



POLICY

Protection from Sexual Exploitation and Abuse (PSEA)



1. Scope of the PSEA Policy

Humanitarian aid workers are expected to uphold the highest standards of personal and professional conduct at all times to protect beneficiaries of assistance¹. Sexual exploitation and abuse (SEA) by humanitarian aid workers directly contradicts the principles upon which humanitarian action is based and represents a protection failure on the part of the aid community. SEA inflicts harm on those whom the humanitarian community is obligated to protect, as well as jeopardizes the credibility of all assistance agencies.

All CERD employees and related personnel are required to behave irreproachably with the project beneficiaries or members of the community, using particular care with the most vulnerable classes: minors, women, the elderly and social outcasts. CERD commits to create a zero-tolerance organizational culture against complacency and impunity. CERD Management, among others, is expected to create and maintain an environment that prevents sexual exploitation and abuse. CERD management staff must be familiar with and enforce this policy, being proactive in overseeing their team.

Through the Protection from Sexual Exploitation and Abuse Policy, CERD clearly expresses its determination to prevent and combat sexual exploitation and abuse of beneficiaries and members of the community by CERD employees and all related personnel.

CERD SEA policy sets minimum standards to be followed to protect beneficiaries and members of the community from sexual exploitation and abuse.

The policy is principally addressed to all CERD employees and related personnel included in the following categories:

- ❖ Board of Directors and CERD Management;
- ❖ All the employees and collaborators in all CERD structures and projects
- ❖ Non-CERD entities and their employees and individuals who have entered into partnership, sub-grant or sub-recipients agreement with CERD, committees, associations of any sort – including their members and staff – supported, financially or otherwise, by CERD
- ❖ Consultants and other freelance persons who act on behalf of CERD on the basis of service contracts (understood as consultants and providers of intellectual services);
- ❖ all persons acting voluntarily on behalf of CERD;
- ❖ Suppliers of any sort of goods, services, or works, including current and potential suppliers.
- ❖ All the other people not included in the above-mentioned categories who have signed a contract with CERD.

The principles set forth in this policy apply at all times, during and outside the office hours and during the periods of leave, with no exceptions.

¹ Protection against Sexual Exploitation and Abuse (PSEA). Inter-agency cooperation in community-based complaint mechanisms. Global Standard Operating Procedures, May 2016



2. Policy statement

SEA are a violation of CERD's Code of Conduct. The organization does not tolerate any form of sexual exploitation and abuse, as well as bullying and any behavior in this regard. This context also includes non-sexual abuse of power between employees, staff personnel and community and the like. CERD commits to do all the needful for preventing such acts. CERD takes seriously all the complaints and concerns pertaining to SEA and initiates rigorous investigation of complaints that indicates a possible violation of this policy/Code of Conduct. For further details, see the reporting and referral mechanisms downwards in this paper.

3. Core Principles³

1. Sexual exploitation and abuse by CERD employee and related personnel constitute acts of gross misconduct and are therefore grounds for disciplinary actions and/or termination of employment contract within the applicable and current regulations;
2. Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief regarding the age of a child is not a defense and in no way shall ignorance of the age of the person be accepted as a justification. SEA is not allowed at any age or so, however, taking note of the vulnerability, a further emphasis reinforces protection of children per se.
3. Exchange of money, employment, goods, or services for sex, including sexual favors or other forms of humiliating, degrading or exploitative behavior is prohibited. This includes exchange of assistance that is due to beneficiaries;
4. Sexual relationships between CERD staff and beneficiaries and members of the community are strongly discouraged since they are based on inherently unequal power dynamics. Such relationships undermine the credibility and integrity of the Humanitarian aid work;
5. Where CERD employee and related personnel develop concerns or suspicions regarding sexual abuse or a fellow worker, whether the individual is a CERD employee or some other organization, partners, supplier or other related stakeholders, he or she must report such concerns through the means and tools available within the Organization.⁵ The Supervisory Body must be informed about all the concerns and suspicions, including rumors about sexual exploitation and abuse;
6. All CERD staff members, whatever their levels are obliged to create and maintain an environment that prevent sexual exploitation and abuse and promotes the implementation of the Code of conduct and Ethical Code.

