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# **ICDP Policy for protection from sexual exploitation and abuse (PSEA)**

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# 1. Introduction

## ICDP values and approach to PSEA

ICDP places human dignity at the centre of its development work and for this purpose we have developed a sensitization programme for caregivers that is based on scientific research and has empathy as its core value. ICDP's effort to spread the application of the ICDP programme, has at its heart the intention to improve adult-child interactions, including adults and children in marginalised communities.

ICDP Foundation delivers trainings for professionals in different parts of the world. This means that the ICDP programme is not implemented by the ICDP Foundation, but by its partner organizations. These organizations are often working with vulnerable adults and children, who are particularly at risk of sexual exploitation and abuse. This policy affirms ICDP's commitment to the welfare and protection from sexual exploitation and all forms of abuse of adults and children, involving ICDP trainers and facilitators of all its partner organizations.

ICDP's capacity to achieve its vision and mission depends upon the individual and collaborative efforts of all ICDP trainers and facilitators and of its partner organizations. To this end, all ICDP trainers and facilitators, and partner organizations must uphold and promote the highest standards of ethical and professional conduct and abide by ICDP's policies and procedures, including the PSEA policy.

ICDP culture is to have zero tolerance for all forms of abuse and mistreatment, including sexual exploitation and abuse, intimidation, harassment and bullying. ICDP partner organizations have to be committed to initiate rigorous investigation of complaints that indicate a possible violation of this policy and to take appropriate disciplinary action.

Sexual exploitation and abuse are a violation of fundamental human rights. In most cases, they are also a criminal act. ICDP policy is to demand ICDP partners to be committed to acting ethically and with integrity in all their work dealings and relationships and to implementing and enforcing effective systems and controls to ensure the exploitation and abuse of adults or children is not taking place anywhere in any ICDP project.

ICDP is committed to ensuring there is transparency in ICDP work and in the ICDP approach to preventing and responding to any safeguarding violations against adults and children throughout the ICDP network.

ICDP is also committed to ensuring the ICDP approach is consistent with national and international disclosure obligations, and shall comply with all applicable laws, statutes, regulations and codes from time to time in force, including:

- All relevant national laws related to protection from sexual abuse, violence and harm, and those outlining measures for reporting known or alleged cases of abuse;
- Applicable laws in the countries where ICDP operates;
- UN Secretary General's Bulletin: Special Measures for Protection from Sexual Exploitation and Abuse

Where the guidance in this policy conflicts with any applicable laws or regulations, the higher standard must be observed at all times.

## 2. Scope of Application and Responsibilities

### Scope

This policy applies to all board members, staff and trainers who have agreements directly with the ICDP foundation. It also applies to trainers, facilitators and related personnel of our partner organizations. By “related personnel” we mean personnel of ICDP partner organizations who are involved in the implementation of the ICDP programme.

### Responsibilities

- **ICDP trainers, facilitators and related personnel**

It is the responsibility of all ICDP trainers, facilitators and related personnel to uphold the core principles and commitments of this policy. They must sign the Statement of Consent. They share an obligation to prevent and respond to sexual exploitation and abuse and child abuse.

- **Human Resource Managers and supervisors of ICDP partner organizations**

Human Resource Managers and supervisors of ICDP partner organizations must ensure that all ICDP trainers, facilitators and related personnel understand and comply with this policy and sign its Statement of Consent. They are also responsible for robust recruitment, induction and training, and for performance management to prevent sexual exploitation and abuse, including child abuse.

- **ICDP Partner organizations**

ICDP partner organizations will ensure this policy is reflected in their own codes of conduct. They are responsible for defining workplans and procedures to uphold and operationalize this policy. ICDP trainers, facilitators and related personnel must have in place complaints and investigation procedures, and disciplinary procedures.

ICDP will provide the necessary support to partner organizations to ensure they have in place complaints mechanisms, investigations procedures, survivor assistance support, and guidelines for monitoring, review and reporting violations against this policy.

- **ICDP board**

The ICDP board members and the designated PSEA officer will coordinate oversight of this policy, including its review and updates, in collaboration with ICDP partner PSEA focal points or PSEA officers.

- **ICDP associated policies**

This policy is complementary to the set of standards of behaviour that all ICDP trainers, facilitators and related personnel are required to adhere to in the ICDP Code of Conduct Policy and Child Protection Policy Code and any further codes or related policies defined by ICDP.

This Policy is also a response to ICDP’s accountability to the communities it works with.

### 3. Definitions

- **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.<sup>1</sup>

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.

<sup>1</sup> *Definition of child from the InterAgency Standing Committee (IASC) Guidelines to implement Minimum Operating Standards for Protection from Sexual Exploitation and Abuse by UN and non-UN Personnel, March 2013.*

- **Child Exploitation and Abuse <sup>2</sup> (involves one or more of the following)**

<sup>2</sup> *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.

- **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.

## 4. Principles and Standards

### Six Core Principles<sup>3</sup>

In order to protect the most vulnerable populations, particularly vulnerable adults and children, and to ensure the integrity of ICDP activities, the following six Core Principles must be adhered to:

- **SEA constitute acts of gross misconduct**

Sexual exploitation and abuse, including child abuse by ICDP trainers, facilitators and related personnel constitute acts of gross misconduct and are therefore grounds for termination of the right to use the ICDP programme as defined in the “ICDP Terms for cooperation and agreements”.

- **Sexual activity with children is prohibited**

Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of the majority or age of consent locally. Mistaken belief in the age of the child is not a defence.

- **Exchange of money for sex is prohibited**

Exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour by ICDP trainers, facilitators and related personnel is prohibited.

- **Sexual relationship between trainers, facilitators and participants are discouraged**

Sexual relationships between ICDP trainers, facilitators, related personnel and ICDP programme participants are strongly discouraged since they are based on inherently unequal power dynamics. Such relationships undermine the credibility and integrity of ICDP's development work.

- **Concerns or suspicions must immediately be reported**

Where an ICDP trainer, facilitator or related personnel develops concerns or suspicions regarding sexual abuse or exploitation and child abuse by a fellow worker, whether in ICDP or not, he or she must immediately report such concerns via the established agency reporting mechanisms. <sup>4</sup>

<sup>4</sup> *The established complaints mechanism may at times be an internal ICDP mechanism however ICDP is also committed to participating in inter-agency community-based complaints mechanisms and therefore inter-agency complaints mechanisms may be the established system in some contexts.*

- **All are obliged to create an environment that prevents SEA**

ICDP partner organizations and all its ICDP related personnel, are obliged to create and maintain an environment that prevents sexual exploitation and abuse and child abuse and promotes the implementation of this Policy. Managers at all levels in ICDP partner organizations have particular responsibilities to support and develop systems, which maintain this environment.

<sup>3</sup> *The six Core Principles are from the UN Secretary-General's Bulletin on Special Measures for Protection from Sexual Exploitation and Abuse (ST/SGB/2003/13). They have been modified by ICDP to refer to child abuse and ICDP trainers, facilitators and related personnel.*

## **Standards**

This policy sets the minimum standards to be followed to protect ICDP programme participants and communities from sexual exploitation and abuse, including child abuse by ICDP trainers, facilitators and related personnel. All ICDP trainers, facilitators and related personnel must sign these standards. Standards are intended to provide an illustrative guide for partner organizations to make decisions that exemplify ICDP's Code of Conduct and core values in their professional and personal lives. Any violation of these Standards is a serious concern and may result in termination of the ICDP agreement for use of the ICDP programme by partner organization.

**1** ICDP trainers, facilitators and related personnel will not request any service or sexual favour from participants of the ICDP programme, children or others in the communities in which ICDP works, in return for protection or assistance, and will not engage in sexually exploitative or abusive relationships.

**2** ICDP trainers, facilitators and related personnel will not exchange money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour. This prohibition against exchange of money for sex means ICDP trainers, facilitators and related personnel may not engage the services of sex workers.

**3** ICDP trainers, facilitators and related personnel are strongly discouraged from having sex or engaging in sexual activities with ICDP programme participants because there is an inherent conflict of interest and potential for abuse of power in such a relationship. If an employee engages in sex or sexual activities with a programme participant, the employee must disclose this conduct to his /her supervisor for appropriate guidance. Failure to report such conduct may lead to disciplinary action pursuant to ICDP's policies and procedures.

**4** ICDP trainers, facilitators and related personnel must refrain from sexual activity with any person under the age of 18, regardless of the local age of consent, i.e. the local or national laws of the country in which the employee works. Ignorance or mistaken belief of the child's age is not a defence. Failure to report such a relationship may lead to disciplinary action pursuant to ICDP's policies and procedures.

**5** ICDP trainers, facilitators and related personnel will not support or take part in any form of sexual exploitative or abusive activities, including, for example, child pornography or trafficking of human beings.

**6** ICDP trainers, facilitators and related personnel will treat all children with respect and not use language or behaviour towards children that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate.

**7** ICDP trainers, facilitators and related personnel will not hire children for domestic or other labour which is inappropriate given their age or developmental stage, which interferes with their time available for education and recreational activities or which places them at significant risk of injury.

