

ACT Alliance

CODE OF CONDUCT

For the Prevention of Sexual Exploitation and Abuse

And Guidelines for implementation

The Code of Conduct should form part of all ACT employment contracts

This document was originally approved by the ACT International Executive Committee on 10 December 2002. It was updated in March 2010 to take in account the change of name to ACT Alliance and the broader mandate of the ACT Alliance. The underlying principles have not changed.

1. Introduction

Background

Poverty, conflict and displacement inevitably erode and weaken many of the social and political structures that are designed to respect and protect members of the community where these conditions have occurred or exist. The resources available to communities and crisis-affected populations, and to the humanitarian and development agencies that is there to assist them, are frequently insufficient to meet basic needs. All too often, mechanisms for protection are not given sufficient priority. Against this background, women, men, girls and boys find themselves in situations where they can be exploited or abused. Such an environment can provide opportunities for abuse of power and corruption by development and humanitarian aid workers.

The ACT Alliance has a zero tolerance to Sexual Exploitation and Abuse (SEA) and must make every effort to create an environment where such practices are not tolerated. This is especially necessary given the following features of humanitarian crises:

- The lack of economic opportunities for displaced populations may result in commercial and exploitative sex being one of the few options for income generation to meet basic needs.
- In cases where communities come from an environment of gender-based violence, proper safeguards need to be put in place, as similar patterns can continue or even be exacerbated in refugee or IDP camp (or non-camp) situations.
- The usual social protections are not in place or are no longer functioning. Levels of protection and security are generally poor; justice and policing frequently do not exist in the displaced environment.

ACT also has a zero-tolerance position on fraud and corruption as articulated in its 2009 Anti-Fraud and Corruption Policy.¹

2. ACT's 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"*. It is committed to *"guard against the abuse of power by those responsible for protection and assistance to vulnerable communities"*²

The ACT Founding Document (2009) commits members and staff to *"adhere to the Code of Good Practice³ for the ACT Alliance (including the Code of Conduct for the Prevention of Sexual Exploitation and Abuse) and other codes which may be adopted by the Governing Board in the future"*.⁴ In 2010, ACT committed to having complaints handling mechanisms in

¹ Available on www.actalliance.org

² ACT Alliance Founding Document, February 2009, p. 2

³ A work in progress

⁴ Ibid, p. 5

place so that all ACT stakeholders could have a grievance handled fairly, consistently and resolved in a timely and confidential manner.⁵

ACT recognises that sexual exploitation and abuse can occur in many different environments internal and external to organisations. However, in humanitarian crises, the dependency of affected populations on humanitarian agencies for their basic needs creates a particular ethical responsibility and duty of care on the part of ACT members' staff. Therefore, all programme managers have a responsibility to ensure that all staff are aware of this code of conduct, sign it, and understand what it means in concrete behavioral terms. They must also ensure that there are proper mechanisms in place to prevent and respond to sexual exploitation and abuse (see *Annex 1: Checklist for Managers*).

ACT member employees and ACT Secretariat staff must cooperate, when requested, with any ACT investigation into allegations of sexual exploitation and abuse. Failure to disclose, or withholding, information about sexual exploitation and abuse constitute grounds for disciplinary measures.

3. Scope and purpose

The main purpose of this Code of Conduct is to promote greater accountability towards crisis-affected populations and all those with whom we work. It is intended to serve as a guide for ACT member employees and ACT Secretariat staff to make ethical decisions in their professional lives and at times in their private lives. It is designed to assist staff to better understand the obligations placed upon their conduct, and to protect the reputation of the ACT Alliance.

The spirit in which this code has been developed is intended to strengthen, complement and enhance already existing "*Codes of Conduct*"; rather than to detract from them. ACT member employees and ACT Secretariat staff have a particular responsibility to uphold the standards expressed in the following Code of Conduct, to set a good example and to create a working environment that supports and empowers staff. The Code is complemented by the ACT Gender Policy Principles (2008).

