



Accountability to Affected Populations Task Force Sample Policy on Prevention of Sexual Exploitation and Abuse

Sexual Exploitation and Abuse (SEA) are unacceptable breaches of fundamental human rights and the core values and principles of humanitarian action. The sexual exploitation and abuse of the beneficiaries of our assistance represents a failure on part of the humanitarian community and runs counter to all our personal and organizational values. It is unconscionable, it is intolerable, and it is often criminal.

This Sample Policy on PSEA has been developed by members of the Accountability to Affected Populations (AAP) Task Force to promote policy-level standards on the matter. The Sample Policy is not meant to replace organization specific policies, but to promote minimum standards and considerations that should be incorporated into existing policies, if available. Organizations which do not have PSEA Policies may also prefer to adopt the Policy as is. The Policy has been developed based on existing Global and Country level resources, including existing Policies of the members of the AAP Task Force, namely the policies of UNHCR, UNICEF, UNSG's Bulletin Addressing discrimination, harassment, including sexual harassment, and abuse of authority, AAR Japan, Syria Cross-Border Response, RET International and IOM Emergency Manual.

Introduction

Acknowledging that,

- Sexual exploitation and abuse become possible when there are imbalances of power and opportunities for exploiting such imbalances, and that there is a rooted imbalance of power based on gender in the context of our efforts;
- Human rights, interests and needs of all survivors shall always be at the center of our efforts, and a survivor-centered approach guides the SEA prevention and response whereby the survivor is informed and participates in the decision-making process;
- A cohesive response to SEA requires strong coordination between all humanitarian organizations in Turkey, including through engagement with the PSEA Network of Turkey as well as the AAP Task Force;
- The principles of do no harm, confidentiality, safety, non-discrimination, timely access and response for the survivors are the guiding principles when responding to allegations of SEA.

Definitions

In accordance with the United Nations General Secretary Bulletin on Special measures for Protection from Sexual Exploitation and Sexual Abuse (ST/SGB/2003/13),

- **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.
- **Sexual abuse** means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.



- **Survivor** refers to a person who is, or has been, sexually exploited or abused. For the purposes of this policy, a survivor is a person who is, or has been, sexually exploited or abused by humanitarian organizations and their affiliated personnel in Turkey, including employees or related personnel of an implementing partner's subcontractor(s).

Prohibition of Sexual Exploitation and Abuse

- Sexual exploitation and sexual abuse constitute acts of serious misconduct and are therefore grounds for disciplinary measures, including summary dismissal.
- 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.
- Exchange of money, employment, goods or services for sex, including sexual favors or other forms of humiliating, degrading or exploitative behavior, is prohibited. This particularly includes any exchange of assistance that is due to beneficiaries of assistance.
- Sexual relationships between the members of humanitarian organizations and beneficiaries of assistance, since they are based on inherently unequal power dynamics, undermine the credibility and integrity of the work of organizations and **are strongly discouraged.**
- The standards set out above are not intended to be an exhaustive list. Other types of sexually exploitive or sexually abusive behavior may be grounds for administrative action or disciplinary measures, including summary dismissal, pursuant to internal or additional regulations and rules to which personnel of humanitarian organizations adhere.

Prevention and Deterrence

- Humanitarian organizations shall create and maintain an environment that prevents sexual exploitation and abuse and promotes the implementation of this Policy.
- Encouraging speaking up and speaking out, restoring openness and facilitating difficult discussions, and demonstrating zero tolerance through consistent and sustained actions are essentials of an environment that promotes prevention. Humanitarian organizations shall actively engage in understanding the attitudes, cultures and power dynamics that may cause under-reporting.
- Senior Management within organizations have responsibilities to act as role models by upholding the highest standards of conduct, support and develop systems to prevent and respond to SEA that maintain a safe environment by promoting a culture of open discussion and dialogue among staff. Manager at all levels also have responsibilities to support and develop systems that maintain this environment.
- Awareness-raising regarding SEA among communities must be prioritized. In addition, the preparation of new programmes and strategies of humanitarian organizations will systematically include an analysis of SEA risks and appropriate prevention measures. Individuals, communities, staff and partners will be engaged more directly and better equipped as allies in prevention & response.



Complaint and Investigation

- Complaint mechanisms shall be safe, gender-sensitive, and appropriate to the context. Any established complaint mechanism shall ensure timely, impartial, independent and fair investigations for allegations of sexual exploitation and abuse. They shall be developed in consultation with affected communities, particularly those most vulnerable, and linked to services for survivors.
- Perpetrators shall be held accountable for their actions. Impunity for any form of SEA will be eradicated through the systematic use of sanctions. Deadlines shall not be imposed.
- Confidentiality interests and the interests of survivors shall be considered before and during all cases. Protections from retaliation will be offered. Survivors shall be appropriately updated on the process and informed of available support.
- At all times, humanitarian organizations have to be particularly vigilant to any sign or evidence of SEA coming from the community where they work and immediately report any case to the designated PSEA Focal Point. This includes both specific complaints and rumors regarding possible sexual exploitation or abuse by a member and/or other external persons or even when the institutional affiliation of the perpetrator is unknown.
- In cases involving children, all decisions made regarding the prevention and response to SEA allegations falling within the scope of this Policy are guided by the best interests of the child and the right of the child to participate and to be heard.
- If there is evidence to support allegations of sexual exploitation or sexual abuse, these cases may be referred to national authorities for criminal prosecution. In any case, administrative procedures shall not be seen as a substitute for a criminal prosecution.

Cooperative Agreements with External Entities or Individuals

- When entering into cooperative arrangements external entities or individuals, humanitarian organizations shall inform those entities or individuals of its Policy to Prevent and Respond to Sexual Exploitation and Abuse and shall receive a written undertaking from those entities or individuals that they accept these standards.
- 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 organization.