

Policy on Protection from Sexual Exploitation and Abuse (PSEA)

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INTRODUCTION

IMAGIN strictly follows the concept of 'zero tolerance' in the case of sexual exploitation and abuse (SEA). IMAGIN will never tolerate the engagement of its staff, associates, partners or any other representatives associated with, in any form of sexual exploitation or abuse. Vulnerable adults, women and children are particularly at risk of sexual exploitation and abuse. IMAGIN is committed to protecting all communities that the organization works with from sexual exploitation and abuse at all times. Please see definitions for a full outline that is included in the community.

The purpose of the PSEA Framework, including the policy, procedures and resources, is to establish an outline of the importance of the framework and clear procedures. The PSEA Framework also affirms IMAGIN's commitment for protection from sexual exploitation and abuse. While conceptualizing PSEA Framework along with the policy, IASC's six core principles were taken into consideration as-

1. "Sexual exploitation and abuse by humanitarian workers constitute acts of gross misconduct and are therefore grounds for termination of employment.
2. Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief regarding the age of a child is not a defence.
3. Exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour is prohibited. This includes exchange of assistance that is due to beneficiaries.
4. Any sexual relationship between those providing humanitarian assistance and protection and a person benefitting from such humanitarian assistance and protection that involves improper use of rank or position is prohibited. Such relationships undermine the credibility and integrity of humanitarian aid work.
5. Where a humanitarian worker develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same agency or not, he or she must report such concerns via established agency reporting mechanisms.
6. Humanitarian workers are obliged to create and maintain an environment which prevents sexual exploitation and abuse and promotes the implementation of their code of conduct. Managers at all levels have particular responsibilities to support and develop systems which maintain this environment."

This policy itself ensures that all IMAGIN staff, associates, and partners are aware of their role and responsibilities in keeping communities and stakeholders safe from any form of sexual exploitation or abuse. The policy clarifies definitions and responsibilities regarding prohibited behaviour and the associated PSEA procedures outline the reporting and investigation processes.

Accountability Statement

IMAGIN follows this policy very seriously, and the mandate prohibiting any form of sexual exploitation and abuse comes from IMAGIN Executive Team and Board of members (It's a kind of focal panel). The PSEA policy applies to all IMAGIN staff, associates, and partners who must comply with its requirements and understand the sanctions that may be applied for breaches of the policy. Where required by law or local practices, IMAGIN or field office may enhance the standards as set out in this policy. This commitment will be evidenced through signing the policy and the Code of Conduct by all. Training of the various issues related to sexual exploitation and abuse (SEA) in this policy is mandatory to all IMAGIN staff, associates, and partners for smooth execution and adherence.

Finally, the members of IMAGIN are accountable for the active implementation of the policy. The President, Secretary and other executive members of IMAGIN along with the staff are responsible for its implementation. It is the responsibility of all representatives of IMAGIN to raise any concerns regarding sexual exploitation and abuse. IMAGIN recognizes all concerns and complaints seriously and initiates a comprehensive investigation of complaints that are in violation of this policy and take disciplinary and possibly legal action as warranted.

Definitions

Child and vulnerable adults

A child is any individual under the age of 18, irrespective of local country definitions of when a child reaches adulthood¹

Physical Abuse

Physical abuse occurs when a person purposefully injures or threatens to injure a child or vulnerable adult. 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.

Child 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.

Neglect

Neglect is the failure to provide a child or vulnerable adult with the conditions that are culturally accepted as being essential for their physical and emotional development and well-being.

Vulnerable Adult Abuse

A Vulnerable Adult is defined as someone "who is or may be in need of community care services by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation". Vulnerable Adult Abuse can take many forms including: physical, sexual, psychological, financial/ material, discriminatory, domestic abuse and self-neglect²

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

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

² Department of Health and Social Care No Secrets: guidance on protecting vulnerable adults in care

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

Grooming

Grooming is behavior that an offender uses to procure sexual activity from a child. It can include building trust with children and/or their carers to gain access to children to sexually abuse them

Online Grooming

Grooming may be in person as above, or online where the groomer sends electronic messages with the goal of engaging the child in sexual activity

Coercion

Coercion covers a whole spectrum of degrees of force. Apart from physical force, it may involve psychological intimidation, blackmail or other threats. For instance, threats of being dismissed from a job or of not obtaining a job that is sought. It may also occur when a person is unable to give consent. For example, while drunk, drugged, asleep or mentally incapable of understanding the situation³

Sexual Exploitation

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 another⁴

Modern Slavery

Slavery is a situation where a person exercises (perceived) power of ownership over another person. Related terms include forced labour, which covers work or services that people are not doing voluntarily but under threat of punishment; human trafficking, which involves deceptive recruitment and coercion; and bonded labour, which is demanded in repayment of a debt or loan. Modern slavery encompasses a spectrum of labour exploitation, ranging from the mistreatment of vulnerable workers to human trafficking to child labour and forced sexual exploitation.⁵

Sexual Violence

Sexual violence is:⁶

1. Any sexual act or attempt to obtain a sexual act

³ World Health Organization *World Report on Violence and Health* (2002)

⁴ *Ibid*

⁵ Oxfam PSEA Policy 2018

⁶ World Health Organization definition 2012

2. Unwanted sexual comments or advances or acts to traffic that are directed against a person's sexuality using coercion by anyone, regardless of their relationship to the victim, in any setting, including at home and at work.

