



***Policy on Protection
from Sexual Exploitation and Abuse***

2019

Arbeiter Samariter Bund Policy on Protection from Sexual Exploitation and Abuse

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1. Introduction and Preamble

Arbeiter Samariter Bund (ASB), values human dignity and human rights as the core of its mission, with obligation to protect our beneficiaries and those within our sphere of influence from violence or coercion originating from external sources or from ASB employees, volunteers, partners, suppliers and related personnel. This policy defines ASB commitment to the protection from sexual exploitation and abuse (PSEA) and all forms of abuse of all beneficiaries irrespective of gender identity, disability status, religion, ethnicity, age, socioeconomic status, sexual orientation, geographic area, migratory status, forced displacement, or health status. In addition, ASB has a duty to recognize the power differential which is a consequence of the position of power and influence held by ASB employees and related personnel in relation to beneficiaries, and to strictly counteract the inherent potential for any abuse of that trust or power.

ASB has a zero tolerance policy to any form of sexual exploitation and abuse, ASB will not tolerate its employees, volunteers, consultants, partners or any other related personnel associated with the delivery of its services carrying out any form of sexual harassment, sexual abuse or sexual exploitation. ASB takes seriously all concerns and complaints about sexual exploitation and abuse and child abuse involving ASB employees and related personnel. ASB initiates rigorous investigation of complaints that indicates a possible violation of this policy and takes appropriate disciplinary action, as warranted. Anyone found to have engaged in this abuse will be dismissed and will not be hired again by ASB or any member of the Bund. When SEA involves the perpetration of a crime(s), the authorities in the country where the crime was committed will be informed, should the survivor choose to prosecute.

2. Scope

1. This policy applies to the following people: ASB staff members, contractors, consultants, suppliers, volunteers, interns, Board of Directors, and partner organizations.
2. Definition of sexual exploitation and abuse and the Code of Conduct expected by the staff of the ASB workers' in relation to sexual relations with beneficiaries.
3. Identify measures to prevent sexual exploitation and abuse;
4. Define clear mechanisms for reporting sexual exploitation and abuse;
5. Define mechanisms to ensure that ASB responds effectively to issues related to sexual exploitation and abuse.

3. Key Definitions

ASB employees and related personnel: Encompasses those who are employed by ASB and those who represent ASB. This includes all employees of ASB International, Regional Offices, Country Offices and projects. It includes all related personnel such as board members, volunteers, interns, international and local consultants, non-ASB entity employees and individuals who have entered into partnership, sub-grant or sub-recipient agreements with ASB, individual and corporate contractors of these entities as well as any accompanying family members. It also includes individuals formally or informally retained from the beneficiary community to conduct ASB activities.

Beneficiary: 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.

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

Complainant: A person who brings an allegation of SEA in accordance with established procedures. This person may be an SEA survivor or another person who is aware of the wrongdoing.

Child: A child is defined as anyone under the age of 18, in line with the UN Convention on the Rights of the Child.

Gender Based Violence (GBV): GBV is an umbrella term for any harmful act that is perpetrated against a person's will, and that is based on socially ascribed (gender) differences between males and females (IASC). It includes acts that inflict physical, sexual or mental harm or suffering, threats of such acts, coercion, and other deprivations of liberty.

Humanitarian: The practice of promoting human welfare. The term is often used in emergency response, often called "humanitarian response", whether due to a natural disaster or a man-made disaster such as war or other armed conflict. ASB is a "humanitarian organization" which seeks to save lives and alleviating suffering.

Humanitarian Aid Worker: encompasses 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 workers from target communities. It refers to all staff of humanitarian agencies and organizations, including UN agencies, IGOs, NGOs, implementing partners, and relevant CBOs 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.

Protection: Encompasses humanitarian operations in response to complex emergencies or natural disasters aimed at obtaining full respect for the rights of the individual in accordance with the letter and spirit of human rights, refugee, and humanitarian law. Protection can involve either removing individuals or groups from a risk, threat, or situation of violence which may adversely affect their fundamental human rights and freedoms, or intervening at the source of the violence to reduce or stop it. This can be accomplished through fostering and contributing to the creation of an environment — political, social, cultural, institutional, and legal — conducive to the sustainable exercise and respect of fundamental freedoms and human rights (IASC).

PSEA: Protection from sexual exploitation and abuse perpetrated by humanitarian workers.

Safeguarding: taking all reasonable steps to prevent harm, particularly sexual exploitation, abuse and harassment from occurring; to protect people, especially vulnerable adults and children, from that harm; and to respond appropriately when harm does occur.

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

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

Subject of the Complaint: Once a complaint has been filed, the alleged perpetrator of SEA is referred to under these terms

Survivor: A person who has SEA perpetrated against him/her or an attempt to perpetrate SEA against him/her.

Victim: a person who has SEA perpetrated against him/her, used interchangeably with "survivor".

