

**SOMALI WOMEN ASSOCIATION
POLICY ON
PROTECTION FROM SEXUAL EXPLOITATION AND
ABUSE (PSEA)**

TABLE OF CONTENTS

1. Scope & Purpose	1
2. Policy Statement	1
3. SWA PSEA Principles and Commitments.....	1
4. Roles and Responsibilities.....	4
5. Raising a Complaint or Concern	5
 Annex 1: Definitions	 7
Annex 2: Speak-Up Channels	8

1. SCOPE & PURPOSE

This policy applies to all SWA Employees and Related Personnel, both during and outside normal working hours; including SWA contractors, consultants, suppliers and all other stakeholders.

This policy sets out SWA's approach to preventing and addressing sexual harassment and sexual exploitation and abuse.

This includes:

- Our commitments to prevent SEA and to ensure effective action is taken when problems occur;
- Principles upon which we will base our decision making and actions;
- Our expectations of all those who work on behalf of SWA.

2. POLICY STATEMENT

SWA has a zero-tolerance policy towards sexual harassment, exploitation, and abuse. At SWA, we believe all people have a right to live their lives free from sexual violence and any abuse of power regardless of age, gender, sexuality, sexual orientation, disability, religion or ethnic origin. We recognise that there are unequal power dynamics across the organisation and in relation to those we serve, and that we face risk of some people exploiting their position of power for personal gain. SWA will not tolerate its employees, volunteers, consultants, partners or any other representative associated with the delivery of its work carrying out any form of sexual harassment, sexual exploitation or sexual abuse. SWA commits to supporting survivors, improving safeguarding capacity, reporting, investigating, responding to, and preventing sexual harassment and sexual exploitation and abuse.

SWA will use this Policy in conjunction with relevant employment/labour laws, duty of care and relevant criminal laws to make decisions about how to respond to any complaints and concerns raised..

3. SWA PSEA PRINCIPLES AND COMMITMENTS

SWA is committed to achieving full, ongoing implementation of the Six Core Principles relating to Sexual Exploitation and Abuse by the Inter-Agency Standing Committee (IASC) Working Group on Prevention and Response to Sexual Exploitation and Abuse.

SWA's Core Principles on PSEA²

- Sexual exploitation and abuse by SWA Employees and Related Personnel constitute acts of gross misconduct and are, therefore, grounds for termination of employment or contract/agreement. Sexual harassment by SWA Employees and Related Personnel is grounds for disciplinary action up to and including dismissal.
- Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of the majority or age of consent locally. Mistaken belief in the age of the child is not a defense.
- Exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour by SWA Employees and Related Personnel is prohibited at all times. This includes buying sex or the exchange of assistance that is due to programme participants.
- Sexual relationships between SWA Employees or Related Personnel and beneficiaries are forbidden. Given the contexts where SWA operates, such relationships may be based on inherently unequal power dynamics and may undermine the credibility and integrity of SWA's projects and programs.

- Where a SWA Employee or Related Personnel develops concerns or suspicions regarding sexual abuse or exploitation or sexual harassment by a fellow worker, whether in SWA or not, he or she must immediately report such concerns via the established reporting mechanisms (see Section 5).
- SWA Employees and Related Personnel are obliged to create and maintain an environment that prevents sexual exploitation and abuse and child abuse and promotes the implementation of this Policy. SWA Managers at all levels have particular responsibilities to support and develop systems, which maintain this environment.

SWA's Commitments

SWA is dedicated to fulfilling the following commitments to prevent and respond to sexual exploitation and abuse and sexual harassment as highlighted in the six Core Principles above.

A. Safe Organizational Culture:

SWA will make every effort to create and maintain a safe organizational culture for all those who work for and with SWA, as well as those in the communities where SWA operates through robust prevention and response work, offering support to survivors, and holding those responsible for sexual harassment, exploitation or abuse to account.

B. Reporting SHEA:

- Ensure that we have multiple channels for SWA Employees, Related Personnel, beneficiaries, and others to safely report sexual exploitation and abuse and sexual harassment. These channels should be designed in consultation with local communities and staff to ensure that they are safe and accessible.
- Ensure that everyone who works on behalf of SWA and those we serve have information about how to access these safe reporting channels. This should include posting reporting procedures in local languages and regularly explaining these channels.
- Provide training and information to all SWA Employees and Related Personnel, particularly focal points for receiving complaints, to ensure they understand their obligations and how to discharge their duties should they receive a complaint. A particular emphasis should be made on confidentiality.

C. Responding to SHEA Reports:

SWA will respond in a professional and timely manner to all concerns or allegations of sexual harassment, exploitation or abuse. All concerns or allegations will always be taken seriously, and investigated and acted upon where appropriate, in line with our safeguarding principles listed below.

