mechanisms exist at national, sub-national and international level. In country settings, relevant donor and partner networks - such as the Protection from Sexual Exploitation and Abuse (PSEA) Network- may provide a structure across multiple partners. The challenge is how accessible they are, and feel, to victims and survivors given potential barriers linked to factors including fear, power imbalances, social norms, literacy, disability and geographical distance. Barriers are very often multiple and context specific.
2. DFID has a reporting concerns email [address](#) and phonenumber via which victims and survivors can report anonymously. But that route, and similar mechanisms provided by other organisations, will feel remote, and be inaccessible, to many survivors and victims who may not know who is funding the programme which employs a perpetrator. This makes the model of local, community-based complaints mechanisms (CBCMs) even more important.
3. If a survivor or victim doesn't want to use mechanisms connected to the aid sector then there are usually other formal (for example national ombuds and human rights institutions) and informal mechanisms (via e.g. community leaders or grassroots organisations). There are ways in which those reports can be fed back to aid actors, if appropriate, via aid monitoring activities, wider engagement with local communities and aid actor coordination structures involving local and national authorities. This is one reason why DFID places a strong emphasis on community outreach and beneficiary engagement and regular project monitoring.

How do aid actors guarantee that when abuse is reported, it is dealt with sensitively and objectively, and appropriate action is taken against the perpetrator if the complaint is upheld?

4. The [enhanced safeguarding due diligence](#) introduced by DFID in 2018 includes a requirement for our implementing partners to have a clear process for handling complaints. DFID has also introduced language in our funding agreements requiring partners to report cases to us and DFID's Safeguarding Investigations Team (SIT) checks that reports are acted on and dealt with in the manner described in the question above. SIT's overall assessment is that since 2018 the sector has become more mature in its handling of reports. SIT has seen good examples of prompt, impartial and independent investigations. There are also cases of poor handling which DFID challenges.
5. DFID continues to work with partners across the sector to improve their investigation and disciplinary processes and plans to fund work over the next three years to build the skills of first responders and investigators to better ensure safe and sensitive handling of cases. DFID funded the production of a [complaints and reporting toolkit](#) which was published in 2019. Since June this year, guidance and resource documents have been published on the pioneering DFID-funded [Resource and Support Hub](#), such as an [analysis of best practice](#) in engaging survivors of SEAH and a note about [investigations during COVID-19](#).
6. Data and examples since 2018 about perpetrators [losing their jobs, not being offered new jobs](#) or [receiving custodial sentences](#) suggests that in many cases appropriate action is being taken when complaints are upheld. The three employment cycle initiatives (see later questions) aim to make it even easier and more compelling for all organisations to take appropriate action.

How do victims and survivors access the psychological support and legal advice they need?

7. Support will be provided and accessed in different ways according to the needs of the individual, the organisation which is coordinating the support to the individual, and what is already available in the country where they live via, for example, ongoing child protection and Gender-Based Violence work. The dedicated [UN Trust Fund](#) supports legal and psychological services in some countries and, where they exist, UN Gender Based Violence Sub-Clusters and in-country PSEA coordinators or Victims' Rights Advocates may also facilitate access. DFID and FCO have funded the UN Victims' Rights Advocate to map the [available local services to support victims and survivors in 13 countries and to develop a statement of Victims' Rights](#). We are also working with others such as NGOs, the [Resource and Support Hub](#) the [Inter-Agency Standing Committee](#) and members of DFID's Safeguarding Independent Reference Group to better understand what mappings exist and to publicise them to make it easier for all to provide support and advice.

Are victims and survivors more likely to come forward now than they were before the issue re-gained prominence in 2018?

8. We believe so. The number of safeguarding cases being reported to DFID was 73 in 2017-18; 260 in 2018-19; and 452 in 2019-20 of which around 60% are related to SEAH (a similar percentage to 2018/19). Last year 26 DFID staff members reported cases of SEAH (this does not mean the perpetrators were DFID staff), up from five in 2018-19. This followed a strong internal communications campaign encouraging reporting. Staff reported having confidence that their concerns would be taken seriously and that an independent investigation would be undertaken.
9. The above is encouraging. However, many survivors and victims still won't feel able to come forward. As a minimum we would want any victim or survivor to have a real choice about whether to come forward, thanks to improved awareness of and confidence in reporting and response mechanisms.

What action should the new Foreign, Commonwealth and Development Office take to improve reporting mechanisms, strengthen independent investigations and oversight, support victims and survivors and provide access to justice?

