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## Act Alliance Guidelines for the prevention of Sexual Exploitation and Abuse

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Item Type	Preprint
Authors	Act Alliance
Publisher	Act Alliance
Rights	With permission of the license/copyright holder
Download date	2026-06-19 19:28:40
Link to Item	<a href="http://hdl.handle.net/20.500.12424/209833">http://hdl.handle.net/20.500.12424/209833</a>

## **ACT Alliance**

# **Guidelines for the prevention of Sexual Exploitation and Abuse**

**Revised, 24 March 2011**

This document is a revision of the December 2008 ACT International “*Guidelines for compliance and complaints mechanisms - code of conduct on sexual exploitation, abuse of power and corruption for staff members of the ACT international alliance*”. It supports implementation of the ACT Code of Conduct (revised 2011) and complements the ACT Complaints Policy and Disciplinary Procedures (2010) and the ACT Complaints Handling and Investigation Guidelines (2010).

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## 1. Introduction

ACT recognises that Sexual Exploitation and Abuse (SEA) can occur in any development or humanitarian setting. Sexual violence is the most immediate and dangerous type of gender-based violence occurring in emergencies. In humanitarian crises, however, the dependency of affected populations on humanitarian agencies for their basic needs creates an additional ethical responsibility and duty of care on the part of all ACT staff. All humanitarian personnel should therefore assume and believe that gender-based violence, and in particular sexual violence, may be taking place, as a serious and life-threatening protection issue, regardless of the presence or absence of concrete and reliable evidence. Therefore, action must be taken from the earliest stages of an emergency, which help prevent sexual violence, sexual exploitation and abuse (SEA) and reduce opportunities for the misuse of power.

In preparing for an emergency response, it is essential to ensure that adequate structures and capacity are in place, for both ACT Alliance employees and affected populations and communities. Therefore, the purpose of this document is to provide guidelines for ACT members on how to prevent sexual exploitation and abuse (SEA) and how to respond to SEA. These Guidelines stop at the pre-investigation stage as separate ACT Complaints Handling and Investigation Guidelines are available for ACT members to complement this document.

## 2. The ACT Commitment

The ACT Alliance mission statement affirms that *“as churches and church-related organisations, we work together for positive and sustainable change in the lives of people affected by poverty and injustice through coordinated and effective humanitarian, development and advocacy work”*. The Alliance is committed to *“guard against the abuse of power by those responsible for protection and assistance to vulnerable communities”*<sup>1</sup>

Since the approval of the first *ACT Code of Conduct on Sexual Exploitation, Abuse of Power, and Corruption* in 2002,<sup>2</sup> ACT has advocated within its alliance for the creation of an environment where abusive and exploitative practices are not tolerated. In 2009, ACT made a commitment to eradicate fraud and corruption through the introduction and implementation of an *Anti-Fraud and Corruption Policy*.

The *ACT Gender Policy Principles* (revised 2010) emphasise the need for gender sensitive situation analysis taking into consideration the different needs and interests of women and men, girls and boys, particularly in relation to prevention and response to gender-based violence. ACT is acutely aware that sexual exploitation and abuse (SEA) are forms of gender-based violence that have been widely reported in humanitarian situations. Within its gender policy, ACT promotes the IASC *“Guidelines for Gender-based Violence Interventions in Humanitarian Settings, Focusing on Prevention of and Response to Sexual Violence in Emergencies* (2005) which provide humanitarian actors with a set of minimum interventions in all sectors to prevent and respond to gender-based violence. It further promotes a complementary IASC gender handbook in humanitarian action, titled *“Women, Girls, Boys and Men Different Needs – Equal Opportunities”*, December 2006 which recognized that wars, natural disasters and related crisis situations have profoundly different impacts on women, girls, boys and men. They face different risks and are thus victimised in different ways.

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<sup>1</sup> ACT Alliance Founding Document, February 2009, p. 2

<sup>2</sup> In 2010, the ACT Code of Conduct was revised and expanded, with the new title of *“ACT Code of Conduct for the prevention of sexual exploitation and abuse, fraud and corruption and abuse of power”*. It complements the ACT Code of Good Practice which establishes an organisational commitment to good practice, and promotes the organisational and programmatic principles of the ACT Alliance.

