

Protection from Sexual Exploitation and Abuse (PSEA)



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I. POLICY STATEMENT

FSD (Fondation suisse de déminage) is a private, independent, non-profit international mine action organisation. As an innovative, inclusive and leading humanitarian mine action organisation, FSD focuses on empowering and protecting the most vulnerable of humanity by reducing the risks posed by mines and other explosive remnants of war as well as by environmental hazards.

As representatives of FSD, all staff are expected to uphold the highest standards of personal and professional conduct and integrity at all times to protect vulnerable persons from sexual exploitation and abuse (SEA). Any form of SEA by an FSD staff member constitutes a clear violation of FSD's Code of Ethics and Code of Conduct and is strictly prohibited. SEA inflicts harm on those we are obligated to protect, while at the same time jeopardizing the credibility of FSD.

FSD is committed to a zero-tolerance approach towards any form of sexual exploitation and abuse by FSD employees and related personnel against any individual regardless of age, gender, sexuality, disability, religion or ethnic origin. All FSD staff and related personnel are required to behave irreproachably with members of the community, fellow staff, and taking particular care with the most vulnerable groups: minors, women, the elderly, marginalized members of society, and persons with disabilities.

FSD aims to implement efficient policies, procedures, and systems to prevent and respond to SEA and commits to create a zero-tolerance culture against complacency and impunity that would affect members of the community, FSD staff and all affiliated stakeholders. FSD takes any reports about sexual exploitation and abuse seriously and initiates rigorous investigations of any complaint that indicates a possible violation of this policy, FSD's Code of Conduct and Code of Ethics.

II. POLICY SCOPE

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

This policy applies to, and is mandatory for, FSD's policy adherents who are defined as all FSD Board members, management staff, international and national staff, (full and part-time) in all FSD structures and programmes. The policy scope also covers volunteers, interns, consultants, contractors, all persons acting voluntarily on behalf of FSD, any current or potential suppliers of any sort of goods, services, or works, and all other people not included in the above-mentioned categories who have signed a contract with FSD.

FSD includes all components of the FSD Group: FSD (Fondation suisse de déminage) in Geneva, Switzerland; Crosstech S.A., a Geneva-based commercial subsidiary of FSD as well as the Association FSD France, based in Archamps, France. This also extends to any representative office of FSD in its global programmes and all locally registered FSD branch, charity or legal organisation bearing the FSD name.

FSD's partner organisations and suppliers are required to have similar PSEA commitments that meet minimum standards. If not, the contract must ensure that PSEA takes place and PSEA communication and training is extended to them.

III. KEY TERMS

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

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 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.

Protection from sexual exploitation and abuse (PSEA) – The measures taken by an organisation to protect beneficiaries and beneficiary communities from sexual exploitation and abuse by their own staff and associated personnel.

Survivor – A person who has SEA perpetrated against him/her or an attempt to perpetrate SEA against him/her. For the purposes of this policy, persons who report SEA committed against themselves are treated as survivors for the purposes of security, needs assessments and support.

Code of Conduct – A set of standards of behaviour that staff of an organisation are obliged to adhere to.

Complainant – The person making the complaint. This person can be the survivor of alleged SEA or a third party reporting the wrongdoing.

Whistle-Blower – For the purposes of this PSEA policy, a whistle-blower is a type of complainant, not the survivor, who is a staff member, intern, volunteer or anyone who reports misconduct, including sexual exploitation or abuse. As such, he or she may be entitled to protection under specified terms. (Refer to FSD's Whistle-Blower Policy)

Subject of complaint – The term used during the investigation process to refer to the staff member(s) against which the complaint, allegation or concern has been raised.

Zero-tolerance – FSD adheres to a strict approach which obliges all staff to report any concern or suspicion of sexual exploitation and abuse. It also refers to FSD's commitment to take seriously, and investigate, any allegation. Zero-tolerance does not mean an absence of SEA incidents, but the establishment of an environment in which sexual misconduct is reported, and such reports are treated seriously. Zero-tolerance is also an institutional approach by which evidence of SEA is considered gross misconduct and therefore results in immediate disciplinary measures.