Three types of sexual violence are commonly distinguished: sexual violence involving intercourse (i.e. rape), contact sexual violence (i.e. unwanted touching, but excluding intercourse) and noncontact sexual violence (i.e. threatened sexual violence, exhibitionism and verbal sexual harassment). While coerced sex may result in sexual gratification for the perpetrator, its underlying purpose is to express power and dominance over the other person⁷

Child Marriage

The custom of marrying young children, particularly girls, is a form of sexual violence as children are unable to give or withhold consent.

Sexual Harassment

Sexual harassment includes 'unwelcome sexual advances, requests for sexual favors, and other conduct that creates a coercive, hostile, intimidating, or offensive work environment'.⁸ The harassment of a sexual nature may be directed to a person of the same or opposite sex.

The key elements are that the behaviour is **uninvited**, **unreciprocated** and **unwelcome** and causes the person involved to feel threatened, humiliated or embarrassed. The behaviour may also be determined to be sexual violence and harassment

Communities

The communities that IMAGIN works with includes, but isn't limited to, health service providers at facilities, outreach facilities, frontline health workers, any other service providers, women, men, girls, boys, people with special needs, vulnerable adults and marginalized groups.

IMAGIN staff refers to individuals who receive a regular salary for work in any part of IMAGIN, including all Country Offices, Field Offices, Headquarters and any other location where IMAGIN operates.

IMAGIN associates refers to a range of paid and non-paid individuals who have committed to work with or support IMAGIN. It includes volunteers, interns, and consultants and contractors.

⁷ World Health Organization Global Status Report on Violence Prevention (2014)

⁸ SEXUAL HARASSMENT IN THE HUMANITARIAN CONTEXT Dr. Linda Wagener, Senior Consulting Psychologist, Headington Institute April 25, 2012

IMAGIN managers refer to IMAGIN staff who have responsibility for line managing or supervising the work of IMAGIN staff or IMAGIN associates.

IMAGIN partners refer to staff and/or representatives of partner organizations and local governments when operating in partnership agreement with IMAGIN.

Policy Approach

This policy details how IMAGIN achieves its obligations and applies to all staff, associates and partners regardless of their location.

Framework Principles

This policy and the entire Safeguarding Framework are guided by the following principles:

Safeguarding

IMAGIN is committed to all community members as outlined in the definitions as having the right to safeguarding and protection from sexual exploitation and abuse irrespective of ability, ethnicity, faith, gender, sexuality, and culture. A key principle within this policy is that all processes are survivor led. IMAGIN commits to survivors leading the complaint process where it is possible and appropriate to do so.

Shared Responsibility

For the PSEA policies and practices to be effective in reducing the risks to beneficiaries and communities, IMAGIN shares the responsibility for implementation and improvement according to the evolved ToR. As such, a failure at one level of the organization constitutes a failure at all levels of the organization. This is an essential part of organizational management and effective HR system

Effective Communication

IMAGIN effectively communicates policy matters with all staff, associates, and partners in simple and accessible language either through oral transactions and/or with a well-developed communication material to create a positive and accessible culture where responsibilities for PSEA are clear.

Continuous Improvement

IMAGIN provides assessment, reflection and feedback mechanisms to inform the organisation of any improvements that can be made to policies and practices like a detailed reporting mechanism for SEA related incidents in the PSEA policy.

These mechanisms include quarterly incident reviews, regular safeguarding audits, as well as regular policy review and refresher training.

Dignity and Respect

IMAGIN creates an enabling environment where the principles of dignity and respect for all staff, associates, and partners, in all locations are at the heart of what the organization does. Being non-judgmental when hearing the concerns and complaints of survivors of sexual exploitation and abuse is the core value of the organization.

Zero Tolerance

IMAGIN strictly follows the rules of 'zero tolerance' for any forms of sexual exploitation and abuse.

Confidentiality

IMAGIN is committed to maintain confidentiality and information is not shared outside of the Safeguarding Committee unless it is absolutely necessary, and the safety of the person involved is a major concern.