Volunteers: are individuals who receive non-monetary compensation for work or representation for an organization, and are frequently members of the beneficiary community.

Vulnerable group: In any emergency, there are groups of individuals more vulnerable to sexual violence than other members of the population. These are generally females who are less able to protect themselves from harm, more dependent on others for survival, less powerful, and less visible. They include, but are not

limited to, single females, female-headed households, separated/unaccompanied children, orphans, disabled and/or elderly females (IASC).

4. Policy

Guiding Principles

The following principles will guide ASB in upholding its responsibility to safeguard and prevent sexual exploitation and abuse:

1. ASB commits to uphold the highest level of personal and professional conduct among its staff, contractors, volunteers, board members and partners working in all programming contexts, and particularly humanitarian settings, ensuring zero tolerance of all forms of sexual exploitation and abuse against affected populations, including women and children, and in times of conflict, disaster and occupation.
2. ASB views Sexual exploitation and abuse by ASB 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
3. ASB views any form of sexual exploitation and abuse as a gross violation of human rights.
4. ASB recognizes the IASC Guidelines (2011) and Global Standard Operating Procedures (2016) on the Prevention of Sexual Exploitation and Abuse (PSEA).
5. ASB prohibits sexual activity with children (persons under the age of 18) 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.
7. ASB affirms the primacy of Accountability to Affected Populations as an integral part of its humanitarian signature and upholds the Core Humanitarian Standards (CHS) particularly Key Action 3.6: Identify and act upon potential or actual unwanted negative effects in a timely and systematic manner, including areas of sexual exploitation and abuse by staff.
8. ASB recognizes that Sexual Exploitation and Abuse inflicts harm on those whom the humanitarian community are obliged to protect as well as jeopardizes the credibility of all humanitarian agencies;
9. ASB prohibits Exchange of money, employment, goods, or services for sex, including sexual favors or other forms of humiliating, degrading or exploitative behavior. This includes exchange of assistance that is due to beneficiaries.
10. ASB obliges employee and related personnel who develops concerns or suspicions regarding sexual abuse or by a fellow worker, whether the individual works for ASB or for other organization, partners, suppliers or other related stakeholders, to report such concerns through the means and tools available within the Organization.
11. ASB Supervisory Body must be informed about all the concerns and suspicions, including rumors in good faith arisen about sexual exploitation and abuse;
12. ASB aims to prevent SEA through implementation of this Policy, communication, training and working collaboratively with all personnel, country offices and partner organisations to safeguard everyone against SEA.
13. ASB 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.
14. ASB ensures to report for criminal prosecution and legal action, when appropriate, to the competent authority in accordance with the applicable law and evaluates to take out proceedings as a civil damaged party.

Standards of Behavior

The following expected behaviors applies to all of ASB employee and related personal, volunteers, contractors and suppliers, the aforementioned must, at all times:

1. maintain a duty to act at all times in a manner which upholds the values and reputation of ASB
2. Undertake to create and maintain a safe and trusted environment that promotes the implementation of this Policy and safeguards everyone from SEA.
3. Be aware that sexual behavior is an area of particular sensitivity, where conduct may more easily be seen as offensive or be misinterpreted.
4. Read and agree to abide by the expected behaviors outlined in the relevant code of conduct.
5. Immediately report to ASB any concern, suspicion or allegation of SEA or breach of the Prevention of Sexual Exploitation and Abuse Policy.

In addition, ASB employees must adhere to the following expected behaviors:

1. ASB employees must not engage in sexual relationships with program participants, or ASB program beneficiaries or other members of the communities in which ASB provides protection or humanitarian assistance, as these relationships are based on inherently unequal power dynamics and there is the potential for abuse of power. Such relationships undermine the credibility and integrity of ASB and its programs
2. ASB employees must immediately inform their direct manager if they become engaged in a personal relationship which may be perceived as inappropriate or exploitative, or where real or perceived unequal power dynamics exist. ASB employees who are unsure if their relationships fall into this category should discuss the situation with their line manager and/or a member of the Human Resources team.
3. ASB employees must not exchange money, employment, goods or services for sex, including sexual favors or other forms of humiliating, degrading or exploitative behavior. This prohibition means that ASB employees must not engage the services of sex workers while on duty assignment, duty travelling, attending meetings, workshops and trainings.
4. ASB employees must refrain from sexual activity with any person under the age of 18, regardless of the age of majority or age of consent locally, i.e. the local or national law of the country in which they work. Ignorance or mistaken belief of the child's age is not a defense. Failure to report such a conduct will lead to disciplinary action.
5. ASB employees must not support or take part in any form of sexual exploitative or abusive activity, including any form of pornography or trafficking of human beings.
6. ASB employees must report in a timely manner any concern or suspicion they have regarding possible violations of the PSEA Policy and related standards of behavior via ASB established reporting procedures. ASB employees must report any concern or suspicion regarding sexual exploitation or abuse via ASB established reporting procedures even when the alleged perpetrator is another humanitarian aid worker. Information related to SEA incidents involving ASB personnel or associates, or other humanitarian aid workers, must be shared only with the in-country PSEA Focal Point.
7. ASB employees must create and maintain a living and working environment which prevents sexual exploitation and abuse, and promotes the implementation of the PSEA Policy.