In 2010, the ACT Alliance established a *Complaints Policy and Disciplinary Procedures* and guidance for members so that all ACT stakeholders could have a grievance handled fairly, consistently and resolved in a timely and confidential manner.<sup>3</sup> The policy and guidance provides detailed information on how to address allegations of gross misconduct including Sexual Exploitation and Abuse. An ACT *Humanitarian Protection Policy*<sup>4</sup> was further approved in June 2010 which promotes a proactive approach by members of the Alliance towards addressing protection issues in all of ACTs work.

*Therefore, ACT managers and staff of ACT members or the ACT Secretariat should,*

- Ensure that all staff are aware of the ACT Code of Conduct, sign it, and understand what it means in terms of their everyday behaviour. Ensure that staff are aware of and understand the related ACT policies noted above and have access to the IASC guidelines to support implementation.
- Support and develop systems which maintain a safe environment to protect all people from SEA<sup>5</sup>.
- In all situations and in emergency situations in particular, ensure that all staff are inducted on how to prevent and respond to SEA, irrespective of the urgency of the deployment process.
- Nominate and adequately train an SEA focal point within the organization or country programme.
- Ensure that communities understand their rights and entitlements and that ACT organization complaint mechanisms for reporting SEA are safe, confidential and accessible.
- Take appropriate action to protect persons from retaliation where allegations of SEA are reported involving ACT staff.
- Enable complainants to access emergency medical assistance.
- Investigate allegations of sexual exploitation and abuse in a timely and professional manner in line with the ACT Complaints Handling and Investigations Guidelines, using external expertise when necessary.
- Take swift and appropriate action against ACT staff who are proven to have committed sexual exploitation and abuse. This may include administrative or disciplinary action, and/or referral to the relevant authorities for appropriate action, including criminal prosecution.
- Regularly advocate within and outside ACT on the need for zero tolerance to SEA, engaging local church and government entities in such discussions.

### **3. Guidelines for implementation**

It is essential for ACT members and the ACT Secretariat to demonstrate ways in which they are complying with the ACT “Code of Conduct for the prevention of sexual exploitation and abuse, fraud and corruption and abuse of power”, beyond the mandatory individual signing of the Code. Members must do everything possible to reduce the power disparity between affected populations and aid workers, and between staff within the organization, to ensure that there is an organisational culture that prioritises this issue, and to establish and implement responsible compliance and complaints systems. The following Mechanisms for Compliance are listed for consideration by members, to be

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<sup>3</sup> See ACT’s Complaints Policy and Disciplinary Procedures, approved by the ACT Governing Board as a pilot in July 2010. See also Complaints Handling and Investigation Guidelines for the ACT Alliance, July 2010

<sup>4</sup> The policy can be found on [www.actalliance.org](http://www.actalliance.org) in the resource section

<sup>5</sup> Please refer to the ACT Guidelines for the prevention of Sexual Exploitation and Abuse, revised 2010

used or adapted as appropriate, recognising that some members may already have similar mechanisms in place.

### **1.1. Establish minimum standards for compliance and complaints mechanisms as part of member commitment to the Code of Conduct**

The ACT Code of Conduct is a comprehensive and broad standard, which must not be compromised. Key indicators, however, will have to be developed and adapted to the environment in which member organisations are working. It is essential that the issue is addressed in member strategic plans and annual work plans, and that minimum organisational and procedural requirements are met. As the least common denominator, members should put systems in place which ensure that minimum compliance mechanisms and complaint procedures are established, in line with the ACT Complaints Policy and Disciplinary 2010 and accompanying guidelines. This section suggests actions and procedures to support compliance (*see also Annex 1: Checklist for Managers*).

### **1.2. Develop and implement compliance and complaints mechanisms as part of overall managerial and staff responsibility and accountability**

The ACT Code of Conduct sets behavioural standards with zero tolerance for sexual exploitation and abuse. This should be elaborated as part of an overall ACT Accountability Framework by each ACT member. Managerial and individual staff accountability for ensuring compliance is a crucial component of the success of the Code. Accountability to communities and affected populations is fundamental, in program design and implementation, and in partnerships and communication. Whatever procedures are established (e.g., information sessions, complaint boxes, focal points among affected persons, referral to focal point of the member, clear complaints channels) should be disseminated as widely as possible, and should increase chances of reporting and receiving complaints. See the ACT Complaints and Investigation Guidelines for details at <http://www.actalliance.org/resources/policies-and-guidelines/complaints-mechanism>

### **1.3. Prioritize adherence to the Code of Conduct on SEA (and other codes of conduct) as part of member capacity development**

The ACT Capacity Development Initiative includes member self-assessment as a fundamental component. Among other things, the self-assessment will provide indicators on a member's conformity to the Code of Conduct on SEA (awareness and implementation thereof), and adherence to the Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs in disaster relief. Identified shortcomings should then be addressed by follow-up measures.

