

MAA INTERNATIONAL

**PREVENTION OF SEXUAL EXPLOITATION AND
ABUSE POLICY**



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1 INTRODUCTION

1.1 PURPOSE

MAA International (MAA) is committed to protecting the rights and dignity of children and vulnerable adults, regardless of gender, race, country of origin, religious believe, age, displacement, caste, gender, gender identity, sexual orientation, poverty, class or socio-economic status. Vulnerable adults and children are particularly at risk of sexual exploitation and abuse. This policy formally expresses MAA's commitment to the protection of vulnerable adults and children from sexual exploitation and abuse (SEA) involving MAA Employees and Related Personnel.

MAA has a zero tolerance policy toward SEA concerning all vulnerable groups. MAA takes all its SEA concerns and complaints involving its employees and related personnel very seriously. This policy has been developed to provide a practical guide for all employees and related personnel in MAA for the prevention of sexual exploitation and abuse across all of MAA's aid and development programs. This policy will outline a range of risk management strategies that will be enforced and implemented to reduce the risk of vulnerable people being harmed.

This policy sends a clear message that the sexual exploitation of vulnerable adults and children is not tolerated in MAA and attracts disciplinary and commercial sanctions, as well as criminal penalties under National and International laws and sanctions.

1.2 POLICY SCOPE

This policy applies to all employees and related personnel of MAA. This includes all employees of MAA, MAA Members, MAA Field Partners and MAA Country Offices. The term also includes board members, volunteers, interns, and international and local consultants, in addition to individual and corporate contractors of these entities and related personnel. This also includes non-MAA entities and their employees and individuals who have entered into partnership, sub-grant or sub-recipient agreements with MAA.

Sexual harassment of staff members is not included in the scope of this policy.

1.3 DEFINITIONS

The following terms are used in this policy document and are defined as follows:

- **Beneficiary:** A person who receives assistance as part of humanitarian relief or development programs.
- **Child and young person:** A child or young person is regarded to be any person under the age of 18 years, unless a nation's laws recognise adulthood earlier.

- **Focal point** person designated to receive complaints of cases of sexual exploitation and sexual abuse.
- **Gender-based violence (GBV):** An umbrella term for any harmful act that is perpetrated against a person's will and that is based on socially-ascribed (gender) differences between males and females.
- **Sexual abuse:** the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.
- **Sexual exploitation:** any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, threatening or profiting monetarily, socially or politically from the sexual exploitation of another.
- **Vulnerable adults:** those aged over 18 years and who identify themselves as unable to take care of themselves/ protect themselves from harm or exploitation; or who, due to their gender, mental or physical health, disability, ethnicity, religious identity, sexual orientation, economic or social status, or as a result of disasters and conflicts, are deemed to be at risk.
- **Victim:** the person who is sexually exploited or abused. This term not meant to imply a lack of strength, resilience or capacity to survive.
- **Witness:** any person giving testimony or evidence in the investigation, including but not limited to the victim, the complainant, a beneficiary, a staff member of a partner agency, the subject of the complaint or another MAA staff member.

2 POLICY & PROCEDURES

2.1 GUIDING PRINCIPLES

This policy sets the minimum standards to be followed by all MAA Employees and Related Personnel to protect programme beneficiaries and communities from sexual exploitation and abuse and child abuse by MAA Employees and Related Personnel.

The need for the following guiding principles (which have been adopted from the UN IASC Task Force on Preventing Sexual Exploitation/ Abuse in Humanitarian Crisis (2002)) flows from a recognition that MAA's work puts its Employees and Related Personnel in positions of power in relation to the communities that MAA executes its aid and development projects, especially vulnerable adults and children. MAA Employees and Related Personnel have an obligation to use their power respectfully and must not abuse the power and influence they have over the lives and wellbeing of the beneficiaries involved in the projects.

