



**ROYAUME DE BELGIQUE**

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**Affaires étrangères,**

**Commerce extérieur et**

**Coopération au Développement**

# Circular

## Central Point of Contact

D4.3 - Organisation and Communication Skills

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## 1. Legal framework

This circular is issued in application of the Royal Decree of 28 February 2023 establishing the existing Integrity Charter for Development Cooperation as a national reference for integrity policy and creating a Central Point of Contact for victims of abuse in development cooperation, hereinafter "the Royal Decree".

The Royal Decree is issued in application of Articles 8/1 and 15/1 of the Belgian Development Cooperation Law of 19 March 2013, hereinafter "the Law".

The action of the Central Point of Contact is part of the application of the Integrity Charter for development cooperation, established as a national reference by the Law and the Royal Decree, and annexed to the Royal Decree.

Lastly, the action of the Central Point of Contact is in line with the *OECD DAC Recommendation on Ending Sexual Exploitation, Abuse, and Harassment in Development Co-operation and Humanitarian Assistance: Key Pillars of Prevention and Response*, adopted on 19 July 2019 (OECD/LEGAL/5020).

## 2. Mission

Under Article 3 of the Royal Decree, the Central Point of Contact is a body responsible for monitoring reports of abuse within Belgian Development Cooperation. The mission of this Point of Contact is to ensure that reports of abuse are properly handled by the different actors involved in Belgian Development Cooperation, that each stakeholder assumes their responsibilities in the matter, and that the presumed victims of such abuse have access to the appropriate assistance.

The Central Point of Contact is not an investigative, fact-finding, supervisory or sanctioning body. As such, the Central Point of Contact cannot carry out investigations and can only issue non-binding recommendations to stakeholders.

## 3. Definitions

- Assistance: administrative assistance to facilitate the reporting process and access to medical and psychosocial support;
- Abuse: sexual exploitation, sexual abuse or sexual harassment;
- Sexual exploitation: any actual or attempted abuse of a position of vulnerability, differential power or trust for sexual purposes, including, but not limited to, profiting economically, socially or politically from the sexual exploitation of another person;
- Sexual abuse: behaviour or threat of transgressive physical behaviour of a sexual nature, either with violence or coercion or through the exploitation of inequality or a differential power relationship;
- Sexual harassment: unacceptable and unwanted sexual behaviour, including, but not limited to, sexual suggestions or demands, requests for sexual favours, and sexual, verbal, or physical gestures or conduct that are offensive or humiliating or might reasonably be perceived as such;
- First-line point of contact: the point of contact for reports of abuse managed at an organisational level, in accordance with the Integrity Charter.
- Belgian cooperation partners: in the context of the activities of the Central Point of Contact, this expression refers to Belgian Development Cooperation stakeholders whose activities fall within the scope of the Central Point of Contact. These are institutional actors (Law, Art. 2, 6/1), accredited organisations (Law, Art. 2, 6/4), Enabel, BIO, other

Belgian stakeholders who receive funding to carry out development cooperation actions as referred to in Article 2, 8° of the Law, and other Belgian stakeholders who receive funding to carry out humanitarian aid actions as referred to in Article 2, 15° of the Law.

- **Victim-Centered Approach:** an approach in which the experiences, rights, needs and requirements of victims are placed at the heart of reporting, investigation and response mechanisms, ensuring that donors and implementing partners respond in a timely manner and support and protect victims throughout the process.<sup>1</sup> In the context of the Central Point of Contact, this principle implies that the interests of the presumed victim are at the forefront of the Central Point of Contact's activities.

#### 4. Competences of the Central Point of Contact

In accordance with Article 3 of the Royal Decree, the Point of Contact is competent to follow up on reports of abuse committed by the staff and volunteers of certain Belgian Development Cooperation stakeholders, when the intervention of the First-line Point of Contact is unsuccessful in the context of this report.