10. One immediate priority is to ensure that as a result of the merger the quality of what DFID currently provides in these areas is maintained. DFID has a Ministerial lead for safeguarding and this will continue in the FCDO. DFID's Investigations Section is discussing with FCO how to ensure a single reporting mechanism is in place for 1st September. Communications will be issued early and widely internally and externally to promote the new reporting route.
11. Another priority is to continue to ensure high safeguarding standards for partners and for staff members and the capability offer and operational procedures which underpin them. Other longer-term and more externally focused things that FCDO could consider to secure improvements in the areas set out in the question include: lobby regularly - both at international level through Ministers and headquarter officials and at country level - on the importance of all those issues in the context of keeping people safe from harm; continue to chair and convene the wide range of external partners and networks that DFID has since 2018; and continue to provide funding for existing and possibly new programmes which directly seek to address these issues.

Theme 2 - Speaking Up

What is your assessment of policies enabling reporting and speaking up across the sector? Are you confident that those wishing to report sexual exploitation and abuse are empowered to speak out?

12. Very few of our partners' policies that DFID has assessed since 2018 did not meet the standards which we require and we continue to assess policies on an ongoing basis. We are less confident that the policies are always implemented as they should be, and even less so that all those who wish to report feel empowered to do so. Some whistleblowers and survivors have reported frustration and disappointment about how their concerns have been handled by their organisations. That shows that there is still scope for significant improvements, but it is positive that they reported the concern to DFID, something which may not have happened before 2018.
13. That positive trend of more people feeling confident and empowered to speak out also seems to be reflected in the number of reports made to DFID which was highlighted under Theme 1: the number of safeguarding reports DFID received was about six times higher in 2019/20 compared to 17/18; and the number of SEAH reports received doubled in 19/20 compared to 18/19.

How well are reports of abuse acted on? Are they dealt with promptly, impartially and fairly through robust investigation and disciplinary processes?

14. See the text in para 4 under Theme 1.

What measures, legal and otherwise, have been taken since 2018 to actively support whistleblowers who disclose sexual exploitation and abuse?

15. UK [law on whistleblowing](#) gives legal protection for those in the UK who whistle-blow about wrong-doing in the workplace. Workplace policies need to reflect and act upon strong principles and procedures. To that end, DFID included whistleblowing as one of the six pillars in our enhanced safeguarding due diligence and has ensured that support to whistle-blowers has featured in subsequent key donor commitment documents. Our enhanced safeguarding due diligence guide makes it clear that the assessment of a potential partner's whistleblowing should

examine not only whether they have a policy, but also how it operates in practice, something which we test on an ongoing basis. A recent independent assessment of 31 organisations' performance against those standards found that since 2018 an additional 12 have started to provide contact information for third party organisations who can support whistleblowers.

16. DFID has consulted whistleblowers since the creation of the Safeguarding Unit in early 2018, gave plenary speaking slots to whistleblowers at the October 2018 London Summit, has whistleblowers as members of some of our regular external consultative groups and actively engages on an ad hoc basis with whistleblowers when requested. The Core Humanitarian Standards (CHS) Alliance published in May 2020 a [guidance note on non-disclosure agreements](#) which is designed to support current and future whistleblowers. The note explains how the relevant parts of the CHS Standards (which underpin the [commitments made at the 2018 London Summit](#) and the 2019 [Development Assistance Committee \(DAC\) Recommendation on Ending SEAH](#)) and associated indicators should be used to protect whistleblowers.
17. In 2019 the Government consulted on the misuse of confidentiality clauses in employer/employee relationships and announced that it would legislate to reduce the misuse of non-disclosure agreements which can limit the ability of staff to whistle-blow. This work is led by the Department for Business, Energy and Industrial Strategy. Once the legislative process has concluded, the Government will consider what guidance to provide to partners including those spending ODA. The Charity Commission recently issued an alert to large charities about the importance of safeguarding processes, governance and whistleblowing. Resources related to whistleblowing are on the Safeguarding Resource and Support Hub.

Are whistleblowers adequately protected from retaliation and are those who retaliate against whistleblowers held to account?

18. Please see the previous paragraph with thoughts on how protection and accountability linked to whistleblowing can and should be improved. The analysis which informed those comments is mainly related to the UK work context, but we extend our principles through strong due diligence mechanisms with all partners. Anything which can be reasonably done in any part of the aid sector to increase protection of whistleblowers and take action against those who retaliate against them would be welcome. The question about holding those who retaliate to account is difficult to answer without knowing the detail of individual cases.

Theme 3 – Culture Change

What tangible actions have aid actors taken since 2018 to address the workplace culture that had enabled abuse to persist?

19. Over 500 aid actors signed up to public commitments at the DFID-hosted 2018 London Summit including related to improving workplace culture. Numerous organisations have subsequently appointed safeguarding leads and champions and trained their staff to help drive positive cultural change. DFID has contributed to six safeguarding conferences in the UK with wide participation from across the sector and a focus on safeguarding culture. DFID co-chaired the process that culminated in July 2019 with the 30 major donors agreeing the DAC Recommendation on Ending SEAH and we ensured that fostering improved organisational culture and norms features prominently.
20. DFID senior leadership regularly make it clear that tackling safeguarding is relevant in every role and that every staff member must know their responsibilities, including by completing

mandatory training. DFID reviewed all its safeguarding policies and procedures and continue to seek ways to improve our organisational culture, including creating a level playing field to increase opportunities for women across the whole of the organisation.

