



SEXUAL EXPLOITATION, ABUSE AND HARASSMENT (SEAH) INVESTIGATION GUIDE

Recommended Practice For The Humanitarian
And Development Sector



CONTENTS

01 INTRODUCTION 

02 PHASE ONE
INVESTIGATION PLANNING 

03 PHASE TWO
STUDYING BACKGROUND MATERIAL
AND GATHERING EVIDENCE 

04 PHASE THREE
UPDATING THE INVESTIGATION PLAN 

05 PHASE FOUR
CONDUCTING INTERVIEWS 

06 PHASE FIVE
ANALYSIS AND WRITING THE
INVESTIGATION REPORT 

07 PHASE SIX
CONCLUDING THE INVESTIGATION 

08 CONDUCTING REMOTE INVESTIGATIONS 



ACKNOWLEDGEMENTS

This guide is the cornerstone of the Investigator Qualification Training Scheme (IQTS). The UK government-funded IQTS is a collaborative effort between CHS Alliance, Humentum, and the UK Government's Foreign and Commonwealth Development Office (FCDO) to develop a new training scheme to improve the quality of safeguarding investigations carried out by NGOs and international bodies.

SPECIAL THANKS TO:

Jules Frost, CHS Alliance's former Head of Programmes and Partnerships, who developed the proposal: *Advancing Safeguarding: Protection from Sexual Exploitation, Abuse, and Harassment* to equip aid organisations and agencies with the knowledge, skills, and behaviours to manage and protect against SEAH, and when required conduct high-quality, survivor-centred investigations.

Dr Mary Thompson, Senior Social Development Advisor, FCDO Safeguarding Policy Team, and her colleagues at the FCDO Safeguarding Unit.

KEY CONTRIBUTORS

The production of this guide is a result of a collaborative effort between FCDO, CHS Alliance, Humentum, and the following contributors:

Investigator Qualification Training Scheme – Technical Working Group

Special thanks to the IQTS Technical Working Group members for contributing their invaluable knowledge and expertise to the project, reviewing the guide and providing feedback.

Lucy Stoner, Director Safeguarding and PSEAH, Care International

Tanya Wood, Executive Director, CHS Alliance

Genevieve Cyvoct, Training Manager, CHS Alliance

Dominique Smyth, Investigations Manager, Concern Worldwide

Colin Picard de Gennes, Global Code of Conduct Investigator, Danish Refugee Council

Mary Thompson, Senior Social Development Advisor – Safeguarding Policy Team, FCDO

Gerard Walsh, Investigations Manager, GOAL

Chris Proulx, Global Director – Member Engagement and Learning, Humentum

Andre Caria, Head of Investigations, IFRC

Xara Church, Global Safeguarding Manager, Oxfam GB

Shaun McKillop, Safeguarding and Investigations Manager, Tearfund

Dusan Janc, Investigation Manager, UNICEF

Susan Pascoello, Director, Law of International Development Initiative, O'Neill Institute, Georgetown University Law Center and Senior Advisor, Office of the General Counsel, USAID*

Elizabeth Pender, Team Lead for Safe and Accountable Programming, BHA/USAID*

*The views expressed in the Investigation Guide are not necessarily those of USAID.

Consultants

Thank you to the three expert consultants who shared their knowledge and expertise in reviewing the guide and providing feedback:

Lucy Heaven-Taylor, Humanitarian and Development Safeguarding Consultant

Richard Powell, Director – Safe for Children

Aneeta Williams, Safeguarding Gender and Human Rights Consultant

Investigator Qualification Training Scheme project staff

Humentum: Ross Coxon, Project Manager; Juliette Doddo-Siddo, Client Engagement Manager; Amanda Fleetwood, Writer and Editor.

CHS Alliance: Andrew McLoughlin, Project Manager, co-writer/editor.

PUBLISHER

©Copyright 2022 CHS Alliance

This work is licensed under the Creative Commons Attribution NonCommercial 4.0 International License.

To view a copy of this license, visit: <http://creativecommons.org/licenses/by-nc/4.0/>.

Users are free to copy/redistribute and adapt/transform for non-commercial purposes.

VERSION

This is the SEAH Investigation Guide: Recommended Practice for the Humanitarian and Development Sectors

1st Edition, March 2022



CONTENTS



SECTION START

01

INTRODUCTION

- 1.1 Purpose of this guide
- 1.2 Who is this guide for?
- 1.3 Structure of this guide
- 1.4 Foundations of SEAH investigations
- 1.5 Principles of SEAH investigations

1.1

The Purpose Of This Guide

Sexual exploitation is a broad term encompassing a number of acts including transactional sex, solicitation of transactional sex, and exploitative relationships. Transactional sex includes the exchange of money, employment, goods or services for sex, including sexual favours and other forms of humiliating, degrading or exploitative behaviour.²

This guide is the foundation of the SEAH Investigator Qualification Training Scheme (IQTS) and explains the structured investigation processes necessary to professionally investigate Sexual Exploitation, Abuse and Harassment (SEAH) incidents in the humanitarian and development sector. It provides best practice guidance, tools, and steps for conducting survivor-centred SEAH investigations.

The IQTS and this guide use the following definitions of sexual exploitation, sexual abuse, and sexual harassment:

Sexual exploitation: is any actual or attempted abuse of a position of vulnerability, differential power, or trust for sexual purposes. It includes profiting momentarily, socially, or politically from the sexual exploitation of another. Under UN regulations it includes transactional sex, solicitation of transactional sex and exploitative relationships.¹

Sexual abuse is any actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. It covers sexual assault (attempted rape, kissing/touching, forcing someone to perform oral sex/touching) as well as rape. Under UN regulations, all sexual activity with a child (under the age of 18 years) is considered to be sexual abuse.³

Sexual harassment is unwanted conduct of a sexual nature. It can happen to any gender and be physical (e.g., touching), verbal (e.g., offensive comments or phone calls), or non-verbal (e.g., display of offensive materials). It can involve a pattern of behaviour or a single incident.⁴

Definitions of rape, sexual assault, sexual activity with a minor, transactional sex, and exploitative relationships can be found in the UN's [Glossary on Sexual Exploitation and Abuse](#).

.....

References: 1 United Nations. UN Glossary on Sexual Exploitation and Abuse. (2017). [online] Available at: <https://hr.un.org/materials/un-glossary-sexual-exploitation-and-abuse-english>. 2 ibid. 3 Ibid. 4 Sourced from : Bond. Safeguarding definitions and reporting mechanisms for UK NGOs. [online] Available at: <https://www.bond.org.uk/resources-support/uk-ngo-safeguarding-definitions-and-reporting-mechanisms>.






.....

 CONTENTS

 SECTION START

1.2 Who is this guide for?

This guide has been developed for a broad audience, including humanitarian and development workers, investigators, and other professionals involved in SEAH investigations in a humanitarian or development context. It is helpful for:

-  External investigators who are presently conducting SEAH investigations.
-  Internal investigators within organisations who are currently conducting SEAH investigations.
-  Individuals seeking to become SEAH investigators.
-  Individuals, including specialists and experts participating in SEAH investigations.
-  Humanitarian and development workers seeking to improve their understanding and knowledge of SEAH investigations.

1.3 Structure of this guide

The introduction sets out the foundations of SEAH investigations, including key definitions, the purpose of investigations, the investigation process, roles and responsibilities, and investigation principles.

The guide then outlines the six chronological stages of an investigation: investigation planning, studying background material and gathering evidence, updating investigation plans, conducting interviews, analysis, writing investigation reports, and concluding the investigation.

It is essential to keep in mind that the investigation processes described are part of a more extensive SEAH protocol that includes steps before an investigation takes place and processes after an investigation is completed. More information on standards and protocols for preventing SEAH can be found [here](#).

 CONTENTS

 SECTION START

1.3

Structure of this guide

WHAT DOES INFORMED CONSENT MEAN?

Informed consent consists of three elements: comprehension, voluntariness, and stated permission.





Comprehension: Survivors are provided with all information related to the investigation process, how the information will be used, the potential risks and benefits, and have indicated they comprehend the information relayed to them. Survivors should be encouraged to ask questions and have them answered.

Voluntariness: Survivors provide their consent voluntarily without influence or coercion from others and can change their mind about participating in the investigation at any point without the need for explanation.

Stated permission: Survivors provide their verbal or written consent to move forward with the investigation.

Adapted from UK Foreign and Commonwealth Office. (Second Edition: March 2017). International Protocol on the Documentation and Investigation of Sexual Violence in Conflict.

It is also essential to consider that the context in which investigations occur can vary greatly, and no two investigations are alike. A toolkit providing further guidance is accessible [here](#), containing:

-  **Guidance notes** that provide more detailed information on specific tools and processes in SEAH investigations.
-  **Templates** of processes and procedures.
-  **Case studies** demonstrating investigation processes in different real-life contexts and how the processes outlined in this guide can be put into practice.
-  **Resources** providing further detail about specific topics related to SEAH investigations.

A SURVIVOR-CENTRED APPROACH

The investigation process must take a **survivor-centred** approach to ensure that SEAH investigations keep survivors at the forefront, providing a supportive environment that promotes safety and empowers the survivor to have some say in the investigation process. Investigators must always keep in mind the potential effects that any investigation activity may have on the survivor and the survivor's community of care.⁵

A survivor-centred approach is one in which the survivor's dignity, experiences, considerations, needs, wishes, and resiliencies are placed at the centre of the investigation process. Survivors should have their views and wishes considered as far as possible in determining any action, with the survivor providing informed consent for the investigation to proceed, and for any potential use or disclosure of their information. The survivor should be informed about the investigation process and kept updated on the investigation's progress. An investigation should only proceed without a survivor's consent in extreme circumstances, after engaging with the survivor to ensure their safety and well-being, taking into account the possible loss of relationships and additional risks that may result.

References: 5 A 'community of care' comprises bodies and individuals identified by the survivor as those best able to provide the support needed for recovery. It can, but may not, include relatives or local agencies.

 CONTENTS

 SECTION START

1.3

Structure of this guide

CONSIDERATIONS FOR CHILD SURVIVORS

Child survivors (anyone aged under 18 years) are often unable to adequately express or articulate their experience of SEAH when it happens to them. When a complaint includes a child (or children) survivor(s), trained experts must be consulted and, if possible, brought in to assist investigators. Experts trained in child trauma and safeguarding can provide valuable guidance to investigators, particularly in ensuring safety, security, and well-being for child survivors and in supporting the gathering of evidence and interviewing.

Those interacting with the survivor and/or handling information regarding the allegation must maintain confidentiality, ensure the safety of the survivor, and apply survivor-centred principles which are safety, confidentiality, respect, and non-discrimination.⁶ In cases where the survivor is a child, the approach must act in the best interests of the child and engage with an appropriate adult or guardian, preferably of the child's choosing. An assessment should be undertaken as to whether to engage with a particular appropriate adult or guardian, to ensure that the engagement is in the best interests of the child.

It is essential that investigators have the appropriate attitudes, knowledge, and skills to prioritise the survivor's own experiences and input. By using this approach, investigators can create a supportive environment in which a survivor's rights are respected and the survivor is treated with dignity and respect.

.....

References: 6 Bond. Survivor-centred approach. [online] Available at: <https://safeguarding-tool.bond.org.uk/large-ngo/sections/survivor-centred-approach/step1>.

.....

 CONTENTS

 SECTION START

1.3

Structure of this guide

A survivor-centred approach helps to promote a survivor's recovery and well-being and to reinforce their capacity to make decisions about possible interventions.⁷ Table 1 compares the positive impacts of a survivor-centred approach with negative impacts typically experienced by survivors.⁸

Positive survivor-centred impacts	Negative impacts typically experienced
To be treated with dignity and respect	Victim-blaming attitude
To choose a course of action	Feeling powerless
Privacy and confidentiality	Shame and stigma
Non-discrimination	Discrimination based on gender, ethnicity, etc.
Comprehensive information to make their own decision	Being told what to do
	Increased risk of re-victimisation / abuse

Table 1: Positive impacts of a survivor-centred approach versus negative impacts.

7 UN Women. Virtual Knowledge Centre to End Violence against Girls. [online] Available at: <https://www.endvawnow.org/en/articles/1499-survivor-centred-approach.html>. 8 Adapted from: UN Women – Virtual Knowledge Centre to End Violence Against Women and Girls. 2013. Survivor-centred approach. [online] Available at: <https://www.endvawnow.org/en/articles/1499-survivor-centred-approach.html>.

 CONTENTS

 SECTION START

1.3










Structure of this guide

WHAT IS A SURVIVOR-CENTRED APPROACH?

A survivor-centred approach is one in which the survivor's dignity, experiences, considerations, needs, and resiliencies are placed at the centre of the investigation process.

PROCEDURAL FAIRNESS

Procedural fairness requires investigators to:⁹

-  inform the subject of a complaint of the nature of the complaint;
-  provide all parties with an opportunity to provide their account of events;
-  provide all parties with an opportunity to give evidence and respond to any evidence;
-  allow the survivor to define the physical, emotional, and social harms they experienced during and as a result of the alleged act;
-  make reasonable inquiries or investigations before making a decision;
-  consider all relevant factors and no irrelevant factors;
-  ensure that no person decides a case in which they have a direct interest;
-  act fairly and without bias; and
-  investigate without undue delay.

It is important to note that a survivor-centred approach does not affect procedural fairness.

References: 9 Ombudsman New South Wales, 2019. Investigation of Complaints. State of New South Wales

 CONTENTS

 SECTION START

1.4

Foundations of SEAH investigations



WHAT IS A SEAH ADMINISTRATIVE INVESTIGATION?

For the purposes of this guide, an investigation is a fact-finding process involving searching for, gathering and examining information to establish facts. It is one step in a decision-making process that starts with a complaint and ends with a decision.

1.4.1 PURPOSE OF INVESTIGATIONS

The SEAH investigation process in this guide is for administrative investigations into potential SEAH incidents, in violation of organisational policy in a humanitarian or development setting.

In any administrative investigation there are two key tasks for the investigator:





-  Ascertaining all relevant facts pertaining to the complaint, including the range of harms experienced.
-  Reporting all findings at the end of the fact-finding exercise. The report should contain the reasons for the findings and refer to the material on which they are based. If appropriate, the report should make relevant recommendations.

It is important to understand that SEAH administrative investigations are not held to the same standard of proof as criminal investigations. The standard of proof in SEAH administrative investigations is generally 'on the balance of probability' or sometimes 'clear and convincing evidence' as opposed to the criminal standard of 'beyond reasonable doubt' (also referred to as 'overwhelming evidence').

1.4

Foundations of SEAH investigations

Though administrative, SEAH investigations also:

-  provide mechanisms to ensure victims and survivors of harm have access to the services and resources they need to support their recovery process and restore their well-being;
-  provide mechanisms to ensure humanitarian and development workers are held to account when SEAH policies are violated;
-  help to improve SEAH prevention policies – as part of the reporting process, investigators provide recommendations and lessons learned to organisations to strengthen SEAH-prevention systems and mitigate the risk of further SEAH incidents;
-  are part of the ‘do no harm’ concept, which stipulates organisations make efforts to minimise unintended, negative consequences in providing humanitarian assistance. SEAH investigations reinforce this concept by offering a formal process of checks and balances when misconduct occurs, and ensuring survivors’ needs and wishes are met.

1.4

Foundations of SEAH investigations

1.4.2 PRIMACY OF CRIMINAL INVESTIGATIONS OVER ADMINISTRATIVE INVESTIGATIONS

An SEAH administrative investigation determines whether a Subject of Complaint violated an organisation's Code of Conduct, SEAH policy or related policy. By contrast, a criminal investigation determines whether any law has been violated and may result in formal charges being filed against the Subject of Complaint.

A criminal investigation always takes precedence over an administrative investigation. If a criminal investigation is underway, an administrative investigation should be postponed or suspended pending the outcome of the criminal investigation to avoid the possibility of damaging the criminal investigation. However, in some circumstances it may be appropriate to undertake a 'parallel' investigation. This should only be done after careful consideration and in consultation with the authority conducting the criminal investigation, and with the survivor. An example of why a parallel investigation may be considered appropriate is the length of time a criminal investigation may take.

Investigators must always follow legal and organisational policies and procedures when it comes to reporting a complaint to a relevant authority. The policies may vary depending on the organisation, however, and survivors must be made aware that this is taking place – allowing them to make an informed decision on how to move forward with the complaint.

Where administrative and criminal investigations are conducted in parallel, they should not intersect, and an administrative investigation should not be undertaken to obtain information solely for the purpose of a criminal prosecution.¹⁰

References: 10 Perscaud, S. 1997. Parallel Investigations Between Administrative and Law Enforcement Agencies: A Question of Civil Liberties. Florida State University.



CONTENTS



SECTION START

1.4

Foundations of SEAH investigations

Depending on local laws, any information-sharing with a law enforcement authority should be considered and approved by the survivor (and, if a child, an appropriate adult) and legal counsel. It should be remembered that interviews conducted as part of an administrative investigation should not be shared, given that: a) subjects of complaint are informed during the interview that the interview cannot be used in any criminal proceeding (see section 2.2.8.3); and b) a survivor-centred approach dictates that survivors must provide consent on the possible use and disclosure of their information.

It should also be remembered that a SEAH incident may have also been reported to a law enforcement authority for criminal investigation (e.g., to the police), by the survivor or a third party on their behalf, or after first being reported to the Subject of Complaint's organisation, or after an assessment or initial investigation revealed credible evidence of a crime.

Cases should only be referred for criminal investigation by the organisation's legal counsel in consultation with the survivor and investigation manager.

The organisation's legal counsel should liaise with the law enforcement authority. On conclusion of a criminal investigation where the complaint is **substantiated** (in consultation with the investigation manager), the legal counsel, along with the survivor, (and, if a child, an appropriate adult) should determine whether an administrative investigation should be conducted. On conclusion of a criminal investigation where the complaint is **unsubstantiated**, any available information should be reviewed by the organisation's legal counsel to determine whether an administrative investigation is necessary or appropriate.

