

**Date Effective:** January 2021

**Date of Review:** every 5 years

### **ILF's Policy on Protection of beneficiaries from Sexual Exploitation and Abuse**

The International Legal Foundation has a policy of zero tolerance for sexual exploitation and abuse (SEA) for all ILF employees, consultants and volunteers ("related personnel") and ensures that roles, responsibilities and expected standards of conduct in relation to SEA are known within the ILF. We work to create and maintain a safe environment, free from SEA, by taking appropriate measures for this purpose, internally and in the communities where the ILF operates, through strong prevention and response work.

SEA violates universally recognized international legal norms and standards and are unacceptable behaviors and prohibited conduct for ILF employees and related personnel.

The ILF has a policy of zero tolerance towards SEA. All ILF employees, consultants and volunteers are expected to uphold the highest standards of personal and professional conduct at all times, and to provide representation and services in a manner that respects and fosters the rights of beneficiaries (clients) and other vulnerable members of our local communities.

This policy sets out the ILF approach to prevent and respond to any type of SEA, whether involving an alleged victim who is a girl, boy, woman or man. The policy applies to all employees, consultants and volunteers, both on-and off-duty.

#### **Definitions:**

- For the purposes of the present policy the term '**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, socially or politically from the sexual exploitation of another.
- Similarly, the term '**sexual abuse**' means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

Abuses

#### **Commitment to PSEA:**

- The ILF will make every effort to create and maintain a safe environment, free from SEA, and shall take appropriate measures for this purpose in the communities where it operates, through a robust PSEA policy, including prevention and response measures.

#### **Principles:**

- SEA by ILF employees, consultants and volunteers constitute acts of gross misconduct and are therefore grounds for termination of employment or partnership.
- 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.

- 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 of assistance that is due to clients.
- Any sexual relationship between ILF employees, consultants or volunteers and clients receiving representation or assistance, or children or sex workers is prohibited. Such relationships undermine the credibility and integrity of the ILF's work.
- Where an ILF employee or related personnel develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same organization or not, they should report such concerns via established reporting mechanisms.
- All ILF employees and related personnel are obliged to create and maintain an environment which prevents SEA and promotes the implementation of this policy. Managers at all levels have particular responsibilities to support implementation of this policy.

*Prevention:*

- Vetting: The ILF undertakes PSEA vetting of all prospective job and volunteer candidates in accordance with established organizational policies and procedures.
- Training: The ILF holds mandatory induction and regular refresher trainings for all employees and related personnel on our SEA policy and procedures.

*Response:*

- Reporting: The ILF has safe, confidential and accessible mechanisms and procedures for personnel, clients and communities, including children, to report SEA allegations and ensures that clients are aware of these.
- Investigation: The ILF has a process for investigation of SEA allegations in place and shall properly and without delay conduct an investigation of SEA by its employees or related personnel or refer to the proper investigative body if the person is affiliated with another entity.
  - If, after proper investigation, there is evidence to support allegations of SEA, these cases may be referred to national authorities for criminal prosecution.
  - The ILF has a system to promptly refer SEA survivors to available services, based on their needs and consent.

*Cooperative arrangements:*

- All ILF contracts and partnership agreements include a standard clause requiring contractors, suppliers, consultants and sub-partners to commit to a zero-tolerance policy on SEA and to take measures to prevent and respond to SEA.
- The failure of those entities or individuals to take preventive measures against SEA, to investigate allegations thereof, or to take corrective action when SEA has occurred, shall constitute grounds for termination of any cooperative arrangement.

**Reporting violations or potential violations of ILF's PSEA policy**

**The ILF will provide information to clients and community members** covering 1) client rights (i.e. assistance is free; the right to information about their case; the right to be treated with respect, the right to report inappropriate behavior, etc.) 2) prohibited behavior of personnel; 3) how to report complaints (contact of PSEA focal points)

**The ILF adapts communication messages, materials and channels to the various target audiences, including children**, using relevant languages and a communication style that is appropriate and accessible to the audience, especially to groups considered at higher risk of abuse.

**The ILF widely publicizes PSEA-related information** by using a variety of communication channels (e.g. website, social media, staff/community meetings, posters). We also work with other organizations on awareness-raising activities, including as part of GBV and child protection campaigns as well as ILF Know Your Rights campaigns.