**8** ICDP trainers, facilitators and related personnel will protect, manage and utilise ICDP human, financial and material resources appropriately and will never use ICDP resources, including the use of computers, cameras, mobile phones or social media, to exploit or harass participants of the ICDP programme, children or others in the communities in which ICDP works.

**9** When photographing or filming a child for work-related purposes, ICDP trainers, facilitators and related personnel will:

- comply with local traditions or restrictions for reproducing personal images,
- obtain informed consent from the parent or guardian of the child, before photographing or filming a child, explaining how the photograph or film will be used,
- ensure photographs, films, videos and DVDs present children in a dignified and respectful manner and not in a vulnerable or submissive manner,
- ensure children are adequately clothed and not in poses that could be seen as sexually suggestive,
- ensure images are honest representations of the context and the facts, and
- ensure file labels do not reveal identifying information about a child.

**10** ICDP trainers, facilitators and related personnel must immediately report any concerns or suspicions they have regarding possible violations of this Policy by an ICDP trainer, facilitator and related personnel via ICDP's reporting mechanism.

**11** ICDP trainers, facilitators and related personnel will prevent, oppose and combat all exploitation and abuse of children.

**12** Wherever possible, ICDP trainers, facilitators and related personnel should work with another adult present when working with children.

**13** ICDP trainers, facilitators and related personnel must immediately disclose charges, convictions and other outcomes of an offence that relates to child exploitation and abuse including those under traditional law.

**14** Sensitive information related to incidents of sexual exploitation and abuse or child abuse whether involving colleagues, ICDP programme participants or others in the communities in which ICDP works shall be shared only with enforcement authorities and a member of the ICDP partner organization of



the appropriate seniority or function who have a need to know such information. Breach of this policy may put others at risk and should therefore result in disciplinary procedures.

**15** ICDP trainers, facilitators and related personnel must undertake to create and maintain an environment that promotes implementation of this policy.

**16** Directors, managers and supervisors of our partner organizations have particular responsibilities to support and develop systems that maintain an environment that facilitates implementation of this policy and which is free of sexual exploitation and abuse and child abuse.

## **5. PSEA framework**

**Prevention:** (see Appendix 1: “*PSEA-sensitive recruitment*” and Appendix 2: “*Risk-assessment*”)

1 Vetting: ICDP and partners commit to systematically vet all prospective job candidates in accordance with established screening procedures.

2 Training: ICDP and partners commit to hold mandatory induction and refresher trainings for ICDP trainers, facilitators and related personnel on the SEA policy and procedures.

**Response:** (see Appendix 3: “*Policy on reporting and investigating*” )

1 Reporting: ICDP and partners are committed to use safe, confidential and accessible mechanisms and procedures for personnel, beneficiaries and communities, including children, to report SEA allegations that and ensures that beneficiaries are aware of these.

2 Investigation: ICDP and partners have a process for investigation of SEA allegations in place and shall properly and without delay conduct an investigation of SEA by its employees or related personnel or refer to the proper investigative body if the perpetrator is affiliated with another entity.

3 Referral to National Authorities: If, after proper investigation, there is evidence to support allegations of SEA, these cases may be referred to national authorities for criminal prosecution.

4 Victim assistance: There is a system for trainers and ICDP trained staff in partner organizations to promptly refer SEA survivors to available services, based on their needs and consent.

**Cooperative arrangements:** (see “*ICDP Terms and agreements of cooperation*”)

1 All ICDP partnership agreements include a standard clause requiring all ICDP consultants/trainers, facilitators and related personnel of partner organizations to commit to a zero-tolerance policy on SEA and to take measures to prevent and respond to SEA.

2 The failure of those entities or individuals to take preventive measures against SEA, to investigate allegations thereof, or to take corrective action when SEA has occurred, shall constitute grounds for termination of the ICDP cooperative arrangement.

## 6. Commitments<sup>5</sup>

<sup>5</sup> The Commitments are based on the Statement of Commitment Relating to Sexual Exploitation and Abuse by UN and non-UN Personnel, August 2008

ICDP and partners are committed to preventing the sexual exploitation and abuse of adults, including through the following means:

**Awareness:** Ensuring that all ICDP trainers, facilitators and related personnel connected to ICDP are aware of the high standards of behaviour and conduct expected of them to protect adults from any form of sexual abuse and exploitation in their private and working lives.

**Prevention:** Ensuring, through awareness and good practice, that ICDP trainers, facilitators and related personnel who work with ICDP, minimise the risks of any form of sexual exploitation and abuse, including but by no means limited to conducting relevant vetting and background checks of staff as part of their recruitment process.

**Reporting:** Ensuring that all ICDP trainers, facilitators and related personnel who work with ICDP 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.

**Responding:** Ensuring that immediate action is taken to identify and address reports of sexual exploitation and abuse and ensure the safety and well-being of the person being sexually exploited or abused.

**Referral to national authorities:** If, after proper investigation, there is evidence to support allegations of sexual exploitation or sexual abuse, these cases may, upon consultation with the national office of legal affairs, be referred to national authorities for criminal prosecution.

ICDP is dedicated to fulfil the above listed principles and standards, including through implementation of the following commitments by its partner organizations:

**1** As partners you must have a zero-tolerance policy on SEA and take all measures available to prevent and respond to any actual, attempted or threatened of sexual exploitation or abuse involving ICDP trainers, facilitators or related personnel working in ICDP projects. And for this purpose, develop organization-specific strategies to prevent and respond to sexual exploitation and abuse, including child abuse. This also means incorporating appropriate job responsibilities (such as staff training, complaints and response mechanisms, and coordinating high-level oversight and progress reports) in specific staff positions to support and ensure effective implementation of organization strategies to prevent and respond to sexual exploitation and abuse.

**2** Undertake risk assessments to identify areas of risks and document steps that are being taken to remove or reduce these risks.

**3** Incorporate ICDP's standards on sexual exploitation and abuse and child protection in relevant codes of conduct and in induction materials and training courses for ICDP trainers, facilitators and related personnel, including specific provisions for child sexual exploitation and abuse.

**4** ICDP partner organization will ensure that when it is engaging in partnerships, sub-grant or sub-recipient agreements, these agreements a) incorporate this Policy as an attachment; b) include the appropriate language requiring such contracting entities and individuals, and their employees and volunteers to abide with a Code of Conduct that is pursuant to the standards of this Policy; and c) expressly state that the failure of those entities or individuals, as appropriate, to take preventive measures against sexual exploitation and abuse and child abuse, to investigate and report allegations thereof, or to take corrective actions when sexual exploitation or abuse or child abuse has occurred, shall constitute grounds for ICDP partner to terminate agreements for cooperation.

**5** ICDP partner will regularly inform ICDP trainers, facilitators and related personnel on measures taken to prevent and respond to sexual exploitation and abuse and child abuse. Such information should be developed and disseminated in-country in cooperation with other relevant agencies and should include details on complaint mechanisms, the status and outcome of investigations in general terms, feedback on actions taken against perpetrators, and follow-up measures taken as well as assistance available to complainants and survivors. Any information that is not of a general nature and concerns specific cases must respect confidentiality for all parties involved, including the survivor and family, trainer, facilitator or related personnel, and the ongoing investigation process, particularly where there are legal implications.

**6** ICDP partner is to ensure that complaint mechanisms for reporting sexual exploitation and abuse and child abuse are accessible and that ICDP focal points for receiving complaints understand how to discharge their duties. This should include a documented reporting procedure in a relevant local language for sexual exploitation and abuse and child abuse allegations and policy for non-compliance in, including available sanctions for breaches.

**7** ICDP partner will provide support and assistance to complainants of sexual exploitation and abuse or child abuse. This may include medical treatment, legal assistance and psychosocial support as appropriate and according to the wants and needs of the survivor whilst also taking account of confidentiality, cultural sensitivities and survivor safety.

**8** In compliance with applicable laws, ICDP partner will prevent perpetrators of sexual exploitation and abuse and child abuse from being (re)hired or (re)deployed. Managers and Human Resource teams of ICDP partner organizations must ensure robust recruitment screening processes for all personnel, *particularly for personnel who will have any direct or indirect contact with children*. This could include use of background and criminal reference/ record checks, verbal referee checks, and interview plans that incorporate behavioural-based interview questions.

**9** ICDP partner will investigate allegations of sexual exploitation and abuse and child abuse in a timely and professional manner. This includes the use of appropriate interviewing practices with complainants and witnesses, particularly with children. Engage professional investigators or secure investigative expertise as appropriate.

**10** ICDP partner will take swift and appropriate action, including legal action when required, against ICDP trainers, facilitators and related personnel who commit sexual exploitation and abuse and child abuse. This may include administrative or disciplinary action, and/or referral to the relevant authorities for appropriate action, including criminal prosecution, in the abuser's country of origin as well as the host country.

**11** ICDP partner will take appropriate actions to protect persons from retaliation where allegations of sexual exploitation and abuse or child abuse are reported involving ICDP trainers, facilitators and related personnel.