For a report to fall within the remit of the Central Point of Contact, all three of the following criteria must be met.

##### 4. a. Abuse

The Central Point of Contact is only responsible for reports of abuse. The notion of abuse, as defined in Article 1 of the Royal Decree, covers cases of sexual exploitation, sexual abuse and sexual harassment (see [Chapter 3](#) of this circular).

The notion of abuse does not cover corruption, embezzlement, misappropriation and other reprehensible behaviour. The Central Point of Contact is not competent to deal with these matters.

##### 4. b. Committed by staff and volunteers of certain Belgian Development Cooperation stakeholders

The Central Point of Contact is competent to receive reports of abuse committed by staff and volunteers of the following Belgian Development Cooperation stakeholders when acting within the framework of Belgian funding:

- institutional actors;
- accredited organisations;
- Enabel;
- BIO;
- other Belgian stakeholders who receive funding to carry out development cooperation interventions, as referred to in Article 2, 8° of the Law;<sup>2</sup> and
- other Belgian stakeholders who receive funding to carry out humanitarian aid interventions, as referred to in Article 2, 15° of the Law.<sup>3</sup>

<sup>1</sup> For more information on the *Victim-Centered Approach*, see Pillar 2 of the DAC Recommendation on Ending Sexual Exploitation, Abuse, and Harassment in Development Co-operation and Humanitarian Assistance: Key Pillars of Prevention and Response, OECD/LEGAL/5020.

<sup>2</sup> Art. 2, 8°: "development cooperation intervention": action, financed or co-financed by Belgian Development Cooperation, which must contribute to the achievement of one or more of the objectives of Belgian Development Cooperation.

<sup>3</sup> Art. 2, 15°: "humanitarian aid": aid aimed at saving lives, alleviating suffering and preserving human dignity during and after natural disasters and crises caused by humans, as well as preventing such situations.

The Central Point of Contact is therefore not competent to follow up on reports concerning multilateral cooperation, i.e. cooperation by international organisations with the financial participation of Belgium. If a report concerns a stakeholder in this category, it may be transferred to the point of contact of the international organisation concerned, with the consent of the author of the report.

#### 4. c. When the first-line point of contact fails to intervene

The action of the Central Point of Contact is based on the principle of subsidiarity. Under this principle, reports should normally be handled by the first-line points of contact, depending on the organisation concerned, in accordance with Article 2 of the Royal Decree. However, in some cases, the action of these points of contact is inappropriate or has failed, and the Central Point of Contact can intervene to mitigate potential problems linked to the intervention of first-line points of contact. Article 3, paragraph 3 of the Royal Decree identifies four situations in which the Central Point of Contact can intervene. These are cases where there are valid reasons to believe that:

- 1° it is unlikely that the investigation will be carried out thoroughly and correctly after a report to the first-line point of contact;
- 2° no action was taken on the report to the first-line point of contact;
- 3° the investigation was not carried out thoroughly and correctly following a report to the first-line point of contact;
- 4° the necessary measures have not been taken if it appears that the facts reported to the first-line point of contact are well founded.

These four situations are mainly aimed at conflicts of interest within the organisation concerned. For example, when the reported abuse concerns an employee in charge of managing the first-line point of contact. The notion of "valid reasons to believe that ..." implies a factual, case-by-case evaluation of the reasons why the intervention of the first-line point of contact is not appropriate or has failed.

The first of the four situations refers to the only case in which a report that has not previously been forwarded to the first-line point of contact can be processed by the Central Point of Contact. In the other three situations, the report must first have been made to the first-line point of contact. The Central Point of Contact may intervene if the first-line point of contact has not acted on the report it received, has not carried out a thorough and proper investigation, or has not taken the necessary measures. In these three situations, the intervention of the Central Point of Contact is not, and should not be, considered a form of appeal with regard to the potentially failed action of the first-line point of contact.