It is important to note that despite a criminal investigation finding the complaint unsubstantiated, an administrative investigation may be appropriate due to the lower 'balance of probabilities' standard of proof, compared to the 'beyond reasonable doubt' standard of proof in criminal investigations. An administrative investigation may still find that the Subject of Complaint has breached the organisation's code of conduct or other policy and should be sanctioned.

[CONTENTS](#)[SECTION START](#)

1.4




Foundations of SEAH investigations

DETERMINING THE 'BEST INTEREST OF THE CHILD'

If considering an SEAH investigation that involves a child survivor, the organisation must identify an appropriate adult to represent the child and their rights, and a Best Interest Determination (BID) must be conducted. A BID is a child safeguarding process that takes a variety of factors into consideration when decisions are made that affect or impact the child survivor. Additional resources on BID can be found [here](#).

1.4.3 WHEN INVESTIGATIONS TAKE PLACE

An important principle of SEAH case management is that investigations are survivor-centred: safe, confidential, respectful, and non-discriminatory. An investigation can move forward when:

-  it has been established that a SEAH policy has possibly been breached;
-  it has been established that it is in the best interests of the survivor to conduct an investigation and an investigation will not expose the survivor to any further risk or harm;
-  the survivor has been given a full and transparent explanation of the process and possible consequences.

The informed consent of a survivor should be obtained to investigate the complaint along with their informed consent regarding the use and sharing of any personally identifiable information. However, in extreme circumstances, an investigation may still occur in the absence or withdrawal of a survivor's consent. However, regarding SEAH, zero tolerance policies should not be imposed if they compromise the safety or best interests of the survivor.

The investigation manager must then determine the resources available and conduct a preliminary risk assessment prior to an investigation commencing.





1.4

Foundations of SEAH investigations

1.4.4 THE INVESTIGATION PROCESS

SEAH investigations consist of six phases. As no two investigations are alike, the amount of time and resources required for each phase will vary for each investigation. There may also be variations in the phases depending on the context of the investigation. While the investigation process outlined in this guide represents good practice, there will be circumstances in which the process needs to be expedited or adapted to fit the operational context. However, the foundations of conducting SEAH investigations remain the same. For further guidance on how adaptations may be made, depending on the context, please see the guidance notes and case studies [here](#).

Prior to starting an investigation, the investigation manager, investigators, and local team members must conduct a preliminary assessment that examines the local context. This is critically important in ensuring that:

-  no additional harm is done to survivors, witnesses, or the Subject of Complaint because of the investigation;
-  there is clarity on the legal environment and labour laws in which the investigation will take place, including any laws or regulations related to sexual exploitation, abuse, and harassment and recognising the special protective rights of children if the survivor is under 18;
-  the survivor or identified parent/guardian provides informed consent to proceed with the investigation;
-  investigators have a general understanding of the social, cultural, legal system, customary laws, and religious context in which the investigation will take place, and risks associated with it.

Before the investigation begins it is also helpful to conduct a services mapping exercise to establish the local services available to support the survivor and others involved in the investigation. Due to confidentiality, the investigation team will not be able to follow up with the providers on the services the survivor receives. As part of a survivor-centred approach, the investigation manager and investigation team should provide referrals and information on the support services available. More information on the framework for essential services can be found [here](#).

 CONTENTS

 SECTION START

1.4

Foundations of SEAH investigations

1.4.5 ROLES AND RESPONSIBILITIES

1.4.5.1 The Investigation Team

SEAH investigations must be a collaborative process with clearly defined roles and responsibilities. Investigations can be conducted by competent external parties or internally if there are qualified staff available (see Table 2).

Typically, the core investigation team consists of an investigation manager, investigators, and, if needed, experts/specialists, observers, translators, survivor liaison, and interview support persons. Additional team members may be required depending on the context and location. For example, some investigations may need IT specialists to gather electronic evidence, or psychosocial support professionals or child protection experts if children will be interviewed. Team composition is contingent on the investigation requirements, available resources, and access to where the incident took place. Regardless, all team members directly involved in SEAH investigations must have the requisite skills, training, knowledge, and experience to participate.

Team member	Description of role
Investigation manager	<ul style="list-style-type: none"> • Provides management, guidance, and oversight in the investigation. • Develops the terms of reference for investigators and recruits additional investigation team members if, and when, needed. • Ensures the investigation is conducted fairly and transparently. • Approves the investigation plan (and any amendments to it), the interview plan, and the final report. • Ensures survivors are aware of support services and provided with assistance to access these services if required. • Upon conclusion of the investigation, undertakes a quality assurance review of the investigation.
Investigator(s)	<ul style="list-style-type: none"> • Leads the investigation according to the requirements outlined in the terms of reference. • Identifies lines of enquiry and undertakes investigation functions. • Coordinates with the investigation manager and investigation team to deliver a high-quality report with findings and recommendations based on the standard of proof required. • Develops the investigation plan, assesses the risks, gathers evidence. • Conducts interviews with survivors, witnesses, and subjects of complaint.
Translator (as needed)	<ul style="list-style-type: none"> • Provides translation for interviews with the survivor, witnesses and/or the Subject of Complaint if, and when, needed. • Translates any written documents and/or digital records.
Specialists/experts (as needed – can range from child protection experts to IT specialists)	<ul style="list-style-type: none"> • Provide specialised expertise in supporting the investigation and gathering evidence.
Survivor liaison	<ul style="list-style-type: none"> • Provide support to the survivor during the investigation process. • Ensure lines of communication are open between the survivor and the investigation team. • Individual is appointed by the investigation manager.

Table 2: Investigation team roles and responsibilities.

It is essential to have at least one investigation team member from a similar cultural background and geographic location to that in which the investigation will take place. This individual can provide insight into the investigation context and cultural nuances that are important to understand as part of the investigation. Including a local team member is essential when the investigation manager is based in a different location to where the incident occurred.¹¹

References: 11 CHS Alliance. (2014). Guidelines for Investigations: A guide for humanitarian organisations on receiving and investigating allegations of abuse, exploitation, fraud or corruption by their own staff.

[➤ CONTENTS](#)

[➤ SECTION START](#)

1.4 Foundations of SEAH investigations

1.4.6 STANDARDS OF PROOF IN ADMINISTRATIVE INVESTIGATIONS

Investigation standards of proof can vary depending on organisational requirements (see Table 3). For example, some organisations stipulate a **balance of probabilities** standard, and others a higher **clear and convincing evidence** standard.

In most SEAH investigations, because they are administrative, complaints must be proved on the balance of probabilities – i.e., it must simply be more probable than not that the misconduct occurred. This is useful given the common challenges of limitations in terms of time, budget, authority to enforce participation in the investigation, and access to survivors/witnesses.

The standard of proof required must be clearly stated in the investigation terms of reference and in the investigation report.

Standard of proof	Description
Balance of probabilities	<ul style="list-style-type: none"> • More likely than not – i.e., more evidence supports the finding than contradicts it. • Classic expression is: ‘reasonable to conclude’. • This is the common standard of proof used in SEAH investigations.
Clear and convincing evidence	<ul style="list-style-type: none"> • Much more likely than not – i.e., very solid support for the finding; significantly more evidence supports the finding and limited information suggests the contrary. • Classic expression is: ‘it is clear that’. • This standard is sometimes required for SEAH investigations depending on the organisation.
Overwhelming evidence (beyond reasonable doubt)	<ul style="list-style-type: none"> • Conclusive or highly convincing evidence supports the finding. • Classic expression is: ‘it is overwhelming, it is undeniable’. • This standard is used in criminal investigations.

Table 3: Standards of proof¹²

References: 12 Wilkinson, S. (n.d.) Standards of Proof in International and Human Rights Fact Finding and Inquiry Missions. Geneva Academy of International Human Rights Law and Human Rights.

[CONTENTS](#)

[SECTION START](#)

1.5 Principles of SEAH investigations

The principles of SEAH investigation are a crucial component of investigations and complement the processes, tools, and templates provided in this guide. The principles should be incorporated into every investigation phase and guide the investigation team in their overall approach. There are four primary principles of SEAH investigations (see Figure 1). Under each of these principles are sub-principles that provide more precise guidance on integrating the principles in investigations.



Figure 1: Principles of SEAH investigations



CONTENTS



SECTION START

1.5

Principles of SEAH investigations

1.5.1 DO NO HARM

Do no harm is a cross-cutting ethical principle that should be incorporated into every investigation process. Do no harm means that investigators are aware of the potential negative impact the investigation could have on survivors, witnesses, the Subject of Complaint, and the investigation team itself. The risks and harm that could result from the investigation should be comprehensively assessed and documented, with measures put in place to reduce the likelihood of their occurrence, and their potential impact.¹³

1.5.2 SURVIVOR-CENTRED¹⁴

Safety: Survivors and witnesses¹⁵ may face fear of retaliation or risks related to their safety. Organisations and investigation teams should do what is possible within the limitations to ensure no additional harm comes to survivors and witnesses resulting from the investigation. The health and welfare needs of survivors and witnesses are essential in investigations. These matters are referred to the investigation manager who can confidentially coordinate access to services to meet these needs throughout the investigation.

Confidentiality: There are two aspects of confidentiality in a SEAH investigation. The first relates to the survivor, who must be fully informed of all aspects of the investigation process and provide their consent to share any information or tell their story. The second relates to access and dissemination of information. The investigation team should ensure that required information is available to authorised people on a strictly need-to-know basis.

References: 13 UK Foreign and Commonwealth Office. (Second Edition: March 2017). International Protocol on the Documentation and Investigation of Sexual Violence in Conflict. 14 Survivor-centered guidelines are taken from the Inter-Agency Minimum Standards for Gender-Based Violence in Emergency Programming. UNFPA. (2019). Inter-Agency Minimum Standards for Gender-Based Violence in Emergencies Programming. 15 It is important to note that subjects of complaint may also face fear of retaliation or risks related to their safety.

[CONTENTS](#)

[SECTION START](#)

1.5

Principles of SEAH investigations

Respect: The investigation must respect the rights, choices, and dignity of the survivor. The survivor must be provided with information regarding the investigation and any support services and make the choice as to whether to proceed with the investigation or use the referred services. While informing the survivor of the investigation process is important, this does not mean that the survivor has access to all information related to the investigation, but rather is made aware of the overall process that takes place.

Non-discrimination: All survivors receive equal and fair treatment regardless of their ethnicity, gender or gender identity, race, religion, or disability etc.

1.5.3 TRANSPARENT AND FAIR

Due process: All investigations must be conducted in a way that maintains the rights of all stakeholders involved. Investigations must always be transparent, objective, and fair.

Impartial: Investigators must be aware of and disclose to the investigation manager any conscious bias or conflicts of interest (potential and actual) that may impair the investigation process before starting the investigation, or at any time during the investigation if a conflict of interest is identified.

Fact-based: Investigation findings must be based on available evidence, both inculpatory (evidence that shows or tends to show a person's involvement in an act), and exculpatory (evidence that may prove someone's innocence), and according to the required standard of proof.

[▶ CONTENTS](#)[▶ SECTION START](#)

1.5

Principles of SEAH investigations

1.5.4 PROFESSIONAL

Best practice: SEAH investigations should follow the best practices and standards outlined in this guide.

Timely: Investigations must be conducted as soon as possible after the complaint is received and informed consent is given by the survivor. Or in the absence/withdrawal of consent, a decision has been made to continue with the investigation based on a thorough risk assessment. The timeline for conducting the investigation may vary. However, the investigation and reporting must balance the requirements for determining the scope of the investigation, risks, budget, and resources available, and any other constraints that may exist.

Coordinated: The investigation team must coordinate with the appropriate specialists, experts, and team members to effectively implement investigations.

If multiple agencies are involved in the complaint, investigators should coordinate with other organisations that may be implicated. In these cases, a joint investigation may be appropriate to reduce repeat interviews with survivors and witnesses and duplicated efforts in gathering evidence.

Qualified: Investigation team members should be appropriately trained and experienced in conducting SEAH investigations.

1.5

Principles of SEAH investigations

1.5.5 STRUCTURED

Thorough: Investigations must be conducted in a diligent, complete, focused, and rigorous manner to ensure that all relevant evidence is obtained and evaluated (including evidence that might both inculpate or exculpate the Subject of Complaint).

Process-oriented: While no two investigations are the same, every investigation should follow the same process, going through each phase comprehensively and with the appropriate diligence required to formulate findings based on evidence and facts.

Appropriately documented: Investigation reports and their conclusions must be supported by adequate documentation. Therefore, investigators and investigation teams must appropriately and thoroughly document the process, evidence, interviews, and any other critical aspects of the investigation.

02

INVESTIGATION PLANNING

2.1 Identifying risks

2.2 Investigation planning

2.3 Investigation planning in practice

2 Investigation Planning

Investigation planning is the first phase in investigations (see Table 4). Before the formal launch of the investigation, several preliminary steps should have been completed by the investigation manager and organisation. The outputs of these initial steps need to be made available to the investigators as inputs to the risk assessment and planning stage. Having this information readily available for investigators helps expedite the initial analysis and plan for the investigation.

Investigation inputs	Description
Details of complaints/allegation	<p>The investigation manager compiles detailed information about the complaint/allegation, including but not limited to:</p> <ul style="list-style-type: none"> violation or infraction according to the organisation's code of conduct, policies, procedures etc.; the original complaint, including information on when and how it was submitted, who submitted it, who received it, etc.; when the incident/s occurred, including if it is still happening; information on the survivor or person submitting the complaint (if not the survivor) including (if available): full name, contact information, relationship to the organisation; information on the identified Subject(s) of Complaint, including full name, contact information, and current organisational position; initial list of any witnesses provided by the survivor or uncovered by the investigation manager; local legal and procedural considerations; organisational code of conduct.
Preliminary evidence	Includes any evidence provided by the survivor (text messages, voicemails, emails, photos) and any preliminary evidence gathered by the investigation manager and organisation.
Administrative records	The investigation manager should gather any administrative records (such as HR records) available for the Subject of Complaint (and the survivor if the survivor is a staff member) for review and analysis by the investigators.
Context and security information	To facilitate the risk assessment and investigation planning process, investigation managers should brief investigators on the context and any security constraints, concerns or protocols that need to be factored into the plans or risk-mitigation strategy. For example, if there are witnesses located in an area that has a high risk of insurgency activity, the investigators may need to consider other ways to reach witnesses and this needs to be factored into the investigation plan.

Table 4: Investigation planning

[▶ CONTENTS](#)

[▶ SECTION START](#)





2.1

Identifying risks

RISKS IN CONDUCTING THE INVESTIGATION

Prior to starting the investigation, the investigation manager should have assessed the risks and determined if they are too big to proceed with the investigation. During the investigation planning phase, risks are reassessed (and should be throughout the entire investigation) and expanded upon as more information is known. During this phase, and once the risk assessment has been comprehensively done, the investigation team should again consider if the risks are too great to move forward.

Once an investigation has commenced, investigators should continue to assess the risks associated with it. Risks are things that could impact people involved, or the investigation itself. The investigation team needs to thoroughly consider:

-  what could happen;
-  the likelihood of it happening;
-  the degree of potential impact; and
-  actions or strategies that can be used to reduce the likelihood and/or potential impact of that risk taking place.

Investigators must also have information on the context in which the investigation will take place prior to conducting the risk analysis and investigation planning. Social and cultural norms and the legal environment could present risks or constraints to the investigation, so having this information available before conducting the risk assessment and investigation planning is important so any mitigation measures can be factored into the risk and planning.

2.1

Identifying risks

KEY CONTEXT QUESTIONS TO EXPLORE

What are the gender dynamics in the area in which the complaint occurred? What are the traditional and cultural beliefs in the community in relation to gender roles? How may this impact the ability of victims to report SEAH and access justice?

What is the community understanding of different forms of gender-based violence (GBV), including against children, people with disability, racial minorities, indigenous communities or members of the LGBTQI community? What are the repercussions, if any, for survivors? How would the community or family react if they become informed of a SEAH crime perpetrated against a member of their community? Would the reaction differ based on the age or gender of the survivor?

What are the different forms of justice, both formal and informal, available to survivors?

Adapted from: UK Foreign and Commonwealth Office. (Second Edition: March 2017). International Protocol on the Documentation and Investigation of Sexual Violence in Conflict.

Additionally, investigators should be mindful that as the size and complexity of the investigation increases, so does the risk. And the larger and more complex the investigation, the more resources will be required.

2.1

Identifying risks

DO NO HARM, RISKS, AND INVESTIGATION PLANNING

Ensure that survivors, interviewees, and Subjects of Complaint, and the investigation team are informed of potential risks and any security measures that need to be included.

Survivors, interviewees, and Subjects of Complaint must be in a safe, private, and neutral location that is culturally appropriate and easily accessible.

The identity of survivors, interviewees and Subjects of Complaint must be protected.

As part of confidentiality and safety, advise survivors, interviewees, Subjects of Complaint and anyone involved in gathering evidence about non-disclosure and its importance.

2.1.1 RISKS TO PEOPLE


The first category of risks to consider and assess are risks to people, paying particular attention to risks for survivors. The investigation team should determine if any protection risks exist for the survivor, witnesses, Subject of Complaint, and investigation team. Using a survivor-centred approach requires a focus on safety, keeping the survivor's physical, psychosocial, mental, and emotional well-being as the highest priority. It may be helpful to divide the risks into categories to ensure the assessment is comprehensive and covers the spectrum of risks to people.