### **1.4. Strengthen emergency Appeal documents and operational procedures relating to the Code of Conduct on SEA**

All Appeal documents should include reference to a member's commitment to the Code of Conduct on SEA. This commitment should be carried through the Appeal cycle – proposal, implementation, reporting, and evaluation. As a rule, evaluations to be launched for ACT appeals should include an assessment of how the implementing agencies have complied both with ethical and professional standards, and how the SEA has been addressed.

It is noted that the use of gender-sensitive programming tools for needs assessments, planning, implementation and evaluation, and adherence to the ACT Code of Conduct, are two of the fundamental Gender Policy Principles for gender mainstreaming in ACT members' work.<sup>6</sup>

### **1.5. Include the ACT Code of Conduct on SEA in all employment policy, procedures and contracts**

The ACT Code of Conduct on SEA should be an essential component ACT member's staffing and hiring policy:

- ACT members should ensure that the essentials of the Code of Conduct (staff behaviour standards and possible disciplinary measures in case of misconduct) become part of the employment contract.
- All staff should have written job descriptions, which mention compliance with ACT Codes and policies and with clear reporting lines.
- At a minimum, new staff should be required to sign that they have read, understood and are in agreement with the content of the ACT Code of Conduct, and accept the consequences of any violation of any of its provisions.

### **1.6. Appoint "Focal Points" on SEA**

As a minimum requirement, ACT members and the ACT Secretariat should ensure that at least two trusted senior staff (one male and one female), preferably with experience and training in the field, are appointed who can act as SEA Focal Points. In cases where "Employee Representation" or "Employee Representative Committees" are already in place, these should be supplemented by Focal Points. The Focal Points should be equipped with a clear Terms of Reference. Where appropriate, the member should ensure that respective training and guidance is provided to the Focal Points, and that he/she in turn will be able to train other staff. The Focal Points are the persons to whom staff can make complaints and/or to alert the member to allegations. Selection of the right persons to be the Focal Points is essential. Agreed upon criteria for the selection should be established. Every effort must be made by the Senior Management of the member agency to provide the Focal Points with the requisite tools and authority to perform this role effectively, and to protect him/her from any potential disruptions or outside influence. See *Annex 2: Sample form for referring complaints of sexual exploitation and abuse*.

### **1.7. Organise staff orientation and training: raise awareness and familiarise staff and affected populations/communities on the Code of Conduct, and with the compliance mechanisms described in this document**

ACT members cannot assume that staff members are any more aware of SEA issues than other members of the community. Therefore, all staff should be familiarised with the topic. This may well include internal training and induction sessions. Awareness raising and familiarisation should include mandatory reporting requirements, as these may help to overcome fears of sharing concerns about colleagues. One of the characteristics of Gender Based Violence (GBV), and in particular sexual violence, is under-reporting. Victims generally do not speak of the incident for many reasons, including self-blame, fear of reprisals, mistrust of authorities, and fear of re-victimisation. Acts of GBV often evokes shaming, blaming, social stigma, and often rejection by the victim's family and/or community.

It is essential to raise awareness both for the potential victims (regarding their rights and ways of reporting) and the potential perpetrators (regarding their wrongs).

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<sup>6</sup> ACT Gender Policy Principles

At a minimum, people with whom we work need to know:

- That they have a right to be free of sexual exploitation and abuse.
- How they can complain and to whom they can complain.
- What steps they can take to ensure confidentiality and what steps the member will take to ensure safety and confidentiality.

See ACT's Complaints Policy and Disciplinary Procedures and related guidelines for more details.

### **1.8. Develop a roster of experts on gender-based violence**

Country and regional mapping of senior staff experienced in gender-based violence issues, both within and outside the ACT Alliance, should take place. Such experts could, whenever the need arises, be engaged for internal staff training, monitoring compliance, assessments, evaluations and/or random spot checking.

