

**POLICY ON PREVENTION OF SEXUAL EXPLOITATION  
AND ABUSE**



**Mashal**  
**20-c, Patliputra Colony, Patna,**  
**Bihar**

## **Acknowledgement**

MASHAL's Policy on Prevention of Sexual Exploitation and Abuse (PSEA) is based on its commitment to Gender equality, rooted in the biblical vision of human being as created in the image and likeness of God. MASHAL recognizes that both sexual exploitation and abuse (SEA) in our area of operations and sexual harassment (SH) of our colleagues is a serious criminal offence, creating an atmosphere of disharmony in the workplace and contributes towards destruction of dignity of persons.

The policy has been formulated to create a safe, healthy and loving environment that enables its employees, and beneficiaries (irrespective of gender) to work and participate in the activities without fear of prejudice, bias and sexual harassment and creates a mechanism for prevention of any form of harassment. The document also delineates the process of handling cases of sexual harassment, if any and also tries to safeguard people from false allegation.

I would like to express my gratitude to Sister Mary Tessa, the President and all the members of Governing Body for their timely support and encouragement for formulating this policy.

I gratefully acknowledge the guidance and inputs from Unicef in the formulation of sections and annexures of this policy. The Unicef PSEA tool has been a very resourceful guide to formulate this policy.

I earnestly urge all the Directors, Administrators, and all in management position in Mashal to sincerely implement these policies in your own respective fields of service and make our workplaces and communities an enriching place for everyone particularly the vulnerable.



Sister Mary Alice,  
President,  
Mashal

## Content

Sl.N.	Particulars	Pg.No
1.	Introduction	4
2.	Policy Statement	4
3.	Scope of Application	4
4.	Definitions	5
5.	Commitment to PSEA	6
6.	Six core principles	6
7.	PSEA framework	7
7.1.	Prevention	7
7.2.	Response	10
7.3.	Cooperative arrangements	18
Annexures		
1.	Roles and Responsibilities on PSEA	18
2.	TOR for PSEA Focal Point	19
3.	Checklist for PSEA-Sensitive Recruitment, Contracting and Performance Management	21
4.	PSEA Training Module	22
5.	PSEA Risk Assessment and Management for Safe Programmes	24
6.	Programmatic Actions by Sector for Minimizing PSEA Risks	27
7.	Incident Report Form for SEA Allegations	29
8.	Terms of Reference for Investigator of SEA Allegations	30
9.	Confidentiality Reminder for SEA Investigations	31
10.	Template for Risk Assessment and Management During SEA Investigation	32
11.	Referral Form	33
12.	Code of Conduct for staff, and others	35
13.	Declaration for staff and consultants of Mashal	38
14.	Contract/agreement with contractors, suppliers, consultants and sub-partners	38
15.	Declaration for Visitors, Donors, contract staff, consultants and Others Engaging in any activity through Mashal	39

## **1. Introduction**

All forms of sexual exploitation and abuse (SEA) are a violation of human rights and an abuse of a position of power over a vulnerable population that the United Nations and other humanitarian and development actors have pledged to protect. SEA can lead to serious, sometimes life-long, adverse consequences for the survivors, particularly child survivors. Furthermore, SEA undermines the integrity and reputation of humanitarian and development actors and can threaten the security of their personnel and operations. Failures by UN agencies and NGOs to respond effectively to allegations underscore the urgent need to scale up efforts.

This policy contains Mashal's safeguards and procedures to take appropriate actions to tackle SEA.

**Objective:** To promulgate policy of zero tolerance for sexual exploitation and abuse (SEA) for all Mashal's employees and related personnel and ensure that roles, responsibilities and expected standards of conduct in relation to SEA are known within Mashal. To create and maintain a safe environment, free from SEA, by taking appropriate measures for this purpose, internally and in the communities where Mashal operates, through robust prevention and response work.

**Targeted Audience:** Mashal's employees and related personnel.

**Effective Date:** April 2021 to March 2024

**Mandatory Revision Date:** January 2024

## **2. Policy Statement:**

2.1. SEA violates universally recognized international legal norms and standards and are unacceptable behaviours and prohibited conduct for all humanitarian workers, including Mashal's employees and related personnel.

2.2. Mashal has a policy of zero tolerance towards SEA. All employees and related personnel of Mashal are expected to uphold the highest standards of personal and professional conduct at all times, and to provide humanitarian assistance and services in a manner that respects and fosters the rights of beneficiaries and other vulnerable members of the local communities.