Any violation of these principles is a serious concern and may result in disciplinary action, up to and including dismissal, in accordance with disciplinary procedures. All MAA Employees and Related Personnel must sign these principles. Employees and individuals who are non-MAA must also ensure that they sign these following core guiding principles:

- 2.1.1. Sexual exploitation and abuse by humanitarian workers constitute acts of gross misconduct and are therefore grounds for termination of employment;
- 2.1.2. Sexual activity with children (person under the age of 18) is prohibited regardless of the age of consent locally. Mistaken belief in the age of the child is not a defence;
- 2.1.3. Exchange of money, employment, goods or services for sex, including favours or other forms of humiliating, degrading or exploitative behaviour is prohibited. This includes the exchange of assistance that is due to beneficiaries.
- 2.1.4. Sexual relationships between MAA staff members and beneficiaries are strongly discouraged since they are based on inherently unequal power dynamics. Such relationships undermine the credibility and integrity of humanitarian aid work.
- 2.1.5. Where a MAA member of staff develops concerns or suspicions regarding sexual abuse or exploitation by a fellow member of staff, whether in MAA or not, s/he must report such concerns via the prescribed procedure.
- 2.1.6. MAA workers are obliged to create and maintain an environment which prevents sexual exploitation and abuse and promotes the implementation of these principles.
- 2.1.7. Sensitive information related to incidents of sexual exploitation and abuse or child abuse whether involving colleagues, program participants or others in the communities in which MAA works shall be shared only with enforcement authorities and MAA agents and employees of the appropriate seniority or function who have a need to know such information. Breach of this policy may put others at risk and will therefore result in disciplinary procedures.

2.1.8. Managers at all levels have particular responsibilities to support and develop systems which maintain this environment.

In addition to the principles above, all MAA Employees and Related Personnel must understand and sign MAA's Child Protection Code of Conduct (see ANNEX 1). (See MAA's Child Protection policy POL-CMP010 for more information).

2.2 RECRUITMENT AND SCREENING PROCEDURES

Recruitment and screening of personnel and associates must reflect MAA's commitment to protect vulnerable adults and children by ensuring checks and procedures are in place to screen out anyone who may pose a SEA risk to MAA's beneficiaries. MAA has a robust recruitment and screening process for all personnel and associates which are strictly implemented, these include, and are managed through the following protocols and conditions:

1. MAA only designates appropriately trained, knowledgeable, and accountable personnel to be responsible for recruitment and hiring of employees and consultants. These personnel must be trained in human resources, knowledgeable about the risks of staff misconduct with regard to Gender based violence (GBV), including SEA, and held accountable for implementing internationally recognized standards in hiring practices.
2. When recruiting local and international staff, including short-term consultants, interns, and volunteers, careful hiring practices must include reference checks for all categories of employee. MAA does not hire any person with a history of perpetrating any type of GBV, including SEA or domestic violence.
3. Targeted/behavioural based interview questions must be used to determine attitudes, motivations, and values in regards to children and vulnerable adults and working with them.
4. Reference check to include questions regarding any concerns about candidate's conduct when working or interacting in a position of authority and power.

These procedures must be evidenced by:

- a) Documented criminal record checks for personnel and associates in contact with children
- b) Documented verbal referee checks
- c) Interview plans incorporating behavioural-based interview questions that are specific to positions that involve working with children
- d) Documented request for an applicant to disclose whether they have been charged with child exploitation offences and their response.

All applicants are required to truthfully answer standard questions concerning any existing history of criminal verdicts, questions about disciplinary measures or sanctions imposed by any existing or former employer of the applicant. MAA treats the disclosure of inaccurate or incomplete information with regards to any acts of SEA as misconduct.