The Point of Contact assesses whether the report submitted to it corresponds to one of the four situations based on the information available to it and sent with the report. As the Point of Contact is not a fact-finding or investigative body, it evaluates whether the information submitted to it is sufficient to presume the existence of one of the four situations. It may therefore turn out that the first-line point of contact was not at fault. To enable this case-by-case evaluation, the author of the report must indicate the reasons why they are contacting the Central Point of Contact and not the first-line point of contact.

## 5. Composition of the Central Point of Contact

The Central Point of Contact is set up by the FPS Foreign Affairs, Foreign Trade and Development Cooperation and is managed and operated by the staff of service D4.3 of this FPS. In accordance with Article 8/1 of the Law, the Central Point of Contact acts neutrally towards the various stakeholders involved, including the DGD itself.

In accordance with the ethical framework for federal officials<sup>4</sup>, the principle of neutrality is divided into three principles:

- avoid even the mere appearance of any conflict of interest;
- preserve professional impartiality;
- and take into account potential incompatibilities of activity.

These principles are applied by the Central Point of Contact and its staff as part of their mission. For example, an employee will not be able to follow up on a report concerning a programme in which they were involved as part of their other duties within the DGD, and this report will be followed up by another Central Point of Contact employee. Nor can an employee follow up on a report concerning an organisation with which they have ties (e.g. as a former employee or volunteer) or concerning people with whom they have private ties (e.g. family or friends). The Point of Contact employees refuse any form of remuneration in connection with their work at the Central Point of Contact.

## 6. Protection of the authors of reports and persons concerned

In accordance with Article 7 of the Royal Decree, the actions of the Central Point of Contact respect the confidentiality and privacy of the persons concerned.

Respecting confidentiality means that the Central Point of Contact uses the information it gathers when following up on reports with caution and discretion. It only uses the information collected for monitoring purposes.

The Central Point of Contact protects the identity of the author of the report and/or the presumed victim as far as possible and refrains from revealing it to others without the express written authorisation of the person concerned. The Central Point of Contact refrains from taking any action that could jeopardise the confidentiality of the identity of the author of the report and/or the victim.

As the Central Point of Contact is not a body with coercive powers, it cannot organise the physical protection of the authors of reports. The Central Point of Contact is transparent and realistic regarding the limits of its mandate and its nature and informs the authors of reports accordingly.

## 7. Submitting the report

### 7. a. Who?

In accordance with Article 4 of the Royal Decree, anyone can submit a report. There are no specific conditions for submitting a report, in terms of nationality, place of residence, status or any other factor. Nor is it necessary to prove a specific link to or personal interest in the reported abuse.

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<sup>4</sup> Circular no. 706 - renewed attention to the ethical framework for federal officials, 5 July 2022 - [https://www.ejustice.just.fgov.be/mopdf/2022/07/05\\_1.pdf#Page67](https://www.ejustice.just.fgov.be/mopdf/2022/07/05_1.pdf#Page67)

This absence of conditions means that anyone with knowledge of abuse of power can report it. As the fight against abuse is in the interest of all the stakeholders involved in development cooperation, it is not necessary to demonstrate a personal interest in reporting specific abuse.

In principle, a report is submitted by a natural person. However, it can also be completed on behalf of a legal entity or de facto group, provided that there is a mandate to do so. This means that a report can be made on behalf of a group of people, regardless of the group's legal status. This includes associations, companies, collectives, local communities and all groups of people. When submitting a report on behalf of a group, the author of the report must be able to prove that they have such a mandate.

#### 7. b. How?

You can submit a report using the form available on the [diplomatie.belgium.be/integrity](https://diplomatie.belgium.be/integrity) website. The form contains a number of boxes to be filled in, corresponding to the essential information to be included in a report.

Once the form has been completed and submitted to the Central Point of Contact, the author of the report receives an automatic acknowledgement confirming that the report has been correctly transmitted to the Central Point of Contact.