## **3. Scope of Application**

This policy sets out Mashal's approach to prevent and respond to SEA. The policy applies to all employees and related personnel, both on-and off-duty.

#### 4. Definitions:

<b>Beneficiaries</b>	The individuals, groups, or organizations that directly or indirectly benefit from an intervention, project, or program of Mashal.
<b>Child</b>	A person under the age of 18.
<b>Complainant</b>	The person who initially notifies Mashal or its partners of the sexual exploitation and abuse allegation.
<b>Gender-based violence (GBV)</b>	An umbrella term for violence directed toward or disproportionately affecting someone because of their actual or perceived gender identity. Sexual exploitation and abuse is a form of GBV.
<b>Partners</b>	Entity responsible and accountable for implementation of the Policy. It may include Mashal's sister organizations, government institutions, and other civil society organizations
<b>Informed consent</b>	The voluntary agreement of an individual who has the capacity to give consent, and who exercises free and informed choice.
<b>Personnel</b>	This include Mashal's employees as well as sub-contractors, consultants, interns or volunteers associated with or working on behalf of Mashal or the partner organization.
<b>Sexual exploitation and abuse (SEA)</b>	"Sexual exploitation" is 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. "Sexual abuse" is the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. This includes non-contact and online sexual exploitation and abuse.
<b>Survivor</b>	Refers to a person who is, or has been, sexually exploited or abused.
<b>Whistle-blower</b>	Any Mashal's or its Unit's personnel who reports SEA
<b>Zero-tolerance policy</b>	Policy establishing that sexual exploitation and abuse by its personnel is prohibited and that every transgression will be acted upon.
<b>Complaints Committee</b>	Complaint Committee to be constituted by Mashal in its Head Office at Patna to investigate the cases of SEA

<b>Internal Complaints Committee</b>	The Internal Complaint Committee to be set up by every Social Work Unit or Health Centres of Mashal which employs 10 or more employees
<b>Respondent</b>	An employee against whom the complainant has made the complaint

## **5. Commitment to PSEA:**

5.1. Mashal 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 framework, including prevention and response measures.

5.2. This PSEA framework, affirms Mashal's commitment for protection from sexual exploitation and sexual abuse and to achieving full, ongoing implementation of the Six Core Principles relating to SEA.

## **6. Six core principles:**

6.1. SEA by Mashal's employees and related personnel constitute acts of gross misconduct and are therefore grounds for termination of employment including all forms of contractual agreements and volunteer assignments.

6.2. 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 defence.

6.3. Exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour is prohibited. This includes exchange of assistance that is due to beneficiaries.

6.4. Any sexual relationship between Mashal's employees or related personnel and beneficiaries of assistance or other vulnerable members of the local community that involves improper use of rank or position is prohibited. Such relationships undermine the credibility and integrity of humanitarian aid work.

6.5. Where Mashal's employee or related personnel develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same organization or not, he or she must report such concerns via established reporting mechanisms.

6.6. Mashal's all 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 and develop systems which maintain this environment.

## **7. PSEA framework:**

### **7.1. Prevention:**

The long-term goal of PSEA is to create an environment where beneficiaries are safe and respected and can access the protection and assistance they need without fear of any form of exploitation or abuse. However, there is growing need to prioritize preventative measures.

By creating organizational systems and raising awareness among personnel, beneficiaries and local populations regarding PSEA, Mashal can lay the groundwork for more effective reporting of and response to violations. Likewise, effective reporting and response structures can also serve as a prevention measure, for example by encouraging survivors and witnesses to report violations or helping deter potential perpetrators.

**7.1.1. Clarify Roles and Responsibilities on PSEA;** Mashal shall have clear description of roles and responsibilities for its personnel at various levels for the smooth implementation of the policy. (See Annexure: 1 for clarification of roles and responsibilities)

**7.1.2. Designation of PSEA Focal Points:** Mashal shall designate PSEA focal points within the organization to assume key responsibilities such as the development of internal systems, training and awareness-raising of personnel and coordination of other relevant actors. ( See Annexure 2: for Terms of Reference (ToR) for PSEA Focal Point.)

**7.1.3. Vetting:** Mashal systematically vets all prospective job candidates in accordance with established screening procedures. (See annexure 3: for Checklist for PSEA-sensitive Recruitment, Contracting and Performance Management)

**7.1.4. Training:** Mashal holds mandatory induction and refresher trainings for all employees and related personnel on the Organization's SEA policy and procedures. The refresher trainings shall be conducted twice a year at the Head Office for the volunteers and once year for all the permanent staff of Health Centres in each centre. (See Annexure 4: for Training Module).