Policy Implementation

Policy Map

This policy guides IMAGIN staff through the definitions of sexual exploitation and abuse according to the UN's guidelines as well as governance and responsibilities. The associated procedures and resources provide information on how to report any complaints, the format of the reporting, and how these complaints will be managed.

Governance

Using a systematic approach, the Secretary, together with the Board of members, is responsible for the policy & the PSEA Framework and its proper execution with outcome-oriented management. As such, the Secretary and the Board of members will receive a summary of any reported sexual exploitation and abuse incidents and follow-up measures will be taken at each Executive Team meeting and Board meeting, respectively.

Responsibilities

IMAGIN is committed to adhere in the following measures in order to ensure that the organization is observing its PSEA commitments:

- Risk Assessment
- Safe Recruitment (Verification from police records, social media search etc.)
- Training and Communication
- Safe Program Design
- Guidelines
- On-Line Protection
- Reporting Procedures
- Safeguarding Management
- Implementation and Review

IMAGIN's Obligations

IMAGIN believes that all people have a right to live their lives free from sexual exploitation and abuse and will not tolerate its staff, associate, or partners engaging in any sort of behaviour that puts beneficiaries or communities at risk. To that end, IMAGIN commits to:

- I. Creating a safe culture for both those it serves and those who work for and represent the organisation.
- II. Following through on any complaints and concerns in a timely manner through its Safeguarding Committee and taking each complaint seriously.
- III. Sensitising staff, associates, and partners, around how to make a complaint.
- IV. Ensuring zero tolerance towards sexual exploitation and abuse.

- V. Building a culture of dignity, honor and respect where all those who work with and are served by IMAGIN feel empowered to report complaints.
- VI. Educating staff, associates, and partners that sexual exploitation and abuse constitute gross misconduct and are grounds for termination of employment and possibly legal action.
- VII. Providing information on how to report complaints and the investigation procedure.
- VIII. Ensuring that all staff, associates, and partners have access to the PSEA policy and procedures as well as all other related safeguarding policies.
- IX. Providing training to all staff, associates, and partners on PSEA with IEC/BCC material developed according to UN norms and values in local language.

Staff Responsibility

All staff, associates, and partners are required to adhere to this policy at all times and are obliged to report any suspicious of sexual exploitation and abuse of others. All staff, associates, and partners are required to sign the associated Code of Conduct and an acknowledgement of having read and understood the policy.

Manager Responsibility

All Managers and members hold overall accountability for this Policy and its result-oriented Implementation. Managers also have a responsibility to support and develop systems that maintain an environment where all parties involved with IMAGIN understand how to behave, how to raise complaints and concerns, and what action will be taken.

Safeguarding Committee

A Safeguarding Committee has been established at the HQ level. The Safeguarding Committee is comprised of 5 members:

1. One woman in a Senior Management Role
2. Three members will be from across different departments in the program.
3. A fifth member who is an external expert in harassment, sexual exploitation or abuse.

All Safeguarding Committees will ensure that there is diversity and equal gender representation on the committee.

The Safeguarding Committee will be responsible for informing and training all staff in safeguarding, PSEA and harassment policies and procedures. They will also be responsible for receiving and investigating any safeguarding complaints, including PSEA.

The members of Safeguarding Committees will be trained in all of the Safeguarding policies as well as reporting and investigations through well-developed manual and

formats. The Safeguarding Committee will also be provided with specialized psychological first aid training so that they are able to offer appropriate support as and when required. Documents related to any kind of sensitization/training will be maintained in the forms of minutes/reports along with attendance sheets and photo documentation.

Confidentiality of Complaint

IMAGIN will protect the confidentiality of sexual exploitation and abuse allegations to the greatest extent possible in order to protect the integrity of the investigation and prevent embarrassment, further discrimination or harassment, or retaliation.

Confidential or sensitive information obtained by any staff member during the course of an investigation shall not be disclosed to others unless required by law. Concerns of individuals regarding confidentiality of information provided by them will be handled as sensitively as possible, and information shall not unnecessarily be disclosed to others.

IMAGIN cannot guarantee, however, complete confidentiality, because the organisation cannot conduct an effective investigation without revealing certain information to the alleged perpetrator and potential witnesses. IMAGIN will share information about allegations of sexual exploitation, abuse and harassment only with those who need to know about it. Records relating to sexual exploitation, abuse and harassment complaints will also be kept confidential on the same basis.

Whistle-Blowing

As referred to in IMAGIN's whistle-blowing policy, all disclosures will be treated in confidence. IMAGIN maintains a third-party secure reporting system through Ethics Point to ensure that all staff, partners, and vendors have recourse in the event of possible misconduct. A detailed whistleblowing policy could be referred to as available on the IMAGIN's website. Reports may be submitted anonymously for investigation via email imagin2425@gmail.com or by calling or the number found at the webpage imagin.org.in.