IV. CORE PRINCIPLES

Proven sexual exploitation and abuse by FSD employees and related personnel constitute acts of gross misconduct and are therefore grounds for disciplinary actions and/or termination of an employment contract within the applicable and current regulations.

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 defence and in no way shall ignorance of the age of the person be accepted as a justification.

Exchange of money, employment, goods, food and shelter, or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour is prohibited. This

includes exchange for assistance that is due to beneficiaries.

Any sexual relationship between an FSD employee and a person benefitting from any of FSD's programme activities, such humanitarian mine action, that involves improper use of rank or position is prohibited. Such relationships undermine the credibility and integrity of FSD's humanitarian work.

When humanitarian workers or related personnel develop concerns or suspicions regarding sexual abuse by an individual, whether the individual works for FSD or another organisation, partners, suppliers or other related stakeholders, they are mandated to report such concerns through the means and tools available within FSD's reporting mechanisms.

All FSD employees are obliged to create and maintain an environment that prevents SEA and promotes the implementation of the Code of Ethics and Code of Conduct. Managers at all levels have particular responsibilities to support and develop systems which maintain this environment.

V. COMMITMENTS

1. Prevention

To prevent and mitigate the risk of SEA, FSD commits to:

- Ensure robust recruitment screening, vetting and referencing process for all personnel, particularly for persons who will have any direct or indirect contact with children by emphasizing clauses on PSEA throughout the employment cycle including job advertisements, job descriptions, performance contracts, written and verbal interview questions, and by carrying out thorough employer and professional references, background, and police checks.
- Ensure all new and existing employees sign FSD's Code of Conduct annually. The acceptance by signature of the FSD Code of Conduct is a condition for undertaking any relation with FSD.
- Communicate the key PSEA messages and reporting mechanisms at the signing of the contract and during induction and refresher training.
- Include sensitivity and commitment to PSEA in performance evaluation and other staff appraisals.
- Have clear and concise policies on SEA and sexual violence in the workplace. Programme staff are involved in the creation of key messages summarising PSEA, and the messages are written in a culturally appropriate way and in languages that can be understood by everyone in the organisation, implementing partners, and the public, clearly indicating who it applies to and consequences of violation.
- Provide a Code of Conduct that establishes, at a minimum, the obligation of all the staff and collaborators not to exploit, abuse or otherwise discriminate against community members and consequences for violations are in place and duly known to the intended recipients.
- Circulate the FSD Code of Ethics to all FSD staff and its affiliates. The FSD Code of Ethics contains the mission, vision, declaration of values and principles, set of rights, duties and responsibilities that it holds with whomever collaborates with FSD or benefits from its projects or programmes.
- Promote awareness of staff and related personnel on the Core Principles contained in this policy, the related principles included in FSD's staff Code of Conduct, Code of

Ethics, and provide at least an annual training session on PSEA and sexual violence in the workplace for new and existing staff recognizing and responding to risks and concerns at regularly scheduled intervals.

- Where applicable, include written expectations with respect to preventing and responding to SEA in our project agreements, contracts, memoranda of understandings etc.
- Appoint a dedicated PSEA coordinator at HQ level who's role is to ensure provision of adequate training to staff at the national and field level, stay current with cutting edge information on PSEA, develop and review policies and procedures, conduct research and disseminate findings to partners and stakeholders, represent the organisation in forums addressing PSEA locally, nationally and internationally, and who will monitor the implementation of the PSEA policy and procedures.