**7.1.5. Awareness Raising:** Mashal shall conduct activities to raise awareness among our personnel, beneficiaries and local communities (Self Help Groups of Women, Farmers Groups, Core Committees, local PRI members, etc.) including children and others on PSEA and other policies and procedures during the monthly meetings. Personnel will be continuously reminded during monthly meetings of the SEA so that they are aware of their roles and responsibilities in reporting and responding to SEA. Posters with information on SEA and reporting will be displayed in the offices and Health Centres of Mashal.

The content of the Awareness Raising activities for the beneficiaries and community members:

- i. Beneficiary rights; free assistance, right to information about the project, the right to be treated with respect, the right to report inappropriate behaviour
- ii. Prohibited behaviour of personnel,
- iii. How to report complaints to hotlines such 1098, 181 as well as Internal Complaint Committee of Mashal.

The content of the Awareness Raising activities for the personnel shall cover the following:

- i. Definition and prohibition of SEA
- ii. Relevant roles and responsibilities,
- iii. The organization's reporting and referral procedures, including relevant contact details of Internal Complaint Committee, Complaint Committee and PSEA Focal Point of Mashal.

- While conducting Awareness Raising activities communication messages, materials and channels will be adapted to 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. ( See Annexure 5: PSEA Risk Assessment and Management for safe programmes)
- To ensure that personnel retain the information and are able to apply it in practice, the training will be interactive and offered in-person. After the training, to increase accountability the participants will be required to acknowledge in writing their responsibilities for complying with the code of conduct and the consequences for breaching it. Regular refresher trainings will be offered to ensure that personnel are aware of the latest policies and procedures.
- PSEA-related information will be widely publicized by using a variety of using a variety of communication channels (e.g. website, social media, staff/community meetings, and posters). Whenever possible we shall work with other organizations on awareness-raising activities, including as part of GBV and child protection campaigns. Beneficiary rights shall be highlighted in project/program awareness materials before and during implementation.

#### **7.1.6. Risk Mitigation and Safe Programming**

In order to identify and mitigate or avoid risks of SEA through programming, Mashal shall take the following actions:

- **Conduct thorough and inclusive risk assessments** on SEA before designing projects, if possible as part of the initial needs assessment through site safety mapping, focus group discussions with intended

beneficiaries and other stakeholders (including women, children, local authorities/communities, etc.) and other relevant research methods. As part of this assessment, we shall identify groups that are most marginalized and at heightened risk of SEA (e.g. children with disabilities) to ensure that design strategies are as targeted and effective as possible.

- **Consult with beneficiaries and local communities**, including at-risk groups (e.g. adolescent girls, people with disabilities, Lesbian, Gay, Bisexual, Transgender, Intersex (LGBTI) communities), as part of the initial needs assessment and routine monitoring to identify locally relevant risks and protection measures (that are in line with international laws and standards). Consultations shall be safe and culturally appropriate.
- **General prevention and safety measures for SEA** adopted in Mashal's standard programme design:
  - Safe recruitment practices are followed for hiring programme personnel, including local volunteers, day laborers, etc.; this includes using a recruitment panel that includes at least one woman (see Annexure 3: for Checklist for PSEA-Sensitive Recruitment, Contracting and Performance Management)
  - Ensure that all personnel are PSEA-trained and have signed the code of conduct, and reporting and response procedures are set up before the start of the programme. (See Annexure 12; for Code of Conduct)
  - Include female personnel in programme implementation teams, where possible specifically if their roles require direct interactions with beneficiaries (e.g., food distributions, health clinics, child-friendly spaces, schools/temporary learning spaces, community centers), given that the majority of perpetrators of SEA are men.
  - Ensure that there are shared responsibilities of processes during programme intervention so that more than one person is involved ("segregation of duties").
  - Engage women and at-risk groups in the planning, design, implementation and monitoring of activities to the extent possible and if safe for those involved.
  - Provide assistance interventions in safely accessible and well-lit areas.
  - Design programmes in a manner that limits one-on-one interactions between beneficiaries, particularly children, wherever possible.