The Royal Decree allows the Central Point of Contact to set up other channels for submitting a report. At present, there is no other channel for reporting to the Central Point of Contact.

### 8. Description of the report follow-up process

When the Central Point of Contact receives a report, it will be followed up in three main stages: first, the Central Point of Contact will analyse the admissibility of the report and check whether it can be followed up as it stands; then, the Central Point of Contact will follow up on the report; finally, the Central Point of Contact will draw up a report on this notification of abuse.

#### 8. a. Examination of admissibility

In accordance with Article 5 of the Royal Decree, the examination of the admissibility of a report is based on two criteria: the formal admissibility of the report ("is the report complete?") and the substantive admissibility of the report ("does the report fall within the remit of the Central Point of Contact?"). These two admissibility criteria must be met cumulatively for a report to be followed up by the Central Point of Contact.

If one of the two admissibility criteria is not met, the Central Point of Contact can take certain steps to remedy the situation, as described below.

The examination of admissibility must take place within a reasonable period. This period is set at three months.

##### *8. a. i. Step 1 - Formal admissibility of the report*

For a report to be considered admissible by the Central Point of Contact, it must contain six basic elements. If one or more of these elements is missing, the Central Point of Contact will contact the author of the report to complete it, provided that the author has indicated a means of contact.

#### 1. Identification of the reporting person

To ensure effective follow-up, the author of the report is asked to provide their name and contact details. This enables the Central Point of Contact to contact the author of the report throughout the follow-up, for example to obtain further information, and to keep them informed of progress.

The author's name and contact details will never be passed on to third parties without their express, explicit and informed consent. Protecting the confidentiality and privacy of the reporting person is essential to the Central Point of Contact. This means that the Central Point of Contact will request this consent from the author of the report each time the sharing of this data proves necessary for the proper follow-up of the report.

- Anonymity

If the author of the report does not wish to inform the Central Point of Contact of their identity, for whatever reason, they can choose to make an anonymous report. As mentioned above, the Central Point of Contact may need to contact the author of the report again as part of the follow-up to a report. If someone decides to make an anonymous report, they have the choice of creating and submitting a contact address that does not reveal their identity (e.g. [a.nonymous@mail.xyz](mailto:a.nonymous@mail.xyz)) or deciding not to provide any means of contact. In the second case, the author of the report ensures that their report contains sufficient information to be followed up effectively by the Central Point of Contact, since it will not be possible to contact them again.

## 2. Description of the abuse

The reported abuse and, in particular, the manner in which it has been dealt with by the First-line point of contact must be described in as much detail and with as much information as possible. As the Central Point of Contact does not carry out field investigations, its actions will be based primarily on the information provided by the author of the report at the start of the procedure.

## 3. Date or period of abuse

As with the previous point, to guarantee the effectiveness of its action, the Central Point of Contact needs as much information as possible about the reported abuse and the circumstances in which it took place. Indicating the timeframe of the abuse provides a clearer picture of the facts involved, and makes it possible to check whether the reported abuse took place during a Belgian development programme.

## 4. Location where the abuse occurred

Indicating the geographical location of the reported abuse enables the action of the Central Point of Contact to be defined, and makes it possible to check whether the abuse relates to a location where cooperation interventions are carried out through subsidies from Belgium.

## 5. Organisation concerned by the abuse

The Belgian Development Cooperation is decentralised and involves a number of stakeholders. Indicating the organisation concerned by the reported abuse enables the Central Point of Contact to limit its action to that organisation, and makes it possible to check that it is indeed an organisation within the remit of the Central Point of Contact.

## 6. The first-line point of contact used, or the reason why it was not used.



The Central Point of Contact plays a subsidiary role in relation to first-line points of contact, and can only intervene in four specific situations (see [Chapter 4.b](#)) where intervention by the first-line point of contact is not appropriate, for example in the event of a conflict of interest. It is therefore important that the report indicates the reason why the Central Point of Contact was contacted and not the first-line point of contact, to ensure that the report falls within the competence of the Central Point of Contact.