Prohibited Retaliation

IMAGIN maintains a zero-tolerance policy for retaliation against anyone for reporting sexual exploitation or abuse, assisting in making a complaint, or participating in an investigation.

Any staff, associate, or partner who makes a good-faith complaint of sexual exploitation or abuse, assists, testifies, or participates in any investigation or proceeding or who reasonably opposes such conduct in the workplace will not be adversely affected in the terms and conditions of his or her employment and will not be discriminated against or discharged for engaging in such activity.

Retaliation not only affects the recipient, but also can spread rapidly throughout IMAGIN. It destroys faith in IMAGIN's leadership and can damage employee morale.

Complaints of retaliation will be promptly investigated. If retaliation is substantiated, appropriate disciplinary action, including possible dismissal, will be taken.

Examples of retaliation:

Some examples of retaliation include but are not limited to the following:

1. Termination, demotion, disadvantageous transfers or assignments, refusals to promote, threats, reprimands, or negative evaluations.
2. Co-worker hostility or retaliatory harassment, which includes intimidation, gossip, rumors, insults, or otherwise offensive conduct that would subject a person to ridicule or humiliation.
3. Any action or combination of actions that is reasonably likely to materially and adversely affect an employee's job performance or opportunity for advancement.

PSEA Commitments

All IMAGIN staff, associates, and partners are expected to conduct themselves in accordance with the PSEA policy. Following are the core commitments relating to sexual exploitation and abuse that all staff, associates, and partners are expected to follow. The following behaviours are prohibited:

Sexual Activity with Children and Vulnerable Adults

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 the child is not a defence. Sexual activity with vulnerable adults, as outlined in the definitions, is also prohibited.

Child Marriage

Any staff, associates, or partners who engage in child marriage (marriage to anyone under the age of 18) will be in violation of the PSEA policy. As per the definition of child marriage, anyone under the age of 18 is not able to give or withhold consent and is considered a form of sexual violence. Any staff married to a child under the age of 18 as per the custom or law of their country, before the IMAGIN PSEA policy came into force will not be subject to disciplinary action. IMAGIN, however, prohibits any such relationship from occurring once the PSEA policy came into effect.

Sexual Activity with IMAGIN Beneficiaries

Sexual activity with any beneficiary is prohibited due to inherently unequal power imbalances. An IMAGIN beneficiary is defined as anyone who receives services or support from IMAGIN or an IMAGIN partner.

Grooming and/or Coercion

Any grooming and/or coercion of a child or vulnerable adult for the purposes of obtaining sex is prohibited.

Sexual Exploitation

Any form of sexual exploitation is prohibited including:

- **Buying Sex**
Exchange of money, material assistance, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitive behaviour is prohibited.
- **Profiting from Sexual Exploitation**
Any monetary, social or political gain (for example promotion within or outside of the organization) from sexual exploitation is prohibited.

Sexual Harassment

Any act of sexual harassment including unwelcome sexual advances or requests for sexual favours is prohibited both under the PSEA policy and the Anti-Harassment policy.

Sexual Violence

Any acts of sexual violence as outlined in the definitions in prohibited. This includes, but is not limited to, sexual violence including intercourse, sexual touching, and threats of sexual violence.

Physical/Emotional Abuse

As outlined in both the Child Safeguarding and the Adult Safeguarding policies, any physical or emotional abuse is prohibited.

This list may be expanded at any time and details will be communicated with staff, associates and partners through the Safeguarding Committee. Additional prohibited behaviors related to abuse can be found in the Child Safeguarding and Adult Safeguarding policies.

Consequences

Any staff, associate, or partner who is in violation of the PSEA policy will face disciplinary procedures, which may result in disciplinary action, termination of employment or contract and/or referral to the appropriate law enforcement agency or legal authority.

Communication and Training

It is IMAGIN's responsibility to ensure that all staff, associates and partners are aware and fully compliant with the PSEA policy. In order to take the steps to prevent any forms of sexual exploitation or abuse, IMAGIN will ensure that:

1. Training is provided for all staff who has a specific responsibility for implementing this Policy and associated Procedure or who may be involved in dealing with complaints, which arise.
2. Measures to increase knowledge of IMAGIN staff on standards of conduct on SEA and how to report SEA (e.g. through induction and refresher training; internal communications activities via town halls, IMAGIN intranet etc.; requirement for experts on assignments to sign a confirmation letter acknowledging that they understand the standards of conduct and will fulfil their responsibilities in this regard).
3. Measures to create an organizational culture that is respectful of both women and men (e.g. provision of gender awareness training, messaging from leadership, regular dialogue between headquarters and female staff deployed to remote locations with poor gender balance).
4. Awareness raising training is provided to all staff, associates, and partners on PSEA. The training will equip staff, associates, and partners to develop awareness as well as an understanding of when and how to report any concerns.
5. Proactive steps are taken to communicate the zero-tolerance message.
6. All staff is informed of and trained in the policy and procedure.
7. All staff is aware of the definitions under this policy.
8. All staff is aware of reporting procedures.
9. All staff has signed and acknowledged that they have read and understood the policy.

