



ACTED



**POLITICY
AGAINST
SEXUAL
EXPLOITATION
AND ABUSE**

2018

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I. INTRODUCTION

Independent, private and non-profit, ACTED respects a strict political and religious impartiality, and operates following principles of non-discrimination, transparency, according to its core values: responsibility, impact, enterprising-spirit and inspiration.

ACTED is committed to immediate humanitarian relief to support those in urgent need and protect people's dignity, while co-creating longer term opportunities for sustainable growth and fulfilling people's potential. ACTED endeavours to respond to humanitarian crises and build resilience; promote inclusive and sustainable growth; co-construct effective governance and support the building of civil society worldwide by investing in people and their potential.

The commitment of ACTED is guided by 4 core values:

- **Responsibility:** we ensure the efficient and responsible delivery of humanitarian aid with the means and the resources that have been entrusted to us.
- **Impact:** we are committed to having the most sustainable impact for the communities and the people with whom we engage.
- **Enterprising-spirit:** we are enterprising and engage in our work with a spirit that creates value and overcomes challenges.
- **Inspiration:** we strive to inspire all those around us through our vision, values, approaches, choices, practice, actions and advocacy.

Policy statement

ACTED adopts a zero tolerance approach towards sexual exploitation and abuse. ACTED is committed to the prevention of sexual exploitation and abuse both within the organisation and within the framework of ACTED programmes and ACTED beneficiary populations.

In this context, the aim of this policy is to define expressly sexual exploitation and abuse, to set up a reporting process in the case of a violation of the rules and a specific disciplinary sanction procedure based on the seriousness of the acts committed.

This policy is aimed at guiding ACTED staff and partners, and must be considered together with:

- ACTED's Code of Conduct ;
- ACTED's Grievance Policy;
- ACTED's Child Protection Policy;
- ACTED's Conflict of Interest Prevention Policy;
- ACTED's Data Protection Policy;
- ACTED's Anti-Fraud, Bribery and Corruption Policy;
- ACTED's Anti-Terrorism Policy;
- ACTED's procedures and handbooks e.g. Finance, Logistics, Human Resources, Internal Audit, Security and AME.

II. INTERPRETATION AND APPLICATION

Article 1 – Scope of application

1. The policy applies to all ACTED staff and ACTED governance.
2. The provisions of this policy may also be applied to any person employed by an entity that carries out missions for ACTED.
3. In particular, this policy applies to implementing partners depending on specific clauses and conditions of the grant agreement, suppliers, sub-grantees, beneficiaries (as victims), stakeholders and other associated entities.



Article 2 – Definitions

1. Sexual exploitation and abuse: for the purposes of this policy, the term sexual exploitation and abuse includes:
 - sexual harassment,
 - abuse of power for the purpose of obtaining sexual favours,
 - rape,
 - sexual assault,
 - sexual relations with a minor,
 - paid sexual relations,
 - human trafficking sex-related.

(i) Sexual Harassment

Sexual harassment is characterized by the repeated imposition of sexual comments or behaviours on a person that:

- are degrading because of their degrading or humiliating nature,
- or create an intimidating, hostile or offensive situation for the person concerned.

Any form of serious (even non-repeated) pressure with the real or apparent aim of obtaining a sexual act for the benefit of the perpetrator or a third party is considered as sexual harassment.

It is specifically prohibited to sexually harass any ACTED staff or persons defined in Articles 1.2 and 1.3 of this ACTED Policy during or outside working hours.

Sexual harassment includes a large number of prohibited behaviours such as:

- physical assaults of a sexual nature, such as rape or sexual assault, attempts to commit such acts or physical intent such as touching, pinching, fondling or any other gesture against the body of another individual;
- sexual advances, sexual proposals or comments with sexual connotations such as equivocal gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experiences;
- preferential treatment or promise of preferential treatment in exchange for sexual favours from a person including solicitation only, or explicit request for sexual intercourse in exchange for any reward;
- intimidation, threats or barriers to career progression because of the gender of the person concerned;
- reprisals in response to a sexual harassment complaint.

