



Policy on Prevention of Sexual Exploitation and Abuse

Corporate

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Objective

This Policy reflects AYUDA EN ACCIÓN's commitment to zero tolerance of sexual exploitation and abuse (SEA) of all AYUDA EN ACCIÓN staff and associated personnel, and to ensure that the roles, responsibilities and standards of conduct expected in relation to SEA are known within AYUDA EN ACCIÓN in line with the organisation's "*Code of Conduct*" being this the frame of reference by which the conduct of persons linked to AYUDA EN ACCIÓN should be governed.

To create and maintain a safe environment, free of SEA, appropriate measures are adopted internally and in the projects and communities in which AYUDA EN ACCIÓN operates, contributing to a solid prevention of and response to SEA.

Scope of application

This Policy applies to all situations and contexts that take place in the work environment of AYUDA EN ACCIÓN.

It applies to all employees of AYUDA EN ACCIÓN. It shall also apply to those who, although in the position of a third party, provide some kind of activity or service to AYUDA EN ACCIÓN, as is the case of people who volunteer, act as patrons, ambassadors, suppliers, subscribers, partners, collaborating companies, strategic partners and other counterparts.

Policy Statement

- The SEA violates universally recognised international legal norms and standards and are unacceptable behaviour and prohibited conduct for all humanitarian personnel, including AYUDA EN ACCIÓN's staff and related personnel¹.
- AYUDA EN ACCIÓN has a zero-tolerance policy towards SEA. All AYUDA EN ACCIÓN employees and related personnel² are expected to maintain the highest standards of personal and professional conduct at all times, and to provide assistance and services in a manner that respects and promotes the rights of beneficiaries and other vulnerable members of local communities.
- AYUDA EN ACCIÓN is fully committed to preventing and responding to SEA that is rights-based, age-, disability- and gender-sensitive, non-discriminatory and culturally appropriate, and victim-centred in the event of an allegation of SEA.

¹ UN Secretary-General's Bulletin ST/SGB/2003/13, 2003. <https://undocs.org/en/ST/SGB/2003/13>.

² The term "related" personnel includes the stakeholders mentioned under the heading "Scope of application".

Definitions

For a common interpretation of terms related to the Policy:

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 person.

Sexual abuse

Physical intrusion of a sexual nature, whether actual or threatened, by force or under unequal or coercive conditions.

Sexual exploitation and sexual abuse" (SEA) is the abuse or attempted abuse of a position of vulnerability, differential power or trust for sexual purposes, or the actual or threatened physical intrusion of a sexual nature by staff of AYUDA EN ACCIÓN and its implementing partners or other humanitarian workers against beneficiaries.

Commitment to PSEA

AYUDA EN ACCIÓN will make every effort to create and maintain a safe, SAE-free environment and will take appropriate measures to that end in the communities in which it operates, through a robust PSEA framework, including prevention and response measures.

Six basic principles

1. SEA by employees AYUDA EN ACCIÓN and related personnel constitute acts of gross misconduct and are therefore grounds for dismissal³. Sexual activity with children (persons under the age of 18) is prohibited regardless of age of majority or age of local consent. A mistaken belief as to the age of a minor is not a justification.
2. The exchange of money, employment, goods or services for sex, including sexual favors or other forms of humiliating, degrading or exploitative behaviour, is prohibited. This includes the exchange of aid owed to beneficiaries. Any sexual relationship between employees or related personnel of AYUDA EN ACCIÓN and beneficiaries or other vulnerable members of a local community that involves an improper use of rank or position is prohibited. Such relationships undermine the credibility and integrity of humanitarian aid work.
3. When an employee of AYUDA EN ACCIÓN or related personnel identifies concerns or suspicions of sexual abuse or exploitation by a co-worker, whether in the same organization or not, he/she should report such concerns through the established [whistleblowing channel](#).
4. All AYUDA EN ACCIÓN's employees and related personnel are obligated to create and maintain an environment that prevents SEA and promotes the implementation of this policy. Managers at all levels have a particular responsibility to support and develop systems that maintain this environment.

³ Including all other forms of contractual agreements, such as voluntary assignment.

PSEA Framework

- The following PSEA framework will be implemented in a way that fits the context, dynamics and organisational structure of AYUDA EN ACCIÓN. Relevant measures will be reflected, as necessary, in the rest of the organisation's internal policy framework.
- As appropriate, AYUDA EN ACCIÓN will consult with beneficiaries and local communities, including at-risk groups identified by AYUDA EN ACCIÓN, to ensure that the systems in place and measures adopted for SEA prevention and response are sensitive to the vulnerabilities and needs of beneficiaries and culturally appropriate.
- These particularities will also be taken into account when designing a project and the above-mentioned requirements and measures will be fulfilled, i.e. PSEA will be integrated into planning, programming and operational processes:
 - ✓ AYUDA EN ACCIÓN ensures that the risks of sexual exploitation and abuse are adequately assessed, addressed and controlled by integrating PSEA into its planning, programming and operational processes (such as strategic planning, budgeting, programme cycle management) and allocating sufficient human and financial resources.
 - ✓ AYUDA EN ACCIÓN conducts comprehensive and inclusive SEA risk analysis and assessments when designing projects and programme activities with mitigation measures and identifies the most marginalised and at-risk groups for SEA. This may include site safety mapping, focus group discussions with intended beneficiaries and other stakeholders (including women, children, local authorities/communities, etc.) and other relevant research methods.