PSEA Reporting Procedures

The associated procedures document outlines how to report any incidents of sexual exploitation or abuse.

Reporting procedure

The organization's role is to help and assist its staff and associates with a variety of concerns, issues or circumstances that affect their ability to engage with their duties. If you are involved in an incident or are concerned about a staff and it is not an emergency, you are encouraged report it at the earliest. Any kind of SEA reporting would be kept confidential until or unless the aggrieved / victim provides their consent to disclose their identity and the type of complaint.

The complaint of any kind of sexual abuse or exploitation could be lodged in person, through courier, email or WhatsApp as per following details

1. For handing over in person
ANIRBAN DEY , Point person for reporting SEA
2. For sending via courier

Kindly mention 'confidential and personal' at the top of the envelop, it should be addressed to

ANIRBAN DEY , Point person for reporting SEA

24/8 S.S Sen Road, P.O. Berhampore, District-Murshidabad, State-West Bengal,
PIN-742101

3. For sending via email

Mail anirbanvoice@gmail.com

4. For sending via WhatsApp

+91 8372819558

Lodging a formal complaint

Currently employed staff of IMAGIN may choose to make a report using this form (annexeure1). This form requires a staff ID. Reporting a formal concern is for the purpose of seeking investigation in addition to accessing support. Alternative reporting options are outlined below.

Lodging an anonymous complaint

Reports from staff and external parties are also welcome. You may choose to report a concern informally for the purpose of seeking support and/or informing the organization of a safety or well-being concern. You may also choose to report anonymously. Concerns reported anonymously are also taken seriously.

Failure to Report

The Code of Conduct as well as the Inter Agency Standing Committee (IASC)⁹ Core Principles on PSEA state that it is the duty and the responsibility of all staff, associates, and partners to report any PSEA concerns. Failure to report may lead to disciplinary action.

Support for Survivors

Support will be offered to survivors regardless of the outcome of any investigations. This support can include specialist psychosocial counselling and/or access to another specialist support as needed.

Safe Referral principles

Once a SEA allegation is received through official reporting channels, the receiving organization's trained personnel will immediately assess the survivor's health, safety and security, and psychosocial needs. Only with the informed consent of the survivor, psychosocial interventions will be conducted/provided. The assessment and the provision of assistance to a survivor are entirely independent from

⁹ <https://interagencystandingcommittee.org>

administrative and/or criminal actions taken on the complaint, including both referral for investigation and the outcome of any initiated case.

All SEA survivors' complainants are entitled to assistance. Complainants who are not survivors, including whistle-blowers, may also require a physical security assessment and other safeguards to protect their interests. The assessment should be conducted by trained personnel of organizations, institutions or agencies that deliver GBV or Child Protection case management services. If needed, some cases may require other actors to be involved, on a strictly need to know basis, to ensure adequate protection measures are applied.

Based on identified needs and with the survivor's informed consent, a referral for appropriate services including but not limited to psychosocial, healthcare, and safety/security must be made by a trained professional (case worker, social worker) duly authorized by the referring organization and recognized by the PSEA Network, according to the referral pathway and services mapping.

Information gathered from the initial assessment shall be kept confidential in a case folder. It will only be shared upon official request made through the levels of the Heads of Offices. When a need to refer the survivor for appropriate services, and with the approval of the Head of the Office, the case folder shall be shared only to the specialized personnel that will provide case management services.

Referral procedures

Survivors of SEA should be referred to specialized GBV or Child Protection actors for provision of assistance. Prior the conduct of another assessment, the GBV or Child Protection actor should refer back to the case folder and get information that are not in the initial assessment but are crucial in provision of assistance and case management. Clarificatory questions can be asked to verify conflicting information provided in the initial assessment.

PSEA Focal Points and frontline service providers who are not authorized or trained in any SEA incident case management should always ensure to refer as soon as possible reported SEA incidents to authorized specialized personnel and through recognized reporting channels. It is not the role of the PSEA Focal Point or of any other humanitarian worker to prove whether the person is saying the truth or not, whether s/he really needs help or not.

In case of SEA, involving a child, the PSEA FP may need to report to the judicial authorities in some cases where the law obliges to do so or where other children are at risk. In the latter, the PSEA FP will ensure that there is someone with the child who will help and guide him/her with the process of working with the law-enforcement to bring the perpetrator(s) to justice.