All ASB employees are obliged to adhere to these standards of behavior. Any violation of these standards constitutes serious misconduct. Failure to comply with these standards or failure to report sexual exploitation or abuse is grounds for disciplinary action. This action may include termination of contract or summary dismissal, and may result in the case being forward to the local authorities for criminal prosecution where appropriate and in accordance with applicable national laws.

The standards set out above are not intended to be an exhaustive list. Other types of sexually exploitive or abusive behavior may be grounds for disciplinary action pursuant to the ASB Charter of Values and Code of Ethics. ASB employees must not engage in any form of humiliating, degrading or exploitative behavior under any circumstances.

4.1. Breach of Policy

Sexual exploitation and abuse by ASB employees and related personnel constitute acts of gross misconduct and are therefore grounds for termination of employment or volunteer assignment. Disciplinary actions and possible outcomes for breach of the ASB Prevention of Sexual Exploitation and Abuse Policy:

- Referral to local law enforcement authorities (as per national and any mandatory reporting laws), where appropriate

4.2. Responsibilities to Prevent and Respond to SEA

It is the responsibility of all ASB employee and related personnel to create and maintain an environment which prevents sexual exploitation and abuse. Moreover, ASB established a clearly defined management and technical support structure for implementation of and adherence to the PSEA Policy.

Executive Management: The Board of Directors and Secretary General will have overall responsibility for the implementation of and adherence to the PSEA Policy, as well as for mobilizing the associated necessary resources.

Senior Management: The Director General, Director of Programs, Coordinator of Programs in Cologne will be responsible for ensuring the implementation of and adherence to the PSEA Policy across the Organization. The Regional Directors and Country Representatives will be responsible for developing and regularly revising the country-specific PSEA strategies and related SOPs, as well as for ensuring the implementation of and adherence to the PSEA Policy within the country offices. The Regional Directors and Country Representatives will also be responsible for mobilizing the associated necessary resources at the regional and country level.

Managers at all levels have particular responsibilities to support and develop systems that maintain an environment that facilitates implementation of this Policy and prevent SEA. They must ensure that all employee, related personnel and volunteers understand and comply with this Policy.

Managers must create a safe environment at ASB for anyone to come forward and raise allegations or concerns of SEA and take action to immediately respond to any reports. Ensure that all staff, volunteers, contractors and partners are aware of the responsibility to maintain an environment that is free of sexual exploitation and abuse and to report any abuse they suspect or witness. Ensure that a copy of this policy will accompany all partner Project Agreements and discussions held with partners to further embed understanding and compliance. (Annex 3: Declaration of Agreement to be Bound by and Uphold the ASB PSEA Policy for Partners).

4.3. Recruitment and Performance Management

a. Safe Recruitment

ASB is dedicated to undertake SEA-safe recruitment and screening practices before validating recruitment with staffs, volunteers, community committee members, interns and consultants.

The mandatory practices required for recruitment of international and national positions are:

- All job advertisements will state that ASB has a PSEA Policy that the successful candidate will be expected to comply with and promote.

- Candidates who are short-listed for interview will be provided with the abstract of the PSEA Policy in advance of their interview and there will be specific standardized interview questions on protection from sexual exploitation and abuse.
- Particular attention will be paid to gaps in an individual's employment history and frequent changes of employment and/or address.
- All prospective staffs and consultants will be required to provide at least two references, including the last line manager. References will be checked on any allegation of SEA, and dismissal or pending investigation into behavioral misconduct.
- Volunteers and interns will also be required to provide at least two references, if possible including at least one among the staffs of the entity they have previously been working or volunteering for.
- The successful candidate will be required to provide proof of identity (passport or national identity document) and a personal declaration stating any criminal conviction, including spent convictions. (Annex 1: Declaration of Criminal Convictions).
- The PSEA Policy will be included in the proposal of Contract:
 - All staffs, volunteers, community committee members, interns and consultants will be required to acknowledge in writing the receipt, understanding and commitment to the PSEA Policy and related standards of behavior prior to commencement of their contract/ placement. The signed statement of commitment to the PSEA Policy will be kept in file together with the signed employment or contract. (Annex 2: Declaration of Commitment to ASB PSEA Policy for Personnel)

b. Hiring Restrictions

ASB reserves the right not to hire or employ an applicant if the recruitment process or background check reveals that the applicant has been previously reported for a SEA incident or is not suitable to work with beneficiaries. ASB will not hire or employ anyone with a prior conviction for SEA or related offence.

4.4. Training and Awareness

ASB commitment to protection from sexual exploitation and abuse needs to be communicated clearly and accurately by all ASB employee, related personnel, associates, beneficiaries and target communities.