- Proactively communicate information about aid distribution procedures to the community and take advice from the community to engage effectively.
- Prominently display in offices and on work sites SEA-related information and the Mashal's policies and procedures, including how to report inappropriate behavior by the organization's personnel, using a language and communication style that personnel and communities can understand.
- **Programmatic actions** to minimize SEA risks and help connect survivors to appropriate care in cross-sectoral programming and in distinct sectors (see Annexure 6: for Programmatic Actions by Sector for minimizing PSEA Risks). Mashal shall also ensure that SEA-related prevention and safety measures are reflected in programme budgets and monitoring frameworks.

## 7.2. Response:

**7.2.1. Reporting:** Mashal has safe, confidential, transparent and accessible mechanisms and procedures for personnel, beneficiaries and communities, including children, to report SEA allegations that and ensures that beneficiaries are aware of these. (See Annexure 7: for Reporting Format)

- **Personnel and beneficiaries, including children, have access to multiple reporting mechanisms (internal/external)** that meet their needs and preferences to the extent possible. Possible reporting mechanisms (internal/external) may include in-person reporting to designated personnel (e.g., direct supervisors, PSEA focal points or internal complaint committees); reporting via free phone hotlines, SMS, text messaging or email; or use of secure suggestion/complaint boxes (with no specific signage on them to avoid any direct association with SEA).
- **Consultation with beneficiaries and local communities** (including women, children, people with disabilities, and other relevant stakeholders) will be held on risk factors for SEA; discussions will be held on challenges for raising complaints; preferred methods for reporting; and how to make reporting mechanisms safe, confidential, transparent and accessible so that the feedback can be incorporated.
- **Widely publicize all available reporting channels** to personnel, beneficiaries and local communities. Personnel will be informed about mandatory reporting both in writing (e.g. memo, detailed

email) and verbally (e.g. meeting, conference call), incorporating the following content:

- A clear description of behaviors that constitute SEA, stressing the need to report when in doubt about a case
  - The obligation of all personnel to report any suspicions or concerns and consequences for failing to report (e.g. disciplinary measures)
  - The option of reporting information anonymously
  - Mashal's protections for those who makes an allegation in good faith (e.g. whistleblower policy, protection plans for complainants)
  - Details regarding who to report to and what information to share to allow for proper response and follow-up
  - Explanation of how Mashal will use the information (i.e. who will receive the reports and the internal procedure for response and follow-up).
- **Mashal shall ensure that the report of the alleged incident** is as detailed as possible while adhering to standards of effective reporting (Safety, Confidentiality, Transparency and accessibility). Mashal shall train personnel who may receive complaints (e.g. PSEA focal points, Complaint Committees, Internal Complaint Committees) on relevant procedures and remind them to:
    - Use the complainant's own wording to describe facts, violations and persons involved in the case to the extent possible.
    - Indicate where relevant information is missing and add essential contextual information where needed.
    - Remember that their role is not to investigate but rather to relate the facts for others to follow-up.
  - **Reporting Allegations to UNICEF**  
Mashal shall keep UNICEF (through the head of the respective country office) informed on reported cases by sharing regular updates on findings relating to the case, the investigation process and outcome and referrals for survivors and others.

**7.2.2. Investigation:** Investigating allegations is essential to implementing the zero-tolerance policy of Mashal on SEA and increasing accountability for violations. Hence Mashal has established 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 perpetrator is affiliated with another entity.

#### **7.2.2.1. investigation Procedures:**

Mashal will have a standard process to ensure investigations of SEA allegations follow due process and protect the safety and rights of those involved, including survivors, witnesses and alleged perpetrators. We shall ensure that investigations are survivor-centered, respecting survivors' rights to safety, confidentiality, respect and non-discrimination. Following are some key points to consider when managing (or overseeing) investigations:

- **Set up an internal process for reviewing** all allegations and deciding on next steps, including the need for an internal investigation and/or referral to local law enforcement authorities (where appropriate as determined by the Mashal and when possible, the survivor); immediate consequences for alleged perpetrator in terms of their work (e.g. suspension, change of job responsibilities); assistance for survivors and others; and communication with the parties involved, partners and others. Some criteria for making decisions regarding the investigation process include the nature of the abuse (i.e. breach of the organization's code of conduct/national criminal law), reliability of source(s) of allegation, availability of hard evidence (e.g. photographs), and risk(s) for the survivor(s) associated with the investigation process. In general, Mashal (Internal Complaint Committees) shall always keep a record explaining the rationale for their course of action; this is particularly useful if they decide to revisit the case at a later stage.
- **Deploy or hire experienced, impartial and trained investigator(s)** who are qualified to handle cases that require a high degree of sensitivity and confidentiality (see Annexure 8: for Terms of Reference for Investigator of SEA Allegations). The investigator(s) shall be those who can speak the language of witnesses and be familiar with local laws if possible. Furthermore, agreements shall be made with the investigator(s) from the outset on the scope of the investigation, coordination and communication processes (e.g. regular check-ins with managers), deliverables and timelines, contingency plans, and other key aspects of the investigation.
- **Identify and manage conflicts of interest** by verifying that personnel and external experts involved in the investigation do not have personal or professional relations to the survivor, witnesses, complainants/whistle-blowers, or the alleged perpetrator or have a

