

Conflict-Related Sexual Violence Multi-Partner Trust Fund

Terms of Reference

I. Introduction

Background – Conflict-Related Sexual Violence Infrastructure

United Nations Action Against Sexual Violence in Conflict (“UN Action”) was created following the Brussels Call to Action in 2006 to provide system-wide coordination on prevention and response to conflict-related sexual violence (“CRSV”) with the goal of ending sexual violence during and in the wake of armed conflict. Endorsed by the Secretary-General’s Policy Committee in June 2007 and by the Security Council resolution 1820 (2008), it represents a concerted effort by the United Nations to “work as one” with the aims of improving coordination and accountability, amplifying advocacy, and supporting country efforts to prevent CRSV and respond more effectively to the needs of survivors.¹

In January 2009, UN Action established the UN Action Against Sexual Violence in Conflict Multi-Partner Trust Fund (the “UN Action MPTF”). The purpose of the UN Action MPTF was to mobilize funds to support the work of UN Action, streamline joint programming, fund the UN Action Secretariat and a modest range of joint catalytic programmatic activities.

In September 2009, the Security Council unanimously adopted Security Council resolution 1888, which in paragraph 4 requested the United Nations Secretary-General to:

“appoint a Special Representative to provide coherent and strategic leadership, to work effectively to strengthen existing United Nations coordination mechanisms, and to engage in advocacy efforts, inter alia with governments, including military and judicial representatives, as well as with all parties to armed conflict and civil society, in order to address, at both headquarters and country level, sexual violence in armed conflict, while promoting cooperation and coordination of efforts among all relevant stakeholders, primarily through the inter-agency initiative ‘United Nations Action Against Sexual Violence in Conflict’.”

Paragraph 5 of resolution 1888 further:

“[e]ncourages the entities comprising UN Action Against Sexual Violence in Conflict, as well as other relevant parts of the United Nations system, to support the work of the aforementioned Special Representative of the

¹ At the time of drafting these TORs, UN Action is comprised of 14 UN entities: DPPA, DPO, IOM, OCHA, OHCHR, UNAIDS, UNDP, UNFPA, UNHCR, UNICEF, UN Women, UNODC, ODA and WHO and the scope of work have been focusing on implementing the 3 Pillars of UN Action (advocating for action; country level action; knowledge generation).

Secretary-General and to continue and enhance cooperation and information sharing among all relevant stakeholders in order to reinforce coordination and avoid overlap at the headquarters and country levels and improve system-wide response.”

Paragraph 8 of the same resolution called upon the Secretary-General to:

“identify and take the appropriate measures to deploy rapidly a team of experts to situations of particular concern with respect to sexual violence in armed conflict, working through the United Nations presence on the ground and with the consent of the host government, to assist national authorities to strengthen the rule of law, and recommends making use of existing human resources within the United Nations system and voluntary contributions, drawing upon requisite expertise, as appropriate, in the rule of law, civilian and military judicial systems, mediation, criminal investigation, security sector reform, witness protection, fair trial standards, and public outreach; to, inter alia (a) Work closely with national legal and judicial officials and other personnel in the relevant governments’ civilian and military justice systems to address impunity, including by the strengthening of national capacity, and drawing attention to the full range of justice mechanisms to be considered; (b) Identify gaps in national response and encourage a holistic national approach to address sexual violence in armed conflict, including by enhancing criminal accountability, responsiveness to victims, and judicial capacity; (c) Make recommendations to coordinate domestic and international efforts and resources to reinforce the government’s ability to address sexual violence in armed conflict; [and] (d) Work with the United Nations Mission, Country Team, and the aforementioned Special Representative of the Secretary-General [- Sexual Violence in Conflict] as appropriate towards the full implementation of the measures called for by resolutions 1820 (2008).”