ASB is committed to ensure the implementation of the following planned activities:

- Include in the induction process for all new staffs, volunteers, community committee members, interns and consultants - international and national – a module on SEA and the content of the PSEA Policy in order to ensure that all ASB employees and related personnel are aware of the PSEA Policy guiding principles, the related standards of behavior, the implications of breaching these standards and the incident reporting procedures.
- Ensure repeated refresher training for personnel at both field and HQ level on the content of the PSEA Policy and related standards of behavior.
- Raise awareness widely amongst target communities on what SEA is, their right to be safe from SEA, ASB zero tolerance towards SEA and options for reporting SEA incidents.
- Inform beneficiaries of ASB programs of the fact that assistance to them is never to be conditioned on sexual favors, ASB zero tolerance towards SEA and options for reporting SEA incidents in a manner which is age, gender and diversity sensitive. This includes organizing workshops with beneficiaries to define acceptable and unacceptable behavior, and discuss openly with them about their contacts and relationships with ASB staffs and related personnel.
- Make the PSEA Policy summary available in local languages and develop a child friendly version to be disseminated in target communities, with partners and stakeholders. Posters of the PSEA Policy commitments and related standards of behavior must also be displayed in each country office/base.
- Monitor and regularly review the effectiveness of the PSEA training and awareness materials.

4.5. Safe Programming

All ASB programs need to be designed and implemented to minimize actual or potential risks which might lead to sexual exploitation and abuse by ASB employee and related personnel against beneficiaries or other members of the community they come into contact with or impact directly or indirectly, especially women and children. ASB is committed to ensuring SEA-safe programs by identifying risk factors for vulnerability to SEA which may be related to the context or the specificity of the programs themselves, and taking all necessary mitigation measures.

SEA-safe programming considerations need to be mainstreamed throughout the program cycle phases: assessment, planning, resource mobilization, implementation and evaluation, and should involve the participation of beneficiaries and target communities as and where appropriate.

It will be the responsibility of the ASB Regional Directors and Country Representatives to conduct SEA risk analyses and elaborate SEA mitigation strategies at the country level. This process should include categorization of interventions and implementation modalities by risk significance level.

It will be the responsibility of the ASB Regional Directors, Country Representatives and Program Managers to incorporate SEA considerations into the design of needs assessment and new project proposals, including identification of activity-specific SEA risks and related SEA mitigation measures.

It will be the responsibility of the ASB Program Managers and Project Managers for all sectors to undertake review of on-going projects in order to ensure that activity-specific SEA risks are taken into consideration and related SEA mitigation measures developed, ensure that the SEA mitigation measures designed are put into practice during the project implementation and monitor with regularly review the effectiveness of the SEA mitigation measures designed, and report about any challenge faced in implementation.

4.6. Complaint Mechanisms

Each ASB Country Mission will be responsible to ensure that complaint mechanisms for reporting SEA are developed and integrated within complaint and feedback structures existing at the base and country level.

Complaint mechanisms for reporting SEA should be developed and regularly reviewed with the involvement of beneficiaries and target communities, based on Humanitarian Accountability Partnership Standard in Accountability and Quality Management.

Complaint mechanisms for reporting SEA should have multiple entry points, allowing individuals the opportunity to report at the organizational level or at the community level.

Complaint mechanisms for reporting SEA should blend both formal and informal community structures, where individuals are able and encouraged to safely report incidents of SEA.

Beneficiaries and target communities need to be aware of their right to be safe from SEA and ASB zero tolerance towards SEA.

Beneficiaries and target communities need to be enabled to recognize inappropriate behavior by ASB staffs and others.

Beneficiaries and target communities need to be aware of the existing complaint mechanisms for reporting SEA and know how to access them.

Awareness amongst beneficiaries and target communities needs to be raise in a manner which is age, gender and diversity sensitive, and language appropriate.

4.7. In-country Focal Point

Each ASB Country Office will be responsible to identify among the mission staffs at least one PSEA Focal Point who will be the person designated to receive complaints and reports about alleged acts of SEA

involving ASB personnel or associates, or other humanitarian aid workers, in the field. The in-country PSEA FP must commit to the TORs for the role (Annex 6: In-Country PSEA Focal Point Terms of Reference) and meet the following minimum requirements:

Basic knowledge and understanding of protection, and specifically gender-based violence, fundamental concepts and guiding principles:

- Medium to senior level national staff;
- Fluent in English;
- Demonstrated sensitivity to cultural diversity and gender issues;
- Demonstrated experience of working directly with affected/local communities;
- Proven integrity, objectivity and professional competence;
- Proven communication skills;
- Have enough time to dedicate to the role.

All mission personnel and partners, as well as beneficiaries and target communities, needs to be properly and widely informed of the role and identity of the in-country PSEA FP, and know how to contact them.

Upon appointment, the in-country PSEA FP will undergo specific and systematized training on protection from sexual exploitation and abuse.

