

PSEA POLICY

Purpose

ABCO recognizes our obligation and responsibility to operate in a manner consistent with the fundamental principles of human rights and we are committed to the prevention of and response to sexual exploitation and abuse. ABCO recognises that sexual exploitation and abuse of vulnerable people is a global phenomenon and from our own and others' experience, it is clear that working in development can entail dealing with these issues. It is vital that sexual exploitation and abuse are not perpetrated or compounded by those who ABCO employs. It is crucial that we all understand the problem of sexual exploitation and abuse and our own role and responsibility in preventing it. Employees need to consider how their sexual conduct might cause serious harm to others and bring ABCO into disrepute.

Scope

This policy applies to all employees, volunteers, consultants, contractors, representatives and those connected to ABCO. They should ensure their conduct:

- Is never influenced by personal gain or advantage that results in a risk or detriment to ABCO
- Does not give rise to suspicion of improper motives
- Is in keeping with ABCO's policies and procedures
- Respects and never violates the rights of vulnerable people
- Is professional and that they act ethically and in accordance with the ABCO Code of Conduct.

Definitions

Definitions of Sexual Exploitation and Abuse

ABCO defines the term sexual exploitation as any actual or attempted abuse of a person in a position of vulnerability, differential power or trust for sexual purposes including, but not limited to, profiting monetarily, socially or politically from the exploitation of someone else. The term sexual abuse means actual or threatened physical intrusion of a sexual nature, whether by force, coercion or under unequal conditions.

ABCO has a zero-tolerance stand on exploitative and abusive relationships. We will also not tolerate behaviour that endangers the security of employees or the organisation or brings either into disrepute. It follows, therefore, that employees should have:

- No sexual contact with children under the age of 18* (mistaken belief of age being no defence)
- No transactional sexual contact with ABCO beneficiaries, clients or staff of ABCO partners.

ABCO affirms the Six Core Principles adopted by the United Nation's Inter- Agency Standing Committee Task Force on Prevention and Response to Sexual exploitation and Abuse and these are referenced at the end of this policy.

Policy

As per this Prevention of Sexual Exploitation and Abuse Policy (PSEA), ABCO will not tolerate sexually abusive or exploitative acts being perpetrated by our employees, contractors, volunteers or anyone associated with the delivery of our programmes. Employees and managers are bound to uphold this policy and to report people or incidents that they believe contravene it. ABCO managers and ABCO organization leadership have a duty to ensure that allegations of sexual exploitation and abuse are investigated and that appropriate disciplinary measures are taken. ABCO also has a duty to provide appropriate assistance to any victims of sexual exploitation and abuse by our staff.

Our responsibilities

It is the responsibility of our managers, employees and anyone who works with us to report incidences of sexual exploitation and abuse being perpetrated by anyone within ABCO. Managers, in particular, are responsible for creating and maintaining an environment in which employees, volunteers and contractors know what ABCO expects from them and feel able to report any suspicious or inappropriate behaviour.

***Exceptions**

In line with international standards employees will not have sexual relations with children (defined as under 18 years old) or with clients. Should staff find themselves in such a relationship, or contemplating such a relationship, they must report this to the Executive Director for appropriate guidance in the knowledge that this matter will be treated with due discretion. ABCO will review matters to ensure the relationship is truly non-exploitive and consensual.

Our Partners

ABCO is clear that any partnerships we have with others is based on mutual respect for values and beliefs. When ABCO employees assess partner capacity to carry out projects this should include an assessment of the partner's capacity to meet our requirements in upholding this policy and the ABCO Code of Conduct.

Making a Report

Anyone has the right to make a complaint about the behaviour of those associated with ABCO and its programmes including any inappropriate behaviour of other employees or volunteers according to ABCO's Code of Conduct and our Whistle-blower Policy. Any manager who suspects inappropriate behaviour should seek advice from their Field Project Manager or SEA Focal Point of the project immediately.

Complaints from people external to ABCO will be dealt with through the local Field Project Manager or SEA Focal Point of the project. We recommend that complaints be made within 3 days of an incident taking place. We recognise that this may not always be possible or likely with allegations of such a sensitive nature. An investigation can go ahead no matter how long ago an incident occurred (but obviously the sooner the better) and no matter whether the alleged victim wishes to take an active part.

Investigations

ABCO will investigate allegations of sexual exploitation and abuse involving ABCO staff and partners in a timely and professional manner and will engage professional investigators or secure investigative expertise as appropriate if needed.