The latest resolution on conflict-related sexual violence 2467 (2019) *“recognizes the role of United Nations Action Against Sexual Violence in Conflict as the interagency coordination forum chaired by the Special Representative on Sexual Violence in Conflict to address this problem, and encourages the revision and continued development of innovative operational tools and guidance by United Nations Action Against Sexual Violence in Conflict;”*

The same resolution reaffirms the role and importance of the Team of Experts and in OP 14 *“encourages concerned Member States to draw upon the expertise of the United Nations Team of Experts established pursuant to resolution 1888 (2009) under the strategic leadership of the Special Representative of the Secretary-General on Sexual Violence in Conflict as appropriate to strengthen the rule of law and the capacity of civilian and military justice systems to address sexual violence in armed conflict and post-conflict situations as part of broader efforts to strengthen institutional safeguards against impunity.”*

In November 2009, the Department of Peacekeeping Operations, now the Department of Peace Operations (“DPO”), the Office of the High Commissioner for Human Rights (“OHCHR”), and the United Nations Development Programme (“UNDP”) agreed to serve as co-lead entities responsible for the development and establishment of the United Nations Team of Experts on the Rule of Law and Sexual Violence in Conflict (“Team of Experts” or “TOE”). In November 2011, the UN Action MPTF expanded its scope to include support for the programmatic work undertaken by the Team of Experts. Since November 2011, UN Action and the

Team of Experts have jointly utilized the UN Action MPTF to manage their respective resources. On 1 July 2015, the Participating UN Organizations extended the UN Action MPTF until 31 December 2019. It was then replaced by the Conflict-Related Sexual Violence Multi-Partner Trust Fund (MPTF).

Reviews and Lessons Learned

During the period of operation of the UN Action MPTF, reviews and evaluations were undertaken of UN Action² and the Team of Experts³. Through these reviews and evaluations, several common themes emerged that have been taken into consideration in developing the Conflict-Related Sexual Violence – Multi-Partner Trust Fund (the “CRSV-MPTF” or “Fund”), including the need to: (i) enhance communication and visibility; (ii) incorporate lessons learned from project implementation; (iii) enhance coordination and cooperation; and (iv) enhance impact at the country level. In addition to these common themes, the Fund also incorporates lessons learned and best practices drawn from the operation of the UN Action MPTF over the past ten years.

Sustainable Development Goals and the United Nations Agenda

In September 2015, the General Assembly adopted the 2030 Agenda for Sustainable Development that includes 17 Sustainable Development Goals (“SDGs”). Building on the principle of “leaving no one behind”, the new Agenda emphasizes a holistic approach to achieving sustainable development for all. Of particular relevance to the work to be undertaken through the Fund is Goal 5 – Achieve gender equality and empower all women and girls, and Goal 16 – Promote Peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

Beyond the SDGs, the work undertaken through the CRSV-MPTF will also seek to advance the Security Council’s agenda on women, peace and security, the Secretary-General’s sustaining peace agenda, among others.

United Nations Funds

The CRSV-MPTF will build on the success of its predecessor, the UN Action MPTF, and will complement existing United Nations funds and initiatives, such as the Spotlight Initiative to eliminate violence against women and girls; the United Nations Peacebuilding Fund; and the UN Trust Fund to End Violence against Women, the Women’s Peace and Humanitarian Fund and the Elsie Initiative on Women in Peace Operations, with a specific focus on CRSV as framed by Security Council resolutions 1820 (2008), 1888 (2009), 1960 (2010), 2106 (2013), 2331 (2016) and 2467 (2019). Mechanisms will be established to facilitate coordination and information sharing among the various funds to enhance coherence and increase impact.

² Review of UN Action Against Sexual Violence in Conflict 2007-2012 – Final Report, dated January 2013; Review of the UN Action Multi-Partner Trust Fund, dated June 2019.

³ Mid-term Review of the 2015-2019 Joint Programme of the United Nations Team of Experts on the Rule of Law / Sexual Violence in Conflict, dated July 2018.