4.8. Reporting Procedures

ASB provides a safe, supportive and secure environment to report SEA. ASB will take all concerns seriously and respond immediately. All reports of SEA will be recorded, regardless of whether substantiated or full investigation required. The principles of natural justice will apply to all investigations.

ASB employees and related personnel, program participants and beneficiaries must immediately report any concerns, suspicions or allegations of SEA or breach of the ASB Prevention of Sexual Exploitation and Abuse Policy. (Annex 7: Incident Reporting Form).

When alleged acts of SEA involve ASB employee or related personnel, or other humanitarian aid workers:

- The complainant must report the case to the in-country PSEA FP within 24 hours from when the complaint, concern or suspicion arises.
- The complainant must fill out the Incident Reporting Form as soon as possible and submit it to the in-country PSEA FP (see Annex 3: Incident Reporting Form).
- For cases where he/she wishes to remain anonymous, the informant can use the complaint mechanisms for reporting SEA existing at the base or country level.

4.9. Reporting and Investigation

Any person reporting a case of SEA, in good faith, or any person who has cooperated with an investigation into a report of SEA, will be protected by this Policy. Malicious reporting of SEA with the intention of harming another person's integrity or reputation amounts to misconduct and is subject to disciplinary action. This is distinct from reports made in good faith based on the judgment and information available at the time of the report, which may not be confirmed by an investigation.

Investigations of SEA will be carried out in a manner that is timely, fair, objective and as far as is practicable, confidential. This includes the use of appropriate interviewing practice with complainants and witnesses. All information and documented evidence will be held securely and in the strictest confidence as far as is appropriate. The name of the complainant will not be revealed to the person(s) potentially implicated in the allegation or to any other person unless the individual personally authorizes the disclosure of their identity. This may become a requirement in subsequent investigative processes.

4.10. Confidentiality and data protection

Confidentiality of information is extremely important when working with SEA survivors and incidents, and needs to be addressed with the utmost care. It is essential that all ASB employees and related personnel understand the importance of this principle and ensure that the data protection and sharing protocols are adhered to. Any breach of the data protection and sharing protocols may be subject to disciplinary action, up to and including dismissal.

Each ASB Country Office will be responsible to develop a data protection system for recording, storing and sharing data related to SEA survivors and incidents, and protect information, at the base and country level.

The following protocols need to be observed when handling data related to SEA survivors and incidents (including case files, photos and other personal details):

- Data will not be shared with any unauthorized person and will never reveal the identity or identifying features of survivors.
- When coordinating with other actors or entering data into information management systems, data will be safeguarded, accessed and shared only by staffs trained on data sharing protocols and relevant SOPs. This includes the sharing of incident reports, trends analyses and referral pathways.
- For the purposes of case management meetings or other inter-agency support mechanisms, information about an individual survivor may be discussed but identifying information (including the name of the person affected) will NOT be disclosed to other agencies, organisations or government bodies.
- Information related to SEA incidents involving ASB employees and related personnel, or other humanitarian aid workers, are particularly sensitive and will be shared only with the in-country PSEA FP who will take over the case and inform immediately the in-country PSEA Representative to discuss the way forward.
- All materials pertaining to complaints and reports about alleged acts of SEA involving ASB employees and related personnel, or other humanitarian aid workers, will be handled in strict confidence in order to protect the rights of all involved.

4.11. Response Procedures

a. Interviews with SEA survivors

The in-country PSEA FP need to be properly trained by qualified staffs on interviewing techniques and methodologies before conducting interviews with alleged SEA survivors. Repeated interviews with survivors can contribute to a survivor's trauma. Therefore, coordination must be maintained with all other stakeholders to avoid duplication of interviews with an individual survivor. Furthermore, the following protocols need to be observed when interviewing alleged SEA survivors:

Survivors will be told of the purpose of the interview and informed consent must be sought before the interview is conducted. (Annex 4: Informed Consent Form for Adults or Children Aged Above 15 Years being Interviewed) and (Annex 5: Informed Consent Form for Parents, Legal Guardians or Caregivers of Children Aged Under 15 Years being Interviewed).

Interviewers will ensure that survivors feel safe at all times.

Interviews will not be conducted in any space where it may create suspicion amongst outsiders (including authorities, community members, etc.).

All efforts will be made to ensure that survivors do not feel exposed or vulnerable during the interview.

Interviewing techniques and methodologies should be age- and gender-appropriate.

As much as possible, follow-up interviews/discussions will be conducted by the same interviewer.

Survivors will be informed of all possible steps and must, including referral for assistance and eventual investigation.

Survivors will be provided with information on the progression of an investigation and final outcomes.

At all times, interviewers must ensure the “Do No Harm” principle is adhered to.

