

## ASB Prevention of Sexual Exploitation, Abuse and Harassment (PSEAH) Policy

<b>Policy &amp; version</b>	ASB PSEAH Policy 1.0		
<b>Updated</b>	June 2021		
<b>Approved by</b>	Carsten Stork, Head of Foreign Aid Department Arbeiter-Samariter-Bund Deutschland e.V.	<b>Date</b>	22.06.21

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## **1. Introduction and Preamble**

In accordance with our mission and practice the Arbeiter-Samariter-Bund (ASB) is committed to creating and maintaining a working environment that is based on respect for human beings, social justice and human dignity regardless of age, origin, socio-economic status, cultural or gender identity, sexual orientation, disability or political conviction – both at its headquarters and international offices as well as when cooperating with volunteers, interns, partners,<sup>1</sup> and other associated personnel. As part of this commitment, the ASB does not tolerate sexual exploitation, abuse, harassment, or sexualized violence of any kind.

Sexual exploitation, abuse, harassment, and other forms of sexualized as well as gender-based violence result from a culture of discrimination and privilege based on unequal relations and power dynamics. ASB has developed this policy on the basis of international guidelines for protection from sexual exploitation, abuse and harassment (PSEAH). This policy is part of a broader safeguarding framework that also includes ASB's Code of Conduct, guidelines for the implementation of this policy, Whistleblowing Policy and guidelines for managing Complaints and Allegations. All terms used in this policy are based on internationally recognized definitions and are explained in the enclosed documents (see annex 1).

Sexual exploitation, abuse, harassment and sexualized as well as gender-based violence violate universally recognized international legal norms and are unacceptable misconduct. ASB takes all complaints seriously and will handle these in a confidential manner. Where complaints indicate a violation of this policy, ASB will take action outlined in the "Complaints and Allegation Management" and subject to disciplinary action, up to and including dismissal.

## **2. Strategic View**

ASB recognizes its responsibility to address and mitigate any form of sexual exploitation, abuse and harassment, at the normative, programmatic, and organizational levels in all country office contexts. We are committed to protect all of our core principles and consider them as shared responsibility and common task of all staff members and affiliated partner organizations and individuals.

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<sup>1</sup> ASB partner organizations and their staff including national and international partners, government stakeholders, communities it is working with or further groups if applicable.

### 3. Core Principles and Behavioral Guidelines<sup>2</sup>

In order to protect the most at-risk groups of the population and to ensure that the guiding values of ASB are respected, the following Core Principles must be adhered to by all falling under the scope of this policy<sup>3</sup>:

- Sexual exploitation and abuse by an ASB staff, partners and associated personnel constitute acts of gross misconduct and are therefore grounds for termination of employment.
- Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief regarding the age of a child is not a defence.
- Exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour is prohibited for all ASB staff, partners and associated personnel. This includes exchange of assistance that is due to beneficiaries.
- Any sexual relationship between ASB staff, partners and associated personnel providing humanitarian assistance and protection and a person benefitting from such humanitarian assistance and protection that involves improper use of rank or position is prohibited. Such relationships undermine the credibility and integrity of humanitarian aid work.
- Where an ASB staff, partners and associated personnel develop concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same agency or not, he or she must report such concerns via established agency reporting mechanisms.
- ASB staff, partners and associated personnel are obliged to create and maintain an environment which prevents sexual exploitation and abuse and promotes the implementation of this policy and all related safeguarding policies.

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<sup>2</sup> Based on the six principles of the Inter-Agency Standing Committee (IASC) [12 September 2019](#):

<sup>3</sup> All those falling under the scope of the policy will hereafter be described as ASB staff, partners and associated personnel. See point 4 and also annex 1.

- ASB managers at all levels have particular responsibilities to support and develop systems which maintain this environment.

## **4. Scope of Application**

### **4.1. Scope of Application for ASB staff, partners and associated personnel**

This policy defines the obligations of ASB and of the below defined persons with respect to protection from sexual exploitation, abuse, and harassment. It applies even where more rigorous than local laws.

This policy applies to

- all persons associated with the organization including all employees of the country offices, all seconded staff of ASB, interns, international and local consultants working for the international offices,
- suppliers and external organizations and their employees as well as persons who have entered into a partnership or an agreement with ASB with regard to individual grants or benefits.

ASB employees, consultants, volunteers, partners, contractors and other associated persons are hereinafter referred to as an ASB staff, partners and associated personnel.

ASB assumes responsibility to address incidents of misconduct that involve non-employees if the complainant and subject of complaint came into contact with one another through organization work (for details on the scope of application, see guidelines for managing Complaints and Allegations).

ASB can refer complaints that do not fall within the scope of its policy to relevant institutions concerned by the complaint.

### **4.2 Project Partners**

This policy will be included as an annex to the cooperation agreement with partners of ASB and enclosed for signature.

In the event of misconduct that violates the Code of Conduct and/or this policy that concerns project partner employees or associated personnel, ASB will follow the organization's complaint system and case management procedures provided that the partner does not have a stronger complaint management system in place.

If the project partner fails to take action on a complaint in line with minimum requirements and/or fails to take appropriate action when sexual exploitation, abuse or harassment has been proven and continues, ASB will take measures, which can include terminating the cooperation agreement.

## **5. Reporting of allegations of sexual exploitation and abuse or harassment**

Anyone having suspicions or concerns about sexual exploitation and abuse or harassment involving ASB Staff, Partners and Associated Personnel, shall report this verbally or in writing to the PSEAH Focal Points/appointed focal person. Reports are strongly encouraged to be made in person and will be maintained with strict confidentiality. Anonymous reports can also be made via e-mail<sup>4</sup> (see guidance for managing Complaints and Allegations).