ABCO has procedures for carrying out investigations into allegations of sexual exploitation and abuse. Guidance and support to investigators and those managing investigations is essential and is available from local Field Managers and SEA Focal Point of our organization.

Investigations are an internal administrative process and would not necessarily therefore involve the police or judiciary. Investigations are carried out so that ABCO can have the best information possible on which to base its decisions concerning employee conduct and consequences thereof.

We might then alert the appropriate authorities if, following an investigation, we judge that:

- A crime has taken place;
- Confidentiality can be ensured;
- The victim is in agreement; and
- Those associated with the case will not be subject to further abuse, disrespect or violence.

ABCO investigators are free to handle a case of PSEA without reporting to anyone else in the office when necessary. ABCO reserves the right to act or not to act on any information provided. The organization is not required to disclose its response or the actions resulting from any information that may be provided or reported. Safety of participants and colleagues will prevail. The intentional misreporting of information is subject to disciplinary action.

Victim Assistance

We will pursue investigations and take appropriate disciplinary procedures. Victims will receive immediate support as necessary, in line with the wishes and needs of the victim and to levels appropriate locally (and to a level deemed acceptable to appropriate professional staff).

Consequences

Employees who contravene ABCO's clearly stated expectations of their sexual conduct will be subject to disciplinary action that may result in dismissal. Volunteers will have their relationship with ABCO terminated. Partners who contravene our expectations will have their contract/relationships/partnership ended.

Partners must disclose to ABCO if their employees contravene the Prevention of Sexual Abuse and Exploitation policy and the expectations expressed in partnership documentation and must conduct appropriate investigations. Failure to do so may result in funding being withdrawn and their relationship with ABCO may be terminated.

As outlined above (in Investigations), the appropriate authorities, including the police or judiciary may be involved under certain circumstances.

Training and Learning

ABCO will ensure awareness of our organization PSEA policy and our ABCO code of conduct on orientation for all new and existing staff. Additional training will be implemented as appropriate or as policies are updated.

Organization Human Resource Department will keep a record of incident reports from which trends in behaviour, investigation outcomes and problems will be regularly analysed. Regular reporting of incidents to the Board of Directors is obligatory. A regular report of incidents will go to ABCO's Executive Director.

Related Reference Documents

Six Core Principles adopted by the United Nation's Inter- Agency Standing Committee Task Force on Prevention and Response to Sexual exploitation and Abuse.

1. Sexual exploitation and abuse by humanitarian workers constitute acts of gross misconduct and are therefore grounds for termination of employment.
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 in the age of a child is not a defense.
3. Exchange of money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour is prohibited. This includes exchange of assistance that is due to clients [beneficiaries].
4. Sexual relationships between humanitarian workers and beneficiaries are strongly discouraged since they are based on inherently unequal power dynamics. Such relationships undermine the credibility and integrity of humanitarian aid work.
5. Where a humanitarian worker develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same agency or not, s/he must report such concerns via established agency reporting mechanisms.
6. Humanitarian workers are obliged to create and maintain an environment which prevents sexual exploitation and abuse and promotes the implementation of their codes of conduct. Managers at all levels have particular responsibility to support and develop systems which maintain this environment.

How to Report Guidelines

If you have decided to make a report, we ask that you provide your name and contact information so that we may better assess the allegations and follow-up with you in addressing your concerns. If you choose not to provide your name or contact information, you may file your report anonymously, but note that anonymous reports are suspect as they have greater potential for abuse and may be subject to legal limitations. Please be sure to include the following information with your complaint:

- All facts describing the alleged event, issue, or matter;
- The name and title of each person involved;
- Dates, times, frequency, and locations;
- Facts relevant to urgency; and
- Documentation, witnesses, or other evidence available to support the allegation, including any laws or policies believed to be breached.

You can use the 5 W's to help remember what to report: Who, What, When, Where, Why Please keep in mind that those who initially read your complaint or investigators may not be familiar with your local context or local laws, so as much detail as you are able to give is helpful.

Where to Report

ABCO encourages all staff members to first speak to their manager, SEA focal point of the project or local human resources representative when they have concerns about a policy violation or misconduct, as this is typically the best method for addressing problems and allows the appropriate management to take action.

For suspected or alleged sexual exploitation or abuse, staff are required to report to the SEA Focal Point of the project or/and the Field Project Manager. All managers who receive such a complaint must notify the Main Office and/or Executive Director as soon as possible for guidance and next steps.

In exceptional cases where a person has been discouraged from reporting to their local manager and/or SEA Focal Point of the project or may fear for his or her job or well-being, the info@ABCO.net email is available to bypass those normal channels in a confidential manner. All emails sent to this address will be processed by the Board of Directors and Executive Director himself at our Main Office.