In case of incidence, CERD ensures to report SEA to the competent authority in accordance with the reporting mechanisms, investigate through the given procedure to the culminating end.

³ 1-6: The six Core Principles are from the UN Secretary-General's Bulletin on Special Measures for Protection from Sexual Exploitation and Abuse (ST/SGB/2003/13). They have been modified based on CERD structure and activities

⁴ CERD adheres to the Keeping Children Safe global network. At present (June 2018) Children Safeguarding Policy is under elaboration enforcing the principles set in the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, Lanzarote Convention



4. Commitments

CERD is dedicated to fulfilling the core principles through the implementation of the following commitments:

- ❖ To prevent and mitigate the risk of sexual exploitation and abuse by CERD employees and related personnel:
 - Managers and Human Resource team must ensure robust recruitment screening process for all the personnel, particularly for person who will have any direct or indirect contact with children;
 - A Code of Conduct that establishes, at a minimum, the obligation of all the employees and collaborators not to exploit, abuse or otherwise discriminate against people, is in place and duly known to the intended recipients;
 - The Ethical Code is published on CERD's website and is distributed and duly known to everyone who collaborates in any way with CERD. The Ethical Code contains the mission, the vision, the declaration of values and principles, the set of rights, duties and responsibilities that it holds with whoever collaborates with CERD or benefits from its projects or programs;
 - CERD is responsible to support communities and governments to prevent and respond to sexual exploitation and abuse. Local communities shall be involved in developing and approving the Compliant Handling Mechanism (CHM) so that the structure is both culturally and gender-sensitive;
 - A Compliant Handling Mechanism (CHM) for reporting sexual exploitation, abuse is in place and accessible. CHM should not be a separate, parallel system to other complaints and feedback structures in a given area, but rather link to and build on existing structures to create one system for handling feedback and complaint;
 - CERD employee and related personnel are completely aware of the Core Principles contained in this Policy, and the related principles included in CERD Staff Code of Conduct
- ❖ To identify and act upon potential or actual SEA by staff in a timely and systematic manner, CERD:
 - Ensures to set protocols to process complaints of sexual exploitation and abuse in a timely manner, including the immediate suspension of the alleged perpetrator from all the activities with a direct impact on beneficiaries and communities until the investigation is ended;
 - Ensures to set protocols to inform the appropriate authority which is responsible for conducting investigations for sexual exploitation and abuse allegations in respect of national and foreign legislation;
 - Ensures that beneficiaries and members of the community know to whom they should report and what sort of assistance they can expect to receive. All potential and actual survivors of SEA must be fully informed about how the complaint mechanism works, including the reporting process;
 - Ensures that the complainants and survivors have the right to receive feedback on the development and outcome of their case, and the CHM will make every effort to maintain lines of communication;
 - Ensures to take appropriate disciplinary actions including immediate termination of employment and referral for criminal prosecution and legal action, where appropriate, against the person who committed sexual exploitation and abuse, in accordance with the national law reporting



and responding system;

- CERD ensure the protection of the victim, the complainant and the whistle-blower of SEA after having verified and confirmed the reported facts either by internal investigation or by external investigation.
- CERD undertakes to provide assistance, psychosocial counselling, medical treatment, legal assistance to any victims of sexual exploitation and abuse, if identified as not specious, unfounded or false, perpetrated by one of its staff members or related personnel;
- CERD is responsible to ensure that all the third party partners and suppliers are committed to respect the principles included in the SEA Policy, in addition to those explained in CERD Ethical Code and Code of Conduct. The acceptance of the SEA Policy by signature on declaration form is a condition for undertaking any relation with CERD. For Partners, in case of the absence of their own Protection Against Sexual Exploitation and Abuse Policy, CERD's PSEA Policy must be incorporated into the contract and accepted by the Partner.

5. Definitions

SEA Sexual Exploitation and Abuse: Particular forms of gender-based violence that have been reported in humanitarian contexts, specifically alleged against humanitarian workers.