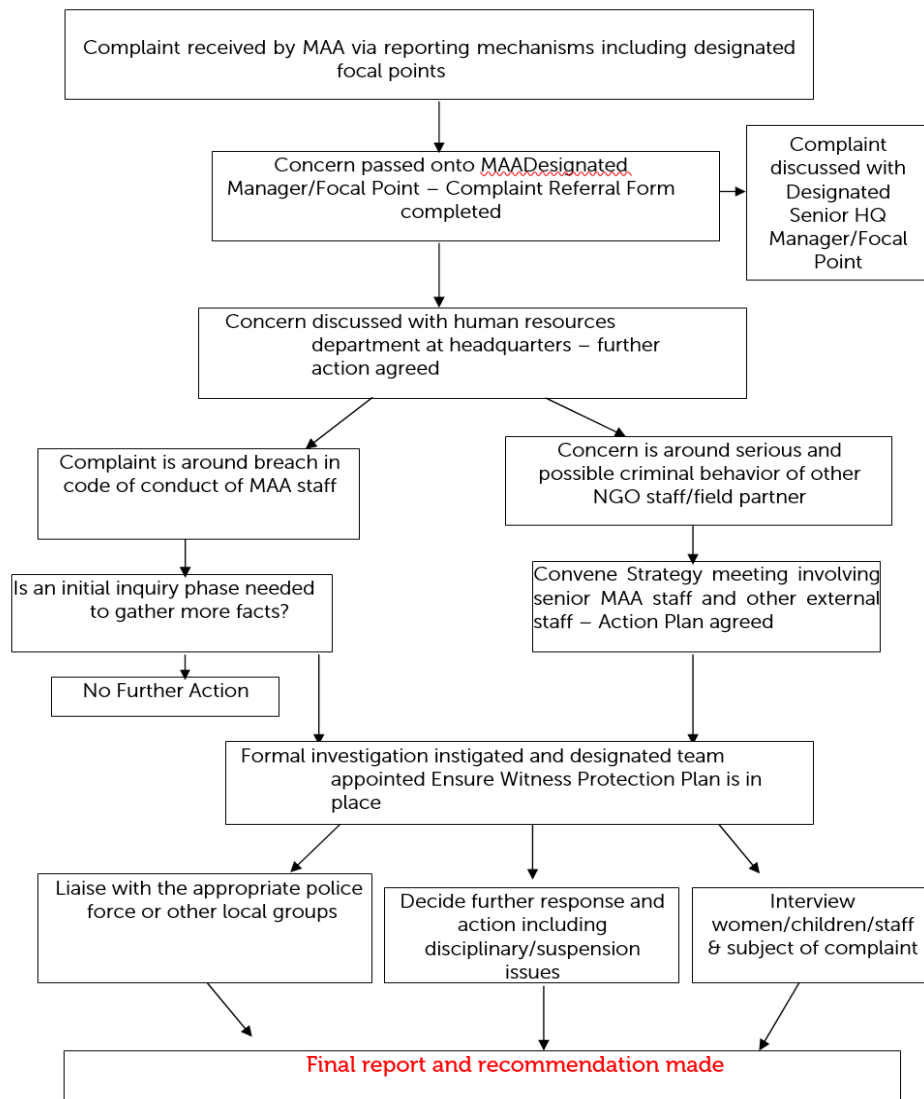
MAA reserves the right to withdraw any offer of employment or to terminate any contractual engagement if the applicant is found to have provided untruthful information concerning any condemnation regarding acts of SEA.

MAA will maintain a record of staff members found to have been convicted for acts of SEA or who have received a disciplinary measure or sanction imposed by any existing or former employer.

MAA reserves the right to disclose information about acts of SEA on record concerning an individual staff member if so requested by another governing body, NGO agency or other third party in a selection process.

2.3 SEA COMPLAINT PROCEDURES

With all SEA complaints, the following complaint referral chart must be followed:



In the event where a staff member is receiving an SEA-related complaint, s/he must ensure the following:

Figure 1 Complaint Referral Chart

- 2.2.1. React calmly and listen carefully to what is being said.
- 2.2.2. Reassure the complainant that he or she was right to raise the concern.
- 2.2.3. Address issues of confidentiality explaining that there are limits to ensuring confidentiality to the extent that staff members are obliged to report complaints, while reassuring the complainant that information will only be shared on a “need to know” basis
- 2.2.4. Take what is said seriously - the ‘unthinkable’ is possible.
- 2.2.5. Avoid asking too many questions: Ask only the number of questions required to gain a clear understanding of the complaint so that it can be passed on via MAA’s reporting procedures.
- 2.2.6. Ensure that his/her safety is not at risk.
- 2.2.7. Consider his/her need for medical attention.
- 2.2.8. Inform him/her of the next steps in the procedure.
- 2.2.9. Make a written record of what has been said via the complaint referral form (See ANNEX 2) at a minimum, a signed and dated record of the complaint should be made at the earliest opportunity.
- 2.2.10. Report on the complaint, as per the agency reporting procedure at the earliest opportunity.