Appropriate measures will be taken in order to ensure safety and protection for survivors, as well as alleged perpetrators and complainants if different from the survivors. Where there is any conflict of interest between the survivor and another involved 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.

b. Referral of CP Cases for Assistance

Identified cases of SEA need to be referred immediately to internal and/or external GBV/CP specialized services as per GBV/CP response procedures established at the base or country level, ensuring that the principles of the survivor-centered approach are adhered to, including informed consent or assent. Information is to be shared only on a need-to-know basis with the service provider, and the safety of the survivor and others involved paramount.

The in-country PSEA FP will be responsible to follow-up on the case together with the specialized case management team (internal or external), record action taken and support provided, keeping the in-country Representative up to date. All response strategies need to be developed in a manner that balances respect for due process with a survivor-centered approach in which the survivor’s wishes, safety, and well-being remain a priority in all matters and procedures.

Children have the right to participate in decisions that will affect them. If a decision is taken on behalf of a child, the best interests of the child shall be the overriding guide. Referrals should be done in consultation with child focused agencies specializing in the special needs of child survivors of sexual abuse, and who are familiar with local procedures relating to the protection of children.

c. Investigation into SEA allegations

When a case of SEA is determined as alleged SEA Incident, this needs to be handled in accordance with the procedures illustrated in the flowchart below

The in-country PSEA Representative will inform the HQ PSEA FP within 24 hours from when the incident is reported.

The personnel member(s) involved will be immediately suspended on full pay and cease contact with beneficiaries until all investigations are completed. In the event of an allegation that involves a criminal offence, the subject of the complaint will be informed that, in addition to disciplinary action, the case may be forwarded to the appropriate local authorities for further investigation.

An initial clarification will be conducted by the in-country PSEA FP, the in-country Representative and the HQ PSEA FP will allocate an independent investigator where one of these is implicated) who will record all information, investigate the facts and assess the condition of the survivor(s) within 48 hours, where possible.

If the outcome of the initial clarification requires a full investigation, a panel composed by three members will be convened to carry out the investigation and determine whether the case is to be forwarded to the local authorities. The members of the investigating panel will commit to strict confidentiality, information will be limited to those involved in the investigation and documentation will be filed securely as per data protection protocols.

If the incident involves a personnel member of an ASB partner, then the HQ will raise the issue with the relevant person within the partner organization that must report back on how they are investigating and following up the case. It will be the responsibility of the ASB Country Representative to monitor this.

If the incident involves another humanitarian aid worker outside ASB and ASB partners, then the HQ will raise the issue with the relevant person within the entity the alleged perpetrator work for.

If any ASB employee or related personnel is found to have violated the PSEA Policy and related standards of behavior, immediate action will be taken. This may include:

- Staffs – disciplinary action, up to and including dismissal. International staffs will be repatriated to their country of origin and police reports may be filed.
- Volunteers, Consultants, community committee members and interns – termination of the collaboration with ASB.
- Partners – if the SEA allegation is mishandled, withdrawal of funding/support and termination of the partnership agreement or sub-agreement with ASB.

Depending on the type of SEA allegation, the instance may be reported to the UN Risk Management Unit.

For all categories ASB employee or related personnel, the case may be forwarded to the police or local authorities for prosecution where possible criminal acts have been committed. The decision of forwarding the case to the police or local authorities for criminal prosecution should be taken only if the survivor provides his/her informed consent and if found, after analyzing the risks, that this is in his/her best interests.

The outcome of the investigation and the action taken will be recorded and stored as per data protection protocols.

All parties concerned will be notified of ASB processes, the outcome of the investigation and the action taken in a timely manner.

A review of the SEA risks identified and the SEA mitigation measures designed will be conducted, and new action set to further minimize the risks of SEA by ASB employee or related personnel. This process need to be conducted and documented within 2 weeks of the end of the investigation.

A final report about the investigation and the action taken will be submitted to the PSEA Policy Steering Committee.

d. Disclosure of information about CP incidents

When survivors disclose personal information to ASB personnel, it is essential that ASB personnel understand that this information may be sensitive and ensure that such information is shared only on a need-to-know basis agreed with informed consent or assent and in the best interests of the survivor.

While ASB maintains appropriate confidentiality for individuals involved in SEA incidents, ASB may disclose information about incidents as required by national laws to report criminal cases.

5. Implementation and Review

In order to successfully implement and adhere to the PSEA Policy, each ASB Country Office is required to:

- Develop a country-specific PSEA strategy and related SOPs which contextualize the PSEA Policy and include SEA risk analyses, SEA mitigation strategies and adherence to national laws without diluting the PSEA Policy principles and standards of behavior.
- Develop a country-specific annual implementation plan and mobilize the necessary resources for implementation.

- Disseminate the PSEA Policy, including providing full and summary copies to personnel, partners, beneficiaries and target communities, and translating into local languages and publicly posting the PSEA Policy commitments and related standards of behavior in all operational offices/bases.
- Quarterly report about progress on implementation, as well as any challenge faced and capacity support required, to the Policy Steering Committee.
- Revise the country-specific PSEA strategy and related SOPs on an annual basis.