II. Functions of the Conflict-Related Sexual Violence – Multi-Partner Trust Fund⁴

Through the establishment of the CRSV-MPTF the United Nations system seeks to increase coherence to bring attention to the critical gaps and underfinanced priorities and consolidate and coordinate efforts to reduce fragmentation and ensure impact at the country level.

III. Programmatic Scope and Theory of Change

The overall goal of the CRSV-MPTF is to enhance prevention, response and accountability efforts towards CRSV. Critically, the Fund is intended to catalyze new initiatives and programming to address CRSV.

A number of factors that contribute to CRSV and impede adequate prevention and response have been identified in the annual reports of the Secretary-General on the issue, including:

- Structural gender-based inequalities and gender-based human rights violations, including harmful social norms, often pre-existing and driving sexual violence in peacetime, are further exacerbated and expose affected populations (in particular women and girls) to sexual violence when protective systems and structures are weakened or destroyed during conflict;
- Absent or weak independent and impartial justice institutions undermines confidence and perpetuates instability and conflict;
- Lack of or restricted access to and availability of, comprehensive, multi-sectoral support, including services for CRSV survivors, which hinders their participation in justice processes, recovery and healing;
- Weak monitoring and reporting of CRSV limits evidence-based and impactful solutions to CRSV; and
- Insufficient or ineffective cooperation and coordination among different United Nations actors in supporting prevention, protection, and peace and development in conflict and post-conflict countries limits the United Nation's ability to deliver a system-wide and value-added approach to tackling CRSV.

Theory of Change:

By addressing some of the underlying factors that enable or perpetuate CRSV, its prevalence, repetition, and impact will be reduced. While the details are elaborated in the respective programmatic frameworks, in general, the CRSV-MPTF funds activities related to the provision of knowledge and guidance, training, joint advocacy, financial resources, human resources, coordination and technical expertise to address the above-mentioned challenges.

⁴ The [MPTF Office Manual on Designing Pooled Funds for Performance](#), June 2015, prepared under the auspices of the UN Working Group on Transition, contains further guidance on assessing the feasibility and functions of UN pooled funds.

The CRSV-MPTF thereby focuses on four CRSV-specific outcomes:

1. Holistic survivor-centered prevention and protection responses to CRSV are provided by international institutions and actors;
2. Strengthened national and international institutions prevent CRSV by addressing gender-based inequality and discrimination as the root-cause and driver of sexual violence;
3. Greater justice and accountability for CRSV including a victim-centered approach through strengthened capacity and technical expertise of national and international institutions.
4. Better cooperation and information sharing between UN agencies reinforce coordination and improve system-wide response and implementation of UN Security Council resolutions on CRSV.