[CONTENTS](#)[SECTION START](#)


2.1

Identifying risks

2.1.1.1 Risks to survivors and witnesses

- 
Safety, security, and risk of retaliation: Retaliation is any act of discrimination, reprisal, harassment, or vengeance – direct or indirect – taken against a survivor or reporter of a complaint or a disclosure (or their relatives or associates) reasonably believing it to be true. Retaliation can also happen against witnesses in the investigation. Using the preliminary information available, initial discussions with survivors, witnesses, community members and feedback from the investigation manager, investigators need to determine to what extent retaliation, safety, and security are a risk to everyone involved in the investigation.¹⁶ Retaliation can happen to individuals beyond the survivor, including their family and acquaintances. Confidentiality plays a key role in mitigating the risk of retaliation by ensuring that only those who clearly ‘need-to-know’ are informed of the investigation.

- 
Physical health risks: In some cases, survivors may require urgent medical attention that must take priority over any other procedure. While urgent and immediate medical attention should have been addressed by the investigation manager before the arrival of the investigators, there may be cases where this has been overlooked, or where the survivor requires ongoing medical attention. Protocols should be in place for referral to appropriate health services with consent from the survivor.

- 
Psychosocial, emotional, and mental health risks: The psychosocial well-being of witnesses must be a primary consideration before moving forward with the investigation process. In cases of SEAH, survivors and witnesses may experience trauma surrounding the incident(s), so considerations and plans must be included for the ongoing psychosocial and mental health support of the witnesses, as well as the investigation team.

.....

References: 16 Including subjects of complaint.



.....

 CONTENTS

 SECTION START

2.1

Identifying risks

- 
Social and cultural risks: Survivors may be ostracised by family or community for coming forward and participating in the investigation. When communicating with the survivor (section 2.2.8.1) investigators must explain these risks when describing the investigation process.
- 
Legal risks: Depending on the country's laws and regulations on sexual violence, assault, and gender-based violence, survivors may face legal risks because of the investigation. Understanding the context is critical for investigators to be able to gauge these risks. It may be helpful to contact local legal support or legal aid to better understand the legal and security environment and risks that exist for the survivor. In some contexts, there may be informal systems and authorities that also need to be considered when determining the risks for survivors. Investigators should consult local organisations and experts to gain a better understanding as to how to navigate these systems as well as if/how risks to the survivor can be mitigated.¹⁷

INFORMAL SYSTEMS AND RISKS. KEY ACTIONS INVESTIGATORS CAN TAKE TO MITIGATE RISKS RELATED TO INFORMAL SYSTEMS INCLUDE:

Engage local organisations, such as legal aid and GBV advocacy groups, to determine the informal systems in place, how they operate, and what risks exist for survivors.

Ensure survivors are aware of the process and risks that exist in the informal systems.

Provide survivors with referrals to local legal aid and organisations that can provide support during the investigation process.

.....

References: 17 UNFPA. (2019). Inter-Agency Minimum Standards for Gender-Based Violence in Emergencies Programming.

.....


 CONTENTS


 SECTION START

2.1

Identifying risks

2.1.1.2 Risks to investigators¹⁸

- 
Access risks: Access to the investigation site is critical for investigators. Travel restrictions may inhibit their ability to get to the incident location. In this case, investigators should determine if conducting an effective investigation is possible and if alternative solutions are available.

- 
Safety and security risks Investigators and team members may face a multitude of safety and security risks, from armed groups and conflict to kidnapping. Having a solid understanding of the operating environment is critical for addressing risks related to safety and security for the investigation team. It may also be necessary to include additional personnel to help mitigate any safety and security risks, keeping in mind that additional risks emerge when more people are involved in the investigation. If investigators determine they need to include security personnel to conduct investigation activities, risks to breaches in confidentiality must be weighed against the need to bring these additional people on board.

References: 18 FCDO. (2016). Training Materials: International Protocol on the documentation and investigation of sexual violence in conflict.


2.1


Identifying risks

2.1.2 OPERATIONAL RISKS

Operational risks are those directly related to the implementation and quality of the investigation and range from conflict of interest and bias to intentional or accidental disclosure, and risks related to safety, security, health, travel, and logistics.

Conflict of interest and bias

 **Conflict of interest:** From an organisational perspective, conflict of interest situations relate to the inability to remain impartial and objective.¹⁹ For example, an individual conflict of interest could be an interpreter who fails to disclose a relationship with a witness, or an investigation manager who has a relationship with the Subject of Complaint. If an investigator has investigated the Subject of Complaint before, this could also present a conflict of interest.

 **Conscious and unconscious bias:** Bias may be conscious or unconscious and all efforts must be made to reduce potential bias. Bias is conscious when an investigator displays interest in a specific outcome of the investigation. Some examples of conscious bias can include:

- expressing personal opinions on the investigation and outcome;
- failing to notify the Subject of Complaint at the appropriate time or allow the Subject of Complaint the opportunity to provide a response or exculpatory evidence; and
- failing to maintain objectivity and impartiality when collecting evidence and ignoring exculpatory evidence.

References: ¹⁹ United Nations Office of Internal Oversight Services. (2015). Investigation Manual.

 CONTENTS

 SECTION START

2.1 Identifying risks

Unconscious bias happens when an impartial individual observes or perceives the investigator influencing the investigation without awareness of doing so. Unconscious bias often happens when people favour others who look like them and/or who they perceive to share their values. A person may be drawn to someone with a similar educational background, from the same area, or who is the same colour or ethnicity as them. For example: colour or ethnicity as them. For example:

- the investigator is perceived to favour the testimony of a witness who is from the same region;
- the investigator puts more weight into testimony from a witness with the same university degree as the investigator; and
- the investigator passively discriminates against the Subject of Complaint or survivor due to their colour, ethnicity, nationality, legal status, disability, educational background, etc.

Unconscious bias, or the perception of unconscious bias, can compromise the integrity of the investigation and undermine its findings and results. Measures must be taken to address unconscious bias, or the perception of unconscious bias, in the investigation.²⁰



Travel and movement risks

- **Safety and security:** Bodily harm, kidnapping, and insurgency are examples of safety and security risks to investigation teams. Risks should be identified and assessed in collaboration with the security team and according to any restrictions and/or protocols outlined by the commissioning organisation.
- **Health:** The COVID-19 pandemic is an example of a health-related risk that may impact travel but there could be other illnesses that could limit the ability of the investigation to get from one location to another.

.....
References: 20 CHS Alliance. (n.d.). SEA Investigation Training. Procedural fairness and the standard and burden of proof.



CONTENTS



SECTION START

2.1

Identifying risks

- **Logistics:** Areas may be hard-to-reach or inaccessible to the investigation team for many reasons, including geographic location, travel permission from authorities, or availability of appropriate transport.



Accidental and intentional disclosure: The investigation team should consider that intentional or unintentional disclosure is a risk and establish mechanisms to mitigate any breaches in confidentiality. Accidental disclosure occurs when details about the investigation or allegation are unintentionally revealed. While this is listed as an operational risk because it could compromise the integrity of the investigation, it could also present a risk to people.

- **Accidental disclosure:** Key details about the allegation and/or investigation are inadvertently revealed. This could happen through casual conversation or documents ‘falling into the wrong hands’.
- **Intentional disclosure:** This happens when individual(s) trusted with confidential information share that information with others beyond those deemed as ‘need to know’, disregarding any rules and regulations and breaching confidentiality.²¹



Resource and capacity risks: Investigations require resources, both financial and human. Ideally there should be appropriate budget and personnel to implement SEAH investigations, however that may not always be the case, particularly with organisations who have no dedicated internal oversight and investigation units. Risks will emerge when there are budget constraints and challenges in accessing qualified personnel to conduct investigations.

References: 21 CHS Alliance. (2014). Guidelines for Investigations: A guide for humanitarian organisations on receiving and investigating allegations of abuse, exploitation, fraud or corruption by their own staff.




CONTENTS



SECTION START

2.1

Identifying risks

 Investigation duplication risks: If multiple agencies or organisations are implicated in a complaint, it is important to minimise any duplication of efforts, especially when it comes to interviewing witnesses and survivors. There should be a coordination mechanism in place between investigation managers in organisations in these contexts.

2.1.3 ASSESSING AND PLANNING FOR RISKS

Once risks have been identified, the investigation team should determine which risks pose the highest threat and develop actions or response strategies to reduce their probability and potential impact. Assessing the impact and probability of each risk can help the investigation team prioritise them (see Figure 2).

2.1 Identifying risks

		PROBABILITY			
		Very Unlikely	Unlikely	Likely	Very Likely
IMPACT	Minor	LOW	LOW	MODERATE	MODERATE
	Significant	LOW	LOW	SERIOUS	SERIOUS
	Serious	MODERATE	MODERATE	SERIOUS	HIGH
	Major	MODERATE	MODERATE	HIGH	HIGH

Figure 2: Risk analysis framework

- High**
 These risks require clear response and/or mitigation measures as they are likely or very likely to happen and have a serious or major impact on the investigation. Impact could include single or multiple fatalities, widespread illness, and/or large-scale property/equipment damage.
- Serious**
 Risks under this category are likely to happen with significant or serious consequences or very likely to happen with significant consequences. Impact could include serious or significant injury or illness, serious or significant property and/or equipment damage.
- Moderate**
 Risks under this category are very unlikely or unlikely to happen with serious or major impact or likely or very likely to happen with minor impact. Minor impact could include minor injuries or illness, minor property/equipment damage.
- Low**
 These risks are very unlikely or unlikely to happen with minor to insignificant impact on the investigation.

2.1

Identifying risks

2.1.4 DEVELOPING A RISK RESPONSE STRATEGY

Once risks have been assessed, the next step is to develop a risk response strategy for each risk in order to minimise its impact or likelihood of affecting the investigation. Risk response strategies should include considerations for any constraints (budget, policy, legal, etc.) that the investigation team may face in responding to the risk and should identify the person responsible for taking action to mitigate the risk or respond if the risk happens (see Table 5).

Risk Category	Risk Description	Impact	Probability	Response strategy	Risk owner
Operational (movement risk)	Witnesses are in an area that prone to civil unrest and armed conflict which may endanger investigators and/or the survivor, witnesses, and Subject of Complaint	Serious	Likely	Investigation activities conducted remotely	Security focal point
People (risk of retaliation)	Survivor or their family are threatened with physical harm for making the complaint and participating in the investigation	High	Likely	Survivor and/or family relocated Suspension of Subject of Complaint	Head of mission
People (risk of retaliation)	Subject of Complaint is threatened with physical harm	High	Likely	Suspension of Subject of Complaint	Head of mission

Table 5: Risk plan template

As information is gathered during the investigation, or more evidence comes to light, there may be additional risks that emerge. The investigation team should therefore periodically reassess the risks throughout the investigation.

2.1 Identifying Risks

2.2 Investigation Planning

2.1.5 EXPERTS AND RISKS

Experts and specialists can play a key role in mitigating and responding to risks and the investigation team and organisation must make sure experts and specialists are brought in and consulted when needed.²² For example, if there is a risk of psychosocial trauma and distress for the survivor, the investigation team can refer the survivor to a trauma counsellor or psychosocial expert who can provide support and treatment or provide guidance to the investigation team on measures they can take to minimise the harm or exposure to the survivor.

Comprehensive planning is a critical step in facilitating an effective and structured investigation. When developing the initial plan, the investigation team must consider the constraints that exist, incorporate the mitigation response strategies for the risks previously identified, and be aware that the investigation plan will likely change as the investigation progresses. The investigation plan (and any changes to it) need to be approved by the investigation manager.

Investigators should be mindful of any social and cultural components that may need to be factored into the investigation – for example, the survivor’s preference on the gender of the interviewer, witnesses and survivors’ perceptions, and willingness to speak about SEAH. When it comes to interviewer selection and gender, it is best to check with the survivor and witnesses on their preferences and to consult with the investigation manager as to any social and cultural aspects that may need to be considered or that may impact the investigation.

References: 22 Humanitarian Accountability Partnership. (2008). Investigation Training Handbook: Training materials on receiving and investigating allegations of exploitation and abuse by humanitarian workers.


[▶ CONTENTS](#)

[▶ SECTION START](#)


2.2 Investigation planning

2.2.1 THE INVESTIGATION PLAN

Investigation plans must be comprehensive, flexible, adaptable to the evolving operational context, and able to guide the team through the investigation from start to finish. Plans should include the following components²³ (see the [toolkit](#) for an example plan).

 **Schedule/timeline:** The schedule or timeline of the investigation should include all activities the investigation team is required to conduct, from reviewing background material to submitting the report and any post-investigation activities. The plan must establish timeframes for each phase of the investigation to ensure completion (without prejudice of quality) at the earliest opportunity. As the investigation progresses, the schedule will need to be amended as new information emerges, and be able to accommodate:

- travel or logistical elements (overestimate rather than underestimate, particularly when using the services of a translator);
- holidays and customs around the availability of potential witnesses;
- locations that are convenient to witnesses rather than the investigation team.





 **Resources required:** Resources can include equipment and human resources. Investigations may require certain equipment or personnel and the plan must ensure these are available when required.

References: 23 Interaction. (2012). Management of Investigations Workshop: Participant Manual., United Nations Office of Internal Oversight Services. (2015). Investigation Manual.

 CONTENTS

 SECTION START

2.2 Investigation planning

- 
Interviews: Interviews and the order in which witnesses are interviewed is a significant part of the scope in an investigation. The order of interviewing witnesses is important and should be: the reporter (if not the survivor), survivor, witnesses, and finally the Subject of Complaint. Planning for witnesses should also include a summary of the evidence being sought from witnesses and any relationship between witnesses (which can have a bearing on the order in which witnesses are interviewed). A reporter, or reporting person, is the individual who submitted the SEAH complaint and who is not the survivor. In this case, the reporter should be interviewed first.
- 
Logistics and travel: The plan should outline all travel or movement required of the investigation team to complete the investigation activities (including visas, vaccinations required, in-country travel, security requirements, accommodation/travel etc.).
- 
Records: Plans for obtaining records (from internal or external sources) should consider their handling and storage, as well as any data security measures needed to ensure that access to such information is authorised. This will help protect the identity of survivors, witnesses, and the Subject of Complaint.
- 
Collecting, documenting, and preserving evidence: Any plans for collecting, documenting, protecting, and preserving evidence and conducting analysis. Investigators must also consider any contextual issues related to local labour laws, employment policies, formal and informal laws related to GBV and SEAH, the constraints that exist because of these laws and policies, and their impact on how the investigation is conducted.²⁴

References: 24 CHS Alliance. (2014). Op. cit.




 CONTENTS

 SECTION START

2.2 Investigation planning

2.2.2 IDENTIFYING CONSTRAINTS

In addition to a comprehensive risk assessment, the investigating team will also need to be aware of any constraints that exist in the context of the investigation. A constraint is something that already exists, defined as a limitation or restriction. When planning, the investigation team needs to develop a plan that works within these constraints and remain aware of how they impact the investigation.

-  **Legal constraints:** Provisions in national GBV, SEAH, and employment laws along with the organisation's policies may influence how the investigation is conducted. For example, employment laws might stipulate that a Subject of Complaint has the right to know that an investigation is taking place from the outset of the investigation. It is therefore important for the investigation team to assess the legal context to decide on when to inform the Subject of Complaint.²⁵
-  **Organisational constraints:** Organisations should give investigators a mandate to initiate and conduct investigations on the organisation's behalf through the investigation's terms of reference. However, before starting an investigation, investigators should review their investigation terms of reference with the investigation manager to identify the extent of their authority to investigate in this case.
-  **Capacity constraints:** The investigation budget, timeline, and resource constraints must be considered when developing the investigation plan. Any risks related to the capacity constraints must be assessed and response strategies put in place.

References: 25 Ibid.

 CONTENTS

 SECTION START

2.2 Investigation planning

2.2.3 DEFINING THE SCOPE

Investigators can begin defining the scope by reviewing the preliminary information gathered by the investigation manager and organisation and mapping out the tasks and activities to be completed based on this initial assessment.

It is important the investigation team plans to secure the evidence prior to conducting interviews to mitigate the risk of evidence tampering or destruction, and to enable a witness to be shown the evidence in an interview where appropriate. The closer a witness is to the Subject of Complaint, the later in the sequence they should be interviewed to reduce the impact or probability of the witness contacting the Subject of Complaint and disclosing information.

Investigators should also identify the key sources of evidence and how they intend to access and use that evidence, taking any legal, policy, or other constraints into account. To ensure access to the evidence, investigators should notify individuals about where they will get the evidence from and instruct them not to destroy or tamper with it.²⁶

As the investigation progresses, new information may emerge that requires the plan to be updated. For example, while conducting an interview, a witness may mention an individual not initially identified by investigators. These situations require the investigation plan to be updated and approved by the investigation manager, if possible.

References: 26 Cross-Cultural Investigations. (2021). SCCE.

 CONTENTS

 SECTION START

2.2 Investigation planning

2.2.4 PLANNING FOR INTERVIEWS

2.2.4.1 The interview plan

When planning interviews, the information needed will differ depending on the category of witness. Nevertheless, investigators first need to obtain and consider:

- information about the witness;
- information about the reported incident; and
- information important to the investigation.

Information about the witness

The witness's age, race, gender, culture, and first language should be considered. For example, the witness may be a child and require an interview support person or specialist to conduct the interview. Customs and beliefs may also have a bearing on the witness's account. Witnesses may also need a translator or prefer an interviewer of the same gender. This information must be obtained as soon as possible in the investigation process.

Consideration should also be given as to whether the witness has any special needs or may need support and encouragement to participate in an interview. Special needs are covered in section 2.2.4.2.

Information about the reported incident

To plan and prepare for an interview, the interviewer will need to know all the details of the reported incident, including:

- the nature of the incident;
- when and where the incident took place;
- who reported the incident, when and how.

Information important to the investigation

While obtaining an account of the reported incident is essential, other matters important to the investigation often need to be explored during an interview to obtain a complete picture of all the relevant issues and conduct a comprehensive investigation.²⁷

References: 27 Ministry of Justice. (2011). Achieving Best Evidence in Criminal Proceedings. UK government, pp.46-63.

