

Policy on Protection from Sexual Exploitation and Abuse (PSEA)

Qendra per Administrim Social Ekonomik Territorial

ASET

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Introduction

ASET has developed the policy on Protection from Sexual Exploitation and Abuse (PSEA) to demonstrate it's committed to ensuring that people have access to our assistance without fear of SEA by any aid worker, including any individuals who might be working for, or acting on behalf of, whether on a voluntary or paid basis.

SEA is deeply rooted in power imbalances, often linked to social, age, and gender-related inequalities exacerbated in development and humanitarian contexts in which aid workers often control access to valued commodities and services. In addressing SEA, particular attention is needed for vulnerable groups, including women and children, and those most at risk of discrimination on the basis of disability, gender identity and sexual orientation, race, ethnicity, age, or religion.

Scope and purpose

This policy applies to all ASET Employees and Related Personnel both during and outside normal working hours; including consultants, volunteers and students of practice. This policy sets out NISMA's approach to preventing and addressing sexual harassment and sexual exploitation and abuse.

This applies to everyone irrespective of race, age, gender, gender identity, sexual orientation, culture, dress, language, political affiliation, health status, class, caste, ethnicity, marital status, disability, location, pregnancy, and religion.

This policy provides guidance and direction to anyone associated with ASET so that:

- All ASET staff and other representatives or experts understand the importance of preventing sexual exploitation and abuse, and their responsibility to ensure that they and their work do not deliberately or inadvertently cause harm to rights holders and community members, including adults at-risk.
- All ASET staff and other representatives understand their role in preventing sexual exploitation and abuse, and the consequences of breaching this policy
- All ASET staff and other representatives understand their responsibility to report any concerns relating to sexual exploitation and abuse and have access to clear guidelines on how to report suspected abuse.
- All organisational processes and structures reflect our duty of care towards rights holders and the communities we work with, including adults at-risk and put in place procedures to safeguard them in every aspect of our work so that we build a culture free from abuse, discrimination, and harm.
- ASET commits to uphold the highest level of personal and professional conduct amongst its staff, contractors, volunteers, board members and partners working in or visiting all programming contexts, particularly humanitarian settings, ensuring zero tolerance of all forms of sexual exploitation and abuse against affected populations and in times of conflict, disaster and occupation.

Policy statement

ASET does not tolerate any form of sexual exploitation and abuse, as well as bullying and a range of non-sexual abuse of power perpetrated by ASET employee and related personnel against any individual regardless of age, gender, sexuality, disability, religion or ethnic origin.

ASET commits to do all the needful for preventing programmes having any negative effects such as SEA by ASET employee and relate personnel against beneficiaries and members of the community. ASET takes seriously all the complaints and concerns about sexual exploitation and abuse and it initiates rigours investigation of complaints that indicates a possible violation of this policy, ASET Code of Conduct and ASET Ethical Code.

PSEA principles and commitments

Core Principles

1. Sexual exploitation and abuse by ASET 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. A specific Children Safeguarding Policy further set the principles and the operationalizing procedures and guidelines for guaranteeing children safeguarding in all domains of ASET action;
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 ASET 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 ASET employee and related personnel develops concerns or suspicions regarding sexual abuse or by a fellow worker, whether the individual works for ASET or for other organization, partners, suppliers or other related stakeholders, he or she must report such concerns through the means and tools available within the Organization. Supervisor body must be informed about all the concerns and suspicions, including rumors in good faith arisen about sexual exploitation and abuse;
6. All ASET 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.

When appropriate, ASET ensures to report for criminal prosecution and legal action to the competent authority in accordance with the applicable law and evaluates to take out proceedings as a civil damaged party.

Commitments

ASET 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 ASET employee 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 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 given to everyone who collaborates in any way with Cesvi. 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 Cesvi or benefits from its projects or programs;
- Reporting: Ensuring that all staff and those who work with ASET are clear on what steps to take where suspicions or concerns arise regarding allegations of sexual exploitation or abuse of adults in vulnerable populations where we work. Provide training and information to all Oxfam Employees and Related Personnel, particularly focal points for receiving complaints, to ensure they understand their obligations and how to discharge their duties should they receive a complaint. A particular emphasis should be made on confidentiality.
- ASET employee and related personnel are completely aware of the Core Principles contained in this Policy, and the related principles included in ASET Staff Code of Conduct, Ethical Code.

To identify and act upon potential or actual sexual exploitation and abuse by staff in a timely and systematic manner. In order to do so:

- ASET 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;
- ASET ensures to set protocols to properly inform the appropriate authority which is responsible for conducting investigations for sexual exploitation and abuse allegations in respect of national and foreign legislation;
- ASET 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;
- Complainants and survivors have the right to receive feedback on the development and outcome of their case, and to maintain lines of communication;
- ASET 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;

- ASET 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. ASET 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;
- ASET is responsible to ensure that all the thirdly party, included partners and suppliers are committed to respect the principles included in the SEA Policy, in addition to those explained in ASET Ethical Code. The acceptance of the SEA Policy by signature of a declaration form is a condition for undertaking any relation with ASET. For Partners, in case of missing of its own Protection to Sexual Exploitation and Abuse Policy, the following Policy must be incorporated into the contract and accepted by the Partner.

Annex 1: 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. For the purposes of these SOPs, persons who report SEA committed against themselves 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.