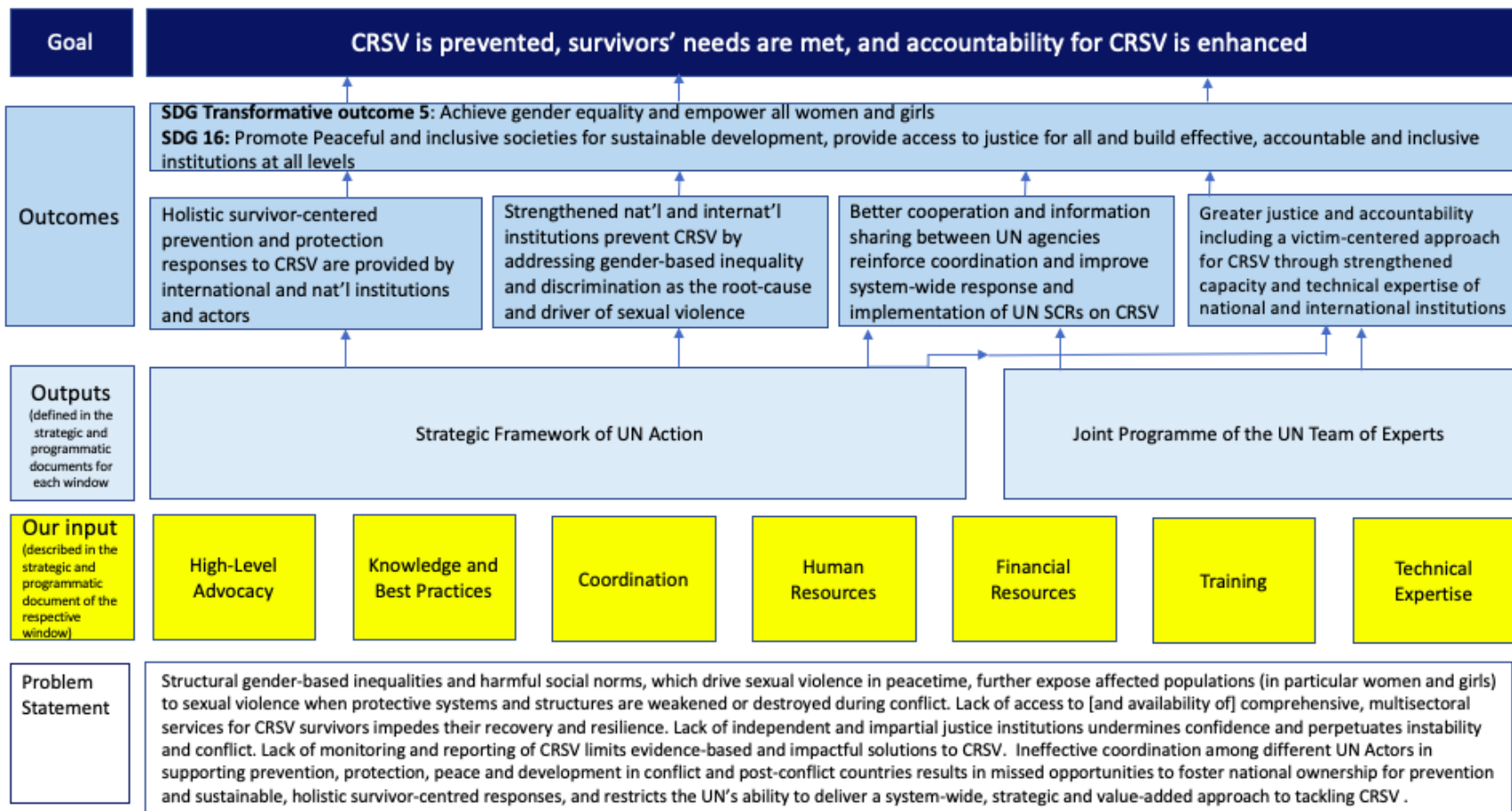
JOINT IMPACT: Jointly, the work of the Team of Expert and UN Action contributes to the achievement of SDGs 5 and 16, i.e. *to achieve gender equality and empower all women and girls (SDG 5) and to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels (SDG 16).*

GOAL:

Jointly and through the CRSV-MPTF, UN Action and the Team of Experts contribute to the overall goal that CRSV is prevented, survivor's needs are met and accountability for CRSV is enhanced.