### **1.9. Coordinate member SEA preparedness activities within ACT forums**

It is suggested that the ACT member Focal Point liaise with focal points of other members, particularly in the context of an ACT Forum. Joint training, joint orientation, joint preparation of compliance and complaints mechanisms, agreement on a roster of local SEA experts, and joint learning are among the activities which could be carried out. A forum should promote the ACT Code of Conduct and its concrete implementation through activities such as described in this document.

### **1.10. Prepare an SEA brochure for dissemination to staff and affected populations and communities**

Staff, communities and affected populations need to be aware of what mechanisms exist to prepare for and respond to cases of sexual exploitation and abuse. A simple brochure can serve that purpose. For example, the established "channel of complaints" should be communicated clearly and publicised to all staff and populations with which the member is working, in succinctly worded written form. The information should include information on: the protection of the rights and confidentiality of both alleged victims and the accused; and where to find Focal Points for inquiry, complaints and protection; and on how to make a complaint. The brochure, and familiarisation sessions form part of an overall "information strategy". Here it must be kept in mind that provision of too much information can sometimes be counterproductive, and may undermine trust.

### **1.11. Organise appropriate activities to help minimise opportunities for sexual exploitation**

This may include: setting up responsible distribution systems; identifying proper locations for latrines, and common areas; and choosing specific locations for single women residences. Please refer to *Annex 3 "Sample Monitoring Form, Implementation of Minimum Prevention and Response"*, containing basic emergency activities to help prevent or minimise the risk of sexual exploitation in emergencies<sup>7</sup>.

### **1.12. Have investigation and sanction mechanisms in place**

In some instances complaints will justifiably lead to the need for a more detailed investigation, which is generally carried out by the ACT member according to its own investigation policies and procedures. If the ACT member does not have the capacity to undertake an investigation, the ACT Secretariat may be

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<sup>7</sup> Source: IASC Guidelines for Gender-based Violence Interventions in Humanitarian Settings, 2005, Annex 2, page 84.

called upon to facilitate an investigation using external experts as required (See ACT Complaints Handling and Investigation Guidelines for more details).

**1.13. Have a safe referral process**

All ACT members should seek to have the capacity to receive and handle complaints effectively. If it does not have the capacity to undertake specialised investigations into allegations of sexual exploitation and abuse, it should have a safe referral system within the ACT Alliance or know where to access expert investigators<sup>8</sup>. *See Annex 4: Sample form for referring complaints of sexual exploitation and abuse.*

*Please refer to the ACT Complaints Policy and Disciplinary Procedures 2010 and the ACT Complaints & Investigations Guidelines 2010 for details on handling complaints and investigations.*

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<sup>8</sup> The Humanitarian Accountability Partnership, for example, has a roster of trained SEA investigators

## Annex 1: Checkpoints for managers

Source: ICVA/Building Safer Organisations “Guidelines for receiving and investigating allegations of abuse and exploitation by humanitarian workers” – slightly adapted to address ACTs humanitarian and development mandate

Mark the most appropriate answer for each statement:

- a) implemented
- b) partially implemented
- c) not implemented
- d) do not know

### Checkpoint 1: Philosophy and Principles

		a	b	c	d
1.	The organisation’s duty of care for all people with whom we work is explicitly written in recruitment and policy materials.				
2.	The organisation’s policies on protecting people with whom we work is well publicised to all staff.				
3.	Statements that the welfare of all children must be a paramount consideration of the organisation are built into all policies.				
4.	Statements that women have equal rights and should be treated with dignity and respect feature in all relevant policies.				
5.	All people with whom we work, including women and children are aware of their rights through publicised material and/or awareness raising measures.				
6.	Disrespectful, abusive, exploitative and discriminatory behaviour is actively discouraged and measures are taken to deal with such incidents.				
7.	The organisation works in active partnership with the community of people of concern and specifically takes measures to engage with women, children and young people.				
8.	Managers and senior staff promote a culture of mutual respect between staff and people with whom we work, including women and youth. Senior staff model good practices.				