All international offices of ASB establish and advertise appropriately context-sensitive complaint mechanism/reporting channels and make information on suitable local support services for ASB Staff, Partners and Associated Personnel available.

- Individuals with suspicion or concern about sexual exploitation and abuse or harassment must refrain from investigating allegations or the suspicion of misconduct themselves.
- Reports must be made in good faith.
- Any form of retaliation or intimidation against complainants, whistleblowers, affected individuals/survivors, or witnesses is prohibited.
- Individuals involved in a complaint procedure must make every effort to maintain confidentiality (see “Complaints and Allegation Management” for more on confidentiality and mandatory reporting)
- All persons affected by an allegation management process, including but not limited to survivor, witnesses, and subject of concern have the right to be treated with dignity and respect.

Non-compliance with the above stated principles can be subject to disciplinary action for all ASB Staff, up to and including dismissal. ASB expects its partners to take appropriate action in cases of a complaint and if sexual exploitation, abuse and harassment has been proven.

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<sup>4</sup> [complaints@asb.de](mailto:complaints@asb.de)

## **Annex 1. Definitions**

### **1.1 Sexual Exploitation<sup>5</sup>**

Sexual exploitation is defined as an actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.

### **1.2 Sexual Abuse<sup>6</sup>**

Sexual abuse is defined as an actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

### **1.3 Sexual Harassment**

Sexual harassment is defined as an unwanted verbal, non-verbal or physical conduct of a sexual nature or gender-related with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment

### **1.4 Sexual Violence<sup>7</sup> / sexualized violence**

Sexual violence is defined as acts of a sexual nature against one or more persons or that cause such person or persons to engage in an act of a sexual nature by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, or by taking advantage of a coercive environment or such person's or persons' incapacity to give genuine consent. Forms of sexual violence include rape, attempted rape, forced prostitution, sexual exploitation and abuse, trafficking for the purpose of sexual exploitation, child pornography, child prostitution, sexual slavery, forced marriage, forced pregnancy, forced public nudity, forced virginity testing, etc.

### **1.5 Gender-based Violence**

Gender-based violence is used here as an umbrella term for any harmful behavior committed against the will of a person and based on the (socially ascribed) gender differences. It is a form of discrimination in which individuals are unable to exercise their

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<sup>5</sup> UN standards (ST/SGB/2003/13).

<sup>6</sup> UN standards (ST/SGB/2003/13).

<sup>7</sup> International Criminal Court, Elements of Crime Article 7 (1) (g)-6 Crime against humanity of sexual violence

human rights and freedoms under international law (including the human rights treaties, such as the Convention on the Elimination of All Forms of Discrimination against Women, CEDAW) for reasons of their gender or gender identity. Worldwide, women and girls are disproportionately affected by gender-based violence. Therefore, this term is most often used to highlight the specific vulnerability of women and girls for violence due to gender inequality. However, men and boys and member from the LGBTQ+ community also suffer from gender-based violence. Sexual exploitation and abuse is a form of gender-based violence. Sexualized/sexual violence can also be a form of gender-based violence.

### **1.6 Protection from Sexual Exploitation, Abuse and Harassment (PSEAH)**

The term PSEA is mainly used by the United Nations and NGOs to refer to measures taken to protect persons at risk of sexual exploitation and abuse by their own staff and associated personnel. ASB also includes sexual harassment in its policy and therefore uses the term "Protection from Sexual Exploitation and Abuse and Harassment" and the acronym PSEAH.

### **1.7 Safeguarding**

Safeguarding – the responsibility that organisations have to make sure their staff, operations, and programmes do no harm to children and vulnerable adults, and that they do not expose them to the risk of harm and abuse. PSEA and child protection come under this umbrella term.<sup>8</sup>

### **1.8 ASB Staff, Partners and Associated Personnel**

The term “ASB Staff, Partners and Associated Personnel” applies to all employees and seconded staff of ASB. It also applies to interns, volunteers, and partners of the ASB and of the international offices of the ASB, including the ASB’s local staff working at the international offices. In addition, the term covers international and local consultants. This also includes organizations that are not part of the ASB and their employees as well as individuals who have entered into a partnership or an agreement with the ASB with regard to individual grants or benefits.

### **1.9 Affected Individual**

A person who is alleged to have suffered sexual exploitation, abuse, or harassment.

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<sup>8</sup><https://www.bond.org.uk/resources-support/uk-ngo-safeguarding-definitions-and-reporting-mechanisms>

### **1.10 Survivor**

A person who is, or has been, sexually exploited or abused.

### **1.11 Complainant**

The person filing the complaint (this may or may not be the affected individual).

### **1.12 Subject of Concern**

The person alleged to have perpetrated a breach in policy and is the subject of an allegation or complaint.

### **1.13 Outcome of the Investigation**

Once an allegation has been investigated and the investigation report is completed, the resulting recommendations are referred to as “outcome of the investigation.”

### **1.14 Whistleblowers<sup>9</sup>**

The term “whistleblower” refers to a complainant who is not the affected individual but is an ASB staff, partner or associated personnel, and who reports an incident.<sup>10</sup>

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<sup>9</sup> Based on the definition of “whistleblower” in the UN Glossary on Sexual Exploitation and Abuse; see United Nations, Glossary on Sexual Exploitation and Abuse, 2nd Edition, 2017.

<sup>10</sup> ASB Whistleblowing Policy, 2017.

**Related documents**

Name	Version
Complaints and Allegations Management	1.0

**Document revision history**

Version	Date	Details