Overall goal: Conflict-related sexual violence is prevented, survivor's needs are met, and accountability is enhanced			
Outcomes	Indicative Outputs⁵	Responsible Window	Programmatic Framework
Outcome 1: Holistic survivor-centered prevention and protection responses to CRSV are provided by national and international institutions and actors;	<ul style="list-style-type: none"> Comprehensive and multi-sectoral assistance, including, medical, psycho-social, livelihoods and access to justice services are available for CRSV survivors 	UN Action	Strategic Framework of UN Action
Outcome 2: Strengthened national and international institutions prevent CRSV by addressing gender-based inequality and discrimination as the root-cause and driver of sexual violence	<ul style="list-style-type: none"> Strategies to address immediate risks and root causes of CRSV and tackle harmful practices and stigma are designed and implemented by duty-bearers for the benefit of survivors and persons at risk 	UN Action	Strategic Framework of UN Action
Outcome 3: Better cooperation and information sharing between UN agencies reinforce coordination and improve system-wide response and implementation of UN Security Council resolutions on CRSV	<ul style="list-style-type: none"> UN Action fulfills its role as a consultative forum on CRSV and as platform for coordinating advocacy and implementation of gap-filling joint CRSV-focused interventions Implementation Plans for Joint Communiqués to address CRSV are developed and implemented with support from relevant UN entities 	UN Action / Team of Experts	Strategic Framework of UN Action / Joint Programme of the Team of Experts
Outcome 4: Greater justice and accountability for CRSV including a victim-centered approach through strengthened capacity and technical expertise of national and international institutions	<ul style="list-style-type: none"> Political will to promote accountability for CRSV at national, regional, and international levels enhanced. Technical and operational capacity of national rule of law institutions and actors to address accountability for CRSV enhanced. Cooperation, coordination, coherence, and knowledge among the range of actors (governments, CSOs, NGOs, United Nations, etc.) working to promote accountability for CRSV enhanced. 	Team of Experts and UN Action	Joint Programme of the Team of Experts and Strategic Framework of UN Action

⁵ For detailed outputs, please refer to the programmatic documents of the UN Action and TOE window of the CRSV-MPTF



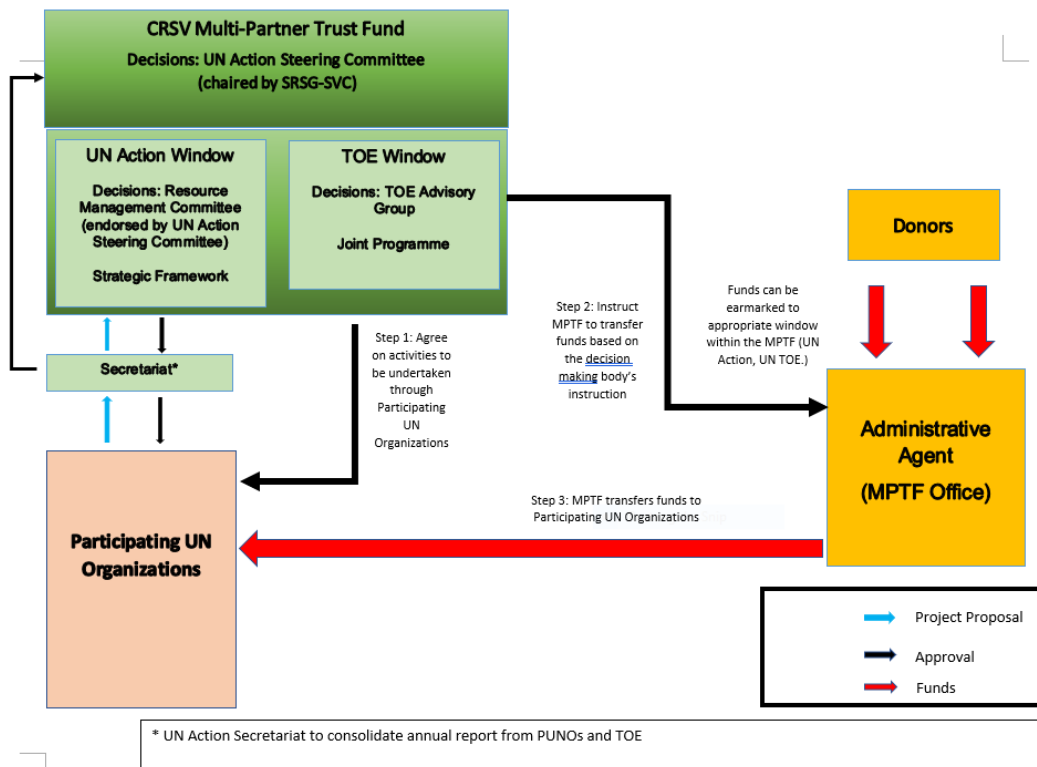
The specific outputs and activities/inputs that will enable the achievement of the outcomes identified above will be defined in the programmatic document for each window within the CRSV-MPTF.