**The ILF ensures that our reporting mechanisms are effective by:**

- Avoiding the creation or increase of risks for those reporting allegations or concerns, as well as other parties involved (e.g. survivor, alleged perpetrator) by taking reasonable steps to conduct an investigation in a manner that conceals and protects the identity of the parties to the greatest extent practicable given legal requirements, consistent with the need to conduct a fair and adequate investigation and take necessary corrective action. We restrict access to incident reports and keep reports stored safely.
- Confidentiality is kept through strict information-sharing practices, such as limiting the number of people who have access to the reported information; omitting information that could reveal the identity of an alleged victim; and keeping information on the identity and personal information separate from incident and related reports. Anonymous reporting is always an option for people more comfortable with not disclosing their name.
- The ILF shares confidentiality procedures with all complainants, explaining clearly how information will be shared, with whom and for what purpose, including for investigations and assistance to survivors. This also includes notice of the ILF's obligations for mandatory reporting.
- The ILF makes all attempts to ensure reporting mechanisms are easy-to-use and removes any potential barriers for usage, such as lack of access to a computer or phone, or illiteracy.
- The ILF will share information of expected behavior and reporting mechanisms with clients and parents/guardians in written form and with personnel in both written form and through training and will include:
  - A clear description of behaviors that constitute SEA, stressing the need to report when in doubt about a case and ensuring they understand it is not their responsibility to determine if something did or did not happen - which is the job of the investigator
  - The necessity of all personnel to report any suspicions or concerns and consequences for failing to report
  - The option of reporting information anonymously
  - The organization's protections for those who make an allegation in good faith
  - Details regarding who to report to and what information to share to allow for proper response and follow-up
  - Explanation of how the organization will use the information (who will receive the reports and the procedure for response and follow-up).

### **Investigation of reports of violation of PSEA Policy**

**Investigation Management Team:** Local HR, responsible Program Director, Human Resources Director

**Timeline:** Upon receiving the complaint, the HR Director will convene a meeting with the Investigation Management Team within 24 hours.

The investigation will be completed as soon as possible after those calls.

**Internal Investigation Process:**

1. HR Director receives Incident Report from local PSEA focal point (report form below)
2. Investigation Management Team reviews the Incident Report and decides on next steps including:
  1. The need for an internal investigation and/or referral to local law enforcement authorities
  2. Immediate consequences for alleged perpetrator in terms of their work (e.g. suspension, change of job responsibilities)
  3. Assistance for survivors and others
  4. Communication with the parties involved, partners and others
3. Deploy an experienced investigator, if determined by the Investigation Management Team to be appropriate.
4. Identify and manage conflicts of interest
5. Manage information sharing and communications so as to protect those directly involved as well as the integrity of the process
6. Provide adequate protection and other support to survivors, witnesses and complainants/whistleblowers, and alleged perpetrators
7. Assess and manage risks relating to the investigation process
8. Follow up on investigation outcomes, lessons learned re institutional weaknesses
9. Inform UNICEF on the outcome of the investigation

**Incident Report Form for SEA Allegations**

**CONFIDENTIAL:** Please restrict access to this document and keep it stored safely (e.g. using passwords or encryptions for computers and locking lock offices when unattended). Always use code names when referring to individuals involved in the case, omit information that could reveal identities (e.g. date of birth, address, phone number, description of unique physical traits) and keep information on the identity and personal details of persons involved separate from incident and related reports.

1. Details on how, when, and by whom, the allegation was received:
2. Description of alleged incident, including dates, times and locations:
3. Description of alleged or suspected survivors:
4. Description of alleged or suspected perpetrators:
5. Actions taken by organization in response to allegations to date (e.g. referral for assistance, investigations, notification of UN/Host Government):
6. Actions taken by other organizations or entities in response to the allegation:
7. Requested support from partners (e.g. support for SEA survivors, investigations):

<b>Report completed by:</b>	
Name:	Contact info (email, phone):
Title:	Date:

### **ILF's referral process for alleged victims of SEA by an ILF employee, consultant or volunteer**

The ILF has a list of local service providers of GBV and other services that it is continuously updating and expanding. The ILF will refer any alleged victim of SEA due to actions by an ILF employee, consultant or volunteer to one of these partners to assess the individual's needs and provide services. If the alleged victim is a client of the ILF, the ILF would withdraw from representation and refer the client to another legal services provider for continued or future representation.

The ILF's referral process includes clearly explaining the process to the alleged survivor and documenting their informed consent to be referred to these services, choosing the services they want to receive, or refusing them altogether. This would include sharing with the alleged survivor the referral process, the confidential nature or limits on confidentiality of the referral process and any limits on services given what is available. If the alleged survivor is a child, this information will be shared in a simpler manner and the best interests of the child will be prioritized. If needed, the ILF will reach out to UNICEF or other GBV and CP partners to work with the child and their parents/guardian.