PSEA Focal Points or other Humanitarian Actors to whom an incident of SEA is disclosed should take into consideration the following standard operating procedures:

Listen

1. Always introduce yourself and find a safe, confidential and quiet space to talk. Ask if you can provide help. Listen in case the survivor/incident reporter would like to talk about what happened.
2. Listen actively: give your full attention, gently nod your head, use appropriate body language and tone of voice which shows that you are engaged with what the survivor is saying. Always encourage free narrative.
3. Ask survivors only relevant questions, do not ask detailed questions about the incident. For child survivors, relevant questions should be short and simple appropriate to the age of the child. Talk clearly with comprehensible pronunciation.
4. Help the person to feel comfortable. Although some needs may be obvious, always ask what the person need and what their concerns are. Do not pressure the person to talk and do not expect her/him to display particular emotional reactions.
5. Comfort the survivor using healing statement such as: "It's not your fault", "I believe you", "I am very glad you told me", "I am sorry this happened to you", "You are very brave for telling me", "Thank you for sharing this with me, and sorry because this happened", "There are limits for what I can do, but I can refer you to someone who can better help..."

Ensure to properly document information gathered using the organization's referral or intake sheets if any or the PSEA Network Referral Sheets that are kept in folders and secured.

Pointers when approached by a child SEA survivor

In some cases, the child will take the initiative and reveal that he/she has been a victim of SEA. Keep in mind that disclosing SEA, is a big step for the child and often carries an element of risk. Make sure to tell the child and supportive parent/caregiver that you understand and share their feelings. Consider the following pointers when in this situation:

- Be open and friendly and do not over react to what the child tells you. Be sensitive to the emotional distress or fear that the child may be experiencing. Be empathetic and gentle.
- Reassure the child that you will ensure confidentiality. Affirm that the child has made an important step by talking about SEA.
- Reinforce with the child that SEA is not his/her fault and that there is no excuse for violence and the responsibility lies with the perpetrator and SEA is not acceptable.

- Listen to what the child is saying. Use active listening. Show the child he/she is being heard. Demonstrate sincere concern and compassion and not horror.
- Determine the best way to communicate with the child and adapt your language to the child's age and level of maturity.
- Do not talk sitting behind a desk or table. Sit close to the child but not too close, otherwise the child will be uncomfortable. Sit at same eye level and maintain eye contact with the child. You might need to sit on the floor if the child is sitting on the floor.
- Praise the child for talking with you, "It's hard to talk about stuff like that"
- Acknowledge what he/she told you. Statements that you can use are "That must have been frightening for you", "You are a strong person to have survived that ...", "This must be difficult; it's not easy".
- Reassure the child that her/his reaction to the abuse is normal (e.g. physical, emotional, behavioral reactions).
- Be sensitive to the immediate needs of the child and address them, for example first aid, food, water, need to use the toilet, CMR and others.
- Provide the child with as much information as you can about what will happen next.
- Obtain the consent of the child for referrals to case management services, but inform him/her that reporting SEA is mandatory.
- Report the SEA case to the PSEA FP in your organisation in a confidential manner "password protected email" with nobody in copy.

The child with disabilities

Some disabilities affect the way that children and adolescents communicate. It can be difficult to understand them, and difficult for them to understand others, which can also lead to misunderstandings that further, impede comprehension.

- ✓ Never assume that the child who has some form of disability is not capable of communication.
- ✓ Communicate with the child with disability in the manner in which he/she is most comfortable (e.g. sign language, Braille, plain languages/picture or audio aids). If you are not able to communicate with him/her, ask for the assistance of a speech language therapist.
- ✓ Always consider the best interest of the child and do not use force when a child with disabilities is not able to communicate on his/her own.
- ✓ Keep in mind that given the relationship between children with disability and their caregiver, some children prefer to talk in the presence of their caregiver. This is totally fine; allow the caregiver to be present with the child.

