

Transcultural Psychosocial Organization

Prevention of Sexual Exploitation and Abuse (PSEA) Policy

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1. PURPOSE

Fundamental to the operation of TPO is respect for the dignity and basic human rights of people within the humanitarian context we operate. Every person who represents TPO is expected to reflect these values in their professional conduct, regardless of who they are dealing with, or where they are working.

Sexual exploitation and abuse (SEA) is a violation of basic human rights. TPO aims to provide a safe and trusted environment that safeguards everyone from SEA including beneficiary communities, workers, program participants and partner organizations.

TPO is committed to safeguarding the people it helps and who it works alongside. We recognize that the nature of TPO's work places our workers and program participants in positions of authority and trust in relation to the communities we work with, especially vulnerable adults and children. TPO workers and program participants have an obligation to uphold high standards of personal and professional conduct at all times and must not abuse this position in order to exploit or abuse another person.

TPO will actively prevent and respond to SEA and maintain an organizational culture that prioritizes safeguarding against SEA so that it is safe for those affected to come forward and report incidents and concerns with the assurance they will be handled sensitively and appropriately.

2. Accountability Statement

TPO takes this policy very seriously, and the mandate prohibiting any form of sexual exploitation and abuse comes from TPO's Executive management and Board of Directors.

The PSEA policy applies to all TPO 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, TPO or Country Offices may enhance the standards as set out in this policy. This commitment will be evidenced through signing the policy and the Code of Conduct. Training in this policy is mandatory for all TPO staff, associates, and partners.

The Board of TPO is ultimately accountable for this policy. The CEO, country Director and Managers of TPO are responsible for its implementation. It is the responsibility of all representatives of TPO to raise any concerns regarding sexual exploitation and abuse. TPO takes all concerns and complaints seriously and will initiate a comprehensive investigation of complaints that are in violation of this policy and take disciplinary and possibly legal action as warranted.

3. SCOPE / PERSONS AFFECTED

The following must comply with this Policy in the course of their work and when representing TPO:

- TPO workers
- All program participants
- All accompanying adult dependents
- All partners
- All Service Providers/contractors, etc.

PSEA POLICY All of the aforementioned must comply with the standards of behavior set out in this TPO Prevention of Sexual Exploitation and Abuse Policy.

4. DEFINITIONS

- I. **Worker:** employees (expatriates), consultants, contractors, office volunteers, interns, the TPO Board, or anyone engaged to undertake work for this organization.
- II. **Program Participant:** defined as any person engaged to undertake an assignment, volunteer or otherwise, on an international or domestic program managed by TPO.
- III. **Accompanying adult dependent:** defined as any person over the age of 18 supported by TPO to accompany a person undertaking an assignment, volunteer or otherwise, on an international or domestic program managed by TPO.
- IV. **Program beneficiaries:** any person who, either directly or by association, derives a benefit from TPO or TPO affiliated program. Examples include, but are not limited to; Partner Organization employees and community members who directly receive a service or engage with a program participant in the course of the participant's work with a Partner Organization.

Sexual exploitation and abuse (SEA) occurs against a child or an adult and can occur between people of the same or different genders. It includes situations such as:

- Sexual exploitation and abuse;
 - Sexual harassment;
 - Child sexual abuse and exploitation;
 - Women and men sexually exploited through sex work;
 - Possessing, controlling, producing, distributing, obtaining or transmitting sexually exploitative images of adults and children; and
 - Prevention of sexual abuse and exploitation (PSEA).
- V. **Sexual Exploitation** - any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but

not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.¹

- VI. **Sexual Abuse** - the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.
- VII. **Sexual Harassment** - includes all conduct of a sexual or gender-determined nature at the workplace or connected to the workplace that is intended to violate the dignity of a person, or which has this effect.

In this policy, sexual harassment is understood as behavior that is unwanted in the eyes of the persons directly or indirectly affected.