### Checkpoint 2: Conduct and Good Practice

		a	b	c	d
1.	The organisation has a staff code of good behaviour that regulates staff behaviour towards people of concern with a process for dealing with complaints.				
2.	The code is endorsed by senior management and well publicised.				
3.	Staff are fully aware of the code and required to sign it.				
4.	Discriminatory, violent, disrespectful or inappropriate behaviour by staff/volunteers towards people of concern is actively discouraged and measures are taken to deal with such incidents. People with whom we work, including young people, are provided with information on where to go for help.				
5.	There are specific guidelines relating to responding to children’s reports of abuse or unacceptable behaviour.				
6.	The code prohibits sexual abuse and exploitation of people with whom we work.				
7.	The code prohibits sexual activity with children under the age of 18 regardless of the local age of consent.				
8.	There is training and awareness-raising for all staff and volunteers on the code.				
9.	The consequences of breaching the code of behaviour are clear and linked to organisational disciplinary and grievance procedures.				
10.	There is guidance for staff and managers on managing prohibited behaviour.				
11.	There are guidelines for care of children or young people, or relating to appropriate				

	or inappropriate touching, specifically for teachers and medical staff.				
12.	The organisation generally promotes high standards of personal behaviour, conduct and language				

### Checkpoint 3: IASC Protocol

		a	b	c	d
1.	The organisation has complaints procedures that are safe and accessible for staff, volunteers and people with whom we work and is endorsed by management.				
2.	The organisation has a complaints mechanism and investigation procedures and staff and people with whom we work are aware of them.				
3.	The policy and procedures are reviewed every three years, or whenever there is a major change in the organisation or in legislation.				
4.	There is a designated person/focal point known to everyone in the organisation, who is responsible for receiving complaints.				
5.	There are several complaints mechanisms in place suited to various elements of the people with whom we work.				
6.	Complaints and investigation policies are widely available to staff and form part of an induction process for new staff.				
7.	There is a disciplinary and grievance policy and staff are aware and understand it.				
8.	The organisation is aware of how its guidelines fit into international guidelines for child protection and responding to sexual abuse and sexual exploitation of women and children. Contact details for local services are readily available.				
9.	Processes for dealing with complaints are fair and open to challenge through an appeals process.				

### Checkpoint 4: Staff and Volunteers

		a	b	c	d
1.	The organisation has clear policies and procedures for all staff involved in the recruitment and selection of staff and volunteers. Human resource staff is trained in these policies and procedures.				
2.	There is a staff/volunteer induction programme that includes awareness of the code of conduct, the complaints system and investigation procedures related to sexual abuse and sexual exploitation and the consequences of non-compliance.				
3.	Designated managers have access to specialist advice or training on investigations and handling staff misconduct.				
4.	Staff, volunteers, coaches or leaders are easily identifiable as belonging to the organisation and known to people with whom we work including the children and young people.				
5.	All staff and volunteers who have contact with vulnerable populations and children have all had criminal records checks, where possible.				
6.	There is a well-publicised 'whistle-blowing' policy to promote the disclosure by a staff member of confidential information relating to unacceptable behaviour by another member of staff or external contacts.				
7.	There are complaints, disciplinary and grievance policies in place that all staff are aware of and those responsible for dealing with them receive suitable training.				
8.	There is a policy on providing support and supervision for staff or volunteers who encounter protection concerns within their work.				
9.	Opportunity for ongoing training about sexual abuse and exploitation is available and resources are identified as part of a staff development.				

## Annex 2: Sexual Exploitation and Abuse initial complaint form

(To be completed by the staff person initially receiving the complaint)

Adapted from Inter-agency Protocols for the Prevention of Exploitation and Abuse in the Kenya Refugee Program, Nairobi, March 2006.

*All information must be held securely and handled strictly in line with applicable reporting and investigation procedures. Confidentiality must be maintained at all times*

File Number

### A – General Data

1. Camp/Location/Estate \_\_\_\_\_ Block/Plot \_\_\_\_\_
2. Name of affected person \_\_\_\_\_ Sex \_\_\_\_\_ Age \_\_\_\_\_
3. Identification number (specify) \_\_\_\_\_
4. Date of incident \_\_\_\_\_ Time of incident \_\_\_\_\_
5. Place of incident \_\_\_\_\_
6. Date of reporting \_\_\_\_\_ Time of reporting \_\_\_\_\_  
Date of Examination \_\_\_\_\_

### B – Brief Description of the incident

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### C- Name of Witnesses (if any)

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**D- Describe action taken, provide detailed information regarding what medical assistance has been provided, what psychosocial care has been provided and whether a report has been made to the Police.**

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Case to be referred to an SEA focal point immediately    Yes            No

If No, why not? \_\_\_\_\_

(Name) \_\_\_\_\_ Signature \_\_\_\_\_

Case referred to: \_\_\_\_\_

## **Annex 3: Sample monitoring form, implementation of minimum prevention and response**

*(basic emergency activities to help prevent or minimise the risk of sexual exploitation in emergencies)*

Source: IASC Guidelines for Gender-based Violence Interventions in Humanitarian Settings, 2005, page 84.