- **Robust and accountable case management:** All allegations of SEA, and subsequent follow-up, will be documented in a secure and confidential database to ensure accountability. The report will be officially acknowledged within 24 hours, and a safeguarding team will convene a case conference to assess immediate risks and next steps within 72 hours.
- **Investigations:** SWA will carry out independent, safe, and discreet investigations, through trained investigators working with SWA's Safeguarding Teams, recognising the rights of and duty of care to everyone involved, including the complainant and/or survivor, witnesses and the subject of complaint (SoC).

- **Accountable decision-making:** SWA will take swift and appropriate action against SWA Employees and Related Personnel who are found to have committed SHEA. This may include administrative or disciplinary action, and/or referral to the relevant local authorities if appropriate and safe to do so. An independent and gender representative decision making panel will be assigned in every investigation to ensure impartiality, transparency, and accountability (e.g. for country cases the panel may include people from outside of country). The decision making process will be subject to scrutiny by relevant SG leads and/or advisors.
- **Survivor Support:** Survivors of SHEA are entitled to specialized support services. SWA commits to refer survivors to competent support services as appropriate and available and according to the wants and the needs of the survivor. Support may include specialist psychosocial support such as counseling, medical assistance, legal counselling and access to SWA's Employee Assistance Programs (where available). Assistance will be made available regardless of whether a formal internal response is carried out (such as an internal investigation). For further details, please refer to One SWA Survivor Support Policy.

C. Embedding PSEA into SWA work

- **Safer Recruitment:** In compliance with applicable laws, SWA is committed to prevent perpetrators of SHEA from being (re)hired or (re)deployed. Managers and Human Resource teams will ensure robust recruitment screening processes for all personnel, including employees, volunteers, consultants and other representatives. As part of this, all application forms, interviews and references must address Safeguarding and equality requirements and attitudes.
- **Partnership Agreements:** SWA will ensure that, when engaging in partnerships, sub-grant or sub-recipient agreements, these agreements: (i) incorporate this Policy as an attachment; (ii) include the appropriate language requiring such contracting entities and individuals, and their employees and volunteers to abide by a Code of Conduct that is pursuant to the standards of this Policy; and (iii) expressly state that the failure of those entities or individuals, as appropriate, to take preventive measures against sexual exploitation and abuse and sexual harassment, to investigate and report allegations thereof, or to take corrective actions when SHEA has occurred, shall constitute grounds for SWA to terminate such agreements.
- **Staff and partner training⁴:** SWA Employees and Related Personnel must receive as part of their induction trainings on PSEA and Safeguarding when they join SWA, including a briefing on SWA's policies and values, the Code of Conduct, information about how to report concerns, and advice about where to seek further information about safeguarding and safer practices across the organisation. Anyone working directly with beneficiaries on behalf of SWA must receive additional training on how to receive complaints and handle them in a safe and confidential manner.
- **Beneficiary Accountability:** SWA commits to promoting accountability towards our beneficiaries and the communities where we work by: (i) being transparent about SWA programming, activities, and services beneficiaries are entitled to; (ii) raising awareness about SWA's Code of Conduct, safeguarding policies, and reporting channels; (iii) actively seeking feedback from communities on SWA's work, individual behaviours, and complaints; and (iv) presenting feedback to communities on what changes have been made resulting from community feedback – ideally by a senior SWA representative. The above steps should occur regularly throughout the lifecycle of the programme or activity.
- **Safe Programming:** SWA Employees and Related Personnel are required to take proactive measures to avoid causing inadvertent harm to civilians, contribute to actively reduce existing threats and ensure programmes are conflict sensitive. This includes embedding good practice and SEA prevention measures throughout the programme and project cycle, including project design,

grant proposals, assessments, complaints and feedback mechanisms, and monitoring and evaluation.

4. ROLES AND RESPONSIBILITIES

- **All SWA Employees and Related-Personnel:** Everyone who works on behalf of SWA is required to report any suspicions or incidences of SEA of others (see section 5 below). Failure to report to a relevant person suspicion of SEA relating to someone else is a breach of SWA's policy, and could lead to disciplinary action being taken against employees and the termination of SWA's relationship with non-employees.
- **Trustees and Directors:** SWA Directors and Trustees, hold overall accountability for this policy and its implementation.
- **SWA Executive Director:** SWA ED is responsible for the application of this policy at all the time.
- **Focal Points:** Provide support to prevent and respond to SEA alongside their substantive roles. Raising awareness and promoting best practices by receiving concerns, supporting survivors and reporting concerns in a confidential manner within their areas of operations.
- **Projects Officers:** Responsible for promoting awareness of this policy with people they manage and for supporting/developing systems that create and maintain a safe working environment. This also includes the responsibility for ensuring that all staff and Related Personnel receive regular SEA trainings, with a particular emphasis on staff who are in direct contact with the people we serve. Project officers should prioritize PSEA awareness raising for themselves and their divisions, individual departments or teams, and provide budget lines for some activities.
- **Program Teams:** Consult with beneficiaries (*in a safe, accessible, and culturally appropriate way*), to ensure that beneficiaries and those working on behalf of SWA are familiar with SWA's Code of Conduct, how to raise complaints and concerns, and that SWA will take action when this happens. Programme Teams should also clearly explain what goods and/or services the beneficiaries are entitled to and how beneficiaries are selected.