The ILF will respect the confidentiality of those involved in the alleged incident, ensure that collection, sharing and storage of information is done safely and according to confidentiality policies. Information will be shared with a limited number of people on a "need-to-know" basis and will be done with the alleged survivor's permission. Exceptions to this will be if it is required by law to report crimes, or if there is a safety concern for the alleged survivor or others, and these limitations will be explained to complainants. If the alleged survivor is a child, this will be explained to them in a simplified manner, and will also be explained to their parents/guardian.

## **REFERRAL FORM**

**CONFIDENTIAL: Please restrict access to this document and keep it stored safely.**

Note: Please share copies of filled out referral forms with the survivor and receiving agency and keep a copy for the organization's internal records and follow-up.

Referring agency	
Agency/org:	Contact:
Phone:	Email:
Location	

Receiving agency	
Agency/org:	Contact:
Phone:	Email:
Location	

Individual information	
Name:	Phone:
Address:	Age:
Sex	Nationality:
Language:	ID number
If a minor (under 18)	
Name of primary caregiver:	Relationship to child:
Contact information for caregiver:	Is child separated or unaccompanied? Yes No
Caregiver is informed about referral? Yes No (If no, explain)	

Background Information/Reason for referral and services already provided	
Has the individual been informed of the referral? Yes No (If no, explain below)	Has the individual been referred to any other organization? Yes No (If yes, explain below)

Services requested		
<input type="checkbox"/> Mental Health Services	<input type="checkbox"/> Protection Services	<input type="checkbox"/> Shelter
<input type="checkbox"/> Psychosocial Support	<input type="checkbox"/> Legal Assistance	<input type="checkbox"/> Material Assistance

<input type="checkbox"/> Social Services	<input type="checkbox"/> Education	<input type="checkbox"/> Nutrition
<input type="checkbox"/> Medical Care	<input type="checkbox"/> Livelihood Support	<input type="checkbox"/> Support for children born as a result of SEA
Please explain any requested services:		

**Consent to release information. (Read with individual/ caregiver and answer any questions before s/he signs below. Sign on behalf of individual/caregiver if consent is given verbally and individual/caregiver cannot sign.)**

I, \_\_\_\_\_ **(individual name)**, understand that the purpose of the referral and of disclosing this information to \_\_\_\_\_ **(name of receiving agency)** is to ensure the safety and continuity of care among service providers seeking to serve the client. The service provider, \_\_\_\_\_ **(name of referring agency)**, has clearly explained the procedure of the referral to me and has listed the exact information that is to be disclosed. By signing this form, I authorize this exchange of information.

Signature of responsible party (individual or caregiver if a child):

Date (DD/MM/YY):

**Details of Referral**

Any contact or other restrictions? Yes No (If yes, please explain below)

Referral delivered via: Phone (emergency only) E-mail In Person

Follow-up expected via: Phone E-mail In Person. By date (DD/MM/YY):

Information agencies agree to exchange in follow up:

Name and signature of recipient:

Date received (DD/MM/YY):

## **ILF Checklist for PSEA-Sensitive Recruitment, Contracting and Performance Management**

- Include a sentence in job announcements to notify candidates that people convicted of sexual exploitation and abuse are prohibited from employment with the ILF, and that compliance with ILF policies is part of performance appraisals
- Require applicants to self-declare prior convictions of sexual or other misconduct and concerns registered with government authorities regarding contact with children, and to consent to the disclosure of any such information by their former employers during verification of references
- Contact references to vet for former misconduct in accordance with local laws regarding employment, privacy and data protection
- Ensure gender-balanced interview panels during hiring processes and conduct gender neutral interviews
- Ask candidates interview questions about ethics and ethical dilemmas
- Require all new employees to review and sign ILF policies and procedures which include disciplinary measures in the event of proven SEA allegations
- Include training in PSEA as part of onboarding process and provide refresher courses at regular intervals during employment tenure
- Include adherence to ILF policies in performance appraisals of staff
- Freeze professional advancement/recruitment opportunities of individuals under investigation
- In cases of confirmed misconduct, take robust disciplinary action and, where this involves possible criminal conduct, consider reporting the incident to local law enforcement authorities
- Maintain internal records documenting any disciplinary measures on personnel, including dismissals, to avoid rehiring them at a later point in time
- Systematically share relevant information of personnel known to have committed SEA with other potential employers during background checks, to the extent legally possible