21. DFID funded guidance for UK NGO boards on [safeguarding governance](#). We also funded the creation of a tool to help NGO leaders assess and improve their organisation's safeguarding culture which will be released later this year as a digital tool. The tool will enable organisations to diagnose strengths and areas for development, encourage reflection and facilitate conversations about safeguarding at all levels. DFID also helped fund [guidance to help drive better practice and cultural change in the research sector](#).
22. DFID funded Keeping Children Safe to carry out safeguarding assurance assessments on 31 of our partners between 2018 and 2020, covering six elements of safeguarding practice that together contribute to organisational culture. The assessments are shared with each organisation and include follow-up actions. In July 2020 DFID signed a two-year funding agreement with the Open University to develop an advanced safeguarding leadership training package for safeguarding leads in the aid sector. The package will include organisational change elements such as culture change.

Are there still challenges that need to be addressed for culture change to occur?

23. Diverse and inclusive organisations, where it is safe for anyone to challenge or raise concerns, will do best at preventing and responding to SEAH. So a continued focus on diversity and gender equality is also required. Just as important is ensuring that requirements don't become tickbox exercises and so we remain keen to learn about successful efforts to generate culture change and are considering how we could use channels such as the Resource and Support Hub and our regular dialogues with organisations to do that.
24. Organisational culture is a complex issue requiring a multifaceted and iterative response. The causes of SEAH are rooted in power imbalances and inequality resulting from factors including gender, disability, sexual orientation, poverty and ethnicity. A continued focus on all these issues is required.

Theme 4 – Standards

Would you recommend any changes to the relevant standards and certification schemes in the sector, such as the Core Humanitarian Standard, Humanitarian Quality Assurance Initiative, UN Minimum Operating Standards and Keeping Children Safe, to ensure that organisations maintain adequate safeguarding procedures?

25. The October 2018 [London Summit donor commitment document](#) and the July 2019 DAC Recommendation recognised the Inter-Agency Standing Committee's (IASC) [Principles](#) and [Minimum Operating Standards](#) on Prevention of Sexual Exploitation and Abuse (MOS-PSEA), and the [Core Humanitarian Standard](#) on Quality and Accountability (CHS), as essential international standards when it comes to safeguarding against SEAH. Donors see the Keeping Children Safe standards as very valuable too when it comes to child safeguarding.
26. We and other donors have considered whether the two main sets of standards (CHS and IASC) could be brought together into one. Donors are content to require all partners to adhere to one or both, recognising that the IASC standards may be more relevant to organisations in the United Nations family and the CHS standards more relevant for CSOs and the private sector. We understand that the IASC, working with CHS Alliance and others, is updating its work on PSEA.

DFID fund HQAI to help drive and provide independent verification of adherence to CHS Standards. The recent legal review of the proposed Aid Worker Registration Scheme argued for mandatory independent verification.

27. Areas where both the CHS and UN Standards could potentially be improved include having sexual harassment much more clearly embedded in them and a stronger focus on how organisations actively identify and manage safeguarding as a distinct risk category. The IASC's MOS-PSEA do not have a formal independent verification mechanism equivalent to HQAI. The IASC's document is built around a 2003 Bulletin from the UN Secretary General, and were that to be radically changed when it is next updated that could then mean changes to the MOS-PSEA. The CHS standard was launched in December 2014 as a result of a global consultation process involving 2,000 humanitarian and development practitioners. It draws together key elements of existing humanitarian standards and commitments. The CHS could be improved to clarify and improve the indicators in its nine commitments related specifically to PSEAH. DFID is supporting the CHS Alliance to take this work forward.

Theme 5 – Accountability

What are the repercussions for organisations that are in receipt of UK Official Development Assistance (ODA) and are found to have insufficient policies and practices in place to detect, prevent, and tackle abuse when it arises?

28. Whenever we find weaknesses in the safeguarding policies and practices of a potential or current partner then we will take a risk-based approach according to the seriousness of the finding and the risk it poses. Potential measures include delaying or suspending funding until the weakness is rectified, or withholding all funding. For example, in 2018 Oxfam and Save the Children withdrew from bidding for new UK government funding in the light of statutory inquiries launched by the Charity Commission into their safeguarding practices. We also look to point organisations to resources which can support them such as via the Resource and Support Hub or safeguarding support networks that exist within their own sub-sector (NGO, private sector contractor etc).
29. As a result of the introduction in 2018 and ongoing subsequent application of the enhanced safeguarding due diligence standards, DFID should not be directly funding any organisations with serious deficiencies in their safeguarding policies and practices. That does not mean that many organisations will not have room for improvement. It also does not guarantee that organisations further down the delivery chain and in receipt of UK ODA won't have weaker policies and practices than we would like. It also does not guarantee that organisations won't make mistakes in the application of their policies or the handling of individual cases, or that they have not done so before 2018.