The Policy Steering Committee is required to:

- Develop an annual implementation plan at the HQ level.
- Support the ASB Country Offices to implement and adhere to the PSEA Policy.
- Provide oversight and management support for alleged SEA Incidents.
- Revise the PSEA Policy on an annual basis.

Annex 1: Declaration of Criminal Convictions

Do you have any prosecution pending, or have you ever been convicted, bound over or cautioned by the police or received a formal reprimand or final warning for any offence? Yes _____ No _____

If yes, please provide details, including those prosecutions or convictions considered spent, and declare any previous investigation or allegation made against you. These will be kept confidential by ASB relevant staffs that will assess whether they pose any risk or not in relation to child protection or protection from sexual exploitation and abuse.

"I, the undersigned, hereby declare that the information I have provided is complete and true, and I understand that to make a false statement knowingly may result in termination of any agreement held between myself and ASB" Signature of the Employee/Agent: _____

Name of the Employee/Volunteer/ Consultant/ Supplier: _____

Date: _____

For ASB: Signature: _____

Name: _____

Date: _____

Annex 2: Declaration of Agreement Commitment to the ASB PSEA Policy for Personnel

I, the undersigned _____, hereby acknowledge that I have received, read and understood the ASB Protection from Sexual Exploitation and Abuse Policy, and pledge to abide by the expectations and provisions therein. I am fully aware that should I fail to comply with these policies and related standards of behavior, I will be liable to suspension, summary dismissal and/or face legal implications commensurate to the offence/crime I will have committed. I testify that I have no prior criminal record in any country related to child abuse or sexual exploitation and abuse, and I have never been involved in any form of child abuse or sexual exploitation and abuse before. I commit to respect and promote implementation of these policies at all times while under collaboration with ASB by the way I conduct myself and by reporting any violation of the related standards of behavior that come to my knowledge. To show my acceptance and commitment to comply with the ASB Protection from Sexual Exploitation and Abuse Policy, I hereby sign this declaration form.

Signature: _____

Name: _____

Position: _____

Place: _____

Date: _____

Relationship with ASB: _____

Relationship categories include:

Current Staff

Prospective Staff

Volunteer / Intern

Community Committee Member

Consultant

Other (specify)

Annex 3: Declaration of Agreement to be Bound by and Uphold the ASB PSEA Policy for Partners

_____ (NAME OF THE ENTITY) hereby acknowledges that it has received and read a copy of the ASB Protection from Sexual Exploitation and Abuse (PSEA) Policy. WE agree that all forms of sexual exploitation and abuse violate universally recognized international norms and standards, and the principles upon which humanitarian action is based. WE accept and commit to actively prevent acts of sexual exploitation and abuse by its personnel and associates, and to respond to sexual exploitation or abuse incidents that are perpetrated against beneficiaries or other members of the community in compliance with the ASB PSEA Policy. ensuring that no personnel hired, deployed or engaged in projects implemented in partnership with ASB or with the support of ASB, have ever been involved in any form of sexual exploitation and abuse before, and that all personnel hired, deployed or engaged in projects implemented in partnership with ASB or with the support of ASB, will participate in trainings on the content of the ASB PSEA Policy and related standards of conduct organized by ASB.

_____ (NAME OF THE ENTITY) is fully aware to be liable to suspension or cancellation of the partnership agreement or sub agreement with ASB should any of its personnel member or associate be found in breach of the ASB PSEA Policy standards of behavior, and the concern be mishandled.

Signature: _____

Name: _____

Position: _____

Place: _____

Date: _____

On behalf of: _____

Signature: _____

Name: _____

Position: _____

Place: _____

Date: _____

On behalf of ASB: _____

Annex 4: Informed Consent Form for Adults or Children Aged Above 15 Years being Interviewed

My name is _____. I am willing to participate in talking to a person or a group of people from _____ (NAME OF THE ENTITY).

They may ask me about my experiences and feelings about my life, and I am willing to answer their questions if I feel comfortable to. I am allowed to refuse to answer some of the questions. I know that this person/group of people will record my photograph and my story in writing or using a voice recorder. I am happy for them to do this but I can change my mind and stop the recording when I feel uncomfortable at any time. I understand that I will not be identified in any way in reports or publicity.

I know that the information I will provide may be used for public purposes such as in local and international newspapers, books, websites and/or radio and television stations. I am comfortable about it, but I can change my mind after the talk if I think I do not want many people to know me.

I also know that this person/group of people will not use my real name or show my face when presenting my story to other people.

I know that there is no promise of any money or reward to be given to me. I am the one who has decided to allow or not to allow this person/group of people to talk to me.

Signature of the Informant: _____ Date: _____

I believe the information given to be correct and the informant consent genuine to the best of my knowledge.

Signature of the Interviewer _____ Date: _____

The following is necessary if the consent form has to be read to the informant:

I certify that I have read this consent form in full to the informant whose signature appears above.