Provide information

1. Explain to the complainant that SEA is strictly prohibited under UN/NGO codes of conduct and that you are under an obligation to report all allegations of sexual exploitation and abuse via the established reporting mechanisms. You should seek informed consent/assent for a child, to report on the incident, particularly identifying information about the complainant, the survivor and the name of the alleged perpetrator
2. For SEA cases involving a child and if you are not the PSEA FP; inform both child and parent/guardian that you will inform the PSEA FP in your organization, who will protect the privacy of the child and provide the needed assistance. Explain that reporting SEA is mandatory.
3. Explain that for the purposes of an investigation, the name and contact details of the complainant, survivor or incident reporter will be necessary and that recording and reporting information regarding the incident is important for follow up and an investigation to be able to take place. Explain that reporting the incident will not affect their right to services and assistance.
4. Inform the survivor about the support she/he can get through the case management services: briefly explain that case management service providers have specialized staff that assist persons who faced the same problem as him/her. The staff will listen to them and help her/him in reaching the different type of assistance they want; including psycho-social assistance, medical assistance, legal assistance, and assistance to find safe shelter if needed. All these services are free of charge and it is the right of any survivor to receive or decline services and support.
5. If relevant, explain that specialized medical assistance is available for survivors of sexual violence and can be provided after the incident notwithstanding how long time elapsed. However, some CMR services are beyond 72 hours (i.e. STD test and medication, HIV and pregnancy test). All are assisted without any discrimination; information is confidential and nothing will be done without the express consent of the complainant.
6. You shouldn't advise/encourage the survivor to seek a certain type of services. Limit your interaction to providing information and not advising the survivor on your preferred option. Aiding a survivor is about empowering survivors to make their own decisions about their own lives. It is up to the survivor to decide the best way to solve her/his problems.
7. Do not raise expectations – be honest and accurate (e.g. do not say: they will give you money; they will solve all your problems).
8. For child survivors, PSEA core principle number 2 always apply as per SG's Bulletin and IASC PSEA Core Principles. As duty bearer's, regardless with or without the consent of the guardian, SEA incidents involving a child/children must be reported.
9. For PSEA Focal Points it is important to be know how to complete the SEA complaint intake and referral forms.

Ask for informed consent

1. Ask the survivor/complainant the consent to contact a specialized GBV or Child Protection service provider for referral and explain what the referral entails (which information will be shared and the possibility for the survivor to change idea about receiving specialized services). This can be done verbally, a written document is not advisable, if confidentiality procedures are not known or cannot be followed. Protecting a survivor's right to confidentiality is a key guiding principle; as such the survivor needs a clear explanation of situations in which confidentiality will be broken. If these situations are not clearly explained than there is the risk that consent will not be informed, the survivor's rights and wishes will not be taken into consideration, and further harm could be caused.
2. If the person is unwilling to be referred for assistance, you need to respect her/his wishes and can provide him/her with hotline numbers if available so they'll be able to seek help whenever they feel ready.
3. The following are limits to confidentiality and informed consent principle that could apply:
 - When a survivor threatens his/her own life, threatens to harm another person
 - When person is non-responsive (i.e. unconscious) or a person without capacity of discernment
 - When it is a child SEA survivor it is in always on the best interest of the child¹⁰

Timely refer

1. Refer the complainant to a GBV or Child Protection actor according to the referral pathway. While doing the referral, by phone or email or in person, remind the importance of data protection.
2. If referral forms are used, the hard copy of the forms should be kept in locked cabinet, soft copy should be kept password protected on computers. To help ensure confidentiality, the survivor's name should not be used in any correspondence. Instead, a code (e.g. case code, numbers or other letters) should be used.

If there is any reason to believe that following the GBV or Child Protection referral pathways would be unsafe, the PSEA Focal Point or the PSEA Network Coordinator will refer to the GBV or Child Protection actor of the nearest geographic zone, according to the best interests and the informed consent of the survivor.

If for any reason the PSEA Focal Point or the PSEA Network Coordinator receives a complaint where 'waiting for a needs' assessment would cause harm the survivor –

¹⁰ The child has right to have his/her best interests taken as primary consideration. This right should be ensured in all decisions concerning the child with regard to providing, withholding or terminating any intervention. It should also be ensured in all decisions related to reporting cases of abuse or neglect. The child's best interests should be based on his/her physical, emotional, social and educational needs, age, sex, relationship with parents and caregivers, and his/her family and social background, and after having heard his/her views.

e.g. at hour 72 on a sexual violence report – the Focal Point/Coordinator will immediately refer the survivor to a health clinic that provides Clinical Management of Rape, while at the same time following the GBV or Child Protection referral pathways and informing the relevant GBV or Child Protection actor of the additional referral.

Terms of Reference

Focal Points on Protection from Sexual Exploitation and Abuse

Role Description

The Focal Point designation is a role or “hat” and not necessarily a position. It can either be assigned to existing personnel or new personnel can be hired to carry it out. Whether the role is a full-time or part-time undertaking should depend on country-specific need.

Each entity should ideally designate two Focal Points to carry out the PSEA responsibilities of the entity: wherever possible consideration should be given to the selection of both human resource and operational staff. Each entity should have at least one Focal Point and an Alternate.

Major Tasks

Internal duties and responsibilities

Within his/her entity, the Focal Point shall actively promote protection from sexual exploitation and abuse (SEA). In this regard, the Focal Point shall, where not already in place:

Engagement with and support of local populations

- Facilitate, in coordination with the in-country PSEA Network, awareness-raising in local communities on their rights, the fact that assistance to them is never to be conditioned on sexual favours and options for reporting incidents of SEA.