**Situation/Country:** \_\_\_\_\_ **Date:** \_\_\_\_\_ **Completed by:** \_\_\_\_\_

### **KEY ACTIONS**

### **STATUS OF IMPLEMENTATION**

#### **Coordination**

- 1.1 Establish coordination mechanisms and orient partners
- 1.2 Advocate and raise funds
- 1.3 Ensure Sphere standards are disseminated and adhered to

#### **Assessment and Monitoring**

- 2.1 Conduct a coordinated situational analysis
- 2.2 Monitor and evaluate activities

#### **Protection**

- 3.1 Monitor security and define protection strategy
- 3.2 Provide security in accordance with needs
- 3.3 Advocate for implementation of and compliance with International instruments

#### **Human Resources**

- 4.1 Recruit staff in a manner that will discourage SEA
- 4.2 Disseminate and inform all partners on codes of conduct
- 4.3 Implement confidential complaints mechanisms
- 4.4 Implement SEA focal group network

#### **Water and Sanitation**

- 5.1 Implement safe water/sanitation programmes

#### **Food Security and Nutrition**

- 6.1 Implement safe food security and nutrition programmes

#### **Shelter and Site Planning and Non-Food Items**

- 7.1 Implement safe site planning and shelter programmes
- 7.2 Ensure that survivors/victims have safe shelter
- 7.3 Implement safe fuel collection strategies
- 7.4 Provide sanitary materials to women and girls

#### **Health and Community Services**

- 8.1 Ensure women's access to basic health services
- 8.2 Provide sexual violence-related health services
- 8.3 Provide community-based psychological and social support

#### **Education**

- 9.1 Ensure girls' and boys' access to safe education

#### **Information, Education, Communication**

- 10.1 Inform community about sexual violence and the availability of services
- 10.2 Disseminate information on International Humanitarian Law (IHL) to arms bearers

### Annex 4: Sample Sexual Exploitation and Abuse Complaint Referral Form

(To be completed by SEA Focal Point)

Adapted from Inter-agency Protocols for the Prevention of Exploitation and Abuse in the Kenya Refugee Program, Nairobi, March 2006.

Name of Complainant: _____ Ethnic origin/Nationality _____
Address/Contact details: _____ Identity no: _____ _____
Age: _____ Sex: _____

Name of survivor (if different from Complainant): _____ Ethnic origin/Nationality: _____
Address/Contact details: _____ Identity no: _____
Age: _____ Sex: _____
Name(s) and address of Parents, if under 18: _____
Has the survivor given consent to the completion of this form? <input type="checkbox"/> YES <input type="checkbox"/> NO
If the survivor is a minor, are parents involved in placing a complaint on his/her behalf?

Date of Incident(s): _____ Time of Incident(s): _____ Location of Incident(s): _____
Physical & Emotional State of Survivor (Describe any cuts, bruises, lacerations, behaviour, and mood): _____
Witnesses' Names and Contact Information: _____
Brief Description of Incident(s) (Attach extra pages if necessary):   

Name of Subject of Complaint(s): _____
Job Title of Subject(s) of Complaint:

Organisation Subject(s) of Complaint Works For: \_\_\_\_\_

Address of Subject(s) of Complaint (if known): \_\_\_\_\_

Age: \_\_\_\_\_ Sex: \_\_\_\_\_

Physical Description of Subject(s) of Complaint:

Have the police been contacted by the survivor?  YES  NO If yes, what happened?

If no, does the survivor want police assistance, and if not, why? \_\_\_\_\_

Has the survivor been informed about available medical treatment?  YES  NO

If Yes, has the survivor sought Medical Treatment for the incident?  YES  NO

If Yes, who provided treatment? What is the diagnosis and prognosis? \_\_\_\_\_

What advice did you provide the survivor? What action did you take?