(ii) Abuse of power for the purpose of obtaining sexual favours

The abuse of power to obtain sexual favours is characterized by a sexual relationship imposed by force or by a relationship of social or economic dependence or subordination.

Any relationship with a minor will be considered as sexual exploitation or abuse.

Abuse of power to obtain sexual favours also includes rape and sexual assault.

(iii) Rape

Rape is defined as any act of sexual penetration, of any kind, committed against another person, whether a minor or an adult, by violence, coercion, threat or surprise. Sexual penetration includes vaginal, anus or mouth penetration through the penis or any other part of the body, including penetration with an object.

(iv) Sexual assault

Sexual assault is defined as any sexual assault committed against another person, whether a minor or an adult, by violence, coercion, threat or surprise.

(v) Sexual relation with a minor

Sexual relation with a minor is defined as sexual penetration (as defined in iii) Rape) or sexual assault (as defined in iv) Sexual assault) against a minor under the age of 18.

Sexual relation with a minor is considered as sexual abuse.



Any sexual activity with a child is prohibited because of the age of majority and lack of consent. A child is defined as any person under 18 years old, in accordance with the United Nations Convention on the Rights of the Child. Not knowing the person's age is not a valid defense.

(vi) Paid sexual relations

Paid sexual relations is defined as the payment of a sum of money, an offer of employment, the provision of services in exchange for a sexual relationship or sexual favours for both minors and adults.

Solicitation alone is also prohibited.

(vii) Human trafficking sex-related

Human trafficking of a sexual nature or procuring is defined as the recruitment, transportation, transfer or concealment of persons by the provision of means, threat or any other form of coercion, fraud or abuse of power or by taking advantage of the sexual activity of a minor or an adult.

2. Governance: Under the terms of this policy, the term "governance" refers to any person elected by decision making bodies to participate in the managerial and administrative bodies of ACTED and/or one of its sister organisations and/or one of the member organisations of the ACTED network. In particular, the members of boards of directors and supervisory boards are Governance members.
3. Associated Entities: Under the terms of this policy, associated entities are legal persons under private or public law who play an active role in the implementation of the project but are not responsible for managing any budget.
4. Implementing partners: Under the terms of this policy, an implementing partner is a partner to whom the implementation of one or more projects or activities has been delegated, and to whom a budget has been allocated for this purpose. In particular, this refers to international NGOs and/or national NGOs and/or public institutions.
5. Stakeholders: Under the terms of this policy, stakeholders are individuals or groups, with or without a legal personality, who directly or indirectly, voluntarily or involuntarily, contribute to, participate in or benefit, in any way, from the actions, programmes and activities of ACTED and/or one of its sister organisations and/or one of the member organisations of the ACTED network.
6. ACTED staff: Under the terms of this policy, the term «ACTED staff» refers to any person employed by ACTED and/or one of its sister organisations and/or one of the member organisations of the ACTED network. The interns of ACTED and/or one of its sister organisations and/or one of the member organisations of the ACTED network are considered to fall within this category, for the purposes of this policy.
7. Beneficiaries: Under the terms of this policy, the term « beneficiaries » refers to any person who benefits, directly or indirectly, from ACTED's programmes.
8. Sub-grantee: Under the term of this policy, a Sub-grantee is an individual or a group, with or without legal personality, who receives a budget to carry out a project or activity.

Article 3 – Information and adherence to the policy

1. This policy is published under the authority of ACTED. ACTED staff, as well as the other entities mentioned in article 1 of this policy, are required to conduct themselves in accordance with this policy and must therefore be aware of its provisions and of any changes. When they are unsure of how to proceed, they should seek the advice of a competent person.
2. ACTED staff, as well as the other entities referred to in Article 1 of this policy, who negotiate the terms and conditions of employment of ACTED staff must include a provision stating that this policy must be respected with and forms part of these terms and condition.
3. It is the responsibility of ACTED's staff, as well as the other entities referred to in Article 1 of this policy, responsible for controlling or directing other ACTED staff to ensure that they comply with this policy and to take or propose appropriate disciplinary measures as sanction against any violations of its provisions.