The Central Point of Contact evaluates whether the six necessary elements are present in the report, and whether they are sufficient for assessing the report's admissibility on its merits in relation to the Central Point of Contact's competences. If the report is complete, the Central Point of Contact begins examining the merits of the report.

If one of these elements is missing or not formulated clearly enough in the report, the Central Point of Contact contacts the author of the report by e-mail and invites them to complete the report with the missing information. Following this contact, the Central Point of Contact carries out a further analysis of the formal admissibility of the report.

If one of the elements is still missing after this contact, the Point of Contact may decide to examine the merits of the report if it considers this relevant. This will be the case, for example, if the person reporting the abuse fails to respond to contact from the Central Point of Contact and/or if other elements are sufficient to presume the existence of the reported abuse.

#### *8. a. ii. Step 2 - Admissibility of the report on the merits*

Once the Central Point of Contact considers the report complete, it will check that the report can be followed up in terms of admissibility on the merits. Article 5, §2 of the Royal Decree identifies two situations in which a report cannot be followed up by the Central Point of Contact:

- when the report does not fall within the remit of the Central Point of Contact
- when the report has already been rejected by the Central Point of Contact and contains no new elements.

As a reminder, the Central Point of Contact is only competent to follow up on reports of abuse committed by staff and volunteers of Belgian Development Cooperation partners, and can only intervene in cases where handling by first-line points of contact is not appropriate, under the principle of subsidiarity. (See [Chapter 4](#) of this circular for a more complete description of the competences of the Central Point of Contact)

As the Central Point of Contact is not an investigative body, it is not competent to establish the existence of the reported abuse, in law or in fact. In practical terms, and in accordance with the victim-centered approach principle, the Central Point of Contact assumes that the reports of abuse it receives concern real abuse, particularly if the person reporting the abuse states that they are the victim of the abuse. This presumption is not absolute and can be rebutted, for example, when the reported abuse appears to be manifestly far-fetched. The Point of Contact evaluates on a case-by-case basis whether the elements brought to its attention are such as to presume the existence of abuse. The presumption of abuse does not imply a presumption of guilt on the part of the person reported as its perpetrator. In other words, the presumption of abuse by the Point of Contact is intended solely to enable the

Central Point of Contact to exercise its powers and in no way affects the presumption of innocence of the person reported as the alleged abuser.

When the report is essentially identical to one already refused by the Central Point of Contact, the latter refuses to follow up on this report, unless it contains one or more new elements which enable it to be considered as falling within the competence of the Central Point of Contact. For example, this will be the case if the second report contains new information identifying the involvement of Belgian cooperation partners.

If the report does not fall within the remit of the Central Point of Contact, the latter informs the author of the report, indicating the reason(s) why it cannot follow up on the report. If the Central Point of Contact is unable to follow up on the report under the principle of subsidiarity, and a first-line point of contact is competent to deal with the report, the Central Point of Contact will offer to transfer the report to the competent point of contact on behalf of the author of the report. This transfer is not automatic and cannot be made without the explicit agreement of the reporting person. The author of the report can also transfer the report themselves.

If the report is deemed to be complete and falls within the remit of the Central Point of Contact, the latter may begin to follow up on the report, in accordance with the principles set out in the next point.

#### 8. b. Following up on the report

In this second stage, the report itself is followed up. This takes place in application of Article 6 of the Royal Decree. In accordance with this article, the Central Point of Contact will contact the organisation concerned to verify, in cooperation with it, the organisation's follow-up of the report, the measures taken with regard to the reported abuse and, where applicable, the integrity procedures put in place by the organisation.