Signature of the Interviewer _____ Date: _____

Annex 5: Informed Consent Form for Parents, Legal Guardians or Caregivers of Children Aged Under 15 Years being Interviewed

My name is _____. I give permission for my child _____
_____ (NAME OF THE CHILD) to take part in the interview being
carried out by _____ (NAME OF THE INTERVIEWER) from
_____ (NAME OF THE ENTITY).

I have received a full explanation from the interviewer about the purposes of this interview, what my child may be expected to do during the interview and how the information will be used.

I understand that the interviewer will record my child's photograph and story in writing or using a voice recorder.

I understand that my child will not receive any money or reward as a result of taking part in the interview.

I also understand that if at any time I am not happy with my child taking part in the interview, I can withdraw my child from the interview process.

I certify that I am the parent, legal guardian or caregiver of the child named above.

Signature of the Parent/Legal Guardian/Caregiver _____

Date: _____

I believe the information given to be correct and the parent/legal guardian/caregiver consent genuine to the best of my knowledge.

Signature of the Interviewer _____ Date: _____

The following is necessary if the consent form has to be read to the parent/legal guardian/ caregiver of the child:

I certify that I have read this consent form in full to the parent/legal guardian/caregiver whose signature appears above.

Signature of the Interviewer _____ Date: _____

Annex 6: In-Country PSEA Focal Point Terms of Reference

General purpose of the role:

With the support and under the supervision of the in-country PSEA Referent, the in-country PSEA Focal Point is designated to receive complaints and reports about alleged acts of SEA within his/her assigned geographical area of responsibility, and is in charge of ensuring proper and effective response in compliance with relevant guiding principles and the established procedures. Moreover, the in-country PSEA Focal Point is in charge of actively contributing to raise awareness on PSEA and revise the country specific PSEA strategy and related SOPs.

Main responsibilities and tasks:

1. Be the focal point for receiving complaints and reports about alleged acts of SEA involving ASB personnel or associates, or other humanitarian aid workers, within his/her assigned geographical area of responsibility;
2. Ensure that all materials pertaining to complaints and reports are handled in strict confidence, and in line with applicable grievance and complaint handling procedures;
3. Take appropriate measures to ensure safety and protection for survivors, as well as alleged perpetrators and complainants if different from the survivors;
4. Where the survivor consents, refer immediately the case to internal and/or external available GBV/CP response mechanisms, so that survivors can receive the medical, psychosocial, legal and material support they need, or directly assist survivors to access immediate medical assistance where needed;
5. Keep the in-country Representative up to date on the actions taken;
6. Refer complaints and reports for investigation;
7. Participate in investigations, ensuring there is no conflict of interest on the case and advising the investigating panel on actions which may be needed;
8. Actively contribute to raising awareness on PSEA among ASB personnel and associates (including newcomers), as well as beneficiaries and target communities, with special focus on the internal procedures to raise complaints or report incidents of SEA;
9. Maintain relations and collaborates with the in-country PSEA Focal Points of other agencies or organisations so as to promote consistency among entities, and benefit from lessons learned and best practices;
10. Provide inputs, suggestions for improvements and recommendations for future actions for the regular revision of the country-specific PSEA strategy and related SOPs.

I, the undersigned _____, hereby acknowledge that I have read, understood and agree to perform the role of in-country PSEA Focal Point in accordance with this terms of reference.

Signature: _____ Date: _____

Annex 7: Incident Reporting Form

If you have seen an actual incident or suspect and have cause for concern regarding an incident of child abuse or SEA, please follow the guidelines and fill out the questions below where appropriate. It is important that you identify in this form whether it is an actual incident or a suspected incident.

Personnel Member Details: Name: _____ Position: _____ Relationship with ASB: _____ Line Manager/Supervisor: _____ Contact Details: _____	
Survivor Details: Name: _____ Sex: _____ Age: _____ Nationality: _____ Village/Town/Camp: _____ Municipality/District: _____ Governorate/Region: _____ Country: _____	Parent/Legal Guardian/Caregiver Details (only if the survivor is a child): Name: _____ Sex: _____ Age: _____ Nationality: _____ Relationship with the survivor: _____ Village/Town/Camp: _____ Municipality/District: _____ Governorate/Region: _____ Country: _____
Incident Details (please identify whether it is an actual incident or a suspected incident): Has the incident been seen or is the incident suspected? _____ Who disclosed the incident to you? _____ Date of the alleged incident: _____ Time of the alleged incident: _____ Location of the alleged incident: _____ Description of the alleged incident: _____ Was there any other individual involved in the alleged incident? If so, who? _____ Was there any witness? If so, who? _____	
Alleged Perpetrator Details: Name: _____ Sex: _____ Age: _____ Nationality: _____ Position: _____ Relationship with ASB: _____	
Observations (physical injuries or other observations): _____ _____ _____	
Action Taken: _____ _____	
SIGNATURE: _____	
DATE: _____	