If the person reporting to you is at risk of immediate harm, danger or threat as a result of ABCO staff or programs, you should work to find an immediate safety solution for the person reporting. Contact the Field Project Manager, SEA Focal Point of the project and/or Security immediately. As soon as possible, this information must be reported to the Main Office and Executive Director.

Reporting Template

REPORTING TEMPLATE

SECTION I: COVER PAGE				
Organization: <i>Full name of your organization</i>				
Acronym:				
Investigation Duration:		Start Date:		
Investigation Budget in US\$:				
Actual Investigation Budget:		End Date:		
Organization focal point: <i>Please provide name, title, email, telephone for an organizational point of contact(s)</i>	Name	Title	Email	Phone
SECTION II: NARRATIVE REPORT * <i>Do not include any identifying information</i>				
<i>Describe legal basis and guiding principles used for conducting the investigation</i>				
<i>Summarise how the investigation addressed the needs identified and explained in the proposal.</i>				
Investigation Findings and Recommendations:				
Findings (Please Select)				
<i>Detail Recommendations, changes, and impacts as a result of the investigation</i>				
Investigation Outcomes:				
<i>disciplinary measures</i>	<i>preventive measures</i>	<i>victim assistance</i>		
Lessons Learnt, Best Practice or Key Challenges: <i>Please identify any lessons, recommendations or information that can be shared to support other partners in preventing, responding to and investigating SEA/sexual harassment cases</i>				

Title: _____ name of the project/services to be delivered _____
Contract #: _____ contract number _____

V. Sexual Harassment, Sexual Exploitation and Abuse Clauses:

Sub-contract

- i. **Sexual Harassment, Sexual Exploitation and Abuse:** ensure that the Project is carried out in accordance with the provisions of the ABCO and the United Nations Policy on Preventing and Responding to Sexual Harassment, Sexual Exploitation and Abuse, as may be amended from time to time.
- ii. **Sexual Harassment:** recognize the right of employees to work in an environment free from sexual harassment and agree that sexual harassment will not be tolerated in the work place.
- iii. **SEXUAL EXPLOITATION:** shall take all appropriate measures to prevent sexual exploitation or abuse of anyone by it or by any of its employees or any other persons who may be engaged by the sub-contractor to perform any services under the Contract. For these purposes, sexual activity with any person less than eighteen years of age, regardless of any laws relating to consent, shall constitute the sexual exploitation and abuse of such person. In addition, the sub-contractor shall refrain from, and shall take all appropriate measures to prohibit its employees or other persons engaged by it from, exchanging any money, goods, services, offers of employment or other things of value, for sexual favors or activities, or from engaging in any sexual activities that are exploitive or degrading to any person. The sub-ontractor acknowledges and agrees that the provisions hereof constitute an essential term of the Contract and that any breach of this representation and warranty shall entitle ABCO to terminate the Contract immediately upon notice to the Contractor, without any liability for termination charges or any other liability of any kind.
- iv. **Personal Harassment:** recognize the right of employees to work in an environment free from personal harassment and agree that employees who engage in personal harassment may be disciplined.

PSEA TRAINING PLAN

NEED

- In relation to the international humanitarian system PSEA: PSEA refers to sexual abuse and exploitation by humanitarian aid workers.
- It first became recognised as a big issue with allegations of widespread sexual exploitation and abuse of refugee and IDP women and children by humanitarian workers and peacekeepers in West Africa in the late 1990s.
- In 2003 there was a PSEA SG Bulletin mandating that all UN agencies address PSEA and ensure their partners do too.
- SEA by UN and NGOs increases in times of emergencies: there are increased opportunities with mass distributions and high-value (ie food) heavy programming: chaos, rapidly increased staffing teams (often with a lack of proper training; and increased stress for all affected populations, including those rapidly recruited as short-term staff
- **“Sexual exploitation and abuse represent a catastrophic failure of protection. It brings harm to those whom the ABCO and jeopardizes the reputation of the organizations. It also violates universally recognized international legal norms and standards”.**

Risk

- SEA by aid workers of women and children is thought to be extremely under-reported (Save report, 2009) meaning we are globally unaware of the harm being perpetrated against people, by the very people mandated to protect
- SEA by a Plan staff member represents a huge reputational risk - media coverage of sexual exploitation by a Plan worker could be potentially catastrophic for the global organisation