4. This policy shall form part of the working conditions of ACTED staff provided that they certify that they have read it.
5. ACTED will review the provisions of this policy at regular intervals.

Article 4 – Purpose of the policy

1. The purpose of this policy is to specify the rules which relate to sexual exploitation and abuse that may be raised by ACTED staff and the rules of conduct that ACTED staff must observe, in order to support them to respect these standards.
2. The purpose of this policy is to ensure that ACTED staff have an effective means of reporting sexual harassment and prohibited sexual behaviour as defined in this policy.

III. GENERAL PRINCIPLES

Article 5 – Neutrality

ACTED staff, as well as the other entities mentioned in article 1 of this policy, must fulfill their duties in a politically neutral manner, in accordance with the law, legitimate instructions and ethical rules relating to their roles.

Article 6 – Impartiality

In the context of their professional roles and/or their missions, ACTED staff must act in accordance with the law and exercise their discretionary power in an impartial manner, taking only relevant circumstances into consideration.

Article 7 – Confidence of stakeholders

ACTED staff have a duty to conduct themselves at all times in a way that preserves and reinforces the confidence of all stakeholders regarding the integrity, impartiality and efficiency of ACTED.

Article 8 – Hierarchical responsibility

ACTED staff report to their immediate superior and/or the head of their functional department, unless otherwise provided for by law.

Article 9 – Confidentiality

Duly considering the stakeholders' potential right to access information, ACTED staff must process all the information and all the documents acquired during or as part of the exercise of their duties with the necessary confidentiality.

Article 10 – Protection of privacy

All the necessary measures must be taken to ensure that the privacy of ACTED staff is appropriately respected; as a result, the declarations provided for in this policy must remain confidential, unless otherwise provided for by law.

Article 11 – Information held

1. Considering the general framework of international law regarding access to information held by private individuals, ACTED staff must only disclose information in accordance with the rules and requirements applicable to ACTED.



2. ACTED staff must take the appropriate measures to guarantee the security and confidentiality of the information for which they are responsible or of which they are aware.
3. ACTED staff must not seek access to information which would be inappropriate for them to have. ACTED staff must not make inappropriate use of the information they may obtain in or as part of the exercise of their duties.
4. In the same way, ACTED staff must not retain professional information that may or should be legitimately circulated, or circulate information they know, or have reasonable grounds to believe, is inaccurate or misleading.

Article 12 – Responsibility of line managers

1. ACTED staff in charge of monitoring or directing other ACTED staff must do so in accordance with the policies and objectives of ACTED. They must respond to the acts and omissions of their staff which violate these policies and objectives, if they have not taken the due diligence measures expected from a person in their position to prevent such acts or omissions.
2. ACTED staff tasked with monitoring or directing other ACTED staff must take the measures necessary to prevent their staff from engaging in acts likely to generate a grievance. These measures may be: to draw attention to and implement the laws and regulations; to ensure adequate training against the corruption their staff may face; and to set an example of integrity through their personal conduct.

IV. MECHANISMS TO COMBAT SEXUAL EXPLOITATION AND ABUSE

Article 13 – Importance of prevention

Fully aware that sexual exploitation and abuse can be most effectively avoided by creating an effective organizational culture, ACTED has developed a series of awareness modules and internal training aimed at preventing and identifying sexual exploitation and abuse.

In parallel, ACTED has developed a body of legal and practical procedures, notably through its code of conduct, its ethical declarations, its human resources manuals and AME, re-asserting the need to respect the dignity of individuals.

Article 14 – Prevention and identification mechanism

Through its international actions, ACTED is faced with the most diverse cultures and belief systems, however aware of the necessary freedom of speech and the necessary protection of victims, ACTED has developed mechanisms that can contribute to prevent sexual exploitation and abuse such as:

- Signing of the code of conduct by the staff in order to clarify unacceptable behaviour and in particular sexual exploitation and abuse;
- Information to the beneficiaries of existing remedies (Complaints and Response Mechanisms) allowing to sensitize all the stakeholders of a project and to ensure that the field teams maintain a respectful dialogue with the beneficiaries;
- Implementation of training and awareness sessions in order to train and empower the teams, particularly for staff exposed to working with minors or the most vulnerable population;
- Identify risk factors on an ongoing basis and in particular throughout the cycles of the programmes put in place evaluation procedures for ACTED partners by carrying out due diligence, particularly with regard to their ethical commitments and past behaviours.