 CONTENTS

 SECTION START

2.2 Investigation planning

The amount of information important to the investigation that an interviewer has before an interview depends on information available about the witness including:

- what they have reportedly seen or know;
- what other witnesses have said; and
- what other evidence is available that confirms or does not confirm this information.

All this information should be entered into an evidence log (a template for which is provided in Section 3.2.1.1 of this resource), which is continually updated throughout the investigation and referred to when planning each interview.

In the planning phase, the interviewer should also check if important evidence is missing from the investigation, or if evidence is inconsistent, and determine whether witnesses to be interviewed could provide the evidence or clarify any inconsistencies.

However, care should be taken to avoid contaminating the interview process with such knowledge and to avoid asking questions of a witness based upon the responses of a previous witness, so as not to influence the witness's account.²⁸

An interview plan should always include:

- brief details of the reported incident;
- the relevant policy that the reported incident breaches;
- points of proof required to prove the breach of policy;
- any special needs;
- the objectives of the interview;
- how the interview will be phased using the PEACE model
- how the interview will be recorded;
- who should conduct the interview and who else will be present;
- location of the interview;
- time of the interview;
- likely duration of the interview (including breaks);
- any action to be taken after the interview.

References: 28 Ibid.



CONTENTS



SECTION START

2.2 Investigation planning

The investigation plan must include details for each of the interviews that will take place and the interview sequence. Things to keep in mind as the schedule is being developed is interviewee availability, the order of testimony, and any additional needs of interviewees (liaisons, supporters, translators)²⁹ as well as location/travel and whether the interview will be in person or conducted remotely (see Table 6).

Name	Internal or external to the organisation	Role in complaint	Age	Gender	Language	Translator needed	Location	Priority

Table 6: interview overview

The general rule for the witness interview sequence is:

1. Reporter (the person reporting the incident who is not the survivor)
2. Survivor
3. Additional survivors (if there are additional survivors different from the original survivor/complainant)
4. Witnesses
5. Subject of Complaint

To the extent possible, investigators should minimise the number of times witnesses are interviewed to reduce the risk of further traumatisation. While in some instances this is unavoidable (new information comes to light after interviewing other witnesses, for example), planning can provide a structured approach that mitigates the risk of multiple interviews with the same witness.

References: 29 United Nations Office of Internal Oversight Services. (2015). Investigation Manual.

[CONTENTS](#)




[SECTION START](#)

2.2 Investigation planning

2.2.4.2 Planning for interviewees with special needs

Interviewing witnesses with special needs must be done by people who are specially trained to do so. These specialists should be engaged as early as possible in the planning phase so they can provide guidance on the interview approach.³⁰

Examples of witnesses with special needs that must be factored into the interview plan includes:

- 
Interviewees with fear of authority: If a survivor or witness has a fear of authority, they may require support from trusted individuals to effectively participate in the interview. Individuals with fear of authority may also struggle with providing their perspective and account but rather provide responses aimed at pleasing the interviewer or providing the response they think the interviewer wants to hear.
- 
Interviewees with learning difficulties or intellectual disabilities: Survivors and witnesses with learning difficulties or intellectual disabilities may need a variety of support before, during, and after interviews. An early assessment of their needs is required, and professional advice should be sought when possible.
- 
Interviewees with a physical disability: Access to the interview site needs to be considered when there are witnesses with physical disabilities. Furthermore, if witnesses have speech or hearing impairments, an interpreter or intermediary will likely be needed to conduct the interview.

References: 30 Ministry of Justice. (2011). Achieving Best Evidence in Criminal Proceedings. UK government, pp.9.

 CONTENTS

 SECTION START

2.2 Investigation planning



Interviewees who are children: As a rule, children are not interviewed unless absolutely necessary, such as in instances where they are the survivor. If possible, it is preferable to have interviews with young children undertaken by an expert, but if no expert is available and it is necessary to interview children, investigators must:

- have a parent/guardian/support person present for the child who is chosen by the child;
- follow the guiding principles of child protection as listed in Table 7.³¹ More information on child protection standards can be found [here](#).

Guiding principle	Explanation
Do no harm	The interview and participation of the child in the investigation must not expose them to further harm.
Prioritise the best interest of the child	In accordance with the UN Convention on the Rights of the Child, Article 3, the investigation and interview process must keep the child's emotional and physical safety and well-being at the forefront.
Non-discrimination	Children must not be discriminated against because of their gender, age, race, religion, ethnicity, disability, or any other characteristic or group membership.
Adhere to ethical standards	Codes of conduct and policies related to child protection within the organisation must be adhered to.
Seek informed consent and assent	Children and their parents/guardians/caregivers must give voluntary informed consent and informed assent of their willingness to participate in the investigation and interview.

Table 7: guiding principles

References: 31 Global Child Protection Working Group. (2014). Inter Agency Guidelines for Case Management and Child Protection.

 CONTENTS

 SECTION START

2.2 Investigation planning

2.2.5 ESTIMATING BUDGET AND RESOURCES

Based on the defined scope, investigators should estimate the budget and resources required to complete the investigation. Investigators must be mindful of any constraints on the budget and work within those constraints to the best of their ability.

Any human resources should be identified as early as possible so the recruitment and onboarding process can be completed as efficiently as possible. Any travel or logistical resources also need to be factored into the budget/resources. For example, vehicles and drivers required to enable travel to and from the site where the incident occurred must be included in the budget.

2.2.6 PLANNING FOR OBTAINING RECORDS

There are risks related to obtaining records – they can be lost, damaged, altered, changed, moved, or compromised in myriad ways. Investigators should identify the records needed for the investigation and analysis early to maintain the integrity and authenticity of the records, both digital and print. Additionally, obtaining records, particularly external records, can take time and must be included in the investigation workplan.

Since the records may be evidence, the workplan should anticipate the use of ‘chain of custody’ requirements: this will include clearly documenting where the records were obtained, and the individuals who came into contact with them (such as who received them from who, where and when).³² Consideration should also be given as to what original evidence needs to be taken by investigators and how that evidence will be transported (i.e., in carry-on luggage in an aircraft rather than check-in); or what evidence can be simply scanned or copied.

References: 32 Interaction. (2012). Management of Investigations Workshop: Participant Manual.

 CONTENTS

 SECTION START

2.2 Investigation planning

2.2.7 PLANNING FOR THE PRESERVATION OF EVIDENCE

Forensic analysis should be conducted as soon as possible after discovery of an item to be analysed to avoid degradation, damage, or loss of samples or information. Experts will need to be consulted and involved in any forensic evidence (IT) gathering and plans for examining computer hard drives, file servers and communication devices that store data electronically should be considered when assessing the need for preservation of evidence.³³

When planning for the preservation of evidence, confidentiality must be factored in. This is where the risk assessment plays an important role. For example, once a request for evidence is made to someone external to the investigation team, there is a risk that confidentiality could be breached. There may also be risk that evidence may be tampered with, so as the planning progresses, the risk assessment needs to be continuously updated.

2.2.8 PLANNING FOR COMMUNICATION AND DUE PROCESS

Investigators must plan for communication with all interviewees. Factors such as location, logistics, dates, times, and notification period all need to be included in the communication plan. Investigators should also determine if any translators, support persons, or specialists are required for interviews, and coordinate with them to set the interview schedule.

References: 33 United Nations Office of Internal Oversight Services. (2015). Investigation Manual.

 CONTENTS

 SECTION START

2.2

Investigation planning

2.2.8.1 Communication with the survivor

If the survivor is known (not an anonymous complainant or reporter), investigators must communicate with them first. During this initial interview, investigators must explain the investigation process in detail, clarify expectations as to what potential outcomes may emerge from the investigation, and obtain the survivor's informed consent to proceed with the investigation. Investigators should also ensure they are regularly communicating and updating the survivor on the investigation progress. Investigators must consider the incident under investigation may have caused trauma or distress for the survivor and approach any communication with the survivor using survivor-centred principles (see section 1.5.2).

Informed consent: After giving a full, transparent explanation of the process and the possible consequences, the investigator should ask for written consent for the investigation from the survivor. In cases where consent is not given, or given and then later withdrawn, the investigation manager should assess the situation and decide whether the investigation should be closed or continued based on the best interests of the survivor and a thorough risk assessment, particularly regarding safety and confidentiality. Any reason provided by the survivor for not consenting to (or withdrawing) consent to an investigation should be documented, along with the reasons for closing or continuing the investigation.

Withdrawal of consent: In cases where a survivor withdraws consent during an investigation, the investigation manager will normally have to close the investigation. However, there can be exceptions depending on the situation. For example, the Subject of Complaint is no longer in the country and there is enough evidence without the survivor's participation, the investigation may continue.

2.2

Investigation planning

It is also during this initial communication that investigators should speak with the survivor about any protection, health, or psychosocial support concerns or needs and refer them to the appropriate service provided. A survivor may wish to have a support person present during the communication and interviews, and this wish should be accommodated.

If the complaint was submitted by a reporter and not the survivor, the reporter should be communicated with first so the investigators have information needed about the incident and can plan accordingly to contact and communicate with the survivor.

2.2.8.2 Communication with witnesses

Once witnesses have been identified, investigators should decide the appropriate order in which to interview them. The closer a witness is to the Subject of Complaint, the later they should be in the sequence of interviews to mitigate the risk of intentional or unintentional disclosure of information to the Subject of Complaint.

2.2.8.3 Communication and due process for the Subject of Complaint

Due process requires that the Subject of Complaint is provided with written notice of an investigation. This notice informs the Subject of Complaint of:

- the alleged misconduct (in general terms);
- the potential discipline measures;
- their opportunity or requirement to respond – such as participating in an interview, and the date, time, place of such an interview;
- any rights to having a person present during the interview;
- any modified duties or administrative leave applied during the investigation.

2.2

Investigation planning

While there is no set number of days or standard timeline for providing this notification, investigators should allow sufficient time for the Subject of Complaint to prepare any information or evidence they would like to present during the interview (taking into consideration other factors such as interviewing other witnesses and gathering evidence before notifying the Subject of Complaint to mitigate against destruction of evidence and/or interference of witnesses). The timing of the notification should be risk-managed during the planning phase of the investigation, with any requirements under local labour laws, organisational policies or procedures taken into consideration.

Prior to conducting an interview with the Subject of Complaint, the organisation's requirements for a Subject of Complaint to cooperate with an investigation (such as answering questions during an interview and the consequences of not cooperating with an investigation or answering questions) need to be ascertained. Once ascertained, as part of the Subject of Complaint's interview plan, a suitable warning should be drafted and read to the subject at the commencement of the interview (and recorded).

Generally, the warning should include:

- the date, time, and place of the interview;
- the fact that you are conducting an official administrative investigation;
- the names of the investigators in the interview, and the organisation they are working for;
- the nature of the investigation, with adequate details of the conduct being alleged;
- any organisational requirement to answer questions in an administrative investigation and the consequences of non-compliance, or, in the absence of any such requirement, the fact that the Subject of Complaint is not obliged to answer any questions;
- that the interview is being recorded;
- that the interview cannot be used in any criminal proceeding.

[CONTENTS](#)[SECTION START](#)

2.3 Investigation planning in practice

While diligent risk assessment and planning is key for an effective investigation, there will be cases and contexts that present challenges and barriers to those plans.

2.3.1 WHAT HAPPENS IF THE SURVIVOR DOES NOT PROVIDE CONSENT TO MOVE FORWARD WITH THE INVESTIGATION?

In some organisations an investigation team may choose to move forward with an investigation or other actions regardless of whether a survivor has provided their informed consent for the investigation. This could include an investigation or a thematic review of the organisation's PSEAH policies to gain insight into potential gaps that exist, and how to remedy them. However, according to IASC guidelines for survivor-centred approach, the informed consent of survivors is a critical aspect of determining if the investigation can move forward. Refer to organisational policies and any in-country legal guidance in these cases.

Consideration should be given to collating and analysing any other reports of SEAH held by the organisation (in addition to the current complaint), with a view to conducting a review to identify the presence of factors that may be encouraging SEAH, or the absence of measures that may prevent it, and making recommendations to address these factors through a management advisory report (as described in section 6.2).

Regarding SEAH-prevention good practice and what an investigation team can review, the Community of Cooperation's (KoGE) Preventing SEAH Training Manual has a useful preventing SEAH [self-evaluation tool for NGOs](#).



2.3 Investigation planning in practice

2.3.2 WHAT IF LOCAL LAWS COULD CAUSE HARM TO THE SURVIVOR, SUBJECT OF COMPLAINT OR OTHER WITNESSES?

If there is a possibility of harm to a survivor, witness or Subject of Complaint, the likelihood and impact of such a risk requires careful consideration and a decision taken as to whether a complaint is referred for criminal investigation. The investigation team should consider consulting with persons or areas of expertise inside or outside the organisation if required.

If the investigation team considers that undertaking an investigation poses an unacceptable risk or risks, this should be documented in the case file and the survivor informed. The risk should be monitored and if there is any change, the decision should be re-evaluated. Again, the investigation team should consider what other activities can take place.

3. Studying background material and gathering evidence

Once the initial risk assessment and plan is completed, the investigation team may move into studying background material and gathering evidence. Much like the risk and planning, this phase in the investigation is not necessarily linear but rather an iterative process that requires flexibility and adaptability. It is also during this phase that more investigation team members will be involved, such as any experts or specialists.

As part of the planning process, investigators should have outlined the personnel and resources required to complete investigation activities. Before beginning this stage, the investigation team should check in on the progress of recruiting personnel and obtaining resources, making sure they will be available when needed. Additionally, before gathering evidence, the investigation plan needs to be reviewed and approved by the investigation manager.

3.1

Studying background materials

Investigators need to have a firm grasp of the background and context in which an investigation takes place. Studying the background material provides investigators with key information needed to conduct an efficient investigation. Notably, the phases of an investigation are not necessarily consecutive, but may overlap.

An example of where there will likely be overlap between the stages is in determining what evidence is available and will need to be obtained and analysed. In planning for the investigation, the team should have determined what is needed, when, how, and the anticipated timeline required to obtain that information. In some cases, an initial review of the background materials will be necessary to effectively determine the evidence to be collected.

3.1.1 COMPLAINT AND POLICY VIOLATIONS

The first step for the investigation team is to have clarity on the complaint and specific incident(s) on which the investigation will focus. Information about the complaint should be available from the investigation manager, along with any preliminary evidence and information gathered which should contain, at minimum, the following information (see Table 8):

- Complaint and details
- Survivor
- Reporter (if different from the survivor)
- Subject of Complaint
- Dates and location of complaint
- Policy/code of conduct/UN Secretary General's Bulletin breach
- Standard of proof required

3.1

Studying background materials

The investigation manager should also provide the organisational codes of conduct and policies related to SEAH for investigators to review at this point. In addition to the outcome of the investigation according to the standard of proof and evidence, recommendations on improvements in the policies, codes of conduct, and SEAH mechanisms within the organisation can be included in a management advisory report (see Section 6.2).

Complaint(s) date:					
Survivor:	Name	Age	Gender	Ethnicity	Disability
Reporter (if different from the survivor):	Name	Age	Gender	Ethnicity	Disability
When initially reported to the individual:					
Reporter to the organisation (if different from the initial reporter)					
When reported to the organisation					
Subject(s) of the Complaint:					
Witnesses identified:					
Complaint					
Date / time / location(s) of complaint (be as specific as possible)					
Relevant code of conduct or policy					
Standard of proof required					

Table 8: complaint information

 CONTENTS

 SECTION START

3.1

Studying background materials

3.1.2 LOCAL RULES, LAWS, CULTURE, CUSTOMS, AND LANGUAGE

Key aspects to consider during this phase are those related to the local context such as social norms, culture, customs, and language, and also local rules, regulations, and laws. While social norms, culture, customs, and religion have no bearing as to whether organisational policies and codes of conduct were violated, investigators will need to be aware of how these contextual factors can affect an investigation.

Depending on the nature of the complaint, local authorities may need to be alerted – with consent from the survivor – and conduct their own investigation. However, prior to notifying local authorities, a comprehensive assessment of the risks to the survivor and their families must be conducted as part of the survivor-centred and do no harm principles. In some contexts, a criminal investigation may present substantial risks to survivors and, in some cases, even result in harm. Consulting local organisations that specialise in providing support to survivors of GBV or legal aid can be a valuable resource in understanding the consequences of reporting these incidents to local authorities. The organisational management and investigation manager, along with any legal counsel or representatives that are available, decides if and when to alert local authorities about the complaint.

3.1

Studying background materials

3.1.3 INFORMATION ON SUBJECT OF COMPLAINT

Gathering and reviewing information on the Subject of Complaint requires that investigators have access to administrative information. The administrative records for review should include the following:

- contract and employment information;
- personnel information (HR file);
- periods of leave and absences;
- previous posts or positions.

Reviewing administrative records and information on the Subject of Complaint could provide key exculpatory or inculpatory information relevant to the investigation. For example, if absence and travel records indicate the Subject of Complaint was outside the country at the time of the complaint, investigators need to dig further and verify the dates of the allegation complaint and travel dates of the Subject of Complaint.³⁴

Administrative files may also contain information about previous behaviours and complaints that point to a pattern. Previous complaints and incidents should have been recorded in the Subject of Complaint's administrative records and can provide key information for investigators that may require additional evidence gathering. Investigators should be mindful that requesting this information and records will alert people that an investigation is underway, which is important in assessing the risks associated with disclosure.

References: 34 Interaction. (2012). Management of Investigations Workshop: Participant Manual.

 CONTENTS

 SECTION START

3.1

Studying background materials

3.1.4 INFORMATION ABOUT SURVIVORS

If there is any information or documentation available on the survivor (if the survivor is known), it is essential that investigators thoroughly review it before gathering evidence. Just as investigators obtained background information on the Subject of Complaint, they will also need to get background information on the survivor (if available and not submitted anonymously).