What immediate security measures have been undertaken for survivor?

Who is responsible for ensuring safety plan (Name, Title, Organisation):

Any other pertinent information provided in interview (including contact made with other Organisations, if any):

Details of referrals and advice on health, psychosocial, legal needs of survivor made by person completing report:

Report completed by: \_\_\_\_\_



## Annex 5: Key terms and definitions

**Abuse of power:** Abuse of power includes any abusive behaviour (physical, psychological, sexual or emotional) by a person in a position of authority and trust against someone in a position of vulnerability and/or dependency.

**Bullying** is aggression expressed psychologically and emotionally rather than physically. The term is used to describe a repeated pattern of negative intrusive violational behaviour against one or more targets and comprises constant trivial criticism, refusal to value and acknowledge, undermining, discrediting and a host of other behaviours.<sup>9</sup>

**Complainant:** The person making the complaint, including the alleged survivor of the sexual exploitation and abuse or another person who becomes aware of the wrongdoing.

**Discrimination:** Discrimination means exclusion of, treatment of, or action against an individual based on social status, race, ethnicity, colour, religion, gender, sexual orientation, age, marital status, national origin, political affiliation or disability.

**Gender and power:** Gender is the English word being used to describe cultural/societal differences between males and females in terms of roles and responsibilities, expectations, power, privileges, rights, and opportunities. "Gender" refers to the differences between males and females that are rooted in culture, tradition, society, and religion. Gender is something that is learned from infancy. An individual or society's gender perspective can change. Unequal power relationships provide the basis for sexual exploitation and abuse. Due to their unequal status, women and girls are particularly at risk of sexual exploitation and abuse. However, it is important to recognise that boys are also vulnerable to sexual exploitation and abuse.

**Humanitarian and development workers:** The term humanitarian and development worker is often used interchangeably for people who work in either humanitarian or development work, or both. This group is more broadly defined than the internationally engaged staff of humanitarian aid organizations. Thousands of staff are engaged in a variety of work ranging from volunteers, casual labourers, drivers and warehouse guards to decision makers at the country, regional and international levels. Many of these staff are drawn from the communities or crisis-affected populations themselves. This can blur distinctions between what constitutes professional and private relationships with other members of the communities with whom we work. However, by accepting work with humanitarian or development agencies, humanitarian and development workers also have to accept the special responsibility of care that goes with the job.

**Harassment:** Harassment means any unwelcome comment or behaviour that is offensive, demeaning, humiliating, derogatory, or any other inappropriate behaviour that fails to respect the dignity of an individual. Harassment can be **committed by** or **against** any member of the community with whom we work, partners, employee, vendor or other individual visiting or doing business with an agency.

**Minor:** A person under age 18 (a child according to the definition in the Convention for the Rights of the Child, CRC).

**Gender based violence (GBV):** "Any harm that is perpetrated against a person's will; that has a negative impact on the physical or psychological health, development, and identity of the person; and that is the result of gendered power inequities that exploit distinctions between males and females, among males and among females. Although not exclusive to women and girls, GBV principally affects them across all cultures. Violence may be physical, sexual, psychological, economic, or sociocultural."<sup>10</sup> Gender-based violence may manifest in numerous ways: domestic violence, battering, rape and marital rape, female genital mutilation, torture, trafficking, and forced prostitution, dowry-related violence, marriage and in certain cases, violence perpetrated or condoned by the state.

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<sup>9</sup> <http://www.bullyonline.org/workbully/mobbing.htm> - website of the National UK Workplace bullying advice line

<sup>10</sup> Ward, Jeanne. (2002). If Not Now, When? Addressing Gender-Based Violence in Refugee, Internally Displaced and Post-Conflict Settings. New York: The Reproductive Health in Conflict Consortium.

**Sexual abuse:** Sexual abuse is actual or threatened physical intrusion of a sexual nature, including inappropriate touching, by force or under unequal or coercive conditions;

**Sexual exploitation:** 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, sexually or politically from the sexual exploitation of another (UN SG Bulletin, 9 October 2003). In these situations, the potential victim believes she/he has no other choice than to comply; this is not consent and it is exploitation. Some examples include, but are not limited to:

- Humanitarian/development worker demanding (or accepting) sex in exchange for material assistance, favours, or privileges.
- Teacher insisting on (or accepting) sex in exchange for passing grade or admission to class.
- Refugee leader demanding (or accepting) sex in exchange for favours or privileges.
- Security worker insisting on (or accepting) sex in exchange for safe passage.
- Driver demanding (or accepting) sex to give a female person a seat in the vehicle.