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 monetarily, socially or politically from the sexual exploitation of another

Sexual Abuse: “The actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

Sexual Harassment versus SEA: SEA occurs against a beneficiary or member of the community. Sexual harassment occurs between personnel/staff, and involves any unwelcome sexual advance or unwanted verbal or physical conduct of a sexual nature. Sexual harassment is not covered by SEA

Survivor: A person who has SEA perpetrated against him/her or an attempt to perpetrate SEA against him/her.⁸ For the purposes of these SOPs, persons who report SEA are treated as survivors for the purposes of security and needs assessments

Supervisory Body: the Supervisory Body, as it is defined in the Control, Management, Organization Model, elected in accordance with the 231/2001 Legislative Decree

Code of Conduct: A set of standards of behavior that staff of an organization are obliged to adhere to.

⁷ The person who is, or has been, sexually exploited or abused. This term implies strength, resilience, and the capacity to survive. “The terms ‘victim’ and ‘survivor’ can be used interchangeably. ‘Victim’ is a term often used in the legal and medical sectors, while the term ‘survivor’ is generally preferred in the psychological and social support sectors because it implies resiliency.” See Inter-Agency Standing Committee’s Task Force on Protection from Sexual Exploitation and Abuse, “Guidelines to implement the Minimum Operating Standards for Protection from Sexual Exploitation and Abuse by UN and non-UN Personnel” (March 2013) [hereinafter IASC Guidelines to Implement the MOS-PSEA (2013)], and IASC GBV Guidelines (2015), Part I - Introduction p. 1.

⁹ Incentive workers are individuals who receive non-monetary compensation for work or representation for an organization, and are frequently members of the beneficiary community. See the Sexual Exploitation and Abuse Glossary at www.interaction.org/document/sea-glossary. International Council of Voluntary Agencies, “Building Safer Organizations Guidelines: Receiving and Investigating Allegations of Abuse and Exploitation by Humanitarian Workers” (2007).



Beneficiaries of Humanitarian Assistance: A person who receives assistance as part of either emergency relief or development aid through assistance programs. Persons under this title include members of affected populations including refugees, internally displaced persons and other vulnerable individuals, as well as host community members. Sexual exploitation or abuse of a beneficiary is SEA, however the individual need not be in a vulnerable position; a differential power or trust relationship is sufficient to establish SEA.

Humanitarian Aid Worker: all persons involved in providing protection and/or assistance to affected populations and who have a contractual relationship with the participating organization/partners, including incentive workers⁹ from target communities. It refers to all staff of humanitarian agencies and organizations, including UN agencies, IGOs, NGOs, implementing partners, including paid staff, volunteers, contractors, incentive workers, and anyone performing a task on behalf of any humanitarian agency or organization, regardless of the type or duration of their contract.¹⁰

Related personnel: all employees of CERD, CERD Members, affiliates and collaborator in project Offices. The term also includes board members, volunteers, interns, and international and local consultants, in addition to individual and corporate contractors of these entities and related personnel. This includes non-CERD entities and their employees and individuals who have entered into partnership, sub-grant or sub-recipient agreements with CERD.

Complainant: a person who brings an allegation of SEA to the CBCM in accordance with established procedures. This person may be an SEA survivor or another person who is aware of the wrongdoing. Both the survivor and the complainant, if different from the survivor, should be protected from retaliation for reporting SEA. Where there is any conflict of interest between the survivor and another interested party, the survivor's wishes must be the principle consideration in case handling, particularly when there is a risk of additional physical and/or emotional harm.

Whistleblower: For the purposes of SEA Policy a whistleblower is a type of complainant, not the survivor, who is a humanitarian aid worker making a report of SEA. Organizational whistleblowing policies encourage staff to report concerns or suspicions of misconduct by colleagues by offering protection from retaliation for reporting, and clarifying the rules and procedures for reporting and addressing such cases.

Therefore, the definition, scope, and protection measures may differ between organizations. CHM principles (e.g. confidentiality) apply to whistleblowers as they would to any complainant, and internal agency policies shall protect whistleblowers on SEA from retaliation, so long as the report is made in good faith and in compliance with internal agency policies.