**12** ICDP partner will ensure high-level oversight and information systems on sexual exploitation and abuse and child abuse reports received and actions taken, in order to monitor effectiveness, report progress and improve efforts to prevent and respond to sexual exploitation and abuse and child abuse.

## **7. Contact:**

When in doubt about any aspects of the above PSEA policy, the ICDP partner may contact the ICDP foundation chair and the ICDP Foundation's PSEA focal point, Dr Karl-Peter Hubbertz, [karl.hubbertz@t-online.de](mailto:karl.hubbertz@t-online.de)

## **8. Related documents to this policy:**

1. *Secretary General's Bulletin*
2. *ICDP code of conduct*
3. *ICDP child protection policy*
4. *ICDP Terms and agreements of cooperation*
5. *ICDP Basic training procedures*
6. *ICDP Organization*

## 9. Statement of commitment

### STATEMENT OF COMMITMENT

#### to ICDP's PSEA Policy

#### **For ICDP Secretariat – staff, board members, officers, contractors, interns and volunteers**

"I, \_\_\_\_\_ (name of individual), have read and understood the standards and guidelines outlined in this PSEA Policy. I agree with the principles contained therein and accept the importance of implementing PSEA policies and practice while working with the International Child Development Programme.

*(Print name)*

*(Job title / role)*

*(Signature)*

*(Date)*

### STATEMENT OF COMMITMENT

#### to ICDP's PSEA Policy

#### **FOR INDIVIDUALS:**

"I, \_\_\_\_\_ [name of individual], have read and understood the standards and guidelines outlined in this PSEA Policy. I agree with the principles contained therein and accept the importance of implementing PSEA Policies and practice while working with ICDP.

*(Print name)*

*(Job title / role)*

*(Signature)*

*(Date)*

## STATEMENT OF COMMITMENT

### to ICDP's PSEA Policy

#### FOR ORGANISATIONS:

"I, \_\_\_\_\_ [name of individual], on behalf of \_\_\_\_\_ [name of organisation], have read and understood the standards and guidelines outlined in this PSEA Policy. \_\_\_\_\_ [name of organisation], agrees with the principles contained therein and accepts the importance of implementing PSEA Policies and practice in its work while implementing the ICDP programme.

On the understanding that ICDP will offer support for this implementation, \_\_\_\_\_ [name of organisation], commits to: (\* delete as applicable)

\* submitting its existing PSEA Policy to ICDP for assessment (or)

\* developing its own PSEA Policy for implementation while working with the ICDP programme.

\_\_\_\_\_ [name of organisation], is open to working with ICDP to explore the implications of this policy for its partners, and to work together to build mutual capacity to develop and implement PSEA Policies and practice.

The designated contact persons within ICDP, responsible for communication with ICDP on PSEA issues are Nicoletta Armstrong and Karl-Peter Hubbertz.

*(Print name)*

*(Job title / role)*

*(Signature)*

*(Date)*

## **APPENDIX 1: PSEA-sensitive recruitment**

This PSEA recruitment policy relates to ICDP and our partner organizations. By “partner organizations” or “partners” it is meant organizations that use the ICDP programme and have signed an agreement with the ICDP foundation.

Protection from SEA begins with the recruitment process of new staff-members or other personnel, who are occupied with any duties or tasks of the organization. Sensitive recruitment does not only apply to applicants who work directly with children or vulnerable adults, it also has to be considered when hiring administrative or maintenance personnel who normally have indirect contact to clients.

Within recruitment processes, our partners are requested to adhere to the following rules:

### **1. Partners should be clear on their organization's commitment to PSEA. This attitude will send a strong message to applicants and may deter perpetrators from applying.**

- The partner organization's commitment to PSEA should be stated in the job advertisement.
- Include a sentence to notify candidates that background and reference checks will be conducted.

### **2. Partner organizations should undertake a thorough reference check in every recruitment process.**

- Require applicants to self-declare prior issues of sexual or other misconduct, termination of past employment and criminal records.
- A minimum of two reference checks should be undertaken. One should be from the candidates' most recent employer.
- Consider a pastoral or character reference. This can be from a religious leader or from a person of high standing in the community. These references attest to the candidate's general conduct and behaviour in both professional and personal life.
- A criminal record check (CRC) and other background checks (f.e. via internet) are absolutely mandatory in those cases where the risk of SEA is greatest, such as positions that will have direct contact with children or vulnerable adults.

By screening the background and job history of applicants, you only can sort out a small percentage of possible perpetrators. Therefore:

### **3. In recruitment interviews, pick out as a central theme your organization's special concern on PSEA.**

- Ask candidates interview questions about ethical behaviour. Put a focus on the regulation of closeness-distance-balance with clients, the implications of power and dependence in close relationships and about the creation of a safe environment.
- Ask for "difficult situations" in these contexts and try to find out how the applicant would behave.
- Point clearly to your PSEA clause in employment contracts and to your Code of Conduct, including when subcontracting, and outline disciplinary measures in the event of proven SEA allegations.
- Outline the importance of a good work-life-balance and self-care if applicants shall be working with children and vulnerable adults.
- Reflect your own personal "blind spots" belonging to SEA before entering an interview.

**4. Ensure that your organization has a systematic and transparent approach how to plan and realize a recruitment process.** This makes it easier not to miss any relevant information about the risk of SEA, considering and comparing different candidates.

- Develop a clear guide for your screening procedure, including checks on references, certificates and personal and occupational records.
- Develop a standardized guide for the interview situation.
- Make a structured report of every single interview.
- Invite the candidate for trial work.
- Discuss the qualification and aptitude of every applicant in your team, particularly under the aspect of PSEA.

**5. Partner organizations should be rigorous in adhering to their misconduct policies when following up concerns of SEA**

- Undertake a thorough investigation of any trustworthy SEA allegation
- Ensure that documentation of investigations and any disciplinary measures on personnel, including dismissals, are complete and stored centrally and confidentially
- Avoid re-hiring them at a later point in time
- Systematically share relevant information of personnel known to have committed SEA with other potential employers during background checks, to the extent legally possible.
- Raise awareness amongst staff on investigations and following procedures. This will increase staff understanding and support of complainants and whistle-blowers.

**References:**

- UNICEF, PSEA-toolkit. 1. April 2020.
- Inter-Agency Standing Committee (IASC) Task Force on PSEA, Challenges and options in improving recruitment processes in the context of Protection from Sexual Exploitation and Abuse (PSEA) by our own staff. UNDP, 11/21/2013.
- Fegert, Jörg et al., Schutz vor sexueller Gewalt und Übergriffen in Institutionen. Springer:Berlin 2018.



## Appendix 2: PSEA Risk-Assessment

Risk-assessment of SEA is a key element of Prevention and Protection. It requires a dialogue between all actors of a partner organisation or an ICDP training situation about possible risk-situations in specific settings. It serves as a basis to take decisions about the implementation of rules and processes to guarantee the fundamental rights of children and vulnerable adults in a safe environment.

The prerequisite for each risk-assessment is the existence of a "culture of awareness" in organizations or other professional settings. This concept comes from so called "high reliability organizations" such as fire Departments or Nuclear Power Plants. People in these organizations have developed a high sensitivity for what are correct processes in their organization, but also a clear view of factors that are signaling problems or violations of rules.

ICDP partner organizations, working with children and young people, are comparable with "high reliability organizations". They need a culture of awareness to protect their beneficiaries. A positive culture for Protection of SEA consists of the following elements:

- Specific dealing with faults, which is context-oriented and open to speak out without fearing any negative sanctions
- Participatory approach to find out and define problems and risks
- Precise knowledge of organizational processes and structures
- Positive attitude towards fundamental rights of children and adults and
- Safeguarding of choice-, voice- and exit-options

"Choice" means, that every child or vulnerable adult can always choose if he wants to find himself in a specific situation.

"Voice" indicates the possibility for children and adults to raise their voice and speak out. (see reporting and complaint mechanisms).

"Exit" means the possibility for beneficiaries in every situation or setting to get out.

Given a culture of awareness, risk-assessment seeks to find out about situations which hinder or destroy possibilities of choice, voice and exit. These are particularly the following situations:

- Where daily interactions of closeness and distance are not regulated and become problematic
- Where specific behaviour of professionals produces unnecessary dependency, abuse of power as well as violating or crossing personal limits,
- Where fundamental rights of children and adults are neglected.

The creation of a safe environment and a climate of openness and transparency is a main task of each partner organization. It is the responsibility of organizational **management to follow** this objective by initiating and establishing a qualified risk-assessment. This assessment has to take place continuously and needs a steady updating. It must ensure a participation of all staff and clients and should be well structured. And it must lead to clear conclusions and measures to be taken to enlarge protection and safety.

Therefore, risk-assessment is a process-oriented organizational development. After initiating this process, for an implementation the following steps are needed:

- Presentation of the assessment-plan to all people who are involved

- Naming and rating of risk-situations in a group-oriented procedure
- Evaluation of results
- Presentation of the assessment in public
- Drawing conclusions and taking measures for better protection

A central element of this process, are so called "focus groups" who discuss relevant risk-situations. These should be mixed groups, consisting of beneficiaries, staff and management persons. This participatory approach guarantees a wide range of findings, an active involvement of participants and a climate of shared responsibility.