In the case where someone outside of MAA wishes to make a SEA complaint, they must follow MAA’s Complaints Policy (see MAA’s POL-HR008)

2.4 SEA INVESTIGATION PROCEDURES

There are several core principles that must be ensured in the investigation procedure, they are:

- *Thoroughness*: investigations must be conducted in a diligent, complete and focused manner.
- *Confidentiality*: complainants, witnesses and the subject of allegations have a right to confidentiality other than in certain, exceptional circumstances.
- *Safety paramount*: the safety and welfare needs of the victim/survivor and/or complainant are paramount.
- *Competent, responsible, independent investigators*: people conducting investigations and preparing reports should be responsible, independent and have received training.
- *Impartiality*: investigations must be conducted in a fair and equitable way. Investigators must be free of any influence that could impair their judgement.
- *Objectivity*: evidence to support and refute the allegation, must be gathered and reported in an unbiased and independent manner
- *Timelines*: investigations must be conducted and reported in a timely way
- *Accuracy and documentation*: investigation reports and their conclusions must be supported by adequate documentation.

Upon receipt of a complaint, a decision needs to be made as to whether to proceed immediately to a full investigation or conduct a preliminary investigation. In cases where multiple agencies are implicated in the complaint, all such agencies must be involved in deciding the nature and scope of the investigation and consideration given to conducting a joint investigation as appropriate.

The aims of a preliminary investigation are to gather relevant data and ensure that the immediate needs of all concerned are met. The presumption should be that an investigation will be instigated (without recourse to a preliminary investigation) unless the complaint is sufficiently vague to merit further clarification before a decision can be reached. The fact that a complaint lacks clarity, or occurs within a specific context does not constitute grounds for treating it less seriously than other complaints.

The senior person, usually MAA's Executive Managers, CEO and/or Board, should establish whether the subject had had prior complaints made against him as multiple complaints could provide a compelling case for proceeding to an investigation. (This requires the maintenance of good personnel records and documentation of concerns.)

It may also entail a brief interview with complainant/ victim(s)/ others. This should be aimed at establishing whether grounds exist to proceed, not to elicit substantive detail.

It is essential that those involved in preliminary investigations guard against closing down the investigation process too quickly. To this end, the presumption should be that an investigation should take place unless the preliminary investigation finds that there are no grounds to proceed. The following Steps in Figure 2¹ are to be taken during a SEA investigation by MAA

¹ Adapted from IASC Draft Model Complaints and Investigation Procedures and Guidance Related to Sexual Abuse and Sexual Exploitation, March 2004

