

Policy on Protection from Sexual Exploitation and Abuse (PSEA)

Nisma për Ndryshim Shoqëror
ARSIS

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Introduction

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

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

Scope and purpose

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

- Our commitments to prevent SEA and to ensure effective action is taken when problems occur;
- Principles upon which we will base our decision making and actions;
- Our expectations of all those who work on behalf of NISMA.

5

Policy statement

NISMA has a zero-tolerance policy towards sexual exploitation and abuse. At NISMA, we believe all people have a right to live their lives free from sexual violence and any abuse of power regardless of age, gender, sexuality, sexual orientation, disability, religion or ethnic origin. We recognise that there are unequal power dynamics across the organisation and in relation to those we serve, and that we face risk of some people exploiting their position of power for personal gain.

NISMA will not tolerate its employees, volunteers, consultants, partners or any other representative associated with the delivery of its work carrying out any form of sexual exploitation and/or sexual abuse.

NISMA commits to supporting survivors, improving safeguarding capacity, reporting, investigating, responding to, and preventing sexual harassment and sexual exploitation and abuse. Affiliate Safeguarding (SG) focal points will use this Policy in conjunction with relevant employment/labour laws, duty of care and relevant criminal laws to make decisions about how to respond to any complaints and concerns raised.

For further advice, please contact your affiliate's SG focal point.

Note: This policy is named in line with the internationally used and recognised term 'PSEA'.

2

PSEA principles and commitments

NISMA is committed to achieving full, ongoing implementation of the Six Core Principles¹ relating to Sexual Exploitation and Abuse by the Inter-Agency Standing Committee (IASC) Working Group on Prevention and Response to Sexual Exploitation and Abuse (see Annex 2).

NISMA commitments

NISMA is dedicated to fulfilling the following commitments to prevent and respond to sexual exploitation and abuse as highlighted in the six Core Principles.

Safe Organisational Culture: NISMA will make every effort to create and maintain a safe organisational culture for all those who work for and with NISMA, as well as those in the communities where NISMA operates through robust prevention and response work, offering support to survivors, and holding those responsible for sexual exploitation or abuse to account.

Awareness: Ensuring that all staff, representatives and third parties connected to NISMA 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 staff and those who work with NISMA 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 staff and those who work with NISMA are clear on what steps to take where suspicions or concerns arise regarding allegations of sexual exploitation or abuse of adults in vulnerable populations where we work. Provide training and information to all Oxfam Employees and Related Personnel, particularly focal points for receiving complaints, to ensure they understand their obligations and how to discharge their duties should they receive a complaint. A particular emphasis should be made on confidentiality.

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.

- *Robust and accountable case management:* All allegations of SEA, and subsequent follow-up, will be documented in a secure and confidential database to ensure accountability. The report will be officially acknowledged within 24 hours, and a safeguarding team will convene a case conference to assess immediate risks and next steps within 72 hours.

- *Investigations:* NISMA will carry out independent, safe, and discreet investigations recognising the rights of and duty of care to everyone involved, including the complainant and/or survivor, witnesses and the subject of complaint.

¹ 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).

- *Accountable decision-making*: NISMA will take swift and appropriate action against Employees and Related Personnel who are found to have committed SEA. This may include administrative or disciplinary action, and/or referral to the relevant local authorities if appropriate and safe to do so.
- *Survivor Support*: Survivors of SEA are entitled to specialised support services. NISMA commits to refer survivors to competent support services as appropriate and available and according to the wants and the needs of the survivor. Support may include specialist psychosocial support such as counselling, medical assistance, legal counselling and access.

Roles and responsibilities

- All NISMA Employees and Related-Personnel: Everyone who works on behalf of NISMA is required to report any suspicions or incidences of SEA of others. Failure to report to a relevant person suspicion of SEA relating to someone else is a breach of NISMA's policy, and could lead to disciplinary action being taken against employees and the termination of NISMA's relationship with non-employees. There is no obligation for an individual to report any incident that has happened to them.
- Director: NISMA Director hold overall accountability for this policy and its implementation.
- Administrator and Managers: Responsible for promoting awareness of this policy with people they manage and for supporting/developing systems that create and maintain a safe working environment. This also includes the responsibility for ensuring that all staff and Related Personnel receive regular PSEA trainings, with a particular emphasis on staff who are in direct contact with the people we serve. Managers should prioritize PSEA awareness raising for themselves and their divisions, individual departments or teams, and provide budget lines for some activities.
- Program Teams: Consult with beneficiaries (in a safe, accessible, and culturally appropriate way), to ensure that beneficiaries and those working on behalf of NISMA are familiar with NISMA's Code of Conduct, how to raise complaints and concerns, and that NISMA will take action when this happens.

Confidentiality

Complaints can be made anonymously. Every effort will be made to maintain confidentiality throughout the complaints process. Information that identifies individuals involved in a complaint will be limited to essential personnel and will not be shared further without obtaining the informed consent of those involved, except if someone's life is at risk, a child is at risk, or as required by law in consultation with legal counsel and where safe to do so. Non-identifying information will be shared as per reporting requirements.

Staff involved in the complaints process will be made aware of the importance of maintaining confidentiality and may be asked to sign a confidentiality agreement. Employees who breach confidentiality may be subject to disciplinary action up to and including termination of employment.

Annex 1: Definitions of Sexual Exploitation and Abuse:

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 rape. It may also include threatened or actual nonphysical intrusion (unwanted and/or uninvited exposure to pornography, texts, images, and so on, the sharing of images, texts and so on, demands for sexualised photographs etc.).

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.

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.

Grooming: The cultivation of emotional relationships with those in positions of vulnerability or inequitable power, with the intention of manipulating these relationships into sexualised dynamics in the future.

Sexual Misconduct: Is an umbrella term that encompasses any inappropriate behaviour of a sexual nature or that is sex-based, including sexual abuse, sexual assault, sexual exploitation, sexual harassment, stalking, voyeurism, and any other such conduct that is non-consensual or has the purpose or effect of threatening, intimidating, denigrating, or coercing a person. The misconduct need not rise to the level of civil or criminal illegality to warrant corrective or disciplinary action.

Annex 2: IASC Six Core Principles Relating to Sexual Exploitation and Abuse

As of September 12, 2019

1. Sexual exploitation and abuse by humanitarian workers constitute acts of gross misconduct and are 1 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 benefiting 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.

Annex 3: Declaration of commitment for suppliers

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

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

Full name

Date

Signature