This includes, but is not limited to:

- Physical approaches or physical contact of a sexual nature, or sexual assault
- Gestures and other nonverbal communication with sexual undertones
- Comments of a sexual nature about individuals and/or their body, conduct, sex life or sexual identity
- Sexually discriminatory language and humiliating remarks, including sexually explicit jokes;
- Requests to perform sexual activities
- Showing or displaying pornographic or sexist images
- Repetitive questions or prying into an individual's relationship status or details of their relationship
- Invitations to inappropriate locations outside the workplace for work-related meetings
- Offers to, or the sending of gifts that are unwelcome, out of context or embarrassing to an individual
- suggestive logistics or questions around work trips, including offers to share hotel rooms and unwelcome social invitations
- Sexually motivated stalking.²

¹ The definitions for both Sexual Exploitation and Sexual Abuse are contained in the United Nations Secretary-General's Bulletin, "Special measures for protection from sexual exploitation and sexual abuse" ST/SGB/2003/13 (9 October 2003) [hereinafter Secretary-General's Bulletin on SEA (2003)].

² GIZ policy banning sexual harassment at the workplace

- VIII. **Child Sexual Abuse** - the use of a child for sexual gratification by an adult or significantly older child or adolescent. Sexually abusive behaviors can include fondling genitals; masturbation; oral sex; vaginal or anal penetration by a penis, finger or any other object; fondling breasts; voyeurism; exhibitionism; and exposing the child to, or involving the child in, pornography (TPO Child Protection Policy). Child Exploitation - one or more of the following:
- Committing or coercing another person to commit an act or acts of abuse against a child
 - Possessing, controlling, producing, distributing, obtaining or transmitting child exploitation material
 - Committing or coercing another person to commit an act or acts of grooming or online grooming
 - Using a minor for profit, labor, sexual gratification, or some other personal or financial advantage³
- IX. **Online Child Sexual Exploitation (or child pornography)** - in accordance with the Optional Protocol to the Convention on the Rights of the Child, 'child pornography' means 'any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.
- X. **Child** – any person under the age of eighteen (18) years as defined by the Convention on the Rights of the Child irrespective of local country definitions of when a child reaches adulthood.
- XI. **Vulnerable adults** - 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.
- XII. **Survivor** - A person who has SEA perpetrated against him/her or an attempt to perpetrate SEA against him/her.

5. PRINCIPLES

TPO's commitment to the prevention of sexual exploitation and abuse is informed by the following principles:

³ DFAT Child Protection Policy 2017

1. **Child rights and women's rights as core values within TPO:** TPO upholds the rights articulated in the International Bill of Human Rights, The UN Convention on the Elimination of all Forms of Discrimination Against Women and The UN Convention on the Rights of the Child and promotes the right of adults and children to be protected from all forms of violence including SEA.
2. **Safeguarding vulnerable adults and children:** Issues of SEA are fundamentally about abuses of power. Situations of poverty, vulnerability and discrimination as well as power inequities between genders, between aid workers/volunteers and beneficiary communities, and within organizations, create unequal power dynamics resulting in environments where SEA can exist. TPO acknowledges the impact of SEA on an individual's health and wellbeing, and in particular that negative physical, mental health and social outcomes that are likely to be compounded when perpetrated by a person in authority.
3. **Expected behaviors of those representing TPO:** Given differing local contexts, TPO workers and program participants may be faced with a range of unfamiliar social, cultural, financial or personal settings when working or volunteering overseas. Communities trust that the people representing TPO will conduct themselves in a professional manner at all times and not engage in behavior contrary to the safety or wellbeing of the children and adults they come into contact with.
4. **Zero tolerance of SEA:** Behavior by TPO workers or program participants that results in the sexual exploitation or abuse of a child or adult, helps facilitate SEA or where allegations of SEA are ignored by TPO or partner organization personnel, will not be tolerated and TPO will immediately respond and take seriously any concerns raised.
5. **Take action to prevent SEA:** TPO aims to prevent SEA through implementation of this Policy, communication, training and working collaboratively with all personnel, country offices and partner organizations to safeguard everyone against SEA.

6. POLICY

The following list of expected behaviors applies to all of TPO workers, TPO program participants and Volunteers or other program approved adult dependents, in both their personal and professional lives. The aforementioned must, at all times:

- 1) maintain a duty to act at all times in a manner which upholds the values and reputation of TPO
- 2) Undertake to create and maintain a safe and trusted environment that promotes the implementation of this Policy and safeguards everyone from SEA.