Prevention

- Ensure that the identity of the focal point is known throughout the entity and that contacts are made widely available.
- Where applicable, support staff to sign the Entity's Code of Conduct clearly prohibiting acts of sexual exploitation and sexual abuse and obligating them to report such acts.
- Provide awareness-raising sessions on sexual exploitation and abuse for all staff and other personnel in the Entity on a regular basis, including for newcomers.
- Make appropriate recommendations to management on enhancing prevention strategies. This could include collecting and analyzing information on actual/potential risk factors for vulnerability to sexual exploitation and abuse and elaborating measures to address them.
- Ensure that procedures to guard against hiring of persons who have a record of SEA offences are put in place and applied.
- Work with human resources personnel to include PSEA content in staff inductions, including all contractors, consultants, temporary staff and casual labour.

Response systems

- Ensure the development of internal procedures for staff and other personnel to report incidents of sexual exploitation and abuse, consistent with applicable UN/Entity rules and approved by the Entity's headquarters Focal Point. The procedures shall cover the reporting of incidents implicating personnel of the Focal Point's Entity, another entity, multiple entities or where the entity of the alleged perpetrator is uncertain or unknown.
- Receive complaints, reports and questions about alleged acts of sexual exploitation and abuse committed by all categories of the Entity's personnel as well as the personnel of other entities wherever approached, including when the institutional affiliation of the alleged perpetrator(s) is unknown or uncertain.
- Take appropriate measures to ensure safety and confidentiality for all visitors to the Focal Point.

- Once a complaint is received:
 - Ensure that all materials pertaining to complaints are handled strictly in line with applicable grievance procedures. Refer complaints/reports to the appropriate unit within her/his entity for investigation;
 - Immediately refer complainants to the victim assistance mechanism, where established, so that they may receive the medical, psychosocial, legal and material support they need or directly assist complainants to access immediate medical assistance and safety measures where needed. If a victim assistance mechanism is not yet in place, the Focal Point should seek to facilitate access to such support.

Management and Coordination

- Assist the Head of Office/Resident Representative to fulfil his/her responsibilities in accordance with the SGB
- Support the inclusion of SGB standards in contractual arrangements with non-UN entities and individuals
- Ensure that focal points at all the Entity's field/sub-offices, where there is significant staff presence, are designated and trained.
- Coordinate the Entity's adherence to relevant monitoring/compliance mechanisms, including contribution to the annual report of the Secretary-General on Special Measures for Protection from Sexual Exploitation and Sexual Abuse.
- Ensure that the job descriptions, terms of reference and/or performance appraisal plan of staff who are also Focal Points include their PSEA responsibilities.
- Track all PSEA-related activities for the Entity and ensure that all information on PSEA-related activities is shared with relevant persons in the Entity.
- Keep data on reported incidents for general reporting and further development of efforts to address SEA.
- Keep management up to date on PSEA measures taken and plans for future action.

Duties and responsibilities

In the development of the mechanisms and procedures noted above, the Focal Point collaborates with the various projects so as to promote consistency among entities and benefit from lessons learned.

In addition to the above tasks, the Focal Point shall carry out any additional activities needed to address sexual exploitation and abuse.

Competencies and Experience

The Focal Point for Protection from Sexual Exploitation and Abuse (PSEA) shall be a staff member. The Focal Point needs easy access to senior management so as to be able to effect change and therefore should normally be appointed at a sufficiently

senior level. Ideally both a woman and a man staff member would serve as the Focal Point and the Alternate.

The Focal Point shall have the following competencies and experience: Proven integrity, objectivity and professional competence; demonstrated sensitivity to cultural diversity and gender issues; fluent in relevant languages; demonstrated experience of working directly with local communities; proven communication skills. Upon appointment, the Focal Point shall undergo specific training on protection from sexual exploitation and abuse, as soon as is feasible.

Support and Resources for the Focal Point

Many of the mechanisms and procedures that the Focal Point is responsible for developing have already been developed by others, whether in country or elsewhere. As such, the Focal Point shall seek to benefit from preexisting tools and guidance so as to avoid duplication and “reinventing the wheel.”

Policy Review

To meet with sector best practice, IMAGIN agrees to review this policy and the entire PSEA Framework every Five years, as a minimum. It is the responsibility of the Secretary and Operations to complete this review, in collaboration with any key internal stakeholders or external third-party providers.

Annexure

SEA reporting format

SEA reporting format	
<i>This could be delivered in person, courier, email or WhatsApp</i>	
Name:	
Gender: (put a tick mark)	Male Female Third Gender
Designation:	
Place of posting:	
Nature of incident: (you can use additional sheets if required)	
Date and time of incident:	
Name of the accused	
Accused's designation	
Place of posting	
Name of the witness, if any?	
Do you want the witness name to be kept confidential	Yes or No
Have you informed about the incident to any law enforcement agency? If yes, to whom	