5. RAISING A COMPLAINT OR CONCERN

SWA Employees and Related Personnel have a responsibility to report any suspicion or concern of SEA. Any individual can raise a concern/complaint to SWA about an incident they have experienced, witnessed, or heard about concerning an SWA staff member or partner (suppliers, partners, contractor, etc.) without fear of retribution. SWA Employees and Related Personnel must not investigate allegations or suspicions themselves.

Reporting Channels

Anyone (including SWA's beneficiaries) can raise a concern or make a complaint to SWA about something they have experienced or witnessed without fear of retribution. You can do this verbally or phone call or using the whistleblowing helpline service. Employees can also choose to raise concerns with their supervisors (reporting procedures are detailed in Annex 2)

Confidentiality

Complaints can be made anonymously. Every effort will be made to maintain confidentiality throughout the complaints process. Information that identifies individuals involved in a complaint will be limited to essential personnel and will not be shared further without obtaining the informed consent of those involved, except if someone's life is at risk, a child is at risk, or as required by law in consultation with legal counsel and where safe to do so. Non-identifying information will be shared as per reporting requirements.

Staff involved in the complaints process will be made aware of the importance of maintaining confidentiality and may be asked to sign a confidentiality agreement. Employees who breach confidentiality may be subject to disciplinary action up to and including termination of employment and others who work with SWA may have their relationship with SWA terminated. In some cases, such breaches may constitute breaking the law.

Retaliation against Complainants, Survivors and Witnesses

SWA will take action against anyone, whether they are the subject of a complaint or not, who seek or carry out retaliatory action against complainants, survivors or other witnesses. Employees may be subject to disciplinary action, up to and including termination of employment. Others who work with SWA may have their relationship with SWA terminated.

Complaints about SWA's Partners

Where SWA receives a complaint about a partner organization, SWA will expect the partner to respond safely, quickly and appropriately. SWA will assist the partner to ascertain its reporting obligations.

Where appropriate, SWA will work with the partner to address the issue through an appropriate independent investigation. If the outcome is that abuse has occurred, ongoing work with the partner cannot involve the individual(s) concerned. If there is reason to believe that an allegation of abuse has been dealt with inappropriately by a partner, then they risk withdrawal of partnership or ending the relationship.

Receiving Complaints about External Organizations/Bodies

Safeguarding complaints raised to SWA about other organizations/bodies should be referred to the respective groups, who will report cases to the relevant organizations involved where safe to do so, as well as local PSEA working groups, networks, and/or the commission/police/donors where appropriate and safe to do so. SWA will not investigate cases related to other organizations, but does have an obligation to report.

Annex 1: Definitions

- **SWA Employees and Related Personnel:** The term “SWA Employees and Related Personnel” includes all employees of SWA, SWA Affiliates and SWA sub-Offices. The term also includes board members, volunteers, interns, and consultants, day labourers, in addition to individual and corporate contractors of these entities and related personnel. This includes non-SWA entities and their employees and individuals who have entered into partnership, sub-grant or sub-recipient agreements with SWA.
- **Sexual Harassment:** Sexual harassment is any unwelcome sexual advance, request for sexual favour, verbal or physical conduct or gesture of a sexual nature, or any other behaviour of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation to another. Such conduct will also be considered sexual harassment when it interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment. While typically involving a pattern of behaviour, it can take the form of a single incident. Sexual harassment may occur between persons of the opposite or same sex. Both males and females can be either the victims or the offenders.
- **Sexual Exploitation:** 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. SWA recognises that the terms sexual abuse and exploitation represent a wide spectrum of behaviours and is not limited to the act of sexual intercourse.
- **Sexual Abuse:** The actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. This would include forced marriage and sexual slavery and also includes sexual activity with a child (any person under the age of 18)
- **Child Sexual Abuse:** When a child is used by another child, adolescent or adult for his or her own sexual stimulation or gratification. Sexual abuse involves contact and non-contact activities which encompasses all forms of sexual activity involving children, including exposing a child to online child sexual exploitation material, or taking sexually exploitative images of children.
- **Survivor:** The person who it is alleged has been the subject of sexual harassment, abuse or exploitation.
- **Complainant:** The person who raises a complaint (this may or may not be the survivor).
- **Subject of Complaint/Subject of Concern/ SoC:** The person against whom the allegation, complaint or concern has been raised.
- **Suspicion of misconduct:** A concern that has been raised through any of the reporting pathways. This suspicion is assessed at an initial case conference / stakeholder panel.
- **Allegation of misconduct:** If, at case conference / stakeholder panel stage there is a decision to investigate the suspicion of misconduct then it is treated as an 'allegation of misconduct'.
- **Outcome of Investigation:** Once an allegation is investigated and the investigation report is reviewed, the resulting recommendations are referred to as the 'outcome of investigation'.

Annex 2: Speak-up Channels

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