- 3) Comply with all relevant international, national and local laws of the country to which he or she is placed, or in which he or she is travelling.
- 4) Be aware that sexual behavior is an area of particular sensitivity, where conduct may more easily be seen as offensive or be misinterpreted.
- 5) Ensure personal conduct towards a co-worker is not exploitative or such that it reasonably leads to a perception of exploitation.
- 6) Read and agree to abide by the expected behaviors outlined in the relevant code of conduct.
- 7) Immediately report to TPO any concern, suspicion or allegation of SEA or breach of the TPO Prevention of Sexual Exploitation and Abuse Policy. Reporting procedures are outlined in section 6.4 below.

In addition, TPO workers must adhere to the following expected behaviors:

- 1) TPO workers must not engage in sexual relationships with program participants, approved adult dependents, or TPO program beneficiaries as these relationships are based on inherently unequal power dynamics and there is the potential for abuse of power. Such relationships undermine the credibility and integrity of TPO and its programs.
- 2) Workers must immediately inform their direct manager if they become engaged in a personal relationship which may be perceived as inappropriate or exploitative, or where real or perceived unequal power dynamics exist. Workers who are unsure if their relationships falls into this category should discuss the situation with their line manager and/or a member of the Human Resources team.

Program participants and accompanying adult dependents must adhere to the following expected behaviors:

- 1) Program participants/adult dependents should exercise caution when engaging in sexual relationships with TPO program beneficiaries or other adult community members as these relationships may be based on inherently unequal power dynamics and there is the potential for abuse of power. As such, program participants should be mindful of the unique challenges and perceptions associated with such relationships and are encouraged to seek counsel from a TPO Program Manager, Country Director or Regional Director before entering into a relationship of this nature.
- 2) Program participants must immediately inform their Program Manager, Country Director or Regional Director if they become engaged in a personal relationship which may be perceived as inappropriate or exploitative, or where real or perceived unequal power dynamics exist. Participants and dependents who are unsure if their relationship falls into this category should discuss the situation with their Program Manager, Country Director or Regional Director.

It is strictly prohibited for TPO workers, program participants and approved adult dependents to:

- i. Sexually exploit or abuse or sexually harass a child or adult.
- ii. Use their position of trust and authority to request any service or sexual favor from beneficiaries of TPO programs, adults, children or others in the communities in which TPO works, in return for protection or assistance, or coerce a person to engage in sexual intercourse or any sexual activity.
- iii. Exchange or withhold from beneficiaries of TPO programs - adults, children or others in the communities in which TPO works - money, food, employment, goods, assistance or services for sex or sexual favors or other forms of humiliating, degrading or exploitative behavior.
- iv. Have sex with sex workers when working or volunteering overseas, even when it is legal in the country.
- v. Use, TPO or partner organization facilities, personnel or resources for the purpose of arranging or facilitating access to sex workers by any person, including visitors to TPO offices or programs.
- vi. Engage in sexual activity with a child under any circumstance. Even in a country where the age of majority or the age of consent is lower than 18 years, TPO workers, program participants and approved adult dependents are forbidden to have sexual activity with anyone under the age of 18 years. A mistaken belief that the child is over 18 is no defence.
- vii. Use computers, mobile phones, video cameras, cameras or other technology inappropriately, or to exploit or harass children, or access or disseminate child exploitative material through any medium, including social media
- viii. Procure sex for others, or use a third party to do so.

7. Policy Implementation

Policy Map

This policy will guide TPO staff through the definitions of sexual exploitation and abuse as well as governance and responsibilities. The associated procedures and resources will provide information on how to report any complaints, the format of the reporting, and how these complaints will be managed.

Governance

The Country Director together with the Board of Trustees, has ultimate responsibility for this policy and the PSEA Framework and its proper management, using a systematic approach. As such, the CD and the Board of Trustees will receive a summary of any reported sexual exploitation and abuse incidents and follow-up measures taken at each Executive Team meeting and Board meeting, respectively.

Responsibilities

TPO is committed to following through on the following measures in order to ensure that the organization is observing its PSEA commitments:



These commitments are fully outlined in the Safeguarding Policy.