During this initial background information gathering, investigators can focus the background information about the survivor around a few key themes in addition to the standard information such as name, gender, age, ethnicity, language, family information, and where they live.³⁵

Vulnerability assessment

Investigators should assess any vulnerabilities of the survivor at this point and, as a result of this assessment, update the risks accordingly and provide referrals to support services the survivor can access if they choose to do so. Vulnerability assessments should include:

- mental, emotional, and psychosocial well-being;
- physical health;
- fears of retaliation;
- disabilities.

References: 35 Ibid

3.1

Studying background materials

Evidence of first complaint

Investigators may be alerted to ‘evidence of first complaint’ during this phase of the investigation or during interviews with the survivor and/or witnesses. Evidence of first complaint happens when a survivor discusses the incident with someone immediately after the incident occurred. Essentially, the survivor has provided the information about the incident to another individual(s). If the recounts of the incident align, they can be used as part of the evidence in an investigation. Evidence of first complaint cannot be used on its own to substantiate a claim but rather contributes to the credibility of the incident. Therefore, it is important to ascertain from a survivor whether they told anyone about the incident, who they told, what they told them, and when. It is also vital to obtain the survivor’s consent to speak to that person.

[▶ CONTENTS](#)[▶ SECTION START](#)

3.2 Gathering evidence

GATHERING EVIDENCE

1. Investigation planning
2. Studying background material and gathering evidence
3. Updating the investigation plan
4. Conducting interviews

3.2 GATHERING EVIDENCE

Gathering evidence is a significant part of any investigation, and it is an activity that takes place throughout much of the investigation. While gathering evidence is an ongoing process, the bulk is done once investigators have familiarised themselves with the background, context, risks, and have a tentative plan ready to be deployed.

Gathering evidence must be done in a diligent, systematic, sequential, and documented manner, with consistent processes in place that all team members follow to maintain the integrity of the evidence. Along with the systematic approach, the evidence must be gathered by those qualified to do so. The following section details the types of evidence, but it is worth noting that experts are needed to gather specific types of evidence. For example, IT experts are required to obtain some forms of digital evidence.

3.2.1 INTRODUCTION TO EVIDENCE

Evidence can range from paper documents to electronic evidence, and to interview testimony. Investigators must remember that any evidence gathered should be relevant to the complaint, which means it should contribute to supporting (inculpatory) or refuting (exculpatory) the complaint. Evidence may be direct or indirect (circumstantial) and in investigations a combination of both is typically used. To remain objective and independent, investigators should gather and assess evidence from both perspectives, asking: does the evidence support the complaint? Does the evidence refute the complaint?

3.2 Gathering evidence

Investigators should aim to legally collect a variety of evidence within any constraints that may exist. For example, if there is a limited budget and an IT expert is needed, investigators need to come up with alternative solutions, such as obtaining a local IT expert or assessing how critical the evidence is to the investigation. With any contingency plans, risks should always be part of the equation, reassessed regularly throughout the investigation or when a change is made. Or, if the location of the complaint is not accessible to the investigators for security or health reasons, they will not be able to conduct site visits and need to rely on a local investigation focal point.

Investigators should also consider when to collect evidence. For example, it may be necessary to gather evidence in the early stages of an investigation to prevent the evidence being tampered with or destroyed. For example, CCTV footage that might be available for a short time or documents/electronic evidence that could be accessed by a Subject of Complaint and destroyed or altered.

An evidence evaluation matrix should be maintained throughout the investigation, listing findings, evidence, sources of evidence and other information. Properly used, it clearly establishes the logic used to reach conclusions and communicates that logic to others. It is a valuable tool for resolving conflicting evidence. It also provides a record of the analysis used to examine the facts to ensure the validity and repeatability of tracking all the facts, through analysis to conclusion, and it is useful when writing the investigation report. Table 9 provides an example of an evidence evaluation matrix.³⁶

References: 36 Adapted from: UK Foreign and Commonwealth Office. (Second Edition: March 2017). International Protocol on the Documentation and Investigation of Sexual Violence in Conflict.

[▶ CONTENTS](#)[▶ SECTION START](#)

3.2 Gathering evidence

Complaint	Evidence			
	Testimony	Documentary	Physical	Digital
1. Subject of Complaint threatened to withhold aid if survivor did not agree to engage in sexual acts with the Subject of Complaint	<p>Survivor: “He approached me the week of July X 202X as I was waiting in line to receive my food vouchers. He pulled me aside and told me he would make sure I did not receive any more vouchers unless I had sex with him.”</p> <p>Witness 3: “I saw survivor (no names used for confidentiality) speaking at the distribution site. I wondered why he pulled the survivor aside but not anyone else.”</p>	Distribution verification records and pictures confirm both the survivor and Subject of Complaint were at the distribution site on July X, 202X	None	<p>Survivor provided SMS messages between survivor and Subject of Complaint. Message stated:</p> <p>SOC: “Have you thought about what we discussed yesterday?”</p> <p>Survivor: “Do not contact me again.”</p>

Table 9: Evidence evaluation matrix



CONTENTS



SECTION START

3.2 Gathering evidence

3.2.1.1 Fundamental concepts in evidence gathering

Inculpatory and exculpatory evidence

As objective and independent professionals, investigators must examine both inculpatory and exculpatory evidence. Inculpatory evidence supports the complaint against the Subject of Complaint while exculpatory evidence does not support the complaint against the Subject of Complaint.

Direct and circumstantial (indirect) evidence

Direct evidence directly supports a fact in an investigation. For example, CCTV footage may show that a Subject of Complaint was at a specific location with a survivor on a particular date at a specific time, or witness testimony that includes the first-hand experience of what the witness saw or heard. While direct evidence can be beneficial in corroborating or refuting and complaint, investigators need to rely on a combination of direct and indirect evidence. Investigators should keep in mind that direct evidence can be inaccurate, so a combination and variety of evidence is required.

Indirect, or circumstantial evidence, supports the inference of a fact. This type of evidence can be helpful in supporting direct evidence or supporting a fact and can be exculpatory or inculpatory. For example, investigators may uncover a vehicle log sheet that states the Subject of Complaint was in a different village on the date and time of the complaint (this would be exculpatory). While this evidence alone does not refute the complaint, it does support an inference to a fact that the Subject of Complaint was in a different location. Another example of circumstantial evidence is when a witness states they saw the Subject of Complaint in the area on the date of the incident (this would be inculpatory). Again, this alone is not direct evidence of a fact, but it does support the inference of a fact that supports the complaint.

[▶ CONTENTS](#)[▶ SECTION START](#)

3.2

Gathering evidence

Chain of custody and evidence log

'Chain of custody' is a critical step in recording and tracking evidence as it changes hands or is transferred from the original owner to the investigation team. Chain of custody records must include a comprehensive and clear description of the item, using key identifying factors such as model types and colours, document numbers, and serial numbers. Records must also include the person the item was obtained from, who obtained the item (with signatures from both parties), the date it was obtained, and the investigation case number. A record must be taken every time the item is transferred to a new person. A copy of the inventory receipt should be kept in the investigation file, and another given to the relevant person at the office where the evidence was found. Figure 3 provides an example of a Chain of custody form and record for an investigation.

Description of item: (model, serial number, type and name of document)		
Obtained from: (Name, title, office, location)		
Printed name of investigator:	Signature of investigator:	Date obtained:
Case number:		
Temporary disposition of item(s): (where stored)		
Released by: (printed name and signature)	Released to: (printed name and signature)	Date:
Temporary disposition of item(s): (where stored)		
Released by: (printed name and signature)	Released to: (printed name and signature)	Date:
Temporary disposition of item(s): (where stored)		
Released by: (printed name and signature)	Released to: (printed name and signature)	Date: ³⁷

Figure 3: Chain of custody template

.....
References: ³⁷ Adapted from UNHCR and World Vision International templates.

 CONTENTS

 SECTION START

3.2 Gathering evidence

Investigators should document and keep an overall evidence log that includes details of each piece of evidence and its relevance to the case, its current location etc. The evidence log (see Figure 4 for an example) is different from an evidence evaluation matrix in that the evidence log is a record of all evidence obtained, when, where and from whom. An evidence evaluation matrix contains details of evidence and the value of that evidence to the investigation, and what follow up stems from that evidence.

Evidence log							
Date collected	Name of person collecting evidence	Name of person logging evidence	Description of Evidence	Remarks (where evidence obtained and from whom)	Evidence ID number	Signed in by (signature required)	Date signed in

Figure 4: Evidence log template



CONTENTS



SECTION START

3.2 Gathering evidence

3.2.1.2 Types of evidence

Documentary evidence is any information relevant to the complaint that is recorded in a physical form (electronic or hard copy).³⁸ Examples of this type of evidence include files, documents, emails, photographs, receipts, and phone messages.

MITIGATING RISKS OF TAMPERING WITH DIGITAL EVIDENCE

To mitigate the risk of tampering with digital evidence, investigators must secure the digital evidence as soon as possible in an investigation. Best practice in relation to preventing tampering while gathering digital evidence includes:

- securing the Subject of Complaint's computer, work mobile phone, work tablet, and any other organisational equipment to which the Subject of Complaint had access;
- backing up the hard drive on the Subject of Complaint's computer;
- obtaining any storage devices used, including (but not limited to) USBs and external hard drives;
- obtaining usernames and passwords for all work-related software, cloud services, and platforms;
- getting copies of mobile phone and instant messages records, if possible.

It is important to remember that the investigation is administrative in nature, not criminal, so investigators may not have access to personal items such as personal computers and mobile phones.

Investigators should also ensure a systematic process when reviewing digital evidence and document the date and time information was accessed, filenames, and pathways. It is also best practice to have two investigation team members present when accessing digital evidence.

References: 38 ICVA Safer Guidelines.

 CONTENTS

 SECTION START

3.2 Gathering evidence

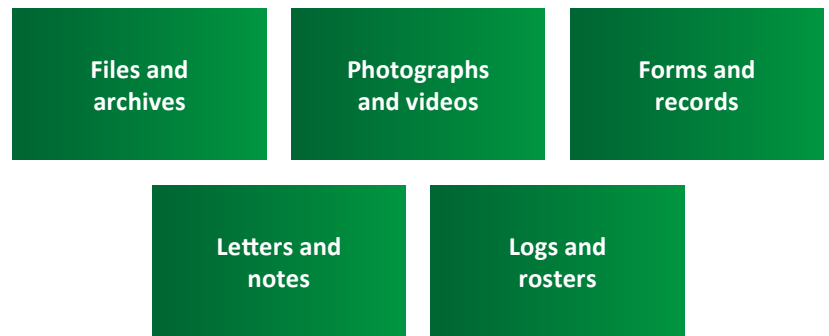


Figure 5: Examples of documentary evidence

Documentary evidence tends to be circumstantial but can play an important role in corroborating other evidence in the investigation and providing key background information for investigators. Documentary evidence should be reviewed on-site if possible. If on-site reviews are not possible, investigators can remove the documents from the premises, or the investigation manager should appoint a trusted staff member to obtain, copy, and send the documents to the investigators. A Chain of custody must be recorded if any documents are removed from their original premises.

Digital evidence: This kind of evidence can include emails, hard-drive data, transactions, cloud-based documents and storage, GPS, information stored in software programmes, internet browser history, digital video and audio files, social media, instant messages, and electronic trackers such as key cards.³⁹

Physical evidence: Physical evidence includes any goods, equipment, objects, and facilities. When collecting physical evidence, investigators must document the evidence as soon as possible after the investigation has commenced, photographing, or photocopying the evidence and recording a description, location, condition, and any other relevant information in a 'note to file' (as seen in Figure 6.)⁴⁰

References: 39 United Nations Office of Internal Oversight Services. (2015). Investigation Manual. 40 Humanitarian Accountability Partnership. (2008). Op. cit.

3.2

Gathering evidence

Case No:		Date:	
Reason for notes			
Investigator(s)			
Individuals involved, title and Organisation			
Contact information			
Location			

Medical evidence: Rarely will investigators need to gather medical evidence for an administrative investigation. If medical evidence is required (and prior to collecting this evidence), investigators must check the legality of doing so for an administrative investigation. It is more common for the initial contact person to note any obvious physical signs of abuse when first meeting a survivor. Any medical evidence should be recorded in detail in the file. If medical evidence is relevant to the case and the survivor sought medical treatment, investigators should obtain permission from the survivor before speaking with medical personnel.⁴¹

References: 41 Ibid.

[▶ CONTENTS](#)

[▶ SECTION START](#)

3.2 Gathering Evidence

3.2.2 CONDUCTING SITE VISITS

Following an assessment and mitigation of safety and security risks, investigators may want to consider conducting site visits to where the alleged incident took place, if possible. Site visits can provide valuable background information for investigators and help establish if the alleged incident was possible and if the information in the allegation/complaint was possible at this site. Investigators can also collect evidence and conduct interviews during site visits but should first check their terms of reference to make sure they have the authority to do so.⁴²

Investigators need to include the date and time of each site visit in the investigation plan, accompanied by the co-investigator. After the visit, they should write a note to file recording who was present, in what condition they found the site, what objects (if any) they gathered there, and the date and time of the visit. If possible, they should attach photographs of the site or relevant objects.⁴³

Some questions to consider when conducting site visits may include:

- Does it fit with the circumstances of the complaint?
- Are there considerations that would make the environment safer to others?
- Could the alleged incident have taken place there?
- Do the statements made by the complainant make sense according to the evidence and observations?

References: 42 Interaction. (2012). Management of Investigations Workshop: Participant Manual. 43 Humanitarian Accountability Partnership. (2008). Op. cit.

 CONTENTS

 SECTION START

3.2 Gathering evidence

3.2.3 INTERVIEWS

Interviews play a critical role in SEAH investigations and must be systematically conducted using a survivor-centred approach. It is important that investigators interview witnesses as soon as possible after the complaint is received to preserve the testimony, as memories can fade or be influenced by external factors.

If translators or a support person is requested, they will be required to sign an Oath of Confidentiality (see the [toolkit](#) for an example) prior to the interview.

The interview plan for each interviewee will have been developed in the investigation planning phase and includes details on the evidence to be obtained from each interviewee and confirmation of any interaction with other witnesses as mentioned by those interviewees.

It is also important that interviewees receive an official notification about the interview that includes critical information such as the date, time, reason for conducting the interview, information about their rights, and informed consent. Notifications should be delivered as a hard copy unless there are extenuating circumstances that require digital delivery. The [toolkit](#) provides an example of a witness notification.

04

UPDATING THE INVESTIGATION PLAN

- 4.1 Updating the investigation plan
- 4.2 Preparing for Interviews

4.1

Updating the investigation plan

Investigation plans are not static documents. Their purpose is to provide practical guidance for the investigation team. As new information and evidence emerge, the investigation plan needs to be adjusted. Investigators may identify new witnesses during interview and good practice is to update investigation plans after each interview. Another example of when investigation plans should be updated is when additional evidence is uncovered. Investigators should allow for the time and resources needed to collect and analyse this evidence in a revised plan.

When investigation plans are amended or changed, the investigation manager should approve the updated plan, if possible. Additionally, investigators should develop standardised naming conventions for files, including the date, to maintain document version control.




The risk assessment also needs to be updated regularly and revised when any changes take place or new information comes to light.

4.2

Preparing for Interviews

Interviews are critical to SEAH investigations and require thoughtful preparation, including drafting the interview questions in the form of an interview plan. To maximise the effectiveness and efficiency of interviews and obtain as much information as possible, investigators must adequately prepare questions in advance and have a firm grasp of the interview format. In this guidance, the PEACE interviewing model is recommended and is discussed further in section 5.3.

Key points to highlight as investigators prepare to conduct interviews include:

-  Investigators should limit the number of times witnesses are interviewed to mitigate the risk of re-traumatisation. This is where preparation becomes a key factor in mitigating this risk. There will be instances in which multiple interviews cannot be avoided, despite preparation by investigators. Age, disability, level of trauma, cognitive development and language, and the potential need for a translator, all play a role in the length and pace of the interview. Always go at the pace of the interviewee.
-  Investigators need to manage the balance the desire to complete the interview with the comfort and abilities of the witness and prepare accordingly. For example, if investigators are preparing to interview a child, they need to adjust the format and questions accordingly, keeping in mind the attention spans and limitations of the child and the need for a parent or guardian to be present.
-  Young children should only be interviewed by experts/specialists.

05

CONDUCTING INTERVIEWS

- 5. Phase 4: Conducting interviews**
 - 5.1 Interviews with individuals exposed to trauma**
 - 5.2 Interview roles and responsibilities**
 - 5.3 The PEACE model of investigation interviews**
 - 5.3.1 Preparation and planning
 - 5.3.2 Engage and explain
 - 5.3.3 Account
 - 5.3.4 Closure
 - 5.3.5 Evaluation (Debrief)
 - 5.4 Types and sequence of questions**
 - 5.4.1 Open-ended questions
 - 5.4.2 Specific questions
 - 5.4.3 Closed questions
 - 5.4.4 Leading questions
 - 5.5 Documenting interviews**
 - 5.6 Translators and interview support persons**
 - 5.6.1 Translators
 - 5.6.2 Support persons
 - 5.7 Interviewing persons with key vulnerabilities**
 - 5.7.1 Considerations for interviewing children
 - 5.7.2 Persons with disabilities
 - 5.8 Subject of Complaint interviews**
 - 5.9 Conducting interviews in practice**

5

Conducting interviews

Conducting interviews is a crucial element of the investigation, helping investigators answer the primary investigative questions: ‘Who?’ ‘What?’ ‘When?’ ‘Where?’ ‘How?’ and ‘Why?’. However, efforts must be made to support what is obtained in an interview through other independent oral or documentary evidence (corroboration).