Regarding different areas of risk-factors, focus groups can use check-lists such as:

- Profile of beneficiaries (for example, mental disorder, specific disabilities, race/ ethnicity, migration status, traumatic experiences, baby- or toddler age, no contact to family or relatives, emotional neediness).
- Profile of personnel (for example, gender balance, multi-professional team, sufficient induction training, clear definition of duties and competencies, regular personnel interviews and feedback).
- Care-relationship (for example, possibility of unattended exclusive contacts between employees and children/ adults, unattended and separate rooms, close nursing care-activities, rooms of privacy, confidential relations between personnel and child/adult, excursions with children or youth)
- Handling of professional faults, participation and complaints (for example, transparent lines and rules of decision-taking, clear rules how to deal with misbehaviour of colleagues or beneficiaries, willingness for critique, can violations of limits be articulated and discussed?).

A participatory risk-assessment uses different methods to activate all people of a key-group. Some examples are:

- Brainstorming and rating via card queries
- Mapping with pins: A site map of the institution/ organization is marked with green, yellow and red pins by the beneficiaries, symbolizing rooms of security and wellbeing, rooms of avoidance and rooms of fear and danger,
- Traffic light model: participants are categorizing behaviour-samples as "no Go" (red), "Don't" (yellow) and "Go" (green). No go-behaviour is totally unacceptable and not allowed, "Don't" is related to undesirable behaviour that needs further explanation and negotiation, "Go" means behaviour which is desirable and welcomed.

Risk-assessment can also be adjusted to ICDP trainings. Here it is the task and responsibility of trainers, facilitators and participants to become sensitive for possible risk-situations. They can name and define such situations, consider positive or negative ways of dealing with them and reflect on solutions for difficult cases. Selected issues could be: risks of role play, risks of home visits, risks of private relations between participants or trainer and participants.

Risk-assessment in our partner organizations or in ICDP-settings are not a matter of single action or limited time. It is a steady process of inviting and activating, analysing, preventing, intervening and working up of past incidents. Carefully planned and put into practice, it can minimize real incidents of SEA. Therefore,

such assessment processes are the core element of prevention not only of SEA, but also of other breaches of wellbeing of children and vulnerable adults. A proper risk-assessment needs preparation, training and experience. The big agencies for children's aid or psychosocial services offer such trainings - trainers, facilitators and other ICDP-related personnel should make use of them.

### **References:**

- Unicef, PSEA Toolkit. 1. April 2020, 22-25, 57-58.
- Wolff, Mechthild et al. (2018), Die Gefährdungsanalyse - das zentrale Element von Schutzkonzepten. In: Oppermann, Carolin et al., Lehrbuch Schutzkonzepte in pädagogischen Organisationen. Beltz Juventa Weinheim, 79-95.
- Oppermann, Carolin et al. (2018), Methoden zur partizipativen Durchführung von Gefährdungsanalysen. In: Oppermann, Carolin et al., Lehrbuch Schutzkonzepte in pädagogischen Organisationen. Beltz Juventa: Weinheim, 192-203.
- König, Elisa et al. (2018), Arbeitsblatt 2: Gefährdungsanalyse. In: Fegert, J. et al., Schutz vor sexueller Gewalt und Übergriffen in Institutionen, Springer: Berlin, 461-472.

## **Appendix 3: Reporting and Investigating alleged SEA**

### **1. POLICY ON REPORTING SEA**

#### **Introduction: who is this policy for**

This policy applies to all ICDP (by ICDP here it is meant the ICDP foundation) board members, staff, and international trainers who are holding training workshops on behalf of the ICDP Foundation. This policy is also binding for facilitators, trainers and related personnel of partner organizations. A partner organization is an organization that is working with the ICDP programme and has signed an agreement with the ICDP foundation. The beneficiaries of the ICDP programme are caregivers, parents and their children who attend the ICDP sessions run by facilitators and with trainer supervision.

ICDP provides direction, training agenda and training modules to ensure that the partner organizations and their trainers, facilitators and related personnel working with the ICDP programme understand their responsibilities and can apply this policy in their areas of work.

All partners, trainers, facilitators and related personnel who are implementing the ICDP programme, are responsible for upholding, respecting and acting in accordance with this policy and four-yearly signing that they have updated their knowledge on the topic. It is their duty and their responsibility, to report in line with this policy any suspicions or incidences of inappropriate behaviour.

At the beginning of an ICDP training, the ICDP trainer or facilitator is obliged to inform participants about whom to address in case of SEA complaints or any other concerns. In the best case, this should be one confidential person from inside the organization and another external confidential person.

ICDP and its partner organizations are obliged to arrange case-by-case support for victims, including access to medical and psychological support. Victims are able to choose if and when they would like to take up the support options available to them.

Through this policy, ICDP and its partner organizations seek to provide a safe environment through which trainers, facilitators and related personnel, parents, caregivers and children, can voice a concern, without fear of reprisal or unfair treatment (non-retaliation/ whistle-blowing principle). These instructions apply to the handling of complaints unless they are in conflict with compulsory country legislation in which case the mandatory legislation should be followed.

There should be a fast-track process for dealing with complaints about SEA and other gross misconduct issues. The complainant should receive confirmation of receipt of the report, within 2 working days. A preliminary outcome of an investigation where possible, should be communicated within 60 days after acknowledgment of the report. In complex or exceptional cases, the investigation period may take longer. Any investigation may result in disciplinary hearings and disciplinary action. Allegation of gross misconduct will result to immediate suspension of this person from work until investigation is concluded. Gross misconduct includes issues such as corruption, sexual or any other form of exploitation, violence, abuse and criminal acts.

Details of how to process a SEA complaint:

## Complaints Mechanisms

This mechanism provides the means by which a SEA complaint is received, documented, and referred to by either the ICDP Foundation or any partner organization. See Complaint Referral Charts on page 4, 5,6.

The following is the procedure developed in line with the IASC Draft Model Complaints and Investigation Procedures and Guidance Related to Sexual Exploitation and Abuse.<sup>1</sup>

<sup>1</sup> *IASC Draft Model Complaints and Investigation Procedures and Guidance Related to Sexual Exploitation and Abuse.*

a) The first point of contact when board, staff, trainer, facilitator or related personnel receives a SEA complaint (or needs to report a SEA incident him/herself) is the designated Child Protection and PSEA officer inside the organization.

b) If the Child Protection and PSEA designated officer in the organization who receives the complaint genuinely believes that the organization's established reporting route is compromised, or that s/he would be victimized or s/he has no confidence in the local management structure, then the complaint should be raised directly with a focal point of another NGO or a UN agency. Another NGO or UN agency would be contacted in cases when the complainant genuinely believes that raising the matter within his/her organization would not be effective, or could result in further victimization, or if s/he has already disclosed the matter to the organization but no effective action has been taken.

d) The complaint should be recorded or written using a standard Complaint Referral Form, (see pages 7,8,9). It should be signed and dated. The PSEA officer or focal point must ensure that the individual who makes a complaint is informed of the policy on confidentiality. A written consent should be obtained from the complainant regarding the information that will be made available to others within the complaint management system.

e) The PSEA officer should confirm receipt of complaint to complainant within 2,3 working days.