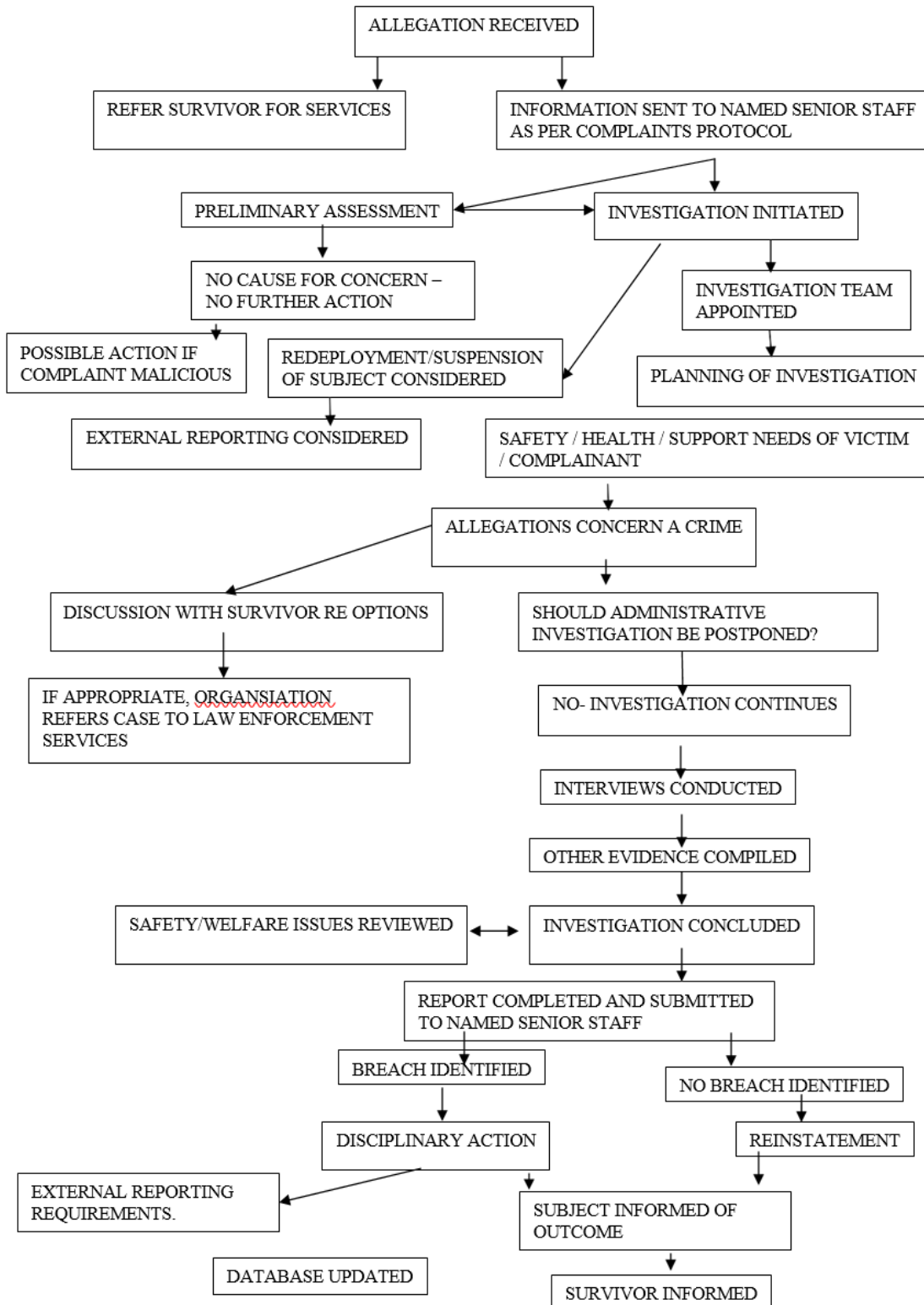


Figure 2 Investigation Chart

2.5 TRAINING PROCEDURES

All permanent, maximum term and casual staff and Board Members of MAA must be trained on how to respond and report a SEA incident. This training, will enable staff to be aware of the ethical values referred to in the current policy, specifically with respect to vulnerable situations. Also, staff will become aware of suspicious situations, as well as recognize the signs of SEA, and provide practical information on how to assist victims of SEA, if signs of SEA are identified or if a victim approaches them to complain about SEA.

A roster of trained investigators is essential. MAA will consider the training of a SEA investigator who have investigative experience - typically human resources staff or internal auditors - and/or those with GBV or protection experience, among others. Use of a professional with relevant experience and skills in counseling may also be recommended. Any staff who serve as investigators must be able to maintain a high level of confidentiality.

In addition to trained investigators, MAA should appoint at least one senior manager - or a team of managers - to provide oversight and monitoring of investigations. These staff members should be trained accordingly. The 'Building Safer Organisations (BSO) Handbook: *Training Materials on Receiving and Investigating Allegations of Abuse and Exploitation by Humanitarian Workers.*, December 2006 contains materials regarding SEA training program, including slides, hand-outs, and facilitator's notes that will be used by MAA as a tool for training teams of managers to deal with SEA reporting and investigation.

International MAA Field Partners who do, or may, have direct contact with children and vulnerable adults, also need to be inducted with MAA's SEA Policy through inductions/ workshops- which may be held either face-to-face, by Skype or phone conference - at which this Policy, its importance and consequences of non-compliance, will be presented to the Partner Organisation's executive and relevant staff, volunteers and contractors.