See also:

- Annex 1:** Checklist for managers
- Annex 2:** Sample Monitoring Form, Implementation of Minimum Prevention and Response (IASC)
- Annex 3:** Sample complaints form for reporting sexual exploitation and abuse
- Annex 4:** Sample form for referring a complaint of sexual exploitation and abuse
- Annex 5:** Key terms and definitions
- Annex 6:** Useful resources

⁵ See ACT's Complaints Policy (for approval in 2010) and Complaints and Investigation Guidelines

4. Code of Conduct

ACT member employees and ACT Secretariat staff must:

- 1) Respect and promote fundamental human rights without discrimination and irrespective of social status, race, ethnicity, colour, religion, gender, sexual orientation, age, marital status, national origin, political affiliation or disability.
- 2) Treat all communities with whom we work (including crisis-affected populations, Internally Displaced Persons (IDPs) and refugees), fairly and with respect, courtesy, dignity and according to the respective country Law, International Law and Local Customs.
- 3) Create and maintain an environment that prevents sexual exploitation and abuse, abuse of power and corruption, and promotes the implementation of the code of conduct. Managers at all levels have particular responsibilities to support and develop systems that maintain this environment.
- 4) Uphold the highest standards of accountability, efficiency, competence, integrity and transparency in the provision of goods and services in the execution of their job.
- 5) Never commit any act or form of harassment that could result in physical, sexual or psychological harm or suffering to individuals, especially women and children.
- 6) Never exploit the vulnerability of any target group, especially women and children, or allow any person/s to be put into compromising situations.
- 7) Never engage in any sexual activity with children (persons under the age of 18) regardless of the age of majority or age of consent locally. Sexual activity with children is prohibited. Mistaken belief in the age of a child is not a defence.
- 8) Never engage in sexual exploitation or abuse of any man, woman, girl or boy. This constitutes acts of gross misconduct and is therefore grounds for termination of employment.
- 9) Never exchange money, employment, goods, or services for sex, including sexual favours. All forms of humiliating, degrading or exploitative behaviour are prohibited. This includes exchange of assistance that is due to beneficiaries.
- 10) Never abuse their position to withhold humanitarian assistance, nor give preferential treatment; in order to solicit sexual favours, gifts, payments of any kind, or advantage. The employee should be conscious of not taking advantage of his/her position and may not accept gifts (except for small tokens of appreciation) or bribes.
- 11) Not engage in sexual relationships with communities and affected populations with whom we work. Such relationships are strongly discouraged since they are based on inherently unequal power dynamics. Such relationships undermine the credibility and integrity of humanitarian aid work. This rule applies to both during and after working hours.

- 12) Employees may not accept, solicit or engage in the "buying" of or profiting from sexual services. This is applicable both within and outside of working hours.
- 13) Ensure that all confidential information, including reports of breaches of these standards by colleagues, obtained from communities and affected populations or colleagues is channelled correctly & handled with utmost confidentiality.
- 14) Ensure that reports, concerns or suspicions of breaches of these standards are immediately reported to senior management or the human resources manager (or established agency reporting mechanisms), who is expected to take prompt investigative action.
- 15) Any breach of the Code of Conduct will result in disciplinary action in accordance with the respective terms, conditions and guidelines of the individual agencies.
- 16) Any staff member purposely making false accusations on any action by another staff member, which is in breach of the code of conduct will be subject to disciplinary action at the discretion of the employer.

The signatory (ACT member employee or ACT Secretariat staff) below has read, understood and is in agreement with the content of this document and specifically articles 1 to 16 of the Code of Conduct, which shall be subject to periodic revision and review. The signatory accepts the consequences of any violation of any of the above provisions under this Code of Conduct.

Position:
Date:

Signature:
Place:

5. Guidelines for implementation⁶

It is essential for ACT members and the ACT Secretariat to demonstrate ways in which they are complying with the Code of Conduct on Sexual Exploitation and Abuse (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 organizational culture that prioritizes 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 used or adapted as appropriate, recognising that some members may already have similar mechanisms in place.

5.1 Establish minimum standards for compliance and complaints mechanisms as part of member commitment to the Code of Conduct

The ACT SEA 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 2010 and accompanying guidelines. This section suggests actions and procedures to support compliance (*see also Annex 1: Checklist for Managers*).

5.2. Develop and implement compliance and complaints mechanisms as part of overall managerial and staff responsibility and accountability

The ACT Code of Conduct on SEA 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 ACT Complaints and Investigation Guidelines for details.

5.3 Prioritise 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 can be addressed, as prioritised, by follow-up measures.

⁶ Much of this section is taken from the 2008 ACT "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". Section 5 of this document now replaces the 2008 guidelines. The 2010 ACT Complaints Policy and ACT Complaints and Investigation Guidelines further support Section 5.