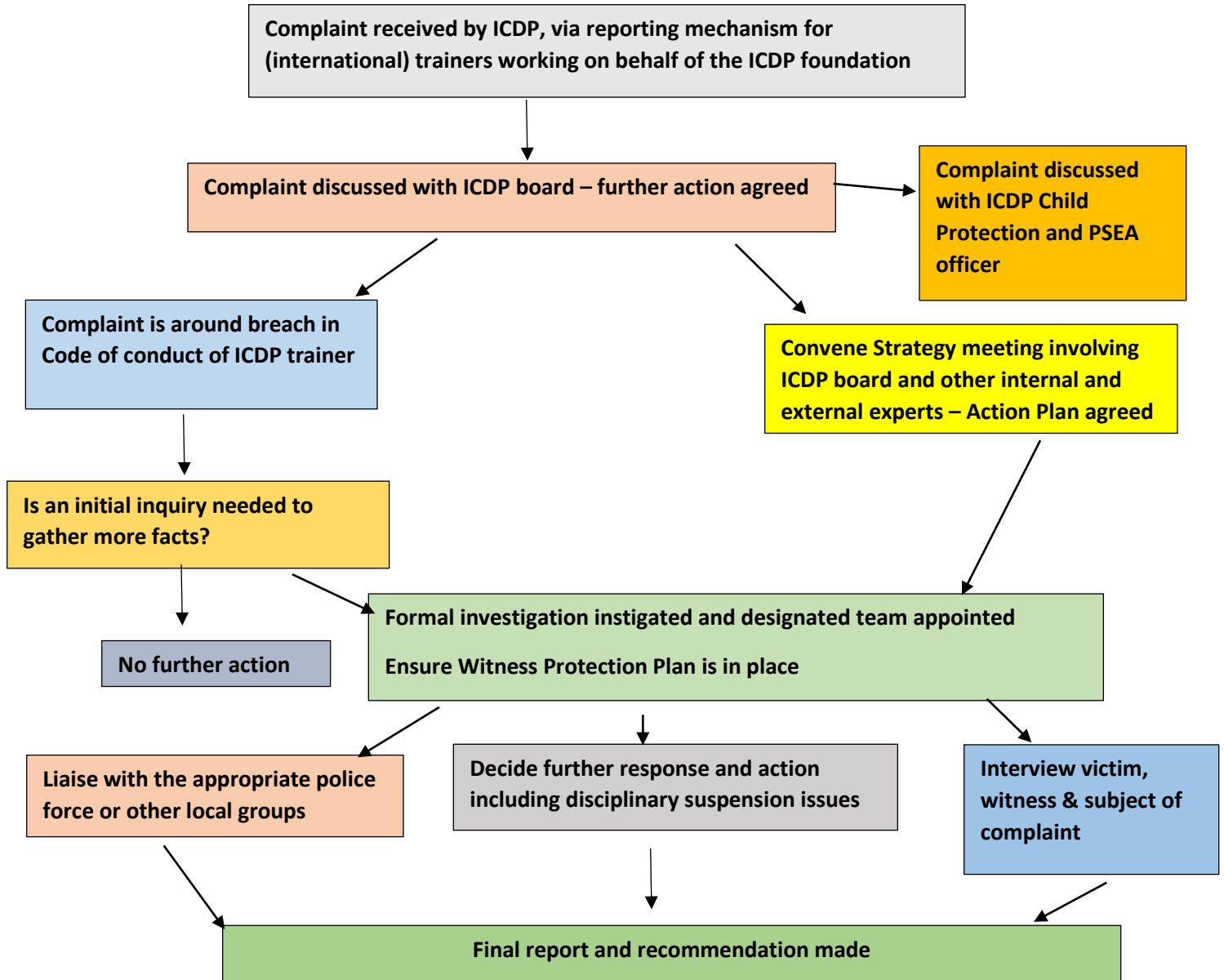
f) The PSEA officer or focal point who received the complaint, in consultation with relevant colleagues, should consider the appropriate steps to take, including the initiation of preliminary inquiry or an investigation as per PSEA Investigation Procedures.

\*\*\*

On the following pages, there are two different complaint referral charts:

1. The first chart refers to the ICDP Foundation as the receiver of the complaint
2. The second one refers to ICDP partner organizations

## COMPLAINT REFERRAL CHART (ICDP FOUNDATION)



## The ICDP foundation contact:

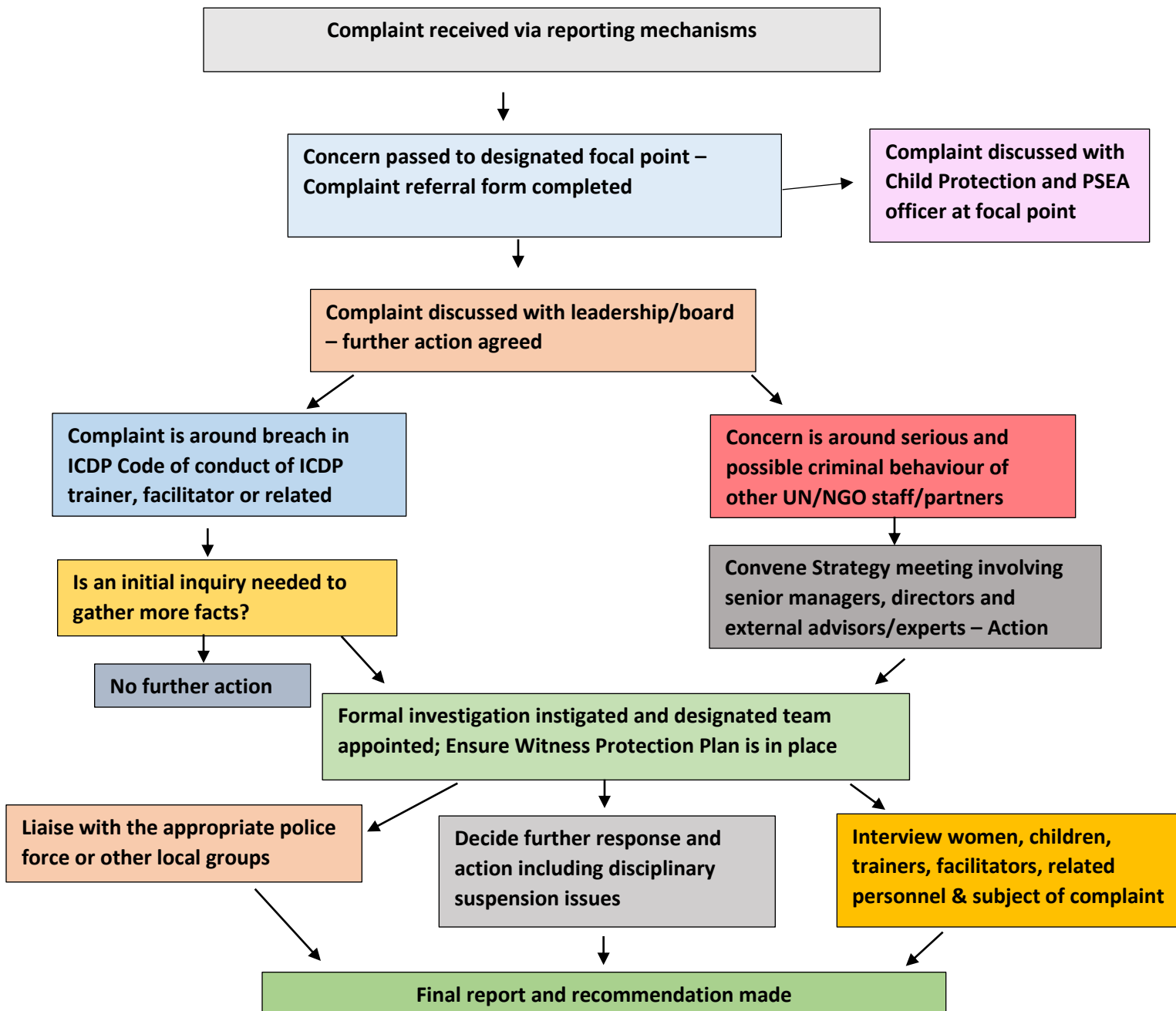
ICDP deals with concerns that may arise at ICDP trainings conducted by ICDP international trainers who have agreements with the foundation.

ICDP contact to report a concern about an adult or child participant in an ICDP training workshop or staff, trainer, facilitator or related personnel, is the ICDP Child Protection and PSEA officer Dr Karl Peter Hubbertz: tel. +49 1757495002 Email: karl.hubbertz@t-online.de

If you believe an adult or child is at risk of serious harm, please contact the police.

- a) If you're in Norway and you believe an adult or child to be at immediate risk of significant harm, contact the police:  
(+47) 02800 (emergency phone number: 112), to report someone to the police, if someone is in danger or for advice.
- b) Crisis centres in Norway provide protection, security and guidance for women, men and children who experience abuse in close relations. They provide help and a place to stay.  
[https://www.krisesenter.com/finn-ditt-senter/Alarmtelefonen \(emergency hotline\) for children and young people](https://www.krisesenter.com/finn-ditt-senter/Alarmtelefonen_(emergency_hotline)_for_children_and_young_people) Tel.: 116 111
- c) If you need to report online child sexual abuse or concerns about the way someone has been communicating with a child online, you can contact: <http://rosa-help.no/> Tel. 22 33 11 60 (24h call line that provides assistance to victims of human trafficking). They answer both questions in general and specific inquiries.

## COMPLAINT REFERRAL CHART (PARTNER ORGANIZATIONS)



### Contact of Partner Organization:

Partner organizations deal with concerns that may arise at ICDP trainings conducted by ICDP trainers or facilitators. To report a concern about an adult or child participant in an ICDP training workshop or about staff, trainer, facilitator or related personnel, is the ICDP Child Protection and PSEA officer of the specific partner organization.

- If the training is conducted by an employee of a partner organization, the complainant should contact the PSEA officer of this organization,
- If the training is conducted by a self-employed trainer or facilitator, the complainant should contact the PSEA officer of the National ICDP organization or a specified local resource person.

At the beginning of an ICDP training, the ICDP trainer or facilitator is obliged to inform participants about whom to address in case of SEA complaints or any other concerns. In the best case, this should be one confidential person from inside the organization and another external confidential person.