3 REVISION HISTORY

Date of this release: 05 June 2018	Date of next revision: June 2019
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Revision Number	Revision Date	Summary of Changes	Changes Marked?
1.0	05 June 2018	Policy Written	N
2.0	May 2020	Amendments to Purpose	Y

ANNEX 1 CHILD PROTECTION CODE OF CONDUCT

Staff members and others are responsible for maintaining a professional role with children, which means establishing and maintaining clear professional boundaries that serve to protect everyone from misunderstandings or a violation of the professional relationship. All staff should conduct themselves in a manner consistent with their role as an MAA representative and a positive role model to children. MAA has developed a child safe code of conduct to protect children, staff and the organisation by providing clear behavioural guidelines and expectations. MAA's child safe code of conduct includes:

I WILL:

- a. Treat all children and young people in our program with respect.
- b. Conduct myself in a manner that is consistent the values of MAA.
- c. Provide a welcoming, inclusive and safe environment for all children, young people, parents, staff and volunteers.
- d. Respect cultural differences.
- e. Encourage open communication between all children, young people, parents, staff and volunteers and have children and young people participate in the decisions that affect them.
- f. Report any concerns of child abuse.
- g. At all times staff should be transparent in their actions and whereabouts.
- h. Take responsibility for ensuring they are accountable and do not place themselves in positions where there is a risk of allegations being made.
- i. Self-assess their behaviours, actions, language and relationships with children.
- j. Speak up when they observe concerning behaviours of colleagues.

I WILL NOT:

- a. Engage in behaviour that is intended to shame, humiliate, belittle or degrade children.
- b. Use inappropriate, offensive or discriminatory language when speaking with a child or young person.
- c. Do things of a personal nature that a child can do for him/herself, such as assistance with toileting or changing clothes.
- d. Take children to their own home/hotel or sleep in the same room or bed as a child.
- e. Smack, hit or physically assault children.
- f. Develop sexual relationships with children or relationships with children that may be deemed exploitative or abusive.
- g. Behave provocatively or inappropriately with a child.
- h. Participate in the treatment of children that is illegal, unsafe or abusive.
- i. Act in a way that shows unfair and differential treatment of children.
- j. Photograph or video a child without the consent of the child and his/her parents or guardians.
- k. Hold, kiss, cuddle or touch a child in an inappropriate, unnecessary or culturally insensitive way.
- l. Seek to make contact and spend time with any child or young person outside the program times.

- m. Use MAA’s computers, mobile phones, video and digital cameras inappropriately, nor use them for the purpose of exploiting or harassing children.

I, _____ (Full name as shown on photo ID) as undersigned below, have read and understood and hereby agree to abide by this Child Policy Statement.

Signature: _____

Date _____.

ANNEX 2 SEA COMPLAINTS REFERRAL FORM

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

Name of Victim (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 Victim given consent to the completion of this form? YES NO

Date of Incident(s): _____ Time of Incident(s): _____ Location of Incident(s): _____
Physical & Emotional State of Victim (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 Accused person (s): _____ Job Title of Accused person(s): _____
Organization Accused person(s) Works For: _____
Address of Accused person(s) (if known): _____
Age: _____ Sex: _____
Physical Description of Accused person(s): _____



Have the police been contacted by the victim? D YES D NO If yes, what happened? _____

If no, does the victim want police assistance, and if not, why? _____

Has the victim been informed about available medical treatment? D YES D NO If
Yes, has the victim sought Medical Treatment for the incident? D YES D NO
If Yes, who provided treatment? What is the diagnosis and prognosis? _____

What immediate security measures have been undertaken for victim? _____

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 victim made by person completing report: _____



Report completed by: _____

Name	Position/Organisation	Date/Time/Location
Has the Complainant been informed about the Ogranisation’s procedures for dealing with complaints? D YES DNO		
Complainant’s consent for data to be shared with other entities (check any that apply): _____		
Police D	Camp leader (name) D _____	Community Services agency D _____
Health Centre (name) D _____	Other (Specify) D _____	

Date report forwarded to relevant management structure*: _____

Date Received by relevant management structure*: _____

Name	Position	Signature

(*Relevant management structure is the official(s) responsible for sexual exploitation and abuse issues in the Headquarters of the Organisation where the Accused person works)

ALL INFORMATION MUST BE HELD SECURELY AND HANDLED STRICTLY IN LINE WITH APPLICABLE REPORTING AND INVESTIGATION PROCEDURE