8. TPO's Obligations

TPO 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 behavior that puts beneficiaries or communities at risk. To that end, TPO commits to:

1. Creating a safe culture for both those it serves and those who work for and represent the organization.
2. Following through on any complaints and concerns in a timely manner through its Safeguarding Committee and taking each complaint seriously.
3. Sensitizing staff, associates, and partners, around how to make a complaint.
4. Ensuring zero tolerance towards sexual exploitation and abuse.
5. Building a culture of dignity, honor and respect where all those who work with and are served by TPO feel empowered to report complaints.
6. Educating staff, associates, and partners that sexual exploitation and abuse constitute gross misconduct and are grounds for termination of employment and possibly legal action.

7. Providing information on how to report complaints and the investigation procedure.
8. Ensuring that all staff, associates, and partners have access to the PSEA policy and procedures as well as all other related safeguarding policies.
9. Providing training to all staff, associates, and partners on PSEA.

8.1 Breach of Policy

Sexual exploitation and abuse by TPO workers, program participants and approved adult dependents constitute acts of gross misconduct and are therefore grounds for termination of employment or volunteer assignment.

Disciplinary actions/possible outcomes for breach of the TPO Prevention of Sexual Exploitation and Abuse Policy:

- Referral to local law enforcement authorities (as per national and any mandatory reporting laws), where appropriate
- Referral to the Country's (Nigerian) Federal Police, where appropriate
- TPO internal investigation
- Suspension pending investigation
- Performance management
- Formal warning and monitoring
- Termination of employment for workers or assignment for program participants.

8.2 Responsibilities to prevent and respond to SEA

All TPO workers are responsible for championing good practice and maintaining an organizational culture that prioritizes safeguarding against SEA.

Managers at all levels have particular responsibilities to support and develop systems that maintain an environment that facilitates implementation of this Policy and which prevents SEA. They must ensure that TPO workers and program participants understand and comply with this Policy.

Managers must create a safe environment at TPO for anyone to come forward and raise allegations or concerns of SEA and take action to immediately respond to any reports.

8.3 Recruitment and Performance Management

TPO will apply robust recruitment and screening procedures for all TPO workers, program participants and approved adult dependents to reduce the risk of engaging a person with a background of unacceptable risks to children or adults, particularly vulnerable children and adults.

These procedures include:

- Verbal referee checks from an applicant's last place of employment/volunteer/program placement including when working in overseas locations and will include a question regarding any concerns of sexual misconduct.
- HR records to include performance or conduct issues regarding concerns or allegations of SEA.
- All employment/assignment contracts must contain provisions for potential disciplinary action including termination of employment/assignment following breach of this policy.

8.4 Reporting and Investigation

Reporting Procedures

TPO provides a safe, supportive and secure environment to report SEA. TPO will take all concerns seriously and respond immediately. All reports of SEA will be recorded, regardless of whether substantiated or full investigation required. The principles of natural justice will apply to all investigations.

TPO workers, program participants and accompanying adult dependents must immediately report any concerns, suspicions or allegations of SEA or breach of the TPO Prevention of Sexual Exploitation and Abuse Policy. A report should be made to one of the following people as applicable:

Program participants and accompanying adult dependents may report a concern regarding sexual exploitation and abuse to any of the following people:

1. The relevant Child Protection Officer or Program Manager: if he/she feels comfortable doing so, and if the Director/Manager is not directly or indirectly implicated in the alleged report
2. Operations Manager
3. TPO Regional Director

TPO Workers may report a concern regarding sexual exploitation and abuse to any of the following people:

- Their Line Manager: if the worker feels comfortable doing so, and if he/she is not directly or indirectly implicated in the alleged report
- The Programs Manager/Country Director
- A member of the Human Resources team

- A member of the TPO Board of Trustees

Anyone wishing to make a report anonymously can do so using the following contacts and or fill PSEA Reporting form available in all offices and placed in a safety deposit box. They can also have Access to reporting is via this link: <https://app.whispli.com/CPandSEAreportingformTPO>

Any person reporting a case of SEA, in good faith, or any person who has cooperated with an investigation into a report of SEA, will be protected by this Policy. Malicious reporting of SEA with the intention of harming another person's integrity or reputation amounts to misconduct and is subject to disciplinary action. This is distinct from reports made in good faith based on the judgment and information available at the time of the report, which may not be confirmed by an investigation.