**COMPLAINTS REFERRAL FORM (SEXUAL EXPLOITATION AND ABUSE)**

Name of Complainant: \_\_\_\_\_

Ethnic origin/Nationality: \_\_\_\_\_

Address/Contact details: \_\_\_\_\_ Identity no: \_\_\_\_\_ Age: \_\_\_\_\_ Sex: \_\_\_\_\_

Name of Victim (if different from Complainant): \_\_\_\_\_

Ethnic origin/Nationality: \_\_\_\_\_

Address/Contact details: \_\_\_\_\_ Identity no: \_\_\_\_\_ Age: \_\_\_\_\_ Sex: \_\_\_\_\_

Name(s) and address of Parents, if under 18:  
\_\_\_\_\_

Has the Victim given consent to the completion of this form? YES NO

Date of Incident(s): \_\_\_\_\_ Time of Incident(s): \_\_\_\_\_ Location of Incident(s): \_\_\_\_\_

Physical & Emotional State of Victim (Describe any cuts, bruises, lacerations, behaviour, and mood):  
\_\_\_\_\_  
\_\_\_\_\_

Witnesses' Names and Contact Information:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Brief Description of Incident(s) (Attach extra pages if necessary):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name of Accused person (s): \_\_\_\_\_ Job Title of Accused person(s): \_\_\_\_\_

Organization Accused person(s) Works For: \_\_\_\_\_

Address of Accused person(s) (if known): \_\_\_\_\_

Age: \_\_\_\_\_

Sex: \_\_\_\_\_

Physical Description of Accused person(s):  
\_\_\_\_\_  
\_\_\_\_\_

Name of Accused person (s): \_\_\_\_\_ Job Title of Accused person(s): \_\_\_\_\_

Organization Accused person(s) Works For: \_\_\_\_\_

Address of Accused person(s) (if known): \_\_\_\_\_

Age: \_\_\_\_\_

Sex: \_\_\_\_\_

Physical Description of Accused person(s):  
\_\_\_\_\_  
\_\_\_\_\_

Have the police been contacted by the victim? YES NO

If yes, what happened?  
\_\_\_\_\_  
\_\_\_\_\_

If no, does the victim want police assistance, and if not, why?

Has the victim been informed about available medical treatment? YES NO  
If Yes, has the victim sought Medical Treatment for the incident? YES NO  
If Yes, who provided treatment? What is the diagnosis and prognosis?

What immediate security measures have been undertaken for victim?

Who is responsible for ensuring safety plan (Name, Title, Organisation):

Any other pertinent information provided in interview (including contact made with other Organisations, if any):

Details of referrals and advice on health, psychosocial, legal needs of victim made by person completing report:

Any other pertinent information provided in interview (including contact made with other Organisations, if any):

Details of referrals and advice on health, psychosocial, legal needs of victim made by person completing report:

Report completed by: \_\_\_\_\_  
Name Position/Organisation

Date Time Location

Has the Complainant been informed about the Organisation's procedures for dealing with complaints? YES NO

Signature/thumb print of Complainant signalling consent for form to be shared with ICDP:

Complainant's consent for data to be shared with other entities (check any that apply):

Police \_\_\_\_\_ Camp leader (name) \_\_\_\_\_  
Community Services agency \_\_\_\_\_

Health Centre (name) \_\_\_\_\_ Other (Specify) \_\_\_\_\_

Date Report forwarded to partner organization: Received by:

Name: Position: Signature:

## 2. INVESTIGATION PROCEDURES

Investigating allegations is essential to implementing the ICDP zero-tolerance policy. It is important to deploy or hire experienced, impartial and trained investigators – see below on page 29, the *Terms of Reference for Investigator of SEA Allegations*.

Equally, it is important to Identify and manage conflicts of interest by verifying that personnel and external experts involved in the investigation do not have personal or professional relations to the survivor, witnesses, complainants/whistleblowers, or the alleged perpetrator or have a vested interest in the outcome of the investigation, which may compromise their objectivity. If and when organizations become aware of such a conflict of interest, they should immediately remove the concerned individual from the case, stop them from further contact with all parties involved in the case, and request them to agree in writing to keep information on the case confidential.

Organizations who have strong PSEA policies that include disciplinary measures against perpetrators, but lack the internal capacities or resources needed to conduct or oversee the needed investigations could work with relevant donors and/or other partner organizations to identify options to meet their needs and capacities (e.g. using pro-bono legal services, requesting a partner to sponsor/deploy investigator(s)).

Confidentiality should be maintained at all times during this process, with information shared only with other staff on a need-to-know basis in order to protect those directly involved as well as the integrity of the process. See below on page 30, the *Confidentiality Reminder for SEA Investigations*

- a) Any investigation that is undertaken must be completed, regardless of whether the alleged perpetrator is still an ICDP trainer, facilitator or related personnel. In the event that a complaint does not warrant a full investigation, the ICDP foundation or partner organization may nonetheless take a number of steps to address concerns in other ways, for example by addressing matters of poor practice via training, a change in working arrangements, or a change in procedures.
- b) ICDP and/or partners will inform the subject of the complaint against him or her. He or she should be given an opportunity to answer the allegations in writing and to produce evidence to the contrary. ICDP trainers, facilitators or related personnel may be faced with barriers to complaining. They may fear that they are wrong about a complaint, suspicion, or rumour. He or she should be reassured that in ICDP reporting is mandatory. Mandatory reporting makes individuals less responsible for the “trouble” they may be perceived as causing, since it removes discretion to report.
- c) If the complaint involves staff of other UN agencies, NGO partners, military personnel, or non-staff personnel, such agencies must be informed of the complaint via established mechanisms. Where the complaint involves personnel of more than one agency, consideration should be given to conducting a joint investigation in the interests of information and resource sharing, as well as limiting the number of interviews necessary. This would be coordinated through a joint strategy meeting, convened immediately to discuss the complaint and agree on a course of action.
- d) If the complaint involves allegations against persons who could be UN staff or partners, even when the precise affiliation of the person(s) is unknown, the matter should be referred to an inter-agency network, and consideration should be given to conducting an inter-agency investigation to ensure that “rumours” are addressed expeditiously.

## **Outcome of investigation**

The internal investigation by ICDP and/or partner organization may lead to the following results:

- The allegations are considered as established by the persons in charge of the investigation process. The investigation report should be sent to the leadership of the partner organization who will take the appropriate administrative/disciplinary action.
- Due consideration and assistance should be given to the complainant to seek legal redress from the competent authorities in the host country or in the country of the nationality of the perpetrator when such legal remedies are actionable.
- The decision reached as the result of the disciplinary process of the agency will automatically be inserted in the personal administrative file of the perpetrator and will be communicated to any prospective employer seeking a reference for this person.
- Should the allegations be insufficiently established or unfounded, the person will be officially notified that he/she has been cleared. If the allegation was made known to some of this person's colleagues, the PSEA Child Protection and PSEA officer will take appropriate action to inform those colleagues about the decision of clearance.

## Terms of Reference for Investigator of SEA Allegations

Background [Include brief description of the SEA allegation and other relevant information that may support the investigation.]

**1. Purpose and Objectives** The purpose of this investigation is to conduct a thorough, objective and effective investigation of the above-mentioned reported SEA allegations and other related incidents, in accordance with professional standards and best international practice. Specific objectives are to:

- 1) Assess whether the allegations reasonably amount to SEA, and possibly, an offence under national law;
- 2) Review evidence presented and gather further evidence that might support or undermine the allegations;
- 3) Present a summary of the evidence and conclusions.

**2. Scope of Work** Key deliverables are:

- Work plan, including detailed methodology of investigation (e.g. review of relevant documents, site visit(s), interviews with relevant stakeholders)
- Recommended plan of actions for protecting survivors, witnesses, alleged perpetrators and the organization during investigation process
- Investigation report, including
  - 1) Executive Summary
  - 2) Introduction
  - 3) Allegations (i.e. listing all allegations; names of the organization's policies/code of conduct and laws potentially violated)
  - 4) Investigative approach (e.g. interviews, review of documents)
  - 5) Chronology of events
  - 6) Analysis of evidence
  - 7) Retaliation and protection risks (and steps taken to address them)
  - 8) Analysis of adequacy of organization's response to SEA allegation
  - 9) Conclusions regarding evidence to substantiate or not the allegation(s)
  - 10) Recommendations (including areas of improvement for the organization's response to PSEA)

**3. Key Required Skills and Experiences**

- Experienced, reliable professional investigator with experience in dealing with highly sensitive cases
- Trained in conducting interviews, including with children and people who experienced trauma
- Demonstrated sensitivity and knowledge to cultural diversity and gender issues, including GBV experience if possible
- Fluent in relevant languages for interviews with personnel and other witnesses, including (specify)
- Proven communication and organizational skills

## Confidentiality Reminder for SEA Investigations

You have been asked to provide assistance in an investigation of allegations of sexual exploitation or abuse involving personnel that is currently being undertaken. You may be interviewed, asked to provide documents, computer files and other records, or asked to assist in some other way. Internal investigations are a key part of our organization's commitment to preventing and responding to sexual exploitation and abuse.

As a participant in an investigation, there are certain points you need to know:

1. **Co-operate.** You are encouraged to co-operate with the investigations and respond to all questions and requests from investigators honestly and fully.
2. **Keep it confidential.** You must keep confidential the fact that an investigation is underway and anything discussed with you as part of the investigation.
3. **No retaliation.** Our organization does not tolerate any type or threat of retaliation against anyone who reports a violation or cooperates in an investigation.
4. **Don't play detective.** Do not try to carry out your own inquiries or exhort witnesses as this may disrupt the ongoing investigation.
5. **No obstruction.** Never attempt to interfere with or obstruct an investigation.