Listen more, talk less: All too often, investigators begin interviews by asking survivors, whistle-blowers, witnesses, and Subjects of Complaint (collectively interviewees) for their version of events, but then interrupt and end up doing most of the talking. Thus, interviewees are not encouraged to search their memory and provide their complete version of events, resulting in obtaining less information.⁴⁴

In this section we refer to ‘witnesses’. Witnesses comprise survivors, reporters, and other individuals who provide testimony about the complaint. Investigators should have developed interview plans and drafted questions before conducting interviews. While preparation is key, there are additional considerations investigators must be mindful of as they go into interviews.



Witnesses may show a range of emotions during the interview. This is not necessarily an indication of the credibility of their testimony but could be due to a variety of factors including how they feel when discussing the topic or trauma. Emotions including fear, embarrassment, shame, nervousness, anger, and even agitation are possible, and investigators should have the emotional intelligence to recognise these emotions and adjust the approach accordingly.⁴⁵

References: 44 Carson, E, Milne, E, Pakes, E. (2007). *Applying Psychology to Criminal Justice*. John Wiley & Sons. 45 Inter-Agency Standing Committee Task Force on Protection from Sexual Exploitation and Abuse. (2004). *Model Complaints and Investigation Procedures Related to Sexual Abuse and Sexual Exploitation*.






CONTENTS



SECTION START

5

Conducting interviews

-  Fear of retaliation could impact witness testimony. Interviewers should sensitively probe about whether the witness fears retaliation from the Subject of Complaint, or others. If the witness indicates they fear retaliation, investigators must help to ensure protective measures are put in place, such as providing clear explanations on the process and confidentiality. Investigators should always be mindful of the limitations of confidentiality. There may be instances in which cases are referred to law enforcement, or other scenarios that require disclosure of information. Investigators must be transparent about these limitations while ensuring confidentiality to the fullest extent possible.
-  Interviewers can be perceived as authority figures, which could present challenges to interactions with some witnesses. For example, witnesses who are sensitive to power dynamics may try to provide what they think the investigator wants to hear rather than their own account. Similarly, when interviewers who are perceived as authority figures incorrectly interpret the witness' account, the witness may agree with them, even though it is inaccurate.
-  The legal environment can also impact interviews and interviewees' willingness to participate. In some contexts, GBV and SEAH laws can inhibit survivors' ability or desire to be involved in investigations. This can range from institutional mistrust (corruption, no trust in police or courts), legal guardianship barriers, and lack of understanding of local laws and regulations.⁴⁶ While SEAH investigations are administrative, survivors may choose not to engage because of their understanding of (and perspective on) the legal environment.

References: 46. UNFPA. (2019). Inter-Agency Minimum Standards for Gender-Based Violence in Emergencies Programming.

[▶ CONTENTS](#)[▶ SECTION START](#)

5

Conducting interviews

- There may be social or cultural aspects that influence witnesses' ability to clearly articulate their experience and perspective. Investigators must factor in cultural nuances, such as comfort level with saying specific words, or power dynamics that could influence interviewees' behaviour and reactions. From a social perspective, investigators must account for any social power dynamics that exist and which could affect a survivor's comfort level or ability to provide consent or participate in investigations.
- Language and vocabulary are other factors to consider. For example, if the interview is conducted in English, which is the interviewee's second or third language, they may not be able to clearly articulate their perspective. Translators should be provided to help mitigate risks related to language barriers. Vocabulary can present challenges for children and vulnerable adults, for whom interviewers should use simple and straightforward vocabulary during interviews. Additionally, interviewers must be mindful of hesitancy to use certain terminology as it may be culturally taboo or uncommon to say aloud. 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 these words before. It's all right to use them here." The interviewer should not assume that specific terminology, especially those that are sexual terms, carry the same meaning with the interviewee. Interviewers must go at the pace of the interviewee and refrain from pressuring them when there are challenges in relation to vocabulary and language.⁴⁷

References: 47. Inter-Agency Standing Committee Task Force on Protection from Sexual Exploitation and Abuse (2004). Op. Cit.

[▶ CONTENTS](#)[▶ SECTION START](#)

5.1





Interviews with individuals exposed to trauma

ALTERNATIVE INTERVIEW SCENARIOS FOR TRAUMATISED WITNESSES

In some cases, traumatised witnesses may not feel comfortable with, or able to participate in, a face-to-face interview with investigators. In these cases, investigators should consider alternatives, including:

- interviews with the witness' GBV case manager;
- written statements from the witness;
- remote interviews.

Witnesses who have experienced trauma often react uniquely to their experiences. Interviewers must be cognisant of factors that mitigate or enhance the impact, as exposure to trauma may interfere with a witness' ability or willingness to report information. Investigators must also consider the following:

-  Witnesses' memories may be limited, with particular emphasis on central rather than peripheral details.
-  Attempting to force a disclosure or continuing an interview when a witness becomes overly stressed may re-victimise or traumatise them.
-  Witnesses who exhibit high levels of emotional distress may need additional support and multiple, non-duplicative interview sessions, or it may be necessary to cancel the interview altogether.
-  Witnesses may want a support person to be present to help them feel more comfortable and provide them with support during the interview process.

5.2

Interview roles and responsibilities

Interviews should be conducted by two interviewers, one who leads the interview and a co-interviewer who observes, takes notes and asks further questions if required. Ideally, for an interview of a survivor, one interviewer should be the same gender as the survivor. Interviews should be conducted in the interviewee's preferred language, using a translator if needed.⁴⁸

Before starting the interview, interviewers should make sure all translators, survivor liaison and support persons who are present have either signed an Oath of Confidentiality (support persons and translators) or understand the importance of keeping confidential all information and topics discussed in the interview.

Additionally, interviewers must get informed consent to digitally record interviews. The co-interviewer is tasked with taking notes and assisting the lead interviewer, ensuring all points, questions, and topics were covered and documenting all aspects of the interview.

References: 48. Ibid.

 CONTENTS

 SECTION START

Do's	Don'ts
<ul style="list-style-type: none"> ✓ Be professional, objective, and courteous when dealing with witnesses and the Subject of Complaint. 	<ul style="list-style-type: none"> ✗ Use complex or vague language, jargon, acronyms, or euphemisms.
<ul style="list-style-type: none"> ✓ Keep vocabulary and questions as simple as possible. 	<ul style="list-style-type: none"> ✗ Ask questions that are long, leading, or compound.
<ul style="list-style-type: none"> ✓ Use active listening skills with witnesses and the Subject of Complaint during interviews. 	<ul style="list-style-type: none"> ✗ Give feedback on the witness' testimony, even unintentionally through verbal responses ("that's good"), facial expressions, body language, or voice inflections.
<ul style="list-style-type: none"> ✓ Allow for witnesses to take breaks and conduct the interview at the pace of witnesses. 	<ul style="list-style-type: none"> ✗ Make moral or legal judgements.
<ul style="list-style-type: none"> ✓ Ask questions and prompt witnesses to clarify information that is unclear or lacks details. 	<ul style="list-style-type: none"> ✗ Commit to anything outside of your control or abilities or make promises you cannot keep.
<ul style="list-style-type: none"> ✓ Be patient with witnesses and give them time to think about and answer questions. 	<ul style="list-style-type: none"> ✗ Secretly record the interview or record the interview without the interviewee's explicit permission.
<ul style="list-style-type: none"> ✓ Be aware of the role trauma and emotions may play in the witness' behaviour and ability to provide information. 	
<ul style="list-style-type: none"> ✓ Digitally record the interview after obtaining consent from the witness and have the co-investigator or observer take rigorous notes. 	

Table 10: The do's and don'ts of conducting interviews



CONTENTS



SECTION START

5.3

The PEACE model of investigation interviews

The PEACE model of investigation interviews enables interviewees to tell their story without interruption, before then being presented with any inconsistencies or contradictions between their story and other evidence.⁵⁰

The PEACE interviewing model consists of five phases and is a technique that helps interviewers conduct interviews in a complex context.⁵¹

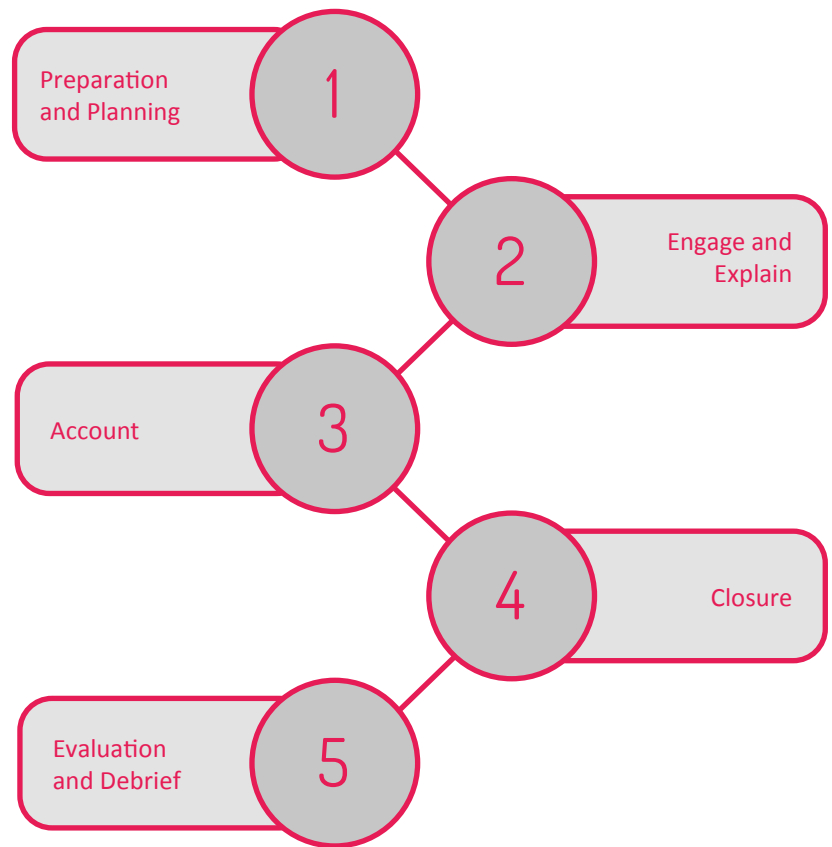
1. Preparation and planning
2. Engage and explain (establishing rapport)
3. Account (clarification and challenge)
4. Closure
5. Evaluation.

The amount of time spent in each phase will depend on the witness. Interview preparation is essential to effective interviews. Witnesses will be different, and investigators should spend time on preparation, be flexible during the interview, and use their training and experience to make real-time adjustments.

References: 50 Orlando, J. (2014). Interrogation Techniques (pp. 6-7). Hartford: Connecticut General Assembly, Office of Legislative Research. [online] Available at: <https://www.cga.ct.gov>. 51 UK Foreign and Commonwealth Office. (Second Edition: March 2017). International Protocol on the Documentation and Investigation of Sexual Violence in Conflict.

5.3

The PEACE model of investigation interviews



Less confrontational than other interviewing models,⁵² the PEACE model can be used for all types of interviews and can be tailored to fit specific situations,⁵³ including situations where interviewees are un-cooperative.⁵⁴ Therefore, the widely used PEACE model is well suited to interviewing survivors, witnesses, and Subjects of Complaint during SEAH investigations.

References: 52 Ibid. 53 Neal, C. (2019). An Evaluation of Police Interviewing Methods: A Psychological Perspective. University of Nebraska, Lincoln. 54 Metropolitan Police Service Directorate of Training and Development. (2009). Interviewing Witnesses 2 - Using the PEACE model (p. 3). Metropolitan Police Authority.

5.3

The PEACE model of investigation interviews

5.3.1 PREPARATION AND PLANNING

This is one of the most important phases in effective interviewing. First and foremost, ensure that you are thoroughly familiar with the case including all the evidence and information gathered from other interviews so far. Also consider:

- why you need to interview the person/what is the purpose (aims and objectives) of the interview;
- topics to be discussed;
- facts already established and facts still to be determined;
- any relevant physical or electronic evidence to be introduced during the interview;
- background and history of the interviewee;
- gender sensitivity, social and cultural norms;
- section or sections of the code of conduct, policy, procedures, or guidelines that are alleged to have been contravened;
- resources and logistics: location, timing, translator, or support person required, photocopies of documents to be shown to the interviewee, how the interview will be documented.

A sample interview plan is available in the [toolkit](#).

From the interview plan a dot-point 'aide-memoire' should be developed as a reminder of areas to be covered during the interview. Research the background/history of the interviewee:

- age, gender, religion, cultural beliefs, family situation;
- work history;
- any previous issues.

Such information can be obtained from HR files, information provided in the original complaint, and open-source information through searches using Google, LinkedIn, and organisation websites.

5.3

The PEACE model of investigation interviews

5.3.2 ENGAGE AND EXPLAIN

The purpose of this phase is to create the right atmosphere and explain the purpose of the interview and the procedure by:

- treating the interviewee with dignity and respect;
- introducing yourselves and creating a good rapport and atmosphere;
- explaining your role and the reason for the interview;
- explaining the procedure and the format of the interview;
- explaining that they should give as much detail as possible and acknowledge that this can be difficult;
- explaining that if a question is not understood they should immediately tell you so that you can clarify;
- using active listening and addressing any questions.

5.3.3 ACCOUNT

During this phase, interviewers can gain the fullest account that the interviewee can provide through:

- obtaining the interviewee's uninterrupted version of events;
- avoiding prompting or interrupting the interviewee;
- listening carefully and noting anything you wish to follow up on when expanding/clarifying their account;
- using open questions;
- taking your time, pausing between questions, and waiting for the response;
- not starting to speak before you have processed what you have heard or been told;
- asking the interviewee to expand and clarify their account;
- presenting any inconsistencies or contradictions between their story and other evidence;
- explaining that they can notify you if they need to take a break.

5.3

The PEACE model of investigation interviews

After the interviewee has provided their own account or version of events during step 3 of the PEACE interviewing model – Account – the interviewer then follows up with questions to provide an opportunity for the interviewee to further clarify or explain what was said during their account.

After the interviewee provides their account and any clarifications or explanations, and the interviewer is confident that every plausible alternative explanation has been explored or tested by the interviewee’s own account, the interviewer should then summarise the interviewee’s account back to the interviewee and provide the interviewee with an opportunity to correct any misunderstandings or misinterpretations.

After these steps the interviewer can strategically introduce evidence that either supports or contradicts the interviewee’s version of events and answers to follow-up questions. It is important to note that when evidence is presented, the interviewer must, subject to any confidentiality requirements, be prepared to disclose when and how the evidence was obtained, allowing the interviewee to make a fair assessment of the reliability of the evidence.

The evidence is introduced through a question or statement, for example: “Have I understood correctly, that you have never sent a sexually suggestive email to your co-worker, Miss K.?” If the interviewee confirms that this understanding is correct, documentary, or electronic evidence of a sexually suggestive email sent by the interviewee to Miss K. would then be introduced to the interviewee for an explanation.

Equally, evidence can be presented confirming the interviewee’s account or answers to follow-up questions. For example: “Have I understood correctly that you sent a sexually suggestive email to your co-worker Miss K., after she first sent a sexually suggestive email to you?” If the interviewee confirms that this understanding is correct, documentary, or electronic evidence of a sexually suggestive email sent by Miss K. to the interviewee would then be introduced to the interviewee for comment.

[CONTENTS](#)[SECTION START](#)

5.3

The PEACE model of investigation interviews

It is important to note that original documents should not be handed to an interviewee, but rather a photocopy prepared earlier.

Evidence to be introduced in interviews should have already been entered into an evidence matrix and assigned a sequential reference. The corresponding document must be clearly and fully described by the interviewer during the interview, for example:

“I am now showing you a copy of an email. The email has an investigation reference number 003 written in the top right-hand corner. Can you please confirm that reference?”

The interviewee should then be asked: “What can you tell me about this email?” This is a chance for the interviewee to tell you about the document from their own observation (reading of the document) or knowledge. The interviewer can then follow up with questions such as: “The email indicates that it was sent from email address XXX to email address XXX on (day/date) at (time). Do you agree with this?”

The interviewer should also ask the interviewee to read the email aloud for the purposes of the digital recording. At the conclusion of reading the email aloud, the interviewee should be asked if they have any comments to make about the document. If the interviewee is illiterate or unable to read the language the email is written in, interviewers should have translators or support persons to provide assistance.

Remember to ask the interviewee to initial and date any photocopied document produced during the interview as evidence that the document was indeed provided to the interviewee during the interview.

5.3

The PEACE model of investigation interviews

5.3.4 CLOSURE

In this phase you bring the interview to a close and maintain trust through:

- summarising the main points to the interviewee;
- asking if there is anything further they wish to say;
- explaining the next steps;
- considering whether they need any support;
- addressing any questions (without breaching confidentiality) and providing them with an avenue to provide any further information;
- requesting any relevant documents or evidence they would like to provide.

5.3.5 EVALUATION (DEBRIEF)

In this phase you consider your own performance and the usefulness of the interview through:





- reviewing the information received and update the investigation plan if required;
- examining whether the aim and objectives of the interview were met;
- reviewing the investigation and updating the investigation plan if necessary;
- considering any lessons learned (what went well, what didn't go well, what are the areas for improvement).

5.4 Types and sequence of questions




Investigators must consider the sequence of questions when preparing for interviews. Typically, investigators will want to start broadly with open-ended questions, offering witnesses the first opportunity to provide testimony with little to no guidance. Investigators can then get more focused through specific and closed questions, with leading questions being the last alternative.

5.4.1 OPEN-ENDED QUESTIONS

Open-ended questions are asked in a way that allows the witness to provide an unrestricted response and control the flow of information. This type of question is valuable because it minimises the risk that investigators will influence or impose their view as to what happened surrounding the alleged incident. In most cases, this type of question encourages people to give longer answers and is reliable in securing accurate evidence. An exception to this relates to young children and vulnerable witnesses – in these cases, specific questions may be more reliable and appropriate in obtaining accurate information. Some examples of open-ended questions include:

-  “What happened next” (rather than asking - “after this happened did you phone your sister?”)
-  “Where did this happen” (rather than asking - “did this happen at his house?”)
-  Tell me what you can remember about...
-  “Tell me what happened when she returned from the church.”