IV. Governance Arrangements

Under the CRSV-MPTF, two windows will be established – one for UN Action and the other for the Team of Experts. Each of these windows will facilitate the work of the respective entities guided by the strategic leadership of SRSG-SVC and the three-pillar priority strategy set by the SRSG-SVC, namely: (a) converting cultures of impunity into cultures of deterrence; (b) addressing structural gender-based inequality as the root cause and invisible driver of sexual violence in times of war and peace; and (c) fostering national ownership and leadership for a sustainable, survivor-centered response that empowers civil society and women’s rights defenders. Each of these windows will have its own oversight and decision-making body. The decision-making process for the use of funds by the CRSV-MPTF is outlined by the governance structure of each window as described in the respective window programmatic documents.⁶

The UN Action Steering Committee⁷, chaired by the SRSG-SVC provides oversight and strategic advice regarding the CRSV-MPTF. For details on the role of the UN Action Steering Committee vis a vis the CRSV-MPTF, please refer to the Terms of Reference of the UN Action Steering Committee, included in Annex 3.

The UN Action Secretariat will provide support to the UN Action Steering Committee in this role.⁸



⁶ The Terms of Reference for the UN Action window and the TOE Advisory Group are included in Annex 1 and 2 respectively.

⁷ See Annex 3, Terms of Reference of the UN Action Steering Committee

⁸ The Terms of Reference for the UN Action Secretariat are included in Annex 4

Annual Stakeholder Meeting

A meeting with key stakeholders, including donors to the fund and representatives of relevant UN funds and initiatives, such as the Spotlight Initiative to eliminate violence against women and girls; the United Nations Peacebuilding Fund; the UN Trust Fund to End Violence against Women; the Women’s Peace and Humanitarian Fund; and the Elsie Initiative on Women in Peace Operations, will be convened annually. This meeting will review progress and discuss significant changes in circumstances and major risks including any substantive revisions to the CRSV-MPTF. The annual stakeholders meetings will be undertaken under the leadership of the Steering Committee chaired by SRSG-SVC and will focus on the overall progress the CRSV-MPTF made against results frameworks of its respective windows, the funding situation, and challenges in implementing the Terms of Reference of the CRSV-MPTF. The Secretariat will prepare and convene the meeting.

The Administrative Agent

The Multi-Partner Trust Fund Office (“MPTF Office”) of UNDP shall serve as the Administrative Agent of the CRSV-MPTF. UNDP’s accountability as the Administrative Agent is set out in the policy “UNDP’s Accountability when acting as Administrative Agent in MDTFs and/or UN Joint Programmes using the pass-through fund management modality.”

The MPTF Office, as Administrative Agent, will provide administrative and other support services, on behalf of the CRSV-MPTF. The Administrative Agent will use a pass-through modality whereby each recipient United Nations organization applies its own procedures, provided they meet the minimum requirements outlined in the memorandum of understanding and Terms of Reference in terms of safeguards and fiduciary principles.

The Administrative Agent will:

- Support the development of the CRSV-MPTF concept note and the Terms of Reference, including support for the design of the CRSV-MPTF architecture (i.e. governance arrangements), the preparation of the legal instruments based on standard legal agreements, and the development of a logical framework based on the theory of change;
- Conclude a memorandum of understanding with the Participating UN Organizations and Standard Administrative Arrangements (“SAAs”) with contributing partners;
- Receive, administer, and disburse funds, subject to availability, to the Participating UN Organizations according to the instructions of respective governance body of the respective window;
- Make each disbursement to a recipient United Nations organization within three to five business days after receipt of the Fund Transfer Request, accompanied by the approved joint programme document and the relevant and correct transfer forms;
- Ensure all parties concerned sign off on disbursements;
- Prepare annual and final consolidated financial reports and disburse financial reports and annual and final consolidated narrative reports to contributing partners;
- Disburse funds to the Secretariat for direct costs based on the decision of the respective Steering Committee;