This verification of the integrity monitoring, measures and procedures is not a formal evaluation of these different elements by the Central Point of Contact. For the Central Point of Contact, the aim of this exchange is to support the organisation concerned and ensure that it has sufficient integrity measures and procedures in place and that the presumed abuse is not the result of a systemic situation within the organisation.

In principle, the Central Point of Contact contacts the first-line point of contact of the organisation concerned. However, when the intervention of the Central Point of Contact is based on the risk of a conflict of interest on the part of the first-line point of contact of the organisation concerned, the Central Point of Contact does not contact the first-line point of contact; but contacts the management of the organisation concerned directly. If the organisation does not yet have a first-line point of contact, the Central Point of Contact contacts the manager.

To ensure smooth exchanges between the Central Point of Contact, first-line points of contact and organisation managers, the Central Point of Contact creates and keeps up-to-date a directory of the different contact persons in the organisations.

The organisation concerned is required to cooperate with the Central Point of Contact and provide it with the information it needs to carry out its mission. An unfounded refusal to cooperate may lead to the withdrawal of the organisation's accreditation, in accordance with Article 11 of the Royal Decree. In particular, a refusal to cooperate will be considered unfounded if the organisation concerned does not justify its refusal.

### 8. c. Preparation of the report by the Central Point of Contact

Once the report of abuse has been followed up, the Central Point of Contact draws up a report on its activities, in accordance with Article 8 of the Royal Decree. In principle, this report is confidential, and the full version will not be passed on to third parties.

The report of the Central Point of Contact must contain the following elements at the least:

- source of the report of abuse;
- description of the reported abuse;
- analysis of the report's admissibility;
- organisation concerned;
- summary of communication with the organisation concerned;
- measures taken by the organisation concerned;
- evaluation by the Central Point of Contact of whether these measures are in line with the Integrity Charter.

If the Central Point of Contact finds that the evaluation of the organisation's integrity measures is unsatisfactory, it may draw up recommendations for the organisation concerned. These recommendations can take different forms. The Central Point of Contact can propose concrete measures specific to the reported abuse, such as the removal of the alleged abuser from the company for the duration of the investigation, or general measures, such as the organisation of training courses for the organisation's staff. The Central Point of Contact may also recommend that the organisation conducts an external investigation into the reported abuse. These recommendations are not binding on the organisation concerned.

The Royal Decree enables the Central Point of Contact to inform the Minister responsible for development cooperation of the recommendations made when the seriousness of the situation so requires. The Central Point of Contact analyses the seriousness of a situation on a case-by-case basis. These are situations, for example, where several cases of abuse have taken place or are taking place within a single organisation without any concrete action being taken, and where there is a real risk of further abuse taking place.

The author of the report, when known, is informed of the end of the report follow-up by the Central Point of Contact. The Central Point of Contact does not inform them of the content of their report on the reported abuse or whether any recommendations have been forwarded to the organisation concerned or to the Minister. If the author of the report is a presumed victim of the reported abuse, the Central Point of Contact informs them of the existing and available assistance measures, i.e. those offered by the organisation concerned, in accordance with Article 2 of the Royal Decree.

## 9. Annual report by the Central Point of Contact

The Central Point of Contact draws up an anonymised annual activity report as part of the annual integrity reporting obligation of the Minister responsible for development cooperation to parliament, pursuant to Article 35, para. 1, 3°, of the Law.

This annual report must contain at least the following elements:

- the number of reports of abuse received over the past year;
- the number of reports declared admissible over the past year;
- the number of reports followed up over the past year;

- the number of reports still being followed up;
- general recommendations on integrity in Belgian Development Cooperation, in line with the missions of the Central Point of Contact.

In the interests of confidentiality, the Central Point of Contact's report does not indicate the number or precise nature of the recommendations made to the organisations concerned. The report may only contain specific information relating to reports of abuse followed up during the year if they are anonymised and the parties involved in the report (organisation(s) concerned, author of the report, presumed victim(s), etc.) are not identifiable in the Central Point of Contact's report.