It is recommended to ask TED questions, which are:

-  **T**ell me...
-  I’d like you to **E**xplain...
-  Can you **D**escribe...




These questions are used to gather information before using probing questions to dig deeper into detail where necessary.

5.4 Types and sequence of questions




5.4.2 PROBING QUESTIONS

Probing questions help to clarify or expand upon information supplied by the witness by focusing on more detailed and focused information. Probing questions are those starting with what, where, when, why, who (the '5 Wh's'), and also how as these usually invite an explanation from interviewees. Investigators should be cautious in using 'why' questions as they may be interpreted by the witness as implying blame or guilt. It is also recommended to use 'how come' instead of 'why' when talking to children and other vulnerable witnesses as it is less accusatory.

If the answer to a specific question is limited, unclear, or confusing investigators should rephrase the question, not repeat it in the same form. If investigators repeat the question in the same form, witnesses may interpret this as:

-  having initially provided the "wrong" answer;
-  the investigator being critical or judgmental of their first response;
-  I need to change my answer to appease the investigator and provide them with what they want to hear.

When interviewing children or vulnerable adults, investigators should be mindful that young children tend to respond best to specific questions. Some examples of specific questions include:

-  "Please tell me what the person looked like."
-  "Did that person say anything?" "What did they say?"
-  "Who saw this?"

5.4

Types and sequence of questions

5.4.3 CLOSED QUESTIONS

Closed questions pose fixed alternatives from which the witness is required to choose. These types of questions are helpful in getting specific details from the witness, particularly when they reference evidence already provided in testimony from the witness. Some examples of closed questions include:

- “Were you in the bedroom or living room when this happened?”
- “What is that person’s name?”
- “Did you personally witness these events?”
- “Did someone else see this?”
- “Did you have this instruction in writing?”

5.4.4 LEADING QUESTIONS

Leading questions are those that suggest or imply a particular answer or response. Leading questions are risky in that they may taint the witness’ response by leading them to an answer and consequently result in inaccurate testimony. Leading questions 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 investigator should never be the first to suggest to the witness that a specific event took place, or that a particular person was responsible. Some examples of leading questions include:








- “And then he had sex with you, didn’t he?” (instead of “what happened next” or “did he have sex with you?”)
- “Were you in the car at the time?” (instead of “Where were you at the time?”)
- “Are there women entering Mr. M’s home?” (instead of “Who enters Mr. M’s home?”)
- “Did he ask you to pick them up at 8:20?” (instead of “what time did he ask you to pick them up?”)

5.5 Documenting interviews

All interviews should be conducted with two interviewers and digitally recorded if interviewees consent.

Digital recordings are the most complete and accurate way to document an interview⁵⁵ with studies showing that recording witness interviews allows for more accurate and complete interview reconstruction by interviewers even if interview notes are available.⁵⁶ In a systematic comparison of audio-recorded interviews of children with verbatim contemporaneous accounts, it was found that “more than half (57%) of the interviewer’s utterance along with 25% of the incident related details were not reported in the ‘verbatim’ notes”. These results underscore the superiority of electronic recording when the content and structure of investigative interviews must be preserved.⁵⁷

Important points to remember are:

-  Recording must be done overtly (the recorder in view) and with the consent of the interviewee.
-  Consent should be obtained before the interview commences and re-affirmed by the interviewee at the commencement of the recorded interview (included in the recorded conversation).
-  Despite the interview being recorded, one of the interviewers should also make notes including points to be followed up on after the interviewee has provided their uninterrupted version of events.
-  There is as little background noise as possible.
-  Other disturbances are kept to a minimum.
-  You have fresh batteries in the recording device, supplies of spare batteries (or the device is fully charged) and test the device immediately before the interview.
-  Interviewers must be mindful of any local data privacy laws that may apply to recordings.

References: 55 Cauchi, R, Powell, M. (2009). An Examination of Police Officers’ Notes of Interviews with Alleged Child Abuse Victims. *International Journal of Police Science & Management*. [online] Available at: <https://journals.sagepub.com/doi/abs/10.1350/ijps.2009.11.4.147> (Save the Children and able child Africa). 56 Gregory, A. (2009). *Investigative Interviewing and Memory: How Accurate Are Interviewers’ Recollections of Investigative Interviews?* Florida International University. 57 Lamb, M, Orbach, Y, Sternberg, K, Hershkowitz, I, Horowitz, D. (2000). Accuracy of investigators’ verbatim notes of their forensic interviews with alleged child abuse victims. *Law And Human Behavior*. 24(6), 699-708. [online]. Available at: <https://doi.org/10.1023/a:1005556404636>.

 CONTENTS

 SECTION START

5.6

Translators and interview support persons

5.6.1 TRANSLATORS

During the preparation and planning stage, it should be established whether an interviewee needs a translator or support person present during the interview and for the documents that will be shown during the interview. If not already known, this can be established during contact with the interviewee to arrange the interview by ascertaining their native language, any other languages spoken (and their level of competence), and the language they would be most comfortable speaking during the interview.

If, during an interview, either with or without a translator, it becomes apparent that the interviewee is having difficulty understanding, you must stop the interview and enlist the services of a translator who can competently translate between the interviewer and interviewee. Consideration should be given to the possibility that if stressed or uncomfortable an interviewee may be less competent in a given language than usual.

If the services of a translator are required, efforts should be made to engage an accredited translator through a reputable body or organisation if possible.

The interview time and date should not be set until you have confirmed the availability of a translator and consideration must be given to more time being needed for the interview.

The role of a translator is to bridge the communication gap between two or more parties that do not speak the same language. The translator must be impartial and keep everything that is said and translated confidential.⁵⁸

The translator cannot:

- add to or subtract from the communication, but only translate what has been said;
- provide you with advice or give his or her opinions or any other assistance;
- enter into the reasons for, or comment on the fairness of, the interview.

References: 58 NSW Department of Justice. The Role of the Interpreter. New South Wales Government, Australia.

[CONTENTS](#)

[SECTION START](#)

5.6

Translators and interview support persons

PAGE OF THE INTERVIEW AND TRANSLATORS

Interviewers must be mindful of the length of a witness' answer and ability of translators to keep pace during an interview. In some cases, answers may be quite long, particularly during open-ended questions. While interviewers do not want to interrupt the flow of a witness' answer, interviewers should emphasise that the witness should try to speak slowly and allow the translator to indicate when they cannot keep pace. This helps to ensure the accuracy of the translated response is not compromised.

Before the interview the translator should be properly briefed, including advising them that:

- the interview will be recorded (if this is the case);
- advising that they are to translate the interviewer's words verbatim to the interviewee and the interviewee's response verbatim to the interviewer. They must not edit or expand on the questions or answers;
- they are not to answer on behalf of the interviewee or engage in other conversation;
- they must not interrupt the interviewer or interviewee and only speak after the interviewer has asked the question or after the interviewee has answered the question.

Before starting the interview, the interviewer must ensure that the translator understands the rules and their role. Upon commencement of the interview during the 'engage and explain' phase, the translator must be introduced to the interviewee along with their purpose for being present.

Throughout the interview, the interviewer must speak directly to the interviewee in 'first person' rather than ask the translator questions such as: 'Can you ask what her name is'. The interviewer must also keep the questions short and avoid using any slang or colloquialisms that may not be understood by the translator, or able to be interpreted.

5.6.2 SUPPORT PERSONS

It is always best practice and often a legal requirement to have a support person (sometimes referred to as a responsible adult or third party) present when interviewing:

- persons under 18, whether survivors, witnesses or Subjects of Complaint;
- persons of any age with a cognitive disability;
- survivors or witnesses of any age that need emotional support.

5.7

Interviewing persons with key vulnerabilities

Investigators must take great care in interviewing persons with key vulnerabilities which may include children, persons with disabilities, and those exposed to emotional distress and trauma.

Disclosure

Disclosure happens along a long continuum, ranging from denial to nondisclosure to reluctant disclosure to a full accounting of an incident. Some survivors disclose less directly, over a period of time, through a variety of behaviours and actions, including discussions and non-verbal cues.

Survivors who disclose often do not recount their experiences fully and may, over time, provide additional information. As many as 60–80% of survivors and adolescents do not disclose until adulthood.

Factors that help to explain a survivor's reluctance are:

- age;
- relationship with the alleged offender;
- lack of parental support;
- gender;
- fear of consequences for disclosing, and fear of not being believed.

5.7.1 CONSIDERATIONS FOR INTERVIEWING CHILDREN

Whenever possible, children who are survivors of sexual exploitation or abuse should be interviewed by a person trained in interviewing minors. Young children should always be interviewed by an expert or specialist. Consideration of the age and development of the child is essential as these influence their perception of an experience and the amount of information they can store in long-term memory.

5.7

Interviewing persons with key vulnerabilities

If investigators determine a child should be interviewed in a SEAH investigation, they should conduct a risk assessment to weigh the protection risks and repercussions and the possible information that could be obtained through the interview.⁵⁹ It is also important to conduct a vulnerability assessment for children. Much like adult vulnerable witnesses, child survivors and witnesses may need referral to services to meet their protection needs.⁶⁰ See the toolkit for more information and a Sample Assessment Form for Child Survivors of Sexual Abuse and Risk Assessment Guide as featured in the Inter Agency Guidelines for Child Protection and Case Management.⁶¹

Children should always be accompanied by a trusted adult – likely a parent or guardian. The risk assessment should factor in the presence of the trusted adult in the interview – whether that be risks related to maintaining confidentiality or risks related to the adult if their presence inhibits the child from fully disclosing information.⁶²

Many influences have an impact on a child’s experience of abuse and on their ability to communicate that information. Cultural differences may present communication challenges which can lead to misunderstandings (see Table 11). Thus, interviewers and investigators must consider the influence of culture on how comfortable a child is in talking to strangers in a formal setting, and values about family loyalty and privacy when questioning children.

Reference: 59 CHS Alliance. (2014). Guidelines for Investigations: A guide for humanitarian organisations on receiving and investigating allegations of abuse, exploitation, fraud or corruption by their own staff. 60 Global Child Protection Working Group. (2014). Inter Agency Guidelines for Case Management and Child Protection. 61 Ibid. 62 CHS Alliance. (2014). Guidelines for Investigations: A guide for humanitarian organisations on receiving and investigating allegations of abuse, exploitation, fraud or corruption by their own staff.

5.7

Interviewing persons with key vulnerabilities

Age group	Characteristics
Very young children	<ul style="list-style-type: none"> • Find it difficult to focus their attention and to search their memory effectively when interviewed. • May simply respond to recognised words or simple phrases without considering the entire question. • Although remembering an experience may not be able to describe it to others. • May use words before they understand their meaning. • May continue to confuse even simple concepts such as “tomorrow”, “a lot”, or “a long time”.
Young children	<ul style="list-style-type: none"> • Are less able to make sense of unfamiliar experiences. • Have a more limited vocabulary. • Are less accustomed to engaging in conversations about past experiences than older children.
Adolescents	<ul style="list-style-type: none"> • Vary greatly in their verbal and cognitive abilities. • Interviewers may fail to build rapport, provide interview instructions, or ensure the comprehension of questions. • May be reluctant to ask for assistance.

Table 11: : Age and developmental characteristics

5.7

Interviewing persons with key vulnerabilities

5.7.2 PERSONS WITH DISABILITIES

Survivors with disabilities are potentially at greater risk for abuse and neglect than persons without disabilities. Furthermore, persons with disabilities are often faced with various barriers in reporting SEAH, including social, physical, and institutional barriers. Collaboration is often necessary to successfully interview survivors, and interviewers should use local resources – including disability specialists or other professionals who work with persons with disabilities and their primary caregivers – to gain insight into the functioning of survivors and any needs they may have for special accommodations.

PRINCIPLES FOR DISABILITY-INCLUSIVE SAFEGUARDING

Inclusion and non-discrimination: Use a disability lens when developing plans to ensure persons with disabilities are included in the process and can actively participate if they wish to do so.

Accessibility: Ensure persons with disabilities have access to referral services and physical access to sites and buildings, including sanitation facilities.

Gender equality: Women and girls with disabilities are at higher risk of SEAH. When engaging with people with disabilities seek out diverse representation that includes women, girls and adolescents with disabilities as well as people from different disability groups.

5.7

Interviewing persons with key vulnerabilities

PRINCIPLES FOR DISABILITY-INCLUSIVE CHILD SAFEGUARDING

Respect: Use appropriate language and speak directly to the child. Do not touch the child or their assistive device or point to their disability.

Communication: Accommodate different communication requirements so the child can use their preferred way to disclose any information.

Listening: Parents, caregivers, and guardians may (unconsciously) speak on behalf of children with disabilities. Do not make assumptions and make sure the child can answer questions themselves, independently.

Confidentiality: Ensure the child understands the level of confidentiality and only those necessary have access to the report.

Expectations: Ensure the child understands the investigation process that includes timeframe, potential outcomes, and limitations. This helps to manage expectations if the child is worried about reporting or participating in an investigation, and the loss of benefits or support services for their participation.

Source: Save the Children and able child Africa. (2021). Disability-inclusive safeguarding guidelines, Part 2: Guidance for Practitioners. Retrieved from https://resourcecentre.savethechildren.net/node/19086/pdf/disability_inclusive_child_safeguarding_guidelines_able_child_africa_save_the_children_2021_-_practitioner_summary.pdf

5.8

Subject of Complaint interviews

Subject of Complaint interviews are ideally conducted after all other survivors and witnesses have been interviewed. Subjects of Complaint should be notified of the allegation within a reasonable time, prior to commencing the interview so they can gather and provide exculpatory information and evidence to investigators.

It is important to note that the purpose of Subject of Complaint interviews is not necessarily to elicit a confession but rather to determine if SEAH rules or policies have been breached. To promote a fair and transparent process, interviewers and the organisation must:

- notify the Subject of Complaint as to why they are being interviewed, including the possible actions that could be taken as a result of the investigation findings;
- make sure the Subject of Complaint understands that they are expected to cooperate with the investigation and interview;
- notify the Subject of Complaint on expectations around confidentiality, and that contacting or harassing victims and witnesses may lead to disciplinary action;
- gain consent for recording interviews and notify interviewees that interviewers will be taking notes during the interview.⁶³

References: 63 Inter-Agency Standing Committee Task Force on Protection from Sexual Exploitation and Abuse. (2004). Op. cit.

5.9

Conducting interviews in practice

What happens if a witness does not cooperate or agree to be interviewed?

Investigators should be mindful that staff witnesses are usually obliged to cooperate in SEAH investigations. However, the term 'cooperation' is broad and can be open to interpretation. For example, a staff witness may attend an interview but refuse to say anything during the interview.

Non-staff witnesses are not obliged to participate but investigators should stress the importance of their participation and, while not pressuring witnesses to participate, provide all relevant information (without breaching confidentiality) to help non-staff witnesses understand the process and risks involved.⁶⁴

During investigations you may come across witnesses who are reluctant to become involved in the investigation (reluctant witnesses) or witnesses that are opposed to the investigation process (hostile witnesses).

References: 64 CHS Alliance. (2014). Guidelines for Investigations: A guide for humanitarian organisations on receiving and investigating allegations of abuse, exploitation, fraud or corruption by their own staff. 65 Ministry of Justice, 2011. Achieving Best Evidence in Criminal Proceedings. UK government, p.45

5.8 Subject of Complaint interviews

What if witnesses are reluctant?

There are many reasons why a witness may be reluctant to talk with investigators or participate in an interview. For example: fear of the Subject of Complaint; fear of community perception; fear of their identity becoming known; or uncertainty about the investigation process.

Interviewers should endeavour to build rapport with reluctant witnesses and address their concerns prior to the interview. Reluctant witnesses should be given an outline of the incident being investigated and informed that they may have important information about it. Specific details of the incident should not be discussed during the rapport-building conversation.

The reluctant witness should not be pressured into assisting with the investigation. The investigator's role is to provide information and assurance to allow the potential witness to make an informed choice.⁶⁵

Notes should be kept of these conversations and kept in the investigation file. The investigation manager should also be informed.

References: 65 Ministry of Justice, 2011. Achieving Best Evidence in Criminal Proceedings. UK government, p.45

5.9

Conducting interviews in practice

What if witnesses are hostile?

Reasons that a potential witness may be hostile (i.e., unwilling to being involved in the investigation) include being close to the Subject of Complaint, a mistrust of authority, or concern that they themselves will become a subject of the investigation. Hostile witnesses may refuse to cooperate or provide false information intended to support the subject's account. Where a hostile witness consents to an interview, you should proceed with the interview ensuring that it is recorded (unless they object to it).⁶⁶

In cases where a Subject of Complaint remains silent or answers 'no comment', investigators still have a responsibility to put questions to them and give them an opportunity to respond, therefore, all planned questions must be asked.

What if there are significant evidential inconsistencies?

During an interview it may be necessary to ask a witness to explain a significant inconsistency between what they have said during the interview and other information gathered during the investigation. For example, the accounts of other witnesses or other evidence that contradicts what the witness has said.

References: 66 Ibid p.46.

 CONTENTS

 SECTION START

5.9

Conducting interviews in practice

There are several reasons for these inconsistencies: many are genuine mistakes by the witness or others, but on occasion the witness may be fabricating their account. Whatever the reason, it will be necessary to ask the witness to explain the inconsistencies and the following principles should be followed:

- Explanations should only be sought where the inconsistency is significant.
- Explanations should only be sought after careful consideration that there is no obvious explanation.
- Explanations should only be sought at the end of the interview, after the witness's account has been fully explored.
- The purpose of asking a witness to explain an inconsistency is to pursue the truth, not to put pressure on a witness to alter their account.
- Explanations should take account of the extent to which the witness may be vulnerable to suggestion, compliance, or acquiescence.
- Questions intended to elicit an explanation for evidential inconsistencies should be phrased tactfully and presented in a non-confrontational manner.⁶⁷

References: 67 Ibid. pp.51-52.