- Notify the Steering Committee of the amount of funds used for such purposes on an annual basis;
- Administer funds in accordance with regulations, rules, policies and procedures, as well as the memorandum of understanding and terms of reference and contribution agreements, including provisions relating to closure of the CRSV-MPTF account and related matters; and
- Provide through the MPTF Office online portal, GATEWAY⁹ real-time financial data generated directly from its accounting system, giving partners and the general public the ability to track contributions, transfers and expenditures.

The Administrative Agent will be entitled to allocate an administrative fee of 1% of the amount contributed by each donor, to meet the costs of performing the Administrative Agent's standard functions as described in the Memorandum of Understanding.

The Participating UN Organization(s)

A Participating UN Organization is an entity that has signed the memorandum of understanding with the MPTF Office. Participating UN Organization(s), shall assume full programmatic and financial accountability for the funds transferred to them by the Administrative Agent. In conformity with the UNDG Guidelines, the Participating UN Organizations will be entitled to deduct their indirect costs on contributions received. All other costs incurred by each Participating UN Organization in carrying out the activities for which it is responsible under the CRSV-MPTF will be recovered as direct costs.

V. Fund Implementation

Project Approval Cycle

For unearmarked funding, the UN Action Steering Committee will decide on funding allocations to the windows based on recommendations submitted by the fund Secretariat.

For earmarked funding, the project approval process is defined in the programmatic document (i.e., window, Joint Programme, work plan), which are annexed to these Terms of Reference.

Contributions

Contributions to the CRSV-MPTF may be accepted from governments of Member States of the United Nations or from intergovernmental or non-governmental organizations, and/or from private sources. Acceptance of

⁹ <http://mptf.undp.org>

funds from the private sector will be guided by criteria stipulated in the UN system-wide guidelines on cooperation between the UN and the Business Community.

Contributions can be earmarked to either the UN Action window or the Team of Experts window. Unearmarked contributions to the CRSV-MPTF will be distributed to either the UN Action window or the Team of Experts window based on the decision of the UN Action Steering Committee in line with its terms of reference.

Contributions to the CRSV-MPTF may be accepted in fully convertible currency. Such contributions shall be deposited in the bank accounts designated by UNDP. The value of a contribution-payment, if made in other than United States dollars, shall be determined by applying the United Nations operational rate of exchange in effect on the date of payment. The MPTF Office charges a standard one-time fee of 1% for pass through services of UN pooled funds, which will be deducted from the contributions to the CRSV-MPTF at the time contributions are deposited.

VI. Reporting

For each project approved for funding, each Participating UN Organization will provide the Secretariat and the Administrative Agent with reports and financial annual statements prepared in accordance with their accounting and reporting procedures, as agreed upon in the legal agreements signed with the Administrative Agent. The annual and final reports will be results-oriented and evidence based. The reports will give a summary of results and achievements compared to the expected result in the project document. Both programmatic and financial performance indicators will be monitored at the outcome and output levels.

Reports will be used by the Steering Committee to review the overall progress against expected results and assess the achievement of performance targets.

Narrative Reporting

Each Participating UN Organization will provide the following reports to the UN Action Secretariat for consolidation and further transmission to the Steering Committee for endorsement:

- Annual narrative reports to be provided no more than three months (31 March) after the end of the calendar year;
- Final narrative reports after the end of activities contained in the program-related approved document, including the final year of such activities, to be submitted no more than four months (30 April) in the following year after the financial closure of the CRSV-MPTF.

Financial Reporting

Each Participating UN Organization will provide the following financial statements and reports to the Administrative Agent:

- Annual financial statements and reports to 31 December, regarding released resources by the Fund to them; these shall be provided no more than four months (30 April) after the ending of the calendar year;
- Final certified financial statements and financial reports after the completion of activities contained in the program-related approved document, including the final year of such activities, to be submitted no more than six months (30 June) in the following year after the financial closure of the project.