Article 15 – Prohibition of all sexual exploitation and abuse

15.1 Any direct or indirect participation in sexual exploitation and abuse as defined in this policy is prohibited for ACTED staff and the other entities mentioned in article 1 of this policy.

15.2 Under no circumstances shall ACTED staff and the other entities mentioned in article 1 of this policy,



take undue advantage of their professional position for their personal interest or to obtain a favor of a sexual nature.

Article 16 – Action to be taken in the event of sexual exploitation and abuse

16.1. In the case of sexual exploitation and abuse committed as part of an employment relationship

If the employee believes that he or she is a victim of or witness to any of the conduct set out in article 2 of this policy, he or she shall directly address the perpetrator in order to bring the conduct to an end, under the condition that the conduct is not too serious as to render such action impossible.

If the inappropriate behaviour does not cease or if the employee is unable to address the perpetrator directly, he or she must report the facts to his or her hierarchical manager or to the Director of Human Resources and/or through grievance@acted.org.

It is advisable to note the day and time as well as details related to the facts and the names of any witnesses.

In any case, the human resources director must be informed, if appropriate, the hierarchical manager must also be informed of the facts in order to take appropriate measures and to conduct an internal investigation as soon as possible.

16.2. In the case of sexual exploitation and abuse committed against a beneficiary of ACTED's action

If sexual exploitation and/or abuse committed against beneficiaries are noted by the person signing this Policy, the latter undertakes to report it without delay to the person in charge and to the Human Resources Department and/or through grievance@acted.org.

It is advisable to note the day and time as well as details related to the facts and the names of any witnesses.

In any case, the Human Resources Director must be informed, if appropriate, the hierarchical manager must also be informed of the facts in order to take appropriate measures and to conduct an internal investigation as soon as possible.

16.3. In the case of sexual exploitation and abuse committed against an implementing partner

If sexual exploitation and/or abuse committed by any other individual are observed by ACTED staff or by any other entities defined in article 1 of this policy, the latter undertakes to report without delay to the person in charge, the hierarchical manager and to the Human Resources Department and in any case through grievance@acted.org.

It is advisable to note the day and time as well as details related to the facts and the names of any witnesses.

In any case, the Human Resources Director must be informed, if appropriate, the hierarchical manager must also be informed of the facts in order to take appropriate measures and to conduct an internal investigation as soon as possible.

Article 17 – Obligation to report for ACTED staff

1. ACTED intends to provide an answer to any sexual exploitation and abuse. Thus, ACTED has implemented a focal point via a specific email address grievance@acted.org.
2. ACTED staff as defined of this policy who consider to be a witness or victim of sexual exploitation and abuse, which may be in contradiction with the present policy, must report it to their hierarchical manager and/or to their personal correspondent within ACTED and in any case to grievance@acted.org.
3. ACTED staff as defined in this policy must report to their hierarchical manager and/or the human resources department and in any case to grievance@acted.org any evidence, allegation or suspicion of sexual exploitation and abuse of which they are aware in or in the course of their duties. The investigation of the reported facts is ACTED's responsibility, in accordance with the provisions of article 20 of this policy.



4. If reporting to the line manager is not appropriate, ACTED staff should report to the Human Resources Department and/or through grievance@acted.org.
5. ACTED staff as defined in this policy may use, to report, the Security Incident Reporting (SIR) format or the form of grievance@acted.org.
6. ACTED must ensure that ACTED staff who reports a case as described above on the basis of reasonable and good faith suspicions is not prejudiced against the victim.
7. The cases of abuse that are characterized in the use of the mechanisms of this article are subject to sanctions.

