

Policy on Protection from Sexual Exploitation and Abuse (PSEA)

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Secretary
Sharnam Seva Samiti

Sharnam Seva Samiti

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INTRODUCTION

Sharnam Sewa Samiti has a zero tolerance for sexual exploitation and abuse. Sharnam Sewa Samiti will not tolerate its staff, associates, partners or any other representatives associated with the delivery of its work to engage in any form of sexual exploitation or abuse. Vulnerable adults, women and children are particularly at risk of sexual exploitation and abuse. Sharnam Sewa Samiti 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 who 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 Sharnam Sewa Samiti's commitment for protection from sexual exploitation and abuse.

This policy ensures that all Sharnam Sewa Samiti 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

Sharnam Sewa Samiti takes this policy very seriously, and the mandate prohibiting any form of sexual exploitation and abuse comes from Sharnam Executive Team and Board of members. The PSEA policy applies to all Sharnam Sewa Samiti 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, Sharnam Sewa Samiti 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. Training in this policy is mandatory for all Sharnam Sewa Samiti staff, associates, and partners.

The Members of Sharnam Sewa Samiti are ultimately accountable for this policy. The President, Secretary and other executive members of Sharnam Sewa Samiti are responsible for its implementation. It is the responsibility of all representatives of Sharnam Sewa Samiti to raise any concerns regarding sexual exploitation and abuse. Sharnam Sewa Samiti 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.

Policy Approach

This policy details how Sharnam Sewa Samiti 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

Sharnam Sewa Samiti 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 is that all processes are survivor led. Sharnam Sewa Samiti 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, all at Sharnam Sewa Samiti must share the responsibility for implementation and improvement. As such, a failure at one level of the organization constitutes a failure at all levels of the organization.

Effective Communication

Sharnam Sewa Samiti effectively communicates with all staff, associates, and partners in simple and accessible language to create a positive and accessible culture where responsibilities for PSEA are clear.

Continuous Improvement

Sharnam Sewa Samiti provides assessment, reflection and feedback mechanisms to inform the organisation of any improvements that can be made to policies and practices.

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

Dignity and Respect

Sharnam Sewa Samiti creates a work environment where the principles of dignity and respect for all staff, associates, and partners, in all locations are at the heart of what the organisation does. Included in this are the principles of being non-judgmental when hearing the concerns and complaints of survivors of sexual exploitation and abuse.

Zero Tolerance

Sharnam Sewa Samiti has zero tolerance for any forms of sexual exploitation and abuse.

Confidential

Sharnam Sewa Samiti Is committed to confidentiality and information will not be shared outside of the Safeguarding Committee unless it is absolutely necessary, and the safety of the person involved is a concern.

Policy Implementation

Policy Map

This policy will guide Sharnam Sewa Samiti 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 Secretary, together with the Board of members, has ultimate responsibility for this policy and the PSEA Framework and its proper management, using a systematic approach. 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 taken at each Executive Team meeting and Board meeting, respectively.

Responsibilities

Sharnam Sewa Samiti is committed to following through on the following measures in order to ensure that the organisation is observing its PSEA commitments:

- Risk Assessment
- Safe Recruitment
- Training
- Safe Program Design
- Guidelines
- On-Line Protection
- Reporting Procedures
- Safeguarding Management
- Implement and Review

Sharnam Sewa Samiti's Obligations

Sharnam Sewa Samiti 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, Sharnam Sewa Samiti 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 Sharnam Sewa Samiti 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.

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 Implementation. Managers also have a responsibility to support and develop systems that maintain an environment where all parties involved with Sharnam Sewa Samiti 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 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 specialised psychological first aid training so that they are able to offer appropriate support as required.

Confidentiality of Complaint

Sharnam Sewa Samiti 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.

Sharnam Sewa Samiti cannot guarantee, however, complete confidentiality, because the organisation cannot conduct an effective investigation without revealing certain information to the alleged perpetrator and potential witnesses. Sharnam Sewa Samiti 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 Sharnam Sewa Samiti's whistle-blowing policy, all disclosures will be treated in confidence. Sharnam Sewa Samiti 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. Reports may be submitted anonymously for investigation via email sharnamss@gmail.com or by calling or the HQ number found at the webpage www.sharnam.org.in.

Prohibited Retaliation

Sharnam Sewa Samiti 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 Sharnam Sewa Samiti. It destroys faith in Sharnam Sewa Samiti'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 Sharnam Sewa Samiti 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 Sharnam Sewa Samiti PSEA policy came into force will not be subject to disciplinary action. Sharnam Sewa Samiti, however, prohibits any such relationship from occurring once the PSEA policy came into effect.

Sexual Activity with Sharnam Sewa Samiti Beneficiaries

Sexual activity with any beneficiary is prohibited due to inherently unequal power imbalances. A Sharnam Sewa Samiti beneficiary is defined as anyone who receives services or support from Sharnam Sewa Samiti or a Sharnam Sewa Samiti 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 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 Sharnam Sewa Samiti'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, Sharnam Sewa Samiti 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.

PSEA Reporting Procedures

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

Failure to Report

The Code of Conduct as well as the Inter Agency Standing Committee (IASC)¹ 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 other specialist support as needed.

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 adulthood²

¹ <https://interagencystandingcommittee.org>

² Definition of child from the InterAgency Standing Committee (IASC) Guidelines to implement Minimum Operating Standards for Protection from Sexual Exploitation and Abuse by UN and non-UN Personnel, March 2013.

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-neglect³

Child Sexual Abuse

Child sexual abuse is the involvement of a child in sexual activity that s/he does not fully comprehend, give informed consent to, or for which s/he is not developmentally prepared and cannot give consent, or that violates the laws or social taboos of society. It is evidenced by an activity between a child and an adult or another child who by age or development is in a relationship of responsibility, trust or power, the activity being intended to gratify or satisfy the needs of the other person. It may include, but is not limited to, the inducement or coercion of a child to engage in any unlawful sexual activity, the exploitative use of a child in prostitution or other lawful sexual practices or the exploitative use of pornographic performances and materials

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

³ Department of Health and Social Care No Secrets: guidance on protecting vulnerable adults in care

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 situation⁴

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 another⁵

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.⁶

Sexual Violence

Sexual violence is:⁷

1. Any sexual act or attempt to obtain a sexual act
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 person⁸

⁴ World Health Organization World Report on Violence and Health (2002)

⁵ *Ibid*

⁶ Oxfam PSEA Policy 2018

⁷ World Health Organization definition 2012

⁸ World Health Organization Global Status Report on Violence Prevention (2014)

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'.⁹ 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 Sharnam Sewa Samiti 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 marginalised groups.

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

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

Sharnam Sewa Samiti managers refers to Sharnam Sewa Samiti staff who have responsibility for line managing or supervising the work of Sharnam Sewa Samiti staff or Sharnam Sewa Samiti associates.

Sharnam Sewa Samiti partners refers to staff and/or representatives of partner organizations and local governments when operating in partnership agreement with Sharnam Sewa Samiti.

⁹ SEXUAL HARASSMENT IN THE HUMANITARIAN CONTEXT Dr. Linda Wagener, Senior Consulting Psychologist, Headington Institute April 25, 2012

Policy Review

To meet with sector best practice, Sharnam Sewa Samiti 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.