Based on these reports, the Administrative Agent will prepare consolidated narrative and financial reports, which will be submitted to each of the CRSV-MPTF's contributors and to the Steering Committee as per the schedule established in the SAA.

VII. Monitoring and Evaluation

CRSV-MPTF monitoring and evaluation arrangements are in line with the standard UNDG MOU/SAA. The monitoring and evaluation of the CRSV-MPTF will be based on achievements in relation to results expressed in project documents, and programmatic frameworks of the windows and overall CRSV-MPTF. The monitoring and quality assessment will be undertaken by the Steering Committee, with the support of the Secretariat. The Secretariat will prepare a Monitoring and Evaluation plan of the fund within the first 6 months of operations.

VIII. Risk Management

The governance structure, which brings together all stakeholders, including financial contributors, offers an opportunity to develop a common understanding of the risk context and the possible mitigation measures. An assessment of risk and the use of joint mechanisms to reduce and better manage risks can result in more informed strategic choices.

Risks will be monitored and managed at the project and programme level, but also at the fund level. A Fund Risk Management Strategy developed as part of the Operations Manual should accelerate delivery and increase fund impact, ensure that fund operations 'do no harm' and verify that funds are used for their intended purpose and improve risk management capacity of national institutions.

The CRSV-MPTF risk management strategy is not a replacement for project risk evaluation/management. A risk management strategy will:

- Develop shared understanding of risks faced by the Fund;
- Define risk appetite or tolerance;

- Identify known risk and risk-holders;
- Establish the CRSV-MPTF's policies regarding identified risks;
- Determine risk treatment through measures of mitigation or adaptation; and
- Establish information strategies and common messages about the risks.

The UN Action Steering Committee shall regularly assess risks and mitigation measures against the developed risk strategy and update it accordingly.

IX. Audit

The Administrative Agent and Participating UN Organizations will be audited in accordance with their own Rules and Financial Regulations and, where appropriate, in accordance with the [2014 Framework for Joint Internal Audit of UN Joint Activities](#).

X. Public Disclosure

The MPTF Office website, Gateway (<http://mptf.undp.org>), is a web-based service portal that provides real-time financial data issued directly from the UNDP accounting system. Once established, the CRSV-MPTF will have a separate page in the Gateway portal which will allow partners and the public at large to follow-up on the CRSV-MPTF contributions, transfers and expenses, and access key documents and reports. The Secretariat and the MPTF Office will ensure that the CRSV-MPTF's operations are posted on the Gateway portal.

To the extent that it does not jeopardize the privileges and immunities of Participating UN Organization(s), and the safety and security of their staff, Participating UN Organization(s) will promote donor visibility on information, project/programmes materials and at project / programmes sites in accordance with their respective regulations, rules, policies and procedures.

XI. Modification and Expiration of the CRSV-MPTF

The CRSV-MPTF will terminate upon completion of all projects and after satisfaction of all commitments and liabilities. Notwithstanding the completion of the initiatives financed from the CRSV-MPTF, any balances will continue to be held in the CRSV-MPTF account until all commitments and liabilities incurred in the implementation of the projects/programmes have been satisfied and project/programmes activities have been brought to an orderly conclusion. Upon termination of the CRSV-MPTF, any balance remaining in the CRSV-MPTF account or in the account of the individual Participating UN Organization shall be allocated as decided by the respective windows' governing body in consultation with contributing donors and CRSV-MPTF. Modifications or amendments to the funds will be made by consensus of the Participating UN Organizations.

Annexes:

1. Terms of Reference of the UN Action Window of the CRSV-MPTF (incl. Strategic Framework of UN Action)
2. TOE Joint Programme (incl Terms of Reference of the TOE Advisory Group)
3. Terms of Reference of the UN Action Steering Committee
4. Terms of Reference for the UN Action Secretariat.