Article 18 – Report for the stakeholders

1. ACTED wishes to support people who are witnesses or victims of violations of the present policy. To this end ACTED intends to facilitate stakeholder reporting for any violation of this policy. Thus, any stakeholder within the meaning of the present policy witness or victim of the violation of the present policy can report to ACTED through the CRM mechanisms.
2. ACTED must ensure that the stakeholder who reports a case as described above on the basis of reasonable and good faith suspicions is not prejudiced.

Article 19 – ACTED investigation in case of internal reporting

1. In accordance with article 18 of the present policy, ACTED staff must inform their hierarchical manager and/or their human resources department and in any case at grievance@acted.org in case of suspicion of sexual exploitation and abuse.
2. An e-mail response is sent by grievance@acted.org upon receipt of the complaint. This answer:
 - details the process to be followed in the event of suspicion of sexual exploitation and abuse;
 - requests, where appropriate, to provide further clarification and evaluation of the complaint.
3. The management of the complaint is done either at local, national or ACTED headquarters level depending on the seriousness of the reported facts. This evaluation is carried out by the Human Resources Department at ACTED headquarters upon receipt of the complaint on grievance@acted.org.
4. ACTED staff and other entities mentioned in article 1 of this policy must:
 - cooperate in any investigation conducted by ACTED;
 - keep all records of any suspected involvement that may be required for further investigation;
 - preserve the confidentiality of all allegations.

Article 20 – ACTED investigation in case of reporting by a stakeholder

1. In accordance with article 19 of this policy, stakeholders may report through the CRM Complaint and Response Mechanisms any cases of suspected sexual exploitation and abuse.
2. A response via the Complaint and Response Mechanisms (CRM) will be provided upon receipt of the complaint. This response:
 - details the process to be followed in the event of suspicion of sexual exploitation and abuse;
 - requests, where appropriate, to provide further clarification and elevation of the complaint.
3. ACTED staff and other entities mentioned in article 1 of this policy must:
 - cooperate in any investigation conducted by ACTED;
 - keep all records of any suspected involvement that may be required for further investigation;
 - preserve the confidentiality of all allegations.

Article 21 – Investigating authority

The violation of the present policy, which constitutes in particular a violation of ACTED's code of conduct, may result in sanctions ranging from warning to termination of the employment contract for serious



misconduct, assuming the absence of notice and payment of compensation.

Article 22 – Sanctions against sexual exploitation and abuse

22.1. Disciplinary sanction

The violation of the present policy, which constitutes in particular a violation of ACTED’s code of conduct, may result in sanctions ranging from warning to termination of the employment contract for serious misconduct, assuming the absence of notice and payment of compensation.

22.2. Other sanctions

ACTED reserves the right to use the full range of contractual sanctions, up to the termination of any contractual relationship, in the event of a breach of this policy by any entity referred to in article 1.3.

22.3. Reporting to local authorities

ACTED has the right, depending on the seriousness of the facts found, to report to the competent prosecution authorities the facts constituting sexual exploitation and abuse.

Article 23 – Protection of victim

ACTED undertakes to do everything possible, in agreement with the victims of prohibited practices, to protect them, in particular by:

- maintaining all required confidentiality on the handling of reports made in accordance with this policy;
- starting without delay an investigation regarding the facts reported in accordance with this policy;
- offering personalized support to victims of incidents reported in accordance with this policy;
- informing the victim of the action taken in response to the reported incidents in accordance with this policy;
- adapting the present policy, in order to allow a better understanding and adherence of ACTED staff to these principles.

V. IMPLEMENTATION OF THE POLICY

Article 24 – Implementation date of the policy

This policy on sexual exploitation and abuse comes into effect immediately, after approval by ACTED board.

Article 25 – Adherence to the policy

ACTED staff certify that they adhere to these principles by signing the ACTED Policy Acceptance Form and/or by signing their employment contract.



INDIVIDUAL REPORTING FORM FOR SEXUAL EXPLOITATION AND ABUSE

To be filled in by ACTED staff

Surname / First name:

Address:

Phone number:

Email:

Position/Grade:

Work of location:

Years of experience:

Statement of facts:

Statement of claim:

Date and Signature





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exploitation and abuse
ACTED 2018**