

PREVENTION OF SEXUAL EXPLOITATION AND ABUSE POLICY

‘Shyam’ Institute (Sri Shyam Sundar ‘Shyam’ Institute of Public Cooperation and Community Development) is a voluntary non-government organisation registered as a Public Trust. The Institute seeks to identify and address community development issues and concerns without regard to political, social, gender, or religious considerations through community development programmes and activities.

The Institute staff and persons associated with the Institute are expected to uphold the highest standards of personal and professional conduct and integrity at all times to protect vulnerable persons from sexual exploitation and abuse (SEA). All those associated with the Institute are required to behave irreproachably with members of the community, fellow staff, and taking particular care with the most vulnerable groups: minors, women, the elderly, marginalized members of society, and persons with disabilities.

The Institute is committed to create a zero-tolerance culture against complacency and impunity that would affect the community, the Institute staff and all affiliated stakeholders in all matters related to SEA.

What is Sexual Exploitation and Abuse?

SEA is any actual or attempted abuse against a person who is in a position of vulnerability, and of differential power or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially, or politically from the sexual exploitation of another.

Sexual Exploitation and Abuse Key Terms:

Community-Based Complaints Mechanism: A system by which individuals are able and encouraged to safely report incidents of SEA in ways which are both convenient and familiar to them.

Safeguarding: Preventing acts of sexual misconduct from being perpetrated by the Institute staff or persons associated with the Institute in different capacities.

Sexual Abuse: Actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

Sexual Assault: Sexual activity with another person who does not consent. This definition also includes sexual touching. Minors do not have legal capacity to consent to sexual activity with anyone who is the age of majority.

Sexual Violence: Acts of a sexual nature against a person without their consent and that cause such a person to engage in an act of a sexual nature by force, 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 a person's incapacity to give genuine consent.

Sexual Harassment: Prohibited conduct which involves any unwelcome sexual advance, request for sexual favors, verbal or physical conduct or gesture of a sexual nature, or any other behavior of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation to another.

Survivor-Centred Approach: An approach that creates a supportive and conducive environment in which the survivor's wishes are respected, their safety ensured, and they are treated with respect and dignity.

Whistle-Blower: A staff member or a person associated with the Institute who reports misconduct, including sexual exploitation or abuse, may be entitled to protection.

Policy Scope

This policy applies to and is mandatory for all Institute Trustees, Members of the Institute, full and part-time staff, volunteers, consultants, and all persons acting voluntarily on behalf of the Institute.

Core Principles

The Institute abides by the following core principles on SEA:

1. SEA by humanitarian workers and related personnel constitute acts of gross misconduct and are therefore grounds for disciplinary actions and/or termination of an employment contract within the applicable and current regulations.
2. 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 defense and in no way shall ignorance of the age of the person be accepted as a justification. Specifically, ADRA Canada's Child Protection Policy further sets the principles and operationalizes procedures and guidelines for guaranteeing children's safety and protection in all domains of ADRA Canada's programming.
3. Exchange of money, employment, goods, or services for sex, including sexual favors or other forms of humiliating, degrading or exploitative behavior is prohibited. This includes exchange for assistance that is due to community members.
4. Sexual relationships between humanitarian workers and members of the community are strongly prohibited since they are based on inherently unequal power dynamics. Such relationships undermine the credibility and integrity of humanitarian work.
5. When humanitarian workers or related personnel develop concerns or suspicions regarding sexual abuse by an individual, whether the individual works for ADRA Canada or other organizations, partners, suppliers or other related stakeholders, they are mandated by a legal and moral duty of care. They must report such concerns through the means and tools available within the agency's reporting mechanisms. The management must be informed about all the concerns and suspicions, including rumours, in good faith, regarding SEA.

6. All humanitarian workers are obliged to create and maintain an environment that prevents SEA and promotes the implementation of the Code of Conduct. Managers at all levels have particular responsibilities to support and develop systems which maintains this environment.

Policy Commitments

'Shyam' Institute is committed to fulfil the aforesaid core principles in terms of prevention, reporting and complaints mechanisms, and provision of services for survivors of SEA.

Prevention

To prevent and mitigate the risk of SEA, the Institute commits to;

1. Ensure robust recruitment screening, vetting and referencing process for all personnel, particularly for persons who will have any direct or indirect contact with children by emphasizing clauses on PSEA throughout the employment cycle including job advertisements, job descriptions, performance contracts, written and verbal interview questions, and by carrying out thorough employer and professional references, background, and police checks.
2. Ensure all new and existing employees sign declaration statements on PSEA and Institute's code of conduct.
3. Have clear and concise policies on SEA and sexual violence in the workplace in easy to understand language.
4. Provide a Code of Conduct that establishes, at a minimum, the obligation of all staff and associates not to exploit, abuse, or otherwise discriminate and consequences for violations.
5. Promote awareness of staff and all associates about the Core Principles contained in this policy and orient them at regular intervals PSEA and sexual violence.
6. Include written expectations with respect to preventing and responding to SEA in all project agreements, contracts, memoranda of understanding etc.
7. Appoint a dedicated PSEA person who is responsible for orientation of staff and associates, stay current with information on PSEA, develop and review policies and procedures and monitor implementation of PSEA policy and procedures.

Reporting and Complaints Mechanisms

'Shyam' Institute commits to:

1. Develop an appropriate reporting mechanism for complaints with respect to SEA linking existing structures to create one system for handling feedback and complaints.
2. Provide regular orientation to staff and associates to receive reports, speak to survivors, help act as survivor advocates, effectively and efficiently process complaints on SEA.
3. Set protocols to enable transparent processing of complaints of SEA in a timely manner.
4. Set protocols to inform appropriate authorities responsible for conducting investigations of SEA allegations with respect to criminal cases.
5. Ensure staff and associates know where and how to report cases of SEA and what sort of assistance they can expect.
6. Adhere to the principles of survivor-centred approach.
7. Take appropriate disciplinary action against the person who commits SEA.

8. Develop procedures which encourage people to report on concerns without fear of reprisals or victimization.

Support Services

'Shyam' Institute commits to:

1. Provide safety and security to staff and associates who are survivors of SEA regardless of age, gender, sexual orientation, disability.
2. Provide referrals for medical and psychosocial assistance to survivors of SEA.
3. Conduct timely and transparent administrative investigations by developing standard operating procedures (SOPs).
4. Foster, nurture and work with local authorities to ensure criminal accountability and prosecution of perpetrators by providing evidence, testimonies, and/or being available when required.
5. Promote organisational learning through feedback and action.

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