 CONTENTS

 SECTION START

5.9

Conducting interviews in practice

What if there are significant evidential omissions?

During an interview it may be necessary to ask a witness about relevant information that they have not mentioned in their account. In this circumstance, it may be necessary to ask if the witness has knowledge of the information. This should only be asked at the end of an interview after the witness has given their account.

When planning such a question, the interviewer should consider whether information omitted by the witness is important enough to follow-up, whether the witness is vulnerable to suggestion, compliance or acquiescence, and the best type of question to obtain the information that doesn't have an adverse effect on the answer (such as a leading question – a question that suggests the answer).

A useful starting point is to ask: "What else can you tell me about the incident?" If the witness's answer includes case-relevant information but lacks sufficient detail, the interviewer should follow-up with an open question such as: "tell me about.....". When the further detail has been provided, the witness should be tactfully asked why they didn't provide the information in their original account, unless they have already stated the reason.

Investigators should ask questions in a non-confrontational manner and be aware that the witness simply doesn't know or genuinely doesn't remember the information missing from their account.⁶⁸

References: 68 Ibid. pp.51-52.

 CONTENTS

 SECTION START

5.9

Conducting interviews in practice

How is the interview to be recorded?

It is best practice to record all interviews using a digital recorder or similar device. However, permission must be obtained from the witness before recording and the permission to record the interview re-affirmed by the witness immediately when the interview begins. If the witness refused to be recorded, a note should be made of the reason and the interview then documented through the taking of notes.

The investigator who is not the lead interviewer should be responsible for recording the interview. It is advisable to test any equipment immediately before the interview to ensure the equipment is working and set correctly, and that the equipment has sufficient battery life. Spare batteries should be available just in case. The recording device should be in sight of the witness and not hidden. The investigator operating the device should monitor battery life and memory capacity of the device during the interview and immediately notify the lead interviewer of any issues. If any issues arise, the interview should be suspended, the issue rectified, and the interview recommenced if only a short time is required to rectify the issue. If the issue cannot be rectified in a reasonably short period of time the interview should proceed by way of handwritten notes.

Who should lead the interview?

In the planning stage, consideration should have been given to who is best qualified to lead the interview. This may have been decided based on being the same sex as the interviewee, awareness of cultural aspects, or experience. The lead interviewer must have good knowledge of the case.






[CONTENTS](#)[SECTION START](#)

5.9

Conducting interviews in practice

Where should interviews take place?

In the planning phase, consideration should be given to where the witness prefers to be interviewed. Your options may be limited, but consideration should be given to the following:

-  **Safety** of the witness, including when arriving and leaving the interview location.
-  **Privacy.** Who can see you or the witness arriving or leaving? Can the interview be overheard by anybody?
-  **Convenience.** Is the interview location easily accessible to the witness? Is it near public transport? How far will the witness have to travel? Should travel expenses be provided or reimbursed?
-  **Timing.** Is the timing of the interview suitable for the witness?
-  **Comfort.** Will the witness require food or drink and bathroom access? Can the witness negotiate stairs? Does the interview location have heating or cooling? Where can the witness take a break from the interview?

If the witness is being interviewed at their home, care should be taken not to mention the home address during recording.

How should witnesses be prepared for interviews?

Witnesses must always be prepared for an interview. This may be either immediately before the interview or hours or days before the interview.

The preparation should include an explanation of the purpose of the interview and how the interview will be conducted and who will be present. The witness should be invited to let the interviewer know if they need a break, if they do not understand a question and would like the interviewer to repeat the question, to speak more slowly if the interviewer is speaking too fast, or if they have any other concerns or issues during the interview. The witness should also be assured of the confidentiality of the interview, but investigators must also be honest regarding who will or may have access to the interview in the future.

5.9

Conducting interviews in practice

When should interviews be scheduled?

The timing of the interview should consider the demands of the investigation as well as the potential effects of trauma or stress. Trauma and stress can interfere with the process of remembering, but this should be determined by asking the witness. Some witnesses will prefer to be interviewed without delay, whereas others may wish to be interviewed later. However, investigators must remember that memory fades over time. Consideration should also be given to periods during which the witness may be fatigued, such as Ramadan, or other reasons.

What is the duration of an interview?

Interviews should not be unnecessarily long, and this can be avoided by careful planning of the interview and a well-formulated interview plan. Regular breaks should be planned for, and the interview should be at a pace comfortable for the witness.

When inviting the witness for an interview, investigators should ascertain how much time the witness has available to be interviewed rather than rush the interview or have the witness come back for further interview because of insufficient time.

06

ANALYSIS AND WRITING THE INVESTIGATION REPORT

6. Analysis and writing the investigation report

6.1 Investigation report

6.1.1 Contents of the report

6.1.2 Best practices in report writing

6.2 Management Advisory Report

6

Analysis and writing the investigation report

Investigation reports are essential in communicating the process, information, and outcomes of investigations to relevant stakeholders.⁶⁹ Reports must be factually correct, impartial, and objective, describing the components of the investigation in a concise, clear, complete, and grammatically correct manner. The timeline for delivering the report may depend on the investigation and organisation. Investigators should use the terms of reference for guidance on the deadline for submitting the report.

Reports are written jointly by the investigator and co-investigator. The investigation manager approves the final report, ensures that findings are reliable and consistent with the evidence and align with the standard of proof required. Once approved by the investigation manager, the report is submitted to the appropriate decision-maker.

References: 69 United Nations Office of Internal Oversight Services. (2015). Investigation Manual

6.1

Investigation report

The purpose of an investigation report is to accurately document the investigation steps taken and the evidence gathered, and to provide management with the facts needed to take additional steps such as imposing sanctions. Reports must only include factual findings, refrain from being judgemental, and align any recommendations with conclusions.

The investigation report should include:

- the complaint being investigated;
- the relevant policy or standard that the complaint breaches;
- the standard of proof to which the investigation was conducted e.g., ‘balance of probability’;
- the evidence obtained during the investigation, including evidence that does or does not support the complaint as well as any aggravating or mitigating circumstances;
- an analysis of what the evidence obtained means;
- conclusions.

Before writing the report, investigators must analyse the information and evidence obtained throughout the investigation and use a systematic process to assess the evidence against the complaint. The evidence evaluation matrix described in section 3.2.1 can be helpful for assessing different aspects of the complaint and evidence collected and available.

Organising the information and using a structured approach is vital to the assessment process and in determining if the threshold for the standard of proof has been met.

6.1 Investigation report

KEEPING REPORTS CONFIDENTIAL

Investigation reports must be kept confidential and only disclosed on a need-to-know basis within an organisation. According to confidentiality guidelines, organisations must take all precautions to ensure the report is not disclosed unless authorised to do so. Cases in which authorised disclosure may happen include when:

- there is evidence a crime has been committed and the case is referred to local authorities;
- the investigation results in disciplinary action or a hearing in which the report or contents are disclosed as part of the process.

6.1.1 CONTENTS OF THE REPORT

Executive summary

This should provide a very concise overview of the investigation from inception to the final report. It should not contain any information that is not in the main body of the report. The executive summary should not be written until all other sections have been completed.⁷⁰

Introduction

The introduction provides background information about the investigation. It should include the following:

- Name of the case and case reference number.
- Date of the report and dates of the investigation.
- A confidentiality statement.
- The scope of the complaint(s) and references to the standards allegedly breached, including information on the number of complaints, witnesses, and Subject of Complaint.

Methodology

The methodology section outlines the investigation approach and processes, including:

- roles and responsibilities of the investigators and investigation team;
- how a survivor-centred approach was incorporated into the investigation;
- the standard of proof required (e.g., ‘the balance of probabilities’) and a brief description of that standard;
- any constraints or issues that took place during the investigation;
- interviews conducted, including if witnesses did not cooperate or were unwilling to participate in interviews.

References: 70 Inter-Agency Standing Committee Task Force on Protection from Sexual Exploitation and Abuse. (2004). Op. cit.

 CONTENTS

 SECTION START

6.1 Investigation report

Investigation findings




The findings section comprises the bulk of the report, outlining in detail the allegations and evidence to support or refute the allegation. Findings should be stated impartially and based on fact, not the opinion of the investigators, backed-up by evidence that is described in detail. If there are multiple allegations, each should be addressed separately in the findings section⁷¹ with the evidence explanation – both inculpatory and exculpatory – for each policy or code of conduct item (see Table 12).

Complaint		
Relevant policy or code of conduct	Inculpatory evidence (evidence supporting the complaint)	Exculpatory evidence (evidence which does not support the complaint)
Complaint 1		
Complaint 2		

Table 12: Table of findings

Conclusions and recommendations

This section should provide summaries of conclusions and recommendations separately for each allegation.⁷² Using the evidence and findings, investigators must conclude one of the following for each allegation:

-  **Substantiated:** a complaint is substantiated when there is sufficient evidence that it is more likely than not that the behaviour occurred.
-  **Unsubstantiated:** a complaint is unsubstantiated when the investigation cannot meet the burden of proof to substantiate the complaint, or the investigation proves that the behaviour did not occur.
-  **Inconclusive:** : a complaint is inconclusive if the investigation is unable to determine whether the complaint can be substantiated.

References: 71 Ibid. 72 Humanitarian Accountability Partnership. (2008). Op. cit

6.1

Investigation report

Do not make recommendations for disciplinary action. Corrective action recommendations must link to any root causes of the misconduct. Consider detailing corrective action recommendations in a management advisory report after discussing them with management.

Any retaliation, or concern of retaliation, against the survivor or witnesses by the Subject of Complaint or others (or any retaliation or concern of retaliation against the Subject of Complaint), should be described in this section.⁷³

Appendices

Appendices must include all relevant information that supports the contents of the investigation as well as the evidence and findings, which may include but is not limited to:

- investigation timeline, risks, and workplan;
- signed interview transcripts and notes;
- notes to file;
- evidence logs;
- chains of custody;
- copies of relevant processes and procedures;
- photocopies or photographs of evidence gathered.

References: 73 Inter-Agency Standing Committee Task Force on Protection from Sexual Exploitation and Abuse. Op. cit





 CONTENTS

 SECTION START

6.1 Investigation report

6.1.2 BEST PRACTICES IN REPORT WRITING

Investigation reports must be based on fact, and be impartial, fair, and thorough, and provide answers to all questions raised by the investigation. A good report is written clearly, concisely, correctly, and comprehensively.⁷⁴

-  **Clear:** Reports should be written in clear and direct language, free of ambiguous phrases or terminology and supported with graphs, charts, and other visuals where appropriate.
-  **Concise:** Active voice should be used, alongside short (but clear and accurate) headings and sub-headings.
-  **Correct:** Reports should be factually and grammatically correct and free of errors.
-  **Comprehensive:** While reports should be as concise as possible, investigators must ensure that all necessary information, evidence, and findings are included. Findings must be supported by documentation and evidence.

References 74 Ibid

 CONTENTS

 SECTION START

6.2 Management Advisory Report

In addition to the findings and recommendations in the investigation report, investigators may also make recommendations on organisational policies, processes, and procedures related to receiving SEAH complaints. Recommendations are described in the management advisory report and aim to help the organisation improve its complaints processes and policies and ensure international standards and best practices are followed in protecting people from SEAH.

The management advisory report should also record any concerns about possible retaliation against survivors, witnesses or Subjects of Complaint, but not contain any identifying information, keeping the identities of survivors, witnesses, and Subjects of Complaint anonymous.

07




CONCLUDING THE INVESTIGATION

7

Concluding the investigation

Once the investigation report is approved by the investigation manager and submitted to the relevant decision-makers for any subsequent actions, investigators must close the investigation. Management and/or the organisation is responsible for following up on any disciplinary action if the allegations are substantiated.

Regardless of the findings, investigators need to conduct all closure procedures which may include:

-  **Return/transfer of evidence:** Any evidence that was obtained during the investigation needs to be returned or transferred to the original person or location from where it was taken, accounting for any appeal process that a Subject of Complaint may be entitled to under an organisation's policy or procedures. Investigators should refer to data protection rules of the organisation or government for retention and storage of information, records, and data obtained during the investigation.
-  **Debrief management:** Investigators may be required to provide a debriefing session to management on the process and findings of the investigation.
-  **Lessons learned:** It may be helpful for investigators, along with the investigation manager and team, to conduct a 'lessons learned session' to determine what went well during the investigation and what can be improved for future investigations.⁷⁵

References: 75 United Nations Office of Internal Oversight Services. (2015). Investigation Manual.





[> CONTENTS](#)[> SECTION START](#)

7

Concluding the investigation

Quality assurance review

Before approving the investigation report, the investigation manager conducts a quality assurance review of the investigation. This review includes:

-  Fact and accuracy check of the draft investigation report to ensure that the analysis and findings of the report are factually correct, and evidence based.
-  Checking correct investigation procedures were followed and that the terms of reference and the investigation plan are accurate.
-  Checking that all evidence obtained, including all evidence referred to in the draft investigation report, is correctly recorded in the evidence log, secured appropriately and available if required.
-  Checking that all investigation documentation – investigation terms of reference, investigation plan, notification to Subject of Complaint, interview plans, interview recordings, interview notes, emails, notes to file, evidence log, evidence receipts / chain of custody forms, investigator notes – has been appropriately filed.

08

CONDUCTING REMOTE INVESTIGATIONS

8. Conducting remote investigations

- 8.1 Roles and responsibilities in remote investigations
- 8.2 Investigation planning and risk assessment
- 8.3 Gathering evidence in remote investigations
- 8.4 Conducting remote interviews

8. Conducting remote investigations

Remote investigations, while not ideal, may be required in certain contexts. Investigators need to follow the same process for remote investigations, factoring in necessary adaptations to the plan. The roles and responsibilities are different in remote investigations than in face-to-face investigations. A local team member is required to conduct any activities on-site, providing evidence and information to investigators continuously throughout the investigation.

 CONTENTS







 SECTION START

8.1

Roles and responsibilities in remote investigations

Remote investigations may be required when there are restrictions on travel and movement due to health, safety and security, and/or budgetary constraints. When conducting remote investigations, the investigation team may need to include local support to implement specific activities. Establishing clarity on roles and responsibilities is paramount to an effective and efficient remote investigation.

The investigators' responsibilities remain the same regardless of whether the investigation is conducted in person or remotely. They must oversee the whole process and develop the required plans. However, adaptations will need to be made to account for any constraints in remote investigations. For example, the local support team member(s) member may be required to:





-  gather local evidence according to agreed standards, providing copies, images, chains of custody, and notes to file to investigators;
-  coordinate with witnesses, survivors, and Subjects of Complaint to conduct interviews, ensuring they have a suitable venue with access to a stable and sufficient internet connection, using an agreed and secure application;
-  collaborate with the investigation and investigation managers to determine if protection risks exist for anyone involved in the investigation and help implement response strategies to address those risks;
-  apply the best-practice principles of SEAH investigations in all activities during the investigation;
-  ensure appropriate and adequate lines and types of communication are open with the investigators;
-  ensure any, and all, communication with investigators is secure and confidential.

8.2

Investigation planning and risk assessment





Remote investigation planning

Some considerations for planning for remote investigations should include:

-  **human resources:** given the limitations in being on-site, investigators need to consider who should be involved in the investigation on the ground, and the associated risks;
-  **time and timeline;**
-  **confidentiality;**
-  **risks.**

Remote investigation risks




Remote investigations require a comprehensive understanding, awareness, and strategy for addressing risks to the investigation, including:

-  **Access and connectivity:** In remote investigations, interviews will likely use an online platform, requiring computer and internet access. There are often risks associated with accessing stable internet for witnesses and ensuring the security and confidentiality through these modalities.
-  **Security:** Conducting interviews online and working with a local focal point to gather evidence can present security risks. Using reliable and secure platforms for conducting remote interviews and sending copies of the evidence is of the utmost importance to protect the integrity of the investigation, names and information about the survivor, witnesses, and the Subject of Complaint, and evidence gathered.
-  **Evidence gathering:** : As investigators are not physically present during remote investigations, they will need to rely on local team members to gather evidence. This could present risks in ensuring the appropriate processes are followed (i.e., chain of custody, measures to mitigate evidence tampering, etc.).
-  **Confidentiality:** When more people are involved in the investigation, and in-person oversight is not possible, there may be risks to ensuring confidentiality in the investigation.

8.3

Gathering evidence in remote investigations





Gathering evidence in remote investigations requires investigators to collaborate with a local, trusted, and trained team member. Likely, the bulk of the evidence gathering will be done by the local team member, requiring clear communication between investigators and the local team member and a systematic plan for how, when, and from whom to gather evidence. Some aspects to be mindful of in gathering evidence in remote investigations include:

-  ensuring local team members have all the relevant equipment and materials to gather evidence. This could include tamper-proof evidence bags, templates to use (chain of custody, evidence log), and recording devices or a computer to conduct remote interviews;
-  factoring in any constraints that exist for the local team member in gathering evidence;
-  determining when and how evidence will be provided to investigators, ensuring confidentiality and security in transferring the evidence from the local site to investigators.

8.4

Conducting remote interviews

Remote interviews are required when there are restrictions on face-to-face investigations. In these situations, local team members will be the focal point between interviewers and interviewees, ensuring appropriate best practices and protocol are maintained. Best practices in conducting remote interviews include:

-  securing adequate internet access to conduct interviews. When possible, interviewees should be invited to come to an agreed, neutral, safe location for the interview. This helps to better control the environment, mitigates confidentiality risks, supports interviewees in any technological issues that may arise, and promotes a more comfortable environment for interviewees so they feel more free to speak;
-  allowing interviewees to use the computer camera to scan the room to ensure there are no additional people present who are not part of the investigation team or pre-agreed upon support persons/accompaniers;
-  recording remote interviews with the informed consent of the interviewee;
-  using simultaneous translation functions within the virtual platform where translators are required, if possible.