Exploitation is using one's position of authority, influence or control over resources, to pressure, force or manipulate someone to do something against their will or unknowingly, by threatening them with negative repercussions such as withholding project assistance, not approving an employee's work support requests, threatening to make false claims about an employee in public, etc.

**Sexual harassment:** Sexual harassment means any unwelcome sexual advance, comment, expressed or implied sexual demand, touch, joke, gesture, or any other communication or conduct of a sexual nature, whether verbal, written or visual, by any person to another individual within the scope of work. Sexual harassment may be directed at members of the same or opposite sex and includes harassment based on sexual orientation. Sexual harassment can occur between any one or more individuals, employee or beneficiary, regardless of their work relationship.

**Subject of the complaint (SOC):** The person alleged to have perpetrated the misconduct in the complaint (BSO/HAP)

**Survivor or victim** – the person who is, or has been, sexually exploited or abused. This term implies strength, resilience and the capacity to survive (BSO/HAP).

**Protection:** Ensuring that individual basic human rights, welfare and physical security are recognised, safeguarded and protected in accordance with international standards.

**Responsibility and accountability:** At present, accountability for the behaviour of staff exists only within individual agencies and varies, in level, between agencies. Further consideration must be given as to the adequacy of internal systems to maintain standards of behaviour. A breach of the code of conduct calls for sanctions established with the administrative rules and procedures of the respective agencies.

**Workplace violence:** Any incident in which a person is abused, threatened or assaulted in circumstances relating to their work. These behaviors would originate from customers, co-workers at any level of the organization. This definition would include all forms of harassment, bullying, intimidation, physical threats/assaults, robbery and other intrusive behaviors (ILO).

## Annex 6: Useful Resources

ACT Code of Conduct for the prevention of sexual exploitation and abuse, fraud and corruption and abuse of power, revised 2010

ACT Code of Good Practice 2010

ACT Complaints Policy and Disciplinary Procedures, 2010

ACT Complaints and Investigation Guidelines, 2010

ACT Gender Policy Principles. approved April 2008, revised 2010

ACT National and Regional Forums Policy and Guidelines, revised 2010

ACT Organisational Capacity Assessment Guide and Tool, revised 2010

“Building Safer Organisations Guidelines” - Receiving and investigating allegations of abuse and exploitation by humanitarian workers (ICVA 2004)

“BSO Handbook” – Training materials on receiving and investigating allegations of abuse and exploitation by humanitarian workers (395 pages), email: [bsa@hapinternational.org](mailto:bsa@hapinternational.org). [info@hapinternational.org](mailto:info@hapinternational.org); [www.hapinternational.org](http://www.hapinternational.org)

Child Protection in Emergencies, International Save the Children, Alliance, 2007

Hensle, Hannelore, ACT Code of Conduct on Sexual Exploitation, Abuse of Power and Corruption for Staff Members of the ACT International Alliance – A Compilation, March 2008.

IASC “Guidelines for Gender-based Violence Interventions in Humanitarian Settings – Focusing on Prevention of and Response to Sexual Violence in Emergencies” (87 pages)  
<http://www.humanitarianinfo.org/iasc/publications/asp>

IASC 2006, “Women, Girls, Boys and Men Different Needs – Equal Opportunities”, Gender Handbook on Humanitarian Action, December 2006

Inter-agency Protocols for the Prevention of Exploitation and Abuse in the Kenya Refugee Program. Inter-agency Task Force on Protection from Sexual Exploitation and Abuse, Nairobi, Kenya, March 2006.

SCHR Peer Review on Sexual Exploitation and Abuse, WCC/ACT Peer Review. Steering Committee for Humanitarian Response, June 2005.

SCHR Peer Review on accountability to disaster-affected populations, 2009 and follow up report 2010/11

Toolkit: Keeping Children Safe. (a network of international NGOs working on good practice in child protection)  
<http://www.keepingchildrensafe.org.uk/>

UN Security Council Resolution 1325 – Women, Peace and Security. UN Security Council, 2000