Response

- Engagement with local populations - ensuring community awareness of specific entitlements to food/NF shelter assistance and that they should not have to offer anything ‘in return’: establishment of feedback / complaints / accountability systems
- Prevention - ensuring PSEA is included in induction for all new staff - *particularly* those with instant access to communities and involvement in distributing commodities
- Response - immediate follow up and investigation of all reports, implementing zero-tolerance policy including dismissal and prosecution of perpetrators
- Management and Coordination

Recommendations

- **Take seriously!!**
- Process to be owned by HR (can be supported by SEA Focal Point specialist / area)
- Introduced into induction all new staff
- Existing staff reminded of code of conduct (assume PSEA was included in original inductions)- times of emergency PSEA increases as more high value goods (food etc) for distribution; increased stress of all affected populations; increased external staff (national and international) coming to an area
- Integrated with CP training

Introduction and General Notes of Training

This training is designed to cover Plan PSEA protocols. PSEA - Prevention of Sexual Exploitation and Abuse - specifically refers to exploitation and abuse by humanitarian workers towards beneficiary communities.

Key Points - Overview

SEA was first highlighted as a serious problem in the late 1990s, when there were allegations of widespread sexual exploitation and abuse of refugee and IDP women and children by humanitarian workers and peacekeepers in West Africa.

In 2003 there was a UN PSEA “Secretary General Bulletin” about PSEA *[note, this will be part of the training as a handout]*

In an emergency setting there are many factors that highly increase the likelihood of sexual exploitation and abuse -

- Increased poverty / desperation amongst communities
- Massively increased volume of high-value tangible items and goods such as food, thereby increasing opportunity and temptation
- A generally chaotic situation
- Mass recruitment of new staff with fasttracked recruitment processes
- A significant underreporting of incidents (with vulnerable community members often being too scared to make a complaint for fear that will result in them no longer having access to aid or assistance)

The Risk

The Risk associated with SEA are three-fold.

“Sexual exploitation and abuse represents a catastrophic failure of protection. It brings harm to those whom the UN and its partners (NGOs and International Organizations) are mandated to protect and jeopardizes the reputation of these organizations. It also violates universally recognized international legal norms and standards.”

- 1) Primarily, SEA brings harm to those that we are specifically supposed to be assisting and protecting. At a point in time when communities are particularly vulnerable and disempowered, immediately following a disaster, sexual exploitation and abuse by

those people who have come in to assist constitutes the singularly biggest failure of protection on behalf of the international humanitarian community.

- 2) Secondly, it has carried a potentially catastrophic global reputational risk. If any journalist were to hear from a woman or a girl that the food or other goods, they had received had been exchanged for sex with a Plan staff member, front page news could probably not be avoided. The mitigation of that massively negative coverage would come from being able to outline exactly what measures we had put in place as an organisation to try and prevent SEA, and processes in place to respond immediately to allegation with a investigation, prosecution and survivor support
- 3) Thirdly, SEA carries a broader reputational issue of trust of humanitarian workers amongst communities: long after a disaster has finished, many communities and individuals will continue to distrust and reject aid organisations due to experiences of SEA

The Response

PSEA generally covers -

- Community engagement processes
 - We ensure communities know what their entitlements are and that they have a right to receive these entitlements freely and fairly without having to offer anything (money, sexual favours) in return
 - We set up help desks at distribution points where community members can ask questions, make a confidential complaint, be treated with respect and courtesy
 - We ensure communities know that complaints will be taken seriously, investigated, action taken. No circumstances will individuals and their families face discrimination or lose access to assistance because they have made a complaint
- Prevention
 - Ensuring PSEA is included in induction for all new staff - *particularly* those with instant access to communities and involvement in distributing commodities
- Response
 - immediate follow up and investigation of all reports; implementing zero-tolerance policy including dismissal and prosecution of perpetrators; ensuring full comprehensive support to survivors of SEA

The Training

PPT Slide 1:

By the end of this component of the induction you will:

- 1) know how to define SEA.
- 2) be aware of the international standards related to SEA.
- 3) learn the steps that Plan International Philippines will take to address SEA

PPT Slide 2:

DEFINING SEA

Sexual abuse is actual or threatened physical intrusion of a sexual nature by force or under unequal or coercive conditions.

Sexual exploitation is any abuse of a position of vulnerability, differential power, or trust for sexual purposes; this includes profiting monetarily, socially, or politically from the sexual exploitation of another.

Note, ask trainees here to provide examples of what they might think is SEA or what they think the above phrases mean (like “differential power”

PPT Slide 3:

What is the Difference Between SEA and Sexual Harassment?

SEA occurs when a position of power (such as being a staff member of an NGO) is used for sexual purposes against a beneficiary or vulnerable member of the community.