8.5 Investigations

Investigations of SEA will be carried out in a manner that is timely, fair, objective and as far as is practicable, confidential. This includes the use of appropriate interviewing practice with complainants and witnesses. All information and documented evidence will be held securely and in the strictest confidence as far as is appropriate. The name of the complainant will not be revealed to the person(s) potentially implicated in the allegation or to any other person unless the individual personally authorizes the disclosure of their identity. This may become a requirement in subsequent investigative processes.

Sensitive information related to reports of SEA whether involving TPO workers, program participants, accompanying adult dependents or others in the communities in which TPO works shall be shared only with appropriate Sector lead or local law enforcement authorities, when a notification to police or appropriate authorities must be made on a 'need to know' basis.

8.6 Safeguarding Committee

A Safeguarding Committee has been established at the HQ level as well as in each field location. 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 country 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 Safeguarding Committees will be trained in all of the Safeguarding policies as well as reporting and investigations. The Safeguarding Committee will also be provided with specialized psychological first aid training so that they are able to offer appropriate support as required.

8.7 Confidentiality of Complaint

TPO 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.

TPO cannot guarantee, however, complete confidentiality, because the organization cannot conduct an effective investigation without revealing certain information to the alleged perpetrator and potential witnesses. TPO 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.

8.8 Survivor support and assistance

TPO will adopt a survivor-centered approach in preventing and responding to SEA. TPO will ensure that all responses are developed in a manner that balances respect for due process with a survivor-centered approach in which the survivor's wishes, safety and wellbeing remain a priority in all matters and procedures. Furthermore, all actions taken should be guided by respect for choices, wishes, rights and dignity of the survivor⁴.

TPO will ensure survivors of SEA are offered support and assistance such as referral to safe health/medical, psychosocial and legal/justice response where appropriate and where required to specialized children's or women's services.

Children have the right to participate in decisions that will affect them. If a decision is taken on behalf of a child, the best interests of the child shall be

⁴ IASC Statement on PSEA (2015)

the overriding guide. Referrals should be done in consultation with child focused agencies specializing in the special needs of child survivors of sexual abuse, and who are familiar with local procedures relating to the protection of children.⁵

Survivors will be provided with information on the progression of an investigation and final outcomes.

8.9 Partner Organizations

TPO will work with Partner Organizations in the prevention of SEA and Partner Organizations will be advised of avenues available to report concerns regarding SEA.

9. Communication and Training

It is TPO'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, TPO 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. 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.
3. Proactive steps are taken to communicate the zero-tolerance message.
4. All staff is informed of and trained in the policy and procedure.
5. All staff is aware of the definitions under this policy.
6. All staff is aware of reporting procedures.
7. All staff has signed and acknowledged that they have read and understood the policy.

10. POLICY REVIEW

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

⁵ Global Standard Operating Procedures on Inter-Agency Cooperation in CBCMs (2016)

11. RELATED POLICIES

- 11.1 TPO Staff Code of Conduct
- 11.2 Child Protection Policy & Code of Conduct 2019
- 11.3 Program Operations Manuals

12. RELEVANT LAWS AND INTERNATIONAL CONVENTIONS

- 12.1 International Bill of Human Rights
- 12.2 The UN Convention on the Elimination of all Forms of Discrimination Against Women
- 12.3 The UN Convention on the Rights of the Child
- 12.4 UNSC Resolution 1325: Women, peace and security (WPS)
- 12.5 SDG 5: Achieve gender equality and empower all women and girls

13. REFERENCES

- 13.1 Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse – Adopted by the Interagency Working Group in Luxembourg, 28 January 2016
<http://cf.cdn.unwto.org/sites/all/files/docpdf/terminologyguidelines.pdf>
- 13.2 IASC Six Core Principles Relating to Sexual Exploitation and Abuse⁶
<https://reliefweb.int/report/world/protection-sexual-exploitation-and-abuse-psea-interagency-cooperation-community-based>

⁶ See Report of the Inter-Agency Standing Committee Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises of 13 June 2002, Plan of Action, Section I.A.