Your compliance with these requirements is imperative. Violations can potentially result in severe discipline up to and including discharge and referral to criminal charges.

Thank you very much for assisting the organization with its investigation. If you learn or remember anything else that might be relevant to the investigation, or if you have any questions please contact me.

Name:

Email:

Phone:

Mobile:

## Follow-up to investigations

- a) Victims/survivors should have access to assistance regardless of decisions by organizations or others to investigate the case and regardless of the outcome of an investigation. Survivors are also not required to identify the perpetrator or prove that they are survivors of SEA to access services. Appropriate organizations should account for the protection and support needs of witnesses, complainants, alleged perpetrators and other individuals connected to the case.
- b) There has to be an updated list of local service providers, which should provide options for both children and adult survivors where relevant (e.g. names of a paediatric and adult medical care provider). In many cases, organizations can use or adapt the mapping of existing GBV and CP services and referral pathways of relevant inter-agency bodies, such as the in-country PSEA Network and in-country GBV and CP coordination groups. Especially in cases involving children, organizations should also consult with UNICEF country offices.<sup>1</sup> The table below provides an overview of the types of services survivors may need.

Type of service	Description
<b>Safety</b>	<ul style="list-style-type: none"> <li>Immediate safety or protection measures for survivors and witnesses to address the risk of retaliation or further violence, such as survivor safety planning, safe shelter (i.e. space that offers temporary safety to individuals fleeing harm), relocation support</li> </ul>
<b>Medical care</b>	<ul style="list-style-type: none"> <li>Medical care, including post-exposure prophylaxis (PEP) to prevent HIV ((within 72 hours of possible exposure); treatment for Sexually Transmitted Infections (STIs), pregnancy care, emergency contraception</li> </ul>
<b>Psychosocial support</b>	<ul style="list-style-type: none"> <li>Mental health care, emotional and practical support, either individually or community-based</li> </ul>
<b>Legal services</b>	<ul style="list-style-type: none"> <li>Legal assistance services, including free legal counselling, legal representation and other support (Note: If possible, such legal representation and support should be provided independently from the alleged perpetrator’s employer.)</li> </ul>
<b>Basic material assistance</b>	<ul style="list-style-type: none"> <li>Provision of food, clothing, shelter, school re-integration and livelihood support to the survivor</li> </ul>
<b>Support for children born as a result of SEA</b>	<ul style="list-style-type: none"> <li>Medical and psychosocial care and pursuit of paternity and child support claims, in conjunction with relevant national governments</li> </ul>

<sup>1</sup> In some cases, organizations may also be able to access additional funding to provide specialized services through the Trust Fund in Support of Victims of Sexual Exploitation and Abuse (the “Trust Fund”) established by the Secretary-General. For more information on the Trust Fund, see: <https://conduct.unmissions.org/remedial-trust-fund>

## Procedure to guide the referral process

Those involved in the process need to be adequately trained on how to safely and confidentially refer GBV/SEA cases for assistance, including those cases involving children.

If organizations are unable to conduct the referral process on their own, they should contact external and pre-identified GBV or CP service providers or organizations for support.

If possible, the process should entail referring the survivor first to a case manager or social worker, who can then facilitate referral to other appropriate services. They should provide them with updated referral forms – see below:

## **REFERRAL FORM**

**CONFIDENTIAL: Please restrict access to this document and keep it stored safely.**

Note: Please share copies of filled out referral forms with the survivor and receiving agency and keep a copy for the organization's internal records and follow-up.

Referring agency	
Agency/org:	Contact:
Phone:	Email:
Location	

Receiving agency	
Agency/org:	Contact:
Phone:	Email:
Location	

Survivor information	
Name:	Phone:
Address:	Age:
Sex	Nationality:
Language:	ID number
If survivor is a minor (under 18)	
Name of primary caregiver:	Relationship to child:
Contact information for caregiver:	Is child separated or unaccompanied? <input type="checkbox"/> Yes <input type="checkbox"/> No
Caregiver is informed about referral? <input type="checkbox"/> Yes <input type="checkbox"/> No (If no, explain)	



**Background Information/Reason for referral and services already provided**

Has the survivor been informed of the referral?

Yes  No (If no, explain below)

Has the survivor been referred to any other organization?

Yes  No (If yes, explain below)

**Services requested**

Mental Health Services

Protection Services

Shelter

Psychosocial Support

Legal Assistance

Material Assistance

Social Services

Education

Nutrition

Medical Care

Livelihood Support

Support for children born as a result of SEA

Please explain any requested services:

**Consent to release information. (Read with survivor/ caregiver and answer any questions before s/he signs below. Sign on behalf of survivor/caregiver if consent is given verbally and survivor/caregiver cannot sign.)**

I, \_\_\_\_\_ (**survivor name**), understand that the purpose of the referral and of disclosing this information to \_\_\_\_\_ (**name of receiving agency**) is to ensure the safety and continuity of care among service providers seeking to serve the client. The service provider, \_\_\_\_\_ (**name of referring agency**), has clearly explained the procedure of the referral to me and has listed the exact information that is to be disclosed. By signing this form, I authorize this exchange of information.

Signature of responsible party (survivor or caregiver if a child):

Date (DD/MM/YY):

**Details of Referral**

Any contact or other restrictions?  Yes  No (If yes, please explain below)

Referral delivered via:  Phone (emergency only)  E-mail  Electronically (e.g., App or database)  In Person

Follow-up expected via:  Phone  E-mail  In Person. By date (DD/MM/YY):

Information agencies agree to exchange in follow up:

Name and signature of recipient:

Date received (DD/MM/YY):

## **Appendix 4: Terms of Reference (ToR) for partner organization PSEA Focal Point<sup>2</sup>**

Terms of Reference for partner organizations, where by partner organizations it is meant organizations that work and implement the ICDP programme with adults and children and that have signed an agreement with the ICDP foundation.

### **Protection from Sexual Exploitation and Abuse (PSEA) Focal Point**

#### **1. Purpose**

The purpose of the partner organization PSEA focal point is to have a designated staff member who supports senior management in coordinating the development and implementation of PSEA policy and procedures. Where possible, the partner organizations should consider having at least two focal points in each office, including one female and one male focal point.

#### **2. Scope of Work**

Key roles and responsibilities of PSEA focal points include:

##### **Prevention**

- Conduct periodic assessments of partner organization's PSEA policies and practices and suggest improvements to senior management.
- Conduct training and awareness-raising sessions on PSEA for all personnel on a regular basis.
- Work with trainers, facilitators and related personnel on PSEA-related aspects, including ensuring that all personnel sign the code of conduct and that screening for past SEA violations is a regular part of the recruitment process.
- Facilitate awareness-raising campaigns with beneficiaries and local communities on the definition of SEA, the standards of conduct expected of personnel, and the various mechanisms for raising SEA allegations or concerns, including contact details.

##### **Reporting allegations of SEA**

- Manage the development of internal procedures for personnel to report incidents of sexual exploitation and abuse safely and confidentiality.
- Receive reports of SEA allegations and related information and coordinate the response according to relevant procedures.
- Report concerns or issues with PSEA implementation to senior management.

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<sup>2</sup> Adapted from various sample ToR, including Terms of Reference for in-country Network on Protection from Sexual Exploitation and Abuse by UN/NGO/IGO Personnel, produced by the ECHA/ECPS UN and NGO Task Force on Protection from Sexual Exploitation and Abuse, November 2008; Terms of Reference for Focal Points on Protection from Sexual Exploitation and Abuse by individuals providing humanitarian services within the Syrian refugee emergency response Jordan, produced by PSEA Network Jordan, March 2016.

### **Response to SEA allegations**

- Once a complaint is received, coordinate the response of partner organization, including referral of SEA survivors for immediate, professional assistance and referral of the case for further investigations to [name of partner organization's entity responsible for handling internal investigations].

### **Other responsibilities**

- Coordinate PSEA activities with relevant organizations, including inter-agency initiatives, as appropriate.
- Support senior management in implementing other PSEA-related activities, as appropriate.

## **3. Competencies and Experiences**

- Proven integrity, objectivity and professional competence
- Demonstrated sensitivity and knowledge of cultural and gender issues; experience in GBV programming is preferred
- Fluent in locally relevant language
- Demonstrated experience of working directly with local communities
- Proven communication skills

Upon appointment, the focal point will undergo organization-specific training on PSEA, as soon as feasible.