Beneficiaries of Humanitarian Assistance: A person who receives assistance as part of either emergency relief or development aid through assistance programmers. 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

Relate personnel: all employees of Cesvi, Cesvi Members, affiliates and collaborator in Country 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-Cesvi entities and their employees and individuals who have entered into partnership, sub-grant or sub-recipient agreements with Cesvi.

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 clarify 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.

Children and vulnerable adults

A child is any individual under the age of 18, irrespective of local country definitions of when a child reaches adulthood.

Vulnerable adults are defined as:

- ☐ those aged over 18 years and who identify themselves as unable to take care of themselves/protect themselves from harm or exploitation; or
- ☐ who, due to their gender, mental or physical health, disability, ethnicity, religious identity, sexual orientation, economic or social status, or as a result of disasters and conflicts, are deemed to be at risk.

• Child Exploitation and Abuse (involves one or more of the following)

Definitions of "sexual exploitation" and "sexual abuse" from the United Nations Secretary General's Bulletin: Special measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13).

a. Physical abuse

Physical abuse occurs when a person purposefully injures or threatens to injure a child or young person. This may take the form of slapping, punching, shaking, kicking, burning, shoving or grabbing. The injury may take the form of bruises, cuts, burns or fractures.

b. Emotional abuse

Emotional abuse is inappropriate verbal or symbolic acts toward a child or a pattern of failure over time to provide a child with adequate non-physical nurture and emotional availability. Such acts have a high probability of damaging a child's self-esteem or social competence.

c. Neglect

Neglect is the failure to provide a child (where they are in a position to do so) with the conditions that are culturally accepted as being essential for their physical and emotional development and well-being.

d. Child Sexual Abuse

Child sexual abuse is the involvement of a child in sexual activity that s/he does not fully comprehend, give informed consent to, or for which s/he is not developmentally prepared and cannot give consent, or that violates the laws or social taboos of society. It is evidenced by an activity between a child and an adult or another child who by age or development is in a relationship of responsibility, trust or power, the activity being intended to gratify or satisfy the needs of the other person. It may include, but is not limited to, the inducement or coercion of a child to engage in any unlawful sexual activity, the exploitative use of a child in prostitution or other lawful sexual practices or the exploitative use of pornographic performances and materials.

e. Grooming

Grooming generally refers to behaviour that makes it easier for an offender to procure a child for sexual activity. It often involves the act of building the trust of children and/or their carers to gain access to children in order to sexually abuse them. For example, grooming includes encouraging romantic feelings or exposing the child to sexual concepts through pornography.

f. Online grooming

Online grooming is the act of sending an electronic message with indecent content to a recipient who the sender believes to be less than 18 years of age, with the intention of procuring the recipient to engage in or submit to sexual activity with another person, including but not necessarily the sender.

• Adult sexual exploitation and abuse:

a. Sexual exploitation:

Any actual or attempted abuse of a position of vulnerability, differential power, trust, or dependency, for sexual or sexualised purposes. This includes the offer or promise of monetary, social, political benefits as an incentive or form of coercion.

b. Sexual abuse:

The threatened or actual physical intrusion of a sexual or sexualised nature, including inappropriate touching, by force or under unequal or coercive conditions, sexual assault and uninvited exposure to pornography, texts, images, and so on, the sharing of images, texts and so on, demands for sexualised photographs etc.

c. Adult sexual favours:

Any sexual or sexualised acts, in exchange for something such as money, goods, services, opportunities and so on. Also includes demands for inappropriate photographs, filming, and exposure to pornography and so on.

o Examples of prohibited behaviour:

- Engaging in relationships, which could be an abuse of trust, are abusive and/or exploitative.
- Your employees engaging in commercial sexual exploitation of a person, for example a hotel employee facilitating sexual abuse by hotel guests.
- Sexual assault.
- Forcing sex or someone to have sex with anyone.
- Forcing a person to engage in prostitution or production of pornography.
- Unwanted touching of a sexual nature.

Annex 2: Declaration of commitment for suppliers

ASET expects the same high standards from all of our partners, contractors, suppliers and all third parties working with or for ASET, including taking measures to prohibit their staff and representatives from engaging in any sexual exploitation and abuse in their working and person lives.

- - You must have a zero-tolerance policy on SEA and take all measures available to you to prevent and respond to any actual, attempted or threatened of sexual exploitation or abuse involving ASET staff or representatives, or your organisation's employees or representatives that arises during performance of the terms of this Agreement.
- - You must ensure that your staff members and those working with ASET under your control are fully aware of this policy and encourage them to report incidents of suspected, or actual, concerns of sexual exploitation and sexual abuse involving ASET staff or representatives, or your organisation's employees or representatives that arises during performance of the terms of this Agreement.
- - You must immediately report any suspicion or incident of sexual exploitation or abuse occurring in ASET, your organisation or sub-contractor in relation to your business partnership with ASET. Failure to report will be treated as serious and may result in termination of any agreement with ASET.
- - When you or any staff working for ASET under your control suspect or become aware of a safeguarding concern in relation to work for ASET, you are obliged to act quickly and immediately report suspicions or knowledge of a safeguarding concern or incident to a relevant contact at ASET (which could include the PSEA Focal Point, ASET Director/Board member); keep any information confidential between you and the person you report this to.
- - You will cooperate with ASET in any investigations of concerns reported under this Agreement, and keep ASET promptly updated on any concerns reported under this Agreement, including but not limited to actions taken by you in response.

Full name Date Signature _____