PSEA - Reporting Mechanisms –Toolkit

A common barrier to the reporting of sexual misconduct is victim's fear of losing job and other repercussions at the hand of the abuser. A well thought-out system of reporting can address the issue.

A complainant may feel hesitant to report an instance of sexual harassment due to:

- Loss of job
- Revenge by the abuser
- Unawareness on/lack of proper reporting channels and confidentiality
- Not to suffer or cause harm to the organization's reputation

In order to take care of these reasons, considerations pertaining to SEA allegations shall include:

I. Complainant's safety

To ensure safety of all parties (witnesses, survivor, and alleged perpetrator), referral procedures and protection measures are to be put in place before the use of a reporting mechanism. Access to incident reports should be restricted except to concerned personnel.

II. Confidentiality

The reporting mechanism shall safeguard confidentiality of all the parties involved in an incident. Access should be confined and code names should be used instead. Other associated personal information be kept confidential as well.

III. Transparency

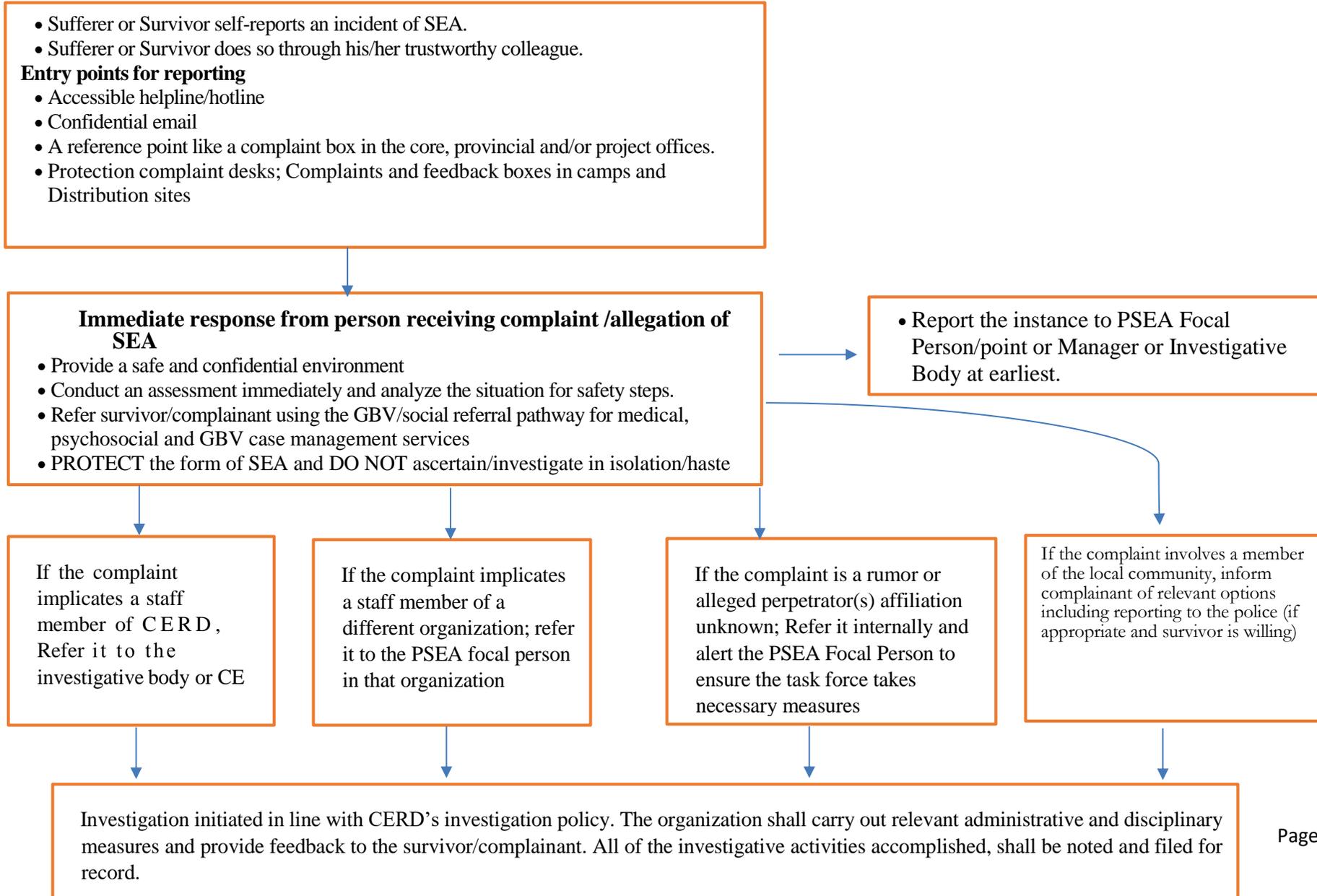
Prior to any reporting, informed consent shall be obtained from the complainant. The complainant shall also be briefed on the confidentiality procedures. He/she should be told of the way, purpose and audience of the information sharing.