## Appendix 5: PSEA Training Agenda

ACTIVITY	EST. TIME	RESOURCES
<b>INTRODUCTION</b>		
<p><b>Welcome and introduction</b></p> <ul style="list-style-type: none"> <li>• Introduction of trainer(s) and learners</li> <li>• Overview of training agenda</li> <li>• Expected learning outcomes</li> </ul>	<b>15 min</b>	<ul style="list-style-type: none"> <li>• Handout: Training agenda</li> </ul>
<b>SESSION 1: UNDERSTANDING SEXUAL EXPLOITATION AND ABUSE</b>		
<p><b>Presentation: Key definitions and concepts</b></p> <ul style="list-style-type: none"> <li>• Definition of SEA</li> <li>• UN Zero-Tolerance Policy on SEA</li> <li>• Roles and responsibilities of personnel in preventing and responding to SEA</li> </ul>	<b>15 min</b>	<ul style="list-style-type: none"> <li>• Handouts: Copies of SG’s Bulletin (<a href="#">ST/SGB/2003/13</a>), organization’s code of conduct and other relevant documents</li> </ul>
<p><b>Case scenarios: Is this SEA?</b></p> <ul style="list-style-type: none"> <li>• Present practical scenarios and discuss which ones may be cases of SEA and why</li> </ul>	<b>45 min</b>	
<p><b>Group exercise: Impacts of SEA</b></p> <ul style="list-style-type: none"> <li>• Ask learners to identify the (potential) consequences of SEA on a) the survivor(s), b) the community, c) the organization, and d) others</li> </ul>	<b>30 min</b>	
<b>SESSION 2: TAKING ACTION AGAINST SEA</b>		
<p><b>Presentation: Overview</b></p> <ul style="list-style-type: none"> <li>• Overview of responses to SEA (prevention, reporting, investigation and referral)</li> <li>• Guiding principles (including survivor-centered approach)</li> </ul>	<b>20 min</b>	<ul style="list-style-type: none"> <li>• Handout of relevant tools of UNICEF’s <i>PSEA Practical Guide Toolkit for UNICEF and Partners</i> (e.g. organizational self-assessment, action plan template, PSEA risk assessment and</li> </ul>

		mitigation)
<b>Group discussion: Prevention</b> <ul style="list-style-type: none"> <li>Discuss how to identify and mitigate risks of SEA in their context (What are warning signs? Why are they ignored? What more can the organization do to prevent SEA?)</li> </ul>	<b>45 min</b>	
<b>Presentation: Reporting</b> <ul style="list-style-type: none"> <li>Mandatory reporting</li> <li>How to report SEA allegations, including confidentiality issues and "the best interest of the child"</li> <li>Protections for those reporting SEA allegations</li> </ul>	<b>20 min</b>	<ul style="list-style-type: none"> <li>Handout with contact information of reporting channels and policy for protecting whistleblowers and/or complainants</li> </ul>
<b>Presentation: Investigations</b> <ul style="list-style-type: none"> <li>Overview of investigation process</li> <li>Consequences for personnel if allegations are substantiated</li> <li>Responsibilities of personnel to fully participate in any investigation</li> </ul>	<b>15 min</b>	
<b>Presentation: Assistance</b> <ul style="list-style-type: none"> <li>Service needs of survivors (and witnesses)</li> <li>Survivor-centered approaches and informed consent</li> <li>Referral pathways</li> </ul>	<b>10 min</b>	
<b>CONCLUSIONS</b>		
<b>Conclusions</b> <ul style="list-style-type: none"> <li>Summary of key learnings</li> <li>Ask each learner to provide at least one answer to the question: "How do you plan to apply what you just learned in your work?"</li> <li>Feedback on training</li> </ul>	<b>20 min</b>	Feedback forms



9 October 2003

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## **Secretary-General's Bulletin**

### **Special measures for protection from sexual exploitation and sexual abuse**

The Secretary-General, for the purpose of preventing and addressing cases of sexual exploitation and sexual abuse, and taking into consideration General Assembly resolution 57/306 of 15 April 2003, "Investigation into sexual exploitation of refugees by aid workers in West Africa", promulgates the following in consultation with Executive Heads of separately administered organs and programmes of the United Nations:

#### **Section 1 Definitions**

For the purposes of the present bulletin, the term "sexual exploitation" means 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. Similarly, the term "sexual abuse" means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

#### **Section 2**

##### **Scope of application**

2.1 The present bulletin shall apply to all staff of the United Nations, including staff of separately administered organs and programmes of the United Nations.

2.2 United Nations forces conducting operations under United Nations command and control are prohibited from committing acts of sexual exploitation and sexual abuse, and have a particular duty of care towards women and children, pursuant to section 7 of Secretary-General's bulletin ST/SGB/1999/13, entitled "Observance by United Nations forces of international humanitarian law".

2.3 Secretary-General's bulletin ST/SGB/253, entitled "Promotion of equal treatment of men and women in the Secretariat and prevention of sexual harassment", and the related administrative instruction<sup>1</sup> set forth policies and procedures for handling cases of sexual harassment in the Secretariat of the United Nations. Separately administered organs and programmes of the United Nations have promulgated similar policies and procedures.

## Section 3

### **Prohibition of sexual exploitation and sexual abuse**

3.1 Sexual exploitation and sexual abuse violate universally recognized international legal norms and standards and have always been unacceptable behaviour and prohibited conduct for United Nations staff. Such conduct is prohibited by the United Nations Staff Regulations and Rules.

3.2 In order to further protect the most vulnerable populations, especially women and children, the following specific standards which reiterate existing general obligations under the United Nations Staff Regulations and Rules, are promulgated:

(a) Sexual exploitation and sexual abuse constitute acts of serious misconduct and are therefore grounds for disciplinary measures, including summary dismissal;

(b) Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief in the age of a child is not a defence;

(c) Exchange of money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour, is prohibited. This includes any exchange of assistance that is due to beneficiaries of assistance;

(d) Sexual relationships between United Nations staff and beneficiaries of assistance, since they are based on inherently unequal power dynamics, undermine the credibility and integrity of the work of the United Nations and are strongly discouraged;

(e) Where a United Nations staff member develops concerns or suspicions regarding sexual exploitation or sexual abuse by a fellow worker, whether in the same agency or not and whether or not within the United Nations system, he or she must report such concerns via established reporting mechanisms;

(f) United Nations staff are obliged to create and maintain an environment that prevents sexual exploitation and sexual abuse. Managers at all levels have a particular responsibility to support and develop systems that maintain this environment.

3.3 The standards set out above are not intended to be an exhaustive list. Other types of sexually exploitive or sexually abusive behaviour may be grounds for administrative action or disciplinary measures, including summary dismissal, pursuant to the United Nations Staff Regulations and Rules.

## Section 4

### **Duties of Heads of Departments, Offices and Missions**

4.1 The Head of Department, Office or Mission, as appropriate, shall be responsible for creating and maintaining an environment that prevents sexual exploitation and sexual abuse, and shall take appropriate measures for this purpose. In particular, the Head of Department, Office or Mission shall inform his or her staff of the contents of the present bulletin and ascertain that each staff member receives a copy thereof.

4.2 The Head of Department, Office or Mission shall be responsible for taking appropriate action in cases where there is reason to believe that any of the standards listed in section 3.2 above have been violated or any behaviour referred to in section

3.3 above has occurred. This action shall be taken in accordance with established rules and procedures for dealing with cases of staff misconduct.

4.3 The Head of Department, Office or Mission shall appoint an official, at a sufficiently high level, to serve as a focal point for receiving reports on cases of sexual exploitation and sexual abuse. With respect to Missions, the staff of the Mission and the local population shall be properly informed of the existence and role of the focal point and of how to contact him or her. All reports of sexual exploitation and sexual abuse shall be handled in a confidential manner in order to protect the rights of all involved. However, such reports may be used, where necessary, for action taken pursuant to section 4.2 above.

4.4 The Head of Department, Office or Mission shall not apply the standard prescribed in section 3.2 (b), where a staff member is legally married to someone under the age of 18 but over the age of majority or consent in their country of citizenship.

4.5 The Head of Department, Office or Mission may use his or her discretion in applying the standard prescribed in section 3.2 (d), where beneficiaries of assistance are over the age of 18 and the circumstances of the case justify an exception.

4.6 The Head of Department, Office or Mission shall promptly inform the Department of Management of its investigations into cases of sexual exploitation and sexual abuse, and the actions it has taken as a result of such investigations.

## **Section 5**

### **Referral to national authorities**

If, after proper investigation, there is evidence to support allegations of sexual exploitation or sexual abuse, these cases may, upon consultation with the Office of Legal Affairs, be referred to national authorities for criminal prosecution.

## **Section 6**

### **Cooperative arrangements with non-United Nations entities or individuals**

6.1 When entering into cooperative arrangements with non-United Nations entities or individuals, relevant United Nations officials shall inform those entities or individuals of the standards of conduct listed in section 3, and shall receive a written undertaking from those entities or individuals that they accept these standards.

6.2 The failure of those entities or individuals to take preventive measures against sexual exploitation or sexual abuse, to investigate allegations thereof, or to take corrective action when sexual exploitation or sexual abuse has occurred, shall constitute grounds for termination of any cooperative arrangement with the United Nations.



## **Section 7**

### **Entry into force**

The present bulletin shall enter into force on 15 October 2003.

*(Signed)* Kofi A. **Annan**

Secretary-General

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