AYUDA EN ACCIÓN staff recruitment

AYUDA EN ACCIÓN has safe and PSEA-sensitive human resources practices and processes in place during recruitment, hiring and performance management:

- ✓ Job advertisements: AYUDA EN ACCIÓN explicitly states in a standard paragraph of its job advertisements its zero-tolerance policy with respect to SEA.
- ✓ Interviews: As part of the recruitment interviews, AYUDA EN ACCIÓN asks questions related to ethics, honourability, integrity and PSEA.
- ✓ Background research: AYUDA EN ACCIÓN takes the following actions:
 - For finalist applications: verification in the [MDS](#) and contact with their previous workplaces and references, only done in finalists and in case any doubt has been identified during the process that could not be solved during the process.
 - For employees with contact with minors, a sexual history certificate is required in accordance with the Guidelines for Regular Contact with Minors.
- ✓ Self-declaration: AYUDA EN ACCIÓN asks selected candidates to sign self-declarations pledging not to have committed SEA in the past and not to commit SEA in their new position within the organisation.
- ✓ Employment contracts: AYUDA EN ACCIÓN on the day of signing the contract includes in the adherence to the internal regulatory framework clauses clearly stating the definitions and the roles and responsibilities of personnel regarding SEA. These include, among others, the obligation not to commit SEA, to report SEA and to cooperate in good faith with any investigation or audit related to a case of SEA carried out by the organisation.
- ✓ PSEA Focal Points: AYUDA EN ACCIÓN provides the designated PSEA Focal Points with specific terms of reference related to their PSEA roles and responsibilities⁴. See Annex 1.

⁴ UNICEF PSEA Toolkit, Tools #2, p.50 and #3, p.52.

- ✓ HR Processes: AYUDA EN ACCIÓN aligns its HR processes with its PSEA Policy, its Code of Conduct and its internal disciplinary regime for substantiated allegations.

Organisational management - collaboration agreements:

- ✓ AYUDA EN ACCIÓN includes a standard clause in all its contracts and partnership agreements with its suppliers, contractors, subcontractors and partners of any kind requiring them to commit to a zero-tolerance policy on SEA and to take measures to prevent and address SEA.
- ✓ Where local partners, suppliers and contractors do not have adequate policies and measures in place, AYUDA EN ACCIÓN will support them in the development of such policies and will take the measures it deems appropriate in the case of local partners and will oblige suppliers and contractors to adhere to the AYUDA EN ACCIÓN Policies.
- ✓ All local partners, suppliers and contractors have a duty to cooperate with AYUDA EN ACCIÓN in preventive measures and investigations in the event that this should occur.
- ✓ Failure of such entities or persons to take preventive action against SEA, to investigate complaints or to take corrective action when a SEA has occurred shall constitute grounds for termination of any cooperative agreement.

Awareness-raising of personnel, including mandatory training

- ✓ AYUDA EN ACCIÓN is committed to ensuring that its staff understand the PSEA, are aware of the organization's PSEA systems and are informed of their obligations, as well as the actions to take in the event of a complaint. In particular, staff will be informed of the following:

- Definitions of SEA and a clear understanding of the behaviours that constitute SEA;
 - The obligation of all personnel to report any suspicions or concerns and the consequences of not doing so.
 - The possibility of reporting information anonymously through the [whistleblowing channel](#).
 - The organisation's protection measures for those who file a good faith complaint described in the documents and what information to share to enable an appropriate response and follow-up, to be governed by the documents: "FP.04.07 Non-compliance and irregularity reporting management policy" and "FP.04.08 Non-compliance and irregularity investigation management policy". Also, for the actions to be taken by personnel.
- ✓ Explanation of how the organisation will use the information (e.g., who will receive the reports and the internal response and follow-up procedure).
- A clear prohibition of SEA;
 - Actions to be taken by staff (e.g., prompt reporting of allegations and referral of survivors).
- ✓ AYUDA EN ACCIÓN organises mandatory induction trainings in the first quarter and with one year frequency at the national level for all employees on the Organisation's SEA policy and procedures. To this end:
- AYUDA EN ACCIÓN develops an induction training plan that includes PSEA for all staff, aimed at different levels of audiences and participants.
 - Each country in which AYUDA EN ACCIÓN operates, each focal point is responsible for the annual training of all the country's staff in this area, and Corporate Compliance will ensure that the training plan is carried out by the countries.
 - AYUDA EN ACCIÓN keeps a record of the attendance of all its personnel to the initial and refresher training courses through question tests that will generate a posteriori the lists of participants.
 - AYUDA EN ACCIÓN has training materials on PSEA, which are adapted to the type of training provided (initiation or refresher), as well as to the audience of the training, and ensure opportunities for exchange and discussion among staff.