2. Reporting and Complaints Mechanisms

To enable survivors and other complainants to report cases of misconduct related to SEA, FSD commits to:

- Provide a general and direct reporting system at FSD Board level through a dedicated confidential email address (see FSD Whistleblower Policy).
- Nominate a PSEA focal person in each country programme to whom staff and community members can report concerns of SEA and get clarity on the reporting process. Ideally, PSEA focal persons should have positions that allow for regular interaction with beneficiary communities. They will be duly instructed on how to handle reports of complaints and be able to speak the local languages of the areas of operations. The roles and responsibilities of PSEA focal persons are clearly defined in their contracts and/or ToR and include:
 - Treating all SEA allegations and complaints with the utmost confidentiality;
 - Reporting all SEA allegations and complaints completely and truthfully to the FSD Board as the designated PSEA body tasked with identifying if the complaint warrants or not an investigation;
 - Induction training and annual refresher trainings on PSEA to staff;
 - Facilitation of awareness-raising in beneficiary communities;
 - Create and maintain an updated list of local service providers and/or contact with local GBV coordination mechanisms (i.e. GBV sub-cluster) for their respective country programmes;
 - Support to the development and/or implementation of reporting mechanisms.
- Adapt outlets to file complaints to best fit the needs of beneficiaries where each programme runs and to present them in a way that all groups, including children, understand. These should be designed by the respective PSEA focal persons in consultation with the FSD PSEA Coordinator.
- Provide country-specific reporting channels for beneficiaries. These should consider access to resources and services, as well as cultural sensitivities. Such reporting channels should also allow for people with different educational backgrounds, disabilities and language skills to file a complaint. They must be accessible, transparent, safe and confidential.
- Give complainants the free choice which of the provided reporting mechanisms they want to avail of.

- Protect the identity of complainants and survivors to the highest possible extent. Complainants are free to choose whether or not they want to disclose their identity. However, should a complainant decide to file an anonymous allegation, he or she must provide sufficient information so that a potential investigation has an adequate basis. All SEA allegations should be precise and detailed and, at a minimum, include the name and function of the alleged offender and the description of circumstances, events and timing.

It is mandatory that any report of SEA must be made in good faith. SEA allegations made with the intent to deceive may result in disciplinary measures aimed at the person reporting the alleged misconduct.

A person reporting a concern of SEA in good faith and with no ulterior motive will never be retaliated against, regardless of whether the claim is found to be true or not. All claims reported by staff will be treated with the utmost confidentiality to protect complainants, witnesses and subjects of complaint and hinder the spurring of rumours that could endanger the safety or reputation of staff. If deemed necessary, other actions can be taken to further protect complainants, witnesses and subjects of complaint from within the organisation from retaliation. These actions, to be taken with the free and informed consent of the complainants, may include:

- their temporary reassignment;
- transfer to another office or function for which the complainants are qualified;
- placement on special leave with full pay;
- any other protective measure to be determined according to FSD's, and the respective FSD programme's, ability to ensure the safety and well-being of reporting staff.

FSD will impose disciplinary measures for staff members retaliating against complainants, witnesses and subjects of complaints. Disciplinary measures are to be adapted respective to each country programme's context in accordance with national laws and labour laws. Local and international staff may be subject to different laws, and this will be considered when developing disciplinary measures. Such measures towards staff members who retaliated against complainants may include:

- loss of/withholding of up to three months' net base salary;
- written warning to be retained in the staff's personal record for up to five years;
- reduction of salary grade;
- suspension with partial or no pay for up to one month;
- termination of contract.

3. Investigations

All SEA related allegations and complaints will be initially reviewed at the independent Board level. The respective process for the investigation of individual cases will be defined by the FSD Board based on the available information. This can take a number of different forms, such as:

- Case merits external investigation and is handled by the Board representative.
- A joint committee is formed in Geneva by the Board representative to investigate, including FSD Director and possibly operations representative if appropriate.
- The case is referred to a joint committee involving the Programme Manager, Geneva HQ

and Board representative in order to collect more information and investigate as required.

FSD is committed to ensure that the investigation process is centred on the needs of the survivor of alleged SEA and considers their safety and most urgent needs during the investigation process.

Once a complaint is made, the complainant, the victim of alleged SEA, and the subject of complaint are formally informed about the steps of the investigation. The subject of complaint should be made aware of the specific allegations at stake, but under no circumstance should the identity of the victim of alleged SEA and/or other complainants be disclosed. The whole process is to be undertaken with the utmost discretion.