What requirements does DFID currently have of implementing agencies with regards to safeguarding procedures and what actions should the new FCDO take to ensure that all the actors it is funding uphold the highest standards possible?

30. DFID's formal requirements are in our funding agreement templates and the documents which underpin them such as the Supply Partner Code of Conduct and DFID's Enhanced Safeguarding Due Diligence Standards. Those requirements and standards reflect agreed international standards. FCO and all other UK Government Departments that spend ODA are bound by the donor commitment document at the 2018 London Summit and the 2019 DAC Recommendation.

FCO has similar requirements and standards closely aligned with DFID's and we are aiming to maintain the high quality that we have across both departments.

What is your view of the employment-cycle initiatives for tackling sexual exploitation, abuse and harassment (SEAH); the Misconduct Disclosure Scheme, Project Soteria and the Aid Worker Identification Scheme? Do you think this is the most effective way of tackling SEAH?

31. Preventing SEAH from occurring in the first place must be a top priority. These initiatives address the weaknesses identified in the employment cycle which are exploited by perpetrators of abuse, allowing them to falsify their identity and career history to avoid detection and subvert misconduct procedures by moving from job to job. We continue to consult widely across the sector since 2018 on the three employment-cycle initiatives and we are not aware of any similar prevention initiatives. DFID sees the three initiatives as being an important part of a wider range of measures to tackle SEAH including to deliver culture change in organisations, to increase reporting, to improve data and provide better support to survivors and victims. It is very hard to say what is the most "effective" way of tackling SEAH and DFID sees all the activities which we are supporting as important.

Is there scope for aid actors to consult the register of child abusers to ensure they are not recruiting known offenders?

32. The register is not open to aid actors, access to which is limited to authorised staff within the police, probation and prison communities. Checks on UK staff can be done through the Disclosure and Barring Service (DBS) which will inform an employer if an individual has been barred from a regulated activity. The [International Child Protection Certificate](#) is available to any UK national or foreign national that has resided in the UK, who can apply for a certificate if the statutory disclosure and barring scheme is not applicable and which they can present to an employer which provides details of any current and/or spent convictions.

33. Three elements of Project Soteria's work with Interpol are relevant to this question: the creation of an online platform to facilitate background checks and information sharing globally during the recruitments of aid workers; support to aid organisations to establish internal preventive, detective, investigative and reporting procedures related to sex offenders who could abuse their position of responsibility and trust; and the use of Green Notices to inform authorities if known sex offenders travel from one country to another.

Theme 6 – New Department

What are the opportunities for improvement under the new FCDO which will bring the Safeguarding Unit, existing initiatives to tackle SEAH, and the Preventing Sexual Violence in Conflict (PSVI) programme under the same department and Secretary of State?

34. All UK ODA spending government departments signed up to the donor commitments at the October 2018 London Safeguarding Summit. Since then they have met quarterly, convened by DFID, to drive delivery of those commitments across portfolios. All departments have indicated that they wish to continue to meet quarterly convened by FCDO. The creation of FCDO should bolster even further that all-of-government approach to tackle sexual misconduct which is an affront to British core values and basic human rights.

35. DFID and FCO have throughout this period worked closely on issues such as PSVI and engaged with organisations such as the United Nations. For example, DFID and FCO both provide financial support to United Nations initiatives linked to PSVI and work to tackle SEAH. We are also

finalising a guidance note that brings together work to tackle SEAH and PSVI as part of our broader strategic objective on ending gender-based violence under the UK's [National Action Plan on Women Peace and Security](#). The announcement of the creation of FCDO has already catalysed some useful discussions both separately within DFID and within FCO - and also across the two departments - about how we can best work with organisations such as the UN and in specific situations such as the Rohingya crisis.

36. The creation of FCDO provides in itself a great opportunity to look at how we can combine the best of current work in DFID on safeguarding and related issues such as support to human rights and our world-leading research into [what works to prevent violence against women and girls](#), with the best of work in FCO on issues such as PSVI and improving peacekeeping standards, building for example on the recent ICAI reviews. The aim is to ensure that the impact of the whole is greater than the sum of the current work of the DFID and FCO parts. Having the same Secretary of State lead on PSVI, broader gender-based violence and safeguarding might generate new ideas about how to improve the provision of support services to survivors and victims, and how to use the full capability of Britain's overseas network to help bring perpetrators to justice.

Department for International Development