- ✓ In addition to training, AYUDA EN ACCIÓN takes communication measures (both written and verbal) directed from Corporate Compliance to ensure that its employees and associated personnel are informed of their obligations related to the PSEA, as well as the measures they should take in case of a complaint, such as posters, reminder e-mails.

Report the incident

- ✓ AYUDA EN ACCIÓN has established secure, confidential and accessible mechanisms and procedures for staff, beneficiaries and communities, including children, to report allegations of SEA that meet basic reporting standards, and ensures that beneficiaries are aware of them. AYUDA EN ACCIÓN has mechanisms in place to restrict access to information and store written reports securely for the safety of the survivor and the complainant as long as they are made through the reporting channel made available. Information about an allegation will only be shared on a "need to know" basis.
- ✓ AYUDA EN ACCIÓN ensures that its reporting mechanisms comply with the basic principles of effective reporting of :
 - Accessibility
 - Responsiveness
 - Security
 - Confidentiality
 - Transparency
- ✓ Notification: AYUDA EN ACCIÓN provides training to personnel likely to receive communication and country focal points on relevant procedures and the suspected incident report.

- ✓ Protection from retaliation: AYUDA EN ACCIÓN is committed to maintaining a culture of transparency and a safe environment in which staff and grantees can report allegations of SEA as soon as possible without adverse or punitive action being taken against them as outlined in our internal document "FP.04.07 Non-compliance and irregularity reporting management policy". The organisation does not tolerate any form of retaliation, or threat of retaliation, against anyone who reports a SEA situation or cooperates in any investigative process related to a SEA allegation. AYUDA EN ACCIÓN has secure, confidential and accessible mechanisms and procedures in place for staff, beneficiaries and communities, including children, to report any consideration of retaliation against them.
- ✓ The description of the reporting mechanisms available, the mechanisms/procedures for reviewing SEA allegations and the associated information exchange protocol are described in "FP.04.07 Non-compliance and irregularity reporting management policy" and "FP.04.08 Non-compliance and irregularity investigation management policy".
- ✓ Inter-institutional mechanisms⁵ : AYUDA EN ACCIÓN aligns its internal corporate reporting mechanisms with the inter-institutional reporting mechanisms that may exist in the different countries in which the organisation works or for the response it has to give to different funders.

Awareness-raising among beneficiaries and local communities

- ✓ AYUDA EN ACCIÓN is committed to disseminate among its beneficiaries and their communities the expected behaviour of the personnel linked to the organisation through the dissemination of the Code of Conduct and the alternative channel for complaints.
- ✓ AYUDA EN ACCIÓN is committed to ensuring that any survivor of SEA has access to assistance and support as soon as information about an allegation is received, regardless of (i) the organization's decision to investigate the case, (ii) the outcome of the investigation and (iii) regardless of whether the victim cooperates with an investigation or any other accountability procedure.

⁵ Optional: *to be adapted according to the country.*

- ✓ Assistance and support will be provided by qualified and competent organisations and service providers in line with the "do no harm" and victim-centred approach, fully respecting the rights and best interests of victims and key principles of gender-based violence, especially informed consent. Services will be rights-based, age, disability and gender sensitive, non-discriminatory and culturally appropriate, and ensure the best interests of the child. Support and assistance will involve:
 - Provision of safety measures to protect against retaliation, secondary victimization and re-traumatization,
 - Services including, but not limited to, immediate health care, and psychosocial support, legal services, basic material assistance and support for children born as a result of SEA performed by staff hired by the Organisation.

- ✓ For this purpose, the Organisation has:
 - An updated list of local organisations and service providers with options for child and adult survivors where appropriate, along with the types of services offered. This list is built and/or adapted from the mapping of services conducted by the focal point in the countries where we work and in inter-agency coordination with child protection staff.

 - A defined and articulated system and process described in its standard operating procedures (SOPs) on referrals and survivor support under the National Program. The SOPs include information sharing protocols to respect the privacy, confidentiality and security of the complainant. The SOPs are based on/adapted from the PSEA Network SOPs.

Investigations

- ✓ Investigations: AYUDA EN ACCIÓN has a process in place to investigate allegations of SEA and will appropriately and promptly conduct the investigation of any SEA situation reported to it through the aforementioned Whistleblower Channel and following the steps in document “FP.04.08 Non-compliance and irregularity investigation management policy” and committed by its employees or associated personnel.
- ✓ Referral to national authorities: If, after proper investigation, there is evidence to substantiate allegations of SEA, such cases may be referred to national authorities for appropriate action, including criminal prosecution. The informed and voluntary consent of the victim shall be sought prior to referral to national authorities.
- ✓ Corrective action: The person or team responsible for investigating allegations of SEA will make recommendations for improvement to enable AYUDA EN ACCIÓN to reduce the recurring risk of any misconduct. The organisation's management will be responsible for reviewing and implementing these recommendations; changes made to the organisation's SEA systems will be communicated to staff as appropriate.