Sexual harassment occurs when differences in power are abused between staff members (verbally, through touch, use of inappropriate images, etc.).

Ask people what they think first, then show definitions

Note, see above in the Introduction Notes for what is the difference between SEA and GBV if this question comes up

PPT Slide 4:

INTERNATIONAL FRAMEWORK

UN Secretary General’s Bulletin:

- The UN Secretary General’s Bulletin on Special Measures for Protection from Sexual Exploitation and Sexual Abuse (October 2003)

Inter-Agency Standing Committee Six Core Principles on the Prevention & Response to SEA:

- The IASC is the primary mechanism for inter-agency coordination of humanitarian assistance
- Task Force on Protection from SEA in Humanitarian Crises was set up in 2002

Note, give 3 handouts here of the UN Secretary General’s Bulletin and IASC 6 principles

The UN SG Bulletin is applicable to UN staff in practice but applicable to all humanitarian aid workers in principle

allow people to read through and check people understand particularly the 6 core principles and why they are so important

PPT Slide 5:

ORGANIZATIONAL PROCESSES

- Code of Conduct
- Complaints Mechanisms and beneficiary awareness
- Investigation procedures
- Survivor Assistance
- Responsibility to Report

Note, say the above five things we are going to go through and explain

PPT Slide 6:

Code of Conduct:

- A code of conduct is a set of standards about behavior that staff of an organization are obliged to adhere to.
- A code of conduct outlines the expected conduct of staff members and further defines the organization's determination to prevent acts of SEA by its staff.

PPT Slide 7:

Complaints Mechanisms AND beneficiary Awareness

- A complaints procedure is of no use to beneficiaries if they don't know that it exists. Beneficiaries need to be made aware of their rights and entitlements
 - We ensure communities know what SEA is
 - We ensure communities know what their entitlements are and that they have a right to receive these entitlements freely and fairly without having to offer anything (money, sexual favours) in return
 - We ensure communities know the quantity / volume of goods they are entitled to
 - if a targeted distribution, we ensure communities know how criteria has been established for who receives goods and who doesn't
 - We ensure communities know how they can register complaints AND that complaints will be taken seriously, investigated, action taken. Under NO circumstances will individuals and their families face discrimination or lose access to assistance because they have made a complaint

1) against 3 points that come up on the slide, ask what we mean by that - take some examples, then read the above as basic minimum standards

Then also note - explain that complaints desk should ensure confidentiality and safety: sometimes it is better to have a general help desk where people can go and others cannot necessarily know if they are making a complaint or asking a question. The help desk staff should be gender-balanced. If there are standard government systems in place (including functional hotlines) these should be utilised. The establishment of community accountability complaints and feedback systems is a programme design responsibility

Ask for ideas as to what might / might not work in this particular context

PPT Slide 8:

Investigation Procedures

- Have an understood process in place before an incident occurs, to be able to rapidly conduct a quality, confidential, safe and transparent investigation into allegations of staff misconduct

Note, ask what people think should be the consequences for a staff member, if the allegations prove to be true?

Then say consequences should be based on our zero tolerance of SEA, dismissal and assisting survivors in prosecution to the full extent of the law. We should be able to fully document the process of an investigation, the outcome and the response

PPT Slide 9:

SEA Survivor Assistance Policy

- Have an understood process in place before an incident occurs, to be able to react immediately to assist the SEA survivor.

Note, this should include immediate access to clinical care for rape if rape occurred, as per WHO standards including access to Emergency Contraception and Post Exposure Prophylaxis. It should also (in all cases of exploitation and abuse) provide for psycho-social support, legal aid (fully supported by the organisation) and safe shelter and livelihood support

PPT Slide 10:

Responsibility to Report

- All Plan staff members have a duty to protect the communities we serve by reporting misconduct by fellow staff members

Note, some agencies have mandatory reporting requirements for PSEA, in view of the fact that this might help staff overcome their fears of sharing concerns about a colleague

Ask what people think? The discussion should lead to (or be led by facilitator) that protecting communities is the responsibility of us all...leading onto the next and final slide

PPT Slide 11:

Remember: Humanitarian workers are obliged to create and maintain an environment that prevents sexual exploitation and abuse and promotes the implementation of their codes of conduct. Managers at all levels have particular responsibility to support and develop systems that maintain this environment.

Hand Out 1: UN Secretary General Bulletin on PSEA [*note that in practice this is applicable to UN staff but in principle it is applicable to all humanitarian aid workers*]

Hand Out 2: 6 Principles of PSE