IV. Ease of use

The reporting system shall be easily accessible by persons concerned. Easy language should be used in the report. It should also be free of other errors impeding use.

CERD's PSEA Reporting Mechanism

Keeping in view the aforementioned considerations, CERD has developed the following reporting mechanism for instances of SEA:





PSEA - Referral mechanism

CERD takes up the responsibility to deliver timely assistance to victims of SEA through an organized referral mechanism. Victims of SEA undergo severe traumatic stress and it is imperative that they are assisted with psychosocial support in a safe and comforting environment.

Referral mechanism Steps:

I. Step 1: Explain Referral Process

The process of referral begins when a complainant lodges a formal complaint with HR. In the onset of the process, the complainant is informed about the procedure of the inquiry. A complainant may choose to remain anonymous or show him/herself. Once, Informed consent is recorded from the complainant, the process may begin.

II. Step 2: Needs assessment

The person recording the complaint shall ask the complainant relevant questions to gauge the needs. Depending on what kind of assistance the complainant requires, relevant services shall be provided i.e. provision of safe space, immediate medical assistance, mental health care, legal assistance, etc.

III. Step 3: Identification of relevant service providers

Once the needs of the complainant are determined, the respective services shall be provided. A list of service providers shall be kept and maintained beforehand and swift action is to be taken to provide assistance.

IV. Step 4: Contact Service providers

The service providers shall be contacted and informed about the needs of the complainant. Appointments shall be made to facilitate the complainant in a timely fashion.

V. Step 5: Assistance in transportation

The complainant shall be provided the means for transportation if required. Complainant's safety and comfort shall be ensured throughout the entire process.

VI. Step 6: Follow up

Person(s) in-charge shall carry out routine follow ups with the complainant as well as the referred service provider. Progress report pertaining to the complainant's psychological/medical status shall be routinely updated.

VII. Step 7: Documentation and reporting

All details such as complainant's testimony, witness testimony, follow up reports, identification records, etc., shall be stored safely and confidentiality shall be ensured.

Services providers

Service	Provider
Safety	<ul style="list-style-type: none"> • CERD's Management, HR and Admin • Police • Social Welfare Department • Shelter Homes • Other
Medical Care	<ul style="list-style-type: none"> • Aid on spot • Local Hospitals • Health institutions



Psychosocial Support	<ul style="list-style-type: none"> • Psychosocial support workers • NGOs/Others
Legal Services	<ul style="list-style-type: none"> • CERD's legal aid support • Law department
Basic Material Assistance	<ul style="list-style-type: none"> • CERD • Relevant government departments
Support for children born as a result of SEA	<ul style="list-style-type: none"> • CERD through EDHI centers • SOS • Police • Social welfare department (child protection)
Other	<ul style="list-style-type: none"> • Government • Other support organizations/care givers

References

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Secretary General's Bulletin on SEA ST/SGB/2003/13, 2003.

The Sphere Project, Humanitarian Charter and Minimum Standard in Disaster Response, 2004, and successive editions.

Statement of Commitment on Eliminating Sexual Exploitation and Abuse by UN and Non-UN Personnel, 4 December 2006

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