5.4. Strengthen emergency Appeal documents⁷ 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 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 Code of Conduct on SEA, are two of the fundamental Gender Policy Principles for gender mainstreaming in ACT members' work.⁸

5.5. Embed the ACT Code of Conduct on SEA in all employment policy, procedures and contracts.

The ACT Code of Conduct on SEA should be embedded in the 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 will be required to sign that they have read, understood and are in agreement with the content of the Code of Conduct, and accept the consequences of any violation of any of its provisions.

5.6. 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 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*.

5.7. 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.

⁷ The ACT CO is presently engaged in a review of ACT Appeal policies and guidelines, which will lead to revision of the existing Appeal formats.

⁸ ACT Gender Policy Principles

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, induction and refresher 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).

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 related guidelines for more details.

5.8. 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.

5.9. 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 Code of Conduct on SEA and its concrete implementation through activities such as described in this document.

5.10. Prepare an SEA brochure for dissemination to staff and affected populations/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.

5.11. 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 emergencies⁹.

5.12. 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 called upon to facilitate an investigation.¹⁰

5.13. 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 investigators¹¹. See *Annex 4: Sample form for referring complaints of sexual exploitation and abuse*.

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

⁹ Source: IASC Guidelines for Gender-based Violence Interventions in Humanitarian Settings, 2005, Annex 2, page 84.

¹⁰ ACT Investigation Guidelines are currently under preparation. Provisions of the ACT Membership – Disciplinary Policy may also apply

¹¹ The Humanitarian Accountability Partnership, for example, has a roster of trained SEA investigators.

Annex 1: Checkpoints for managers

(Source: Building Safer Organisations "Guidelines for receiving and investigating allegations of abuse and exploitation by humanitarian workers" – with slight adaptations)

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 form¹²
(to be completed by the staff person initially receiving the complaint)

All information must be held securely and handled strictly in line with applicable reporting and investigation procedures. Confidentiality must be maintained as per ACT Complaints Policy and Guidelines

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

C- Name of Witnesses (if any)

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.

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

If No, why not? _____

(Name) _____ Signature _____

Case referred to: _____

¹² Adapted from Inter-agency Protocols for the Prevention of Exploitation and Abuse in the Kenya Refugee Program, Nairobi, March 2006.

Annex 3: Sample monitoring form, implementation of minimum prevention and response:¹³*(basic emergency activities to help prevent or minimise the risk of sexual exploitation in emergencies)***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

¹³ Source: IASC Guidelines for Gender-based Violence Interventions in Humanitarian Settings, 2005, page 84.

Annex 4: Sample Sexual Exploitation and Abuse Complaint Referral Form¹⁴
(to be completed by SEA Focal Point if a case is being referred to a specialist organisation)

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: _____

¹⁴ Adapted from Inter-agency Protocols for the Prevention of Exploitation and Abuse in the Kenya Refugee Program, Nairobi, March 2006.

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: _____

Name _____ Position/Organisation _____ Date/Time/Location _____

Has the Complainant been informed about the Organisation's procedures for dealing with complaints?
 YES NO

Signature/thumb print of Complainant signaling consent for form to be shared with relevant mgt structure*:

Complainant's consent for data to be shared with other entities (check any that apply):

Police Camp leader (name) _____ Community Services agency

Health Centre (name) _____ Other (Specify) _____

Date Report forwarded to relevant management structure*: _____

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 member where the accused person works)

All information must be held securely and handled strictly in line with ACT reporting and investigation procedures.

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.

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.

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 recognize 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).

Sexual & gender based violence (SGBV): Physical, sexual and psychological violence occurring in the family and in the community, including battering, sexual abuse of female children, dowry related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence, violence related to exploitation, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women, forced prostitution, and violence perpetrated or condoned by the state. (*Articles 1 & 2 of the UN Declaration on Violence Against Women, 1993*)

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.

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;

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.

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.

Annex 6: Useful Resources

ACT Complaints Policy, 2010

ACT Complaints and Investigation Guidelines, 2010

ACT Gender Policy Principles. approved April 2008, updated 2010.

ACT Membership – Disciplinary Policy. Approved, April 2007.

ACT National Forums – Consolidated Policy and Guidelines of ACT International and ACT Development, ACT CO, February 2008.

ACT Organisational Capacity Assessment Guide and Tool. ACT CO, February 2008.

“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: bso@hapinternational.org, info@hapinternational.org; 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” (87pages)
<http://www.humanitarianinfo.org/iasc/publications/asp>

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

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