If the allegation appears to be serious and substantiated, the FSD Board will open a full investigation of the case, based on all available information, and by involving managers and staff at all hierarchical levels if necessary. Every case will vary and an individual investigation approach and method will be defined at this point. All staff members contacted during the investigation process will be informed that any breach of confidentiality will lead to disciplinary measures. If external witnesses are contacted during the investigation process, the importance of confidentiality is also explained to them.

FSD commits to guarantee throughout the whole procedure full confidentiality about the identity of the complainant and neither reveal his or her name during the investigation nor in the final report.

The investigating team will conclude their inquiry by drafting a comprehensive report about the case and deliver it to the FSD Board lead; this will then lead to any corrective action, sanctions and/or disciplinary actions against the offender – or close the file in case the findings have been unsubstantial.

Should the investigation find the subject of complaint guilty of sexually exploitative or abusive behaviour as defined in this policy, he or she will be sanctioned with appropriate disciplinary measures – in severe cases of SEA with the immediate termination of contract as well as a ban on any future contract or dealings with FSD. All such severe cases must also be carefully aligned and considered with the national laws and courts in the country of the offence.

4. Assistance

FSD adheres to a survivor-centred and rights-based PSEA approach. When a complaint is made through the PSEA focal person, or when the PSEA focal person is informed about a complaint, he or she or another designated professional carries out an assessment of the needs of the victim of alleged SEA and/or complainant, if these are two different individuals. The needs assessment should define their health and security needs, the resources they need, all measures taken to ensure their safety and the timeline for following up with them.

FSD commits to:

- Provide safety and security to programme staff, interns, volunteers, beneficiaries and other relevant stakeholders who are survivors of SEA regardless of age, gender, ethnicity, sexual orientation or disability to ensure they are not at increased risk of exploitation or abuse or pose a risk to others.
- Provide referral for medical and psychosocial assistance to survivors of SEA to include psychosocial counselling, peer support, victim advocacy, medical treatment (such as pregnancy prevention, medication for sexually transmitted infections (STIs), PEP kits),

and legal assistance.

- Conduct timely and transparent administrative investigations by developing guidelines, including principles for referring to local authorities and using a list of trusted and vetted investigators when they are needed.
- Work with local authorities to ensure criminal accountability and prosecution of perpetrators by providing evidence, testimonies, and/or being available when required.
- Promote organisational learning by ensuring that we learn from our efforts both successes and failures and those of others in the sector and by ensuring feedback is reflected on and acted upon.

VI. REFERENCES

UN Secretary-General's Bulletin on Special Measures for Protection from Sexual Exploitation and Abuse (ST/SGB/2003/13).

Inter-Agency Standing Committee (IASC), Six Core Principles Relating to Sexual Exploitation and Abuse, 12 September 2019.

Inter-Agency Standing Committee (IASC), Minimum Operating Standards for PSEA (MOS-PSEA).

UN Protocol on Allegations of Sexual Exploitation and Abuse Involving Implementing Partners, March 2018.

Secretary-General's Bulletin: Special Measures for Protection from Sexual Exploitation and Sexual Abuse (ST/SGB/2003/13) ("SG's Bulletin"), October 2003.

UN Secretary-General's Bulletin, Staff Rules and Staff Regulations of the United Nations (ST/SGB/2018/1), January 2018.

Inter-Agency Standing Committee (IASC), Plan of Action and Core Principles of Codes of Conduct on Protection from Sexual Abuse and Exploitation in Humanitarian Crisis, June 2002.

Inter-Agency Standing Committee (IASC), Statement of Commitment on Eliminating Sexual Exploitation and Abuse by UN and Non-UN Personnel, December 2006.

Inter-Agency Standing Committee (IASC), Minimum Operating Standards for PSEA (MOS-PSEA), January 2016.

Inter-Agency Standing Committee (IASC), "Global Review of Protection of Sexual Exploitation and Abuse from UN, NGO, IOM and IFRC personnel, July 2010.

Inter-Agency Standing Committee (IASC), Guidelines to Implement the MOS-PSEA, June 2013.