vested interest in the outcome of the investigation, which may compromise their objectivity. If and when we become aware of such a conflict of interest, we shall immediately remove the concerned individual from the case, stop them from further contact with all parties involved in the case, and request them to agree in writing to keep information on the case confidential.

- **Manage information-sharing and communications** in order to protect those directly involved as well as the integrity of the process. This involves:
  - Distinguishing between communications on the process of an investigation (e.g. state of investigation process), which should be transparent, and details relating to the case (e.g. identity of parties involved, details of incident), which should be treated confidentially.
  - Defining which individuals need to have access to what type of information.
  - Having a secure information-management system for keeping electronic and non-electronic data with access limited to those directly involved in managing or overseeing the investigation (e.g. using password protection for computers and keeping them in a secure place; keeping paper documents and other evidence in locked cabinets in a secure room; avoiding any identifying information in written communications, such as emails, WhatsApp and others).
  - Providing investigators (internal/external) with access to relevant internal documents, records and personnel, as well as adequate and administrative support to conduct investigations effectively.
  - Requesting all parties directly involved in the investigation process (e.g. investigators, survivors, witnesses, alleged perpetrators, designated managers/personnel) to keep the content of their interviews confidential. (See Annexure 9; Confidentiality Reminder Note for SEA Investigations).
  - Setting up a system for keeping survivors, witnesses, alleged perpetrators and complainants informed on relevant aspects of the investigation process (i.e. determining who is responsible for sharing what type of information with whom and at what frequency).
- **Provide adequate protection and other support to survivors, witnesses and complainants/whistleblowers, and alleged perpetrators** (as part of their duty of care for personnel) throughout

the investigation process as needed. Mashal shall adopt this support to each person's specific needs and wishes (accounting for age, gender, abilities, other factors) to offer adequate support, closely working with protection actors and those providing services to survivors and others. Individuals directly involved in the case may require independent legal counsel and/or an advisor/support person to provide emotional support, share updates on the investigation, and to serve as a liaison with the investigation team as needed. Child survivors and witnesses may be provided, if required with additional support to ensure that the investigation process is conducted in a child-friendly manner (e.g. child-friendly interview techniques, engagement of parents/caretaker).

- **Assess and manage risks relating to the investigation process** by conducting a comprehensive risk assessment (see Annexure 10: for Template for Risk Assessment and Management during SEA Investigations). If risks are substantial, Mashal shall develop more robust protection plans. We shall conduct review of the risk assessments (and protection plans) regularly as the situation may be evolving.
- **Follow up on investigation outcomes** through the following actions:
  - Make the outcomes of the investigation available to the survivor and accused party and follow up with them to find out if they require additional psychosocial or other support following the provisions of this policy on Assistance and Referrals
  - In case a complaint is substantiated, take appropriate disciplinary actions against the perpetrator that corresponds to the severity of the offense committed, ranging from a written reprimand to dismissal. Update personnel files of the perpetrator accordingly and share relevant information with potential employers as part of their background checks to the extent legally possible.
  - Report the case to relevant local law enforcement authorities, including the police and/or judicial authorities, and, if the case concerns a child, relevant child protection institutions, as needed and where considered appropriate by the organization and when possible, the survivor.
  - Use investigation reports to identify institutional weaknesses in preventing and responding to PSEA that require changes in the organization's policies, procedures and staffing.

- **Involvement of UNICEF in Investigation Process**

- Mashal shall keep local UNICEF personnel informed during the conduct of the investigation, without (violating) due process rights of any persons involved. Upon completion of the investigation, we shall also “promptly provide reports on the outcome of the investigations” and if requested, share “any relevant details and evidence for examination and further use by UNICEF” to the extent legally possible.
- Mashal shall confidentially share this information with the UNICEF head of office in country or the UNICEF Director, Office of Internal Audit and Investigation ([integrity1@unicef.org](mailto:integrity1@unicef.org)) in a manner that assures the safety of all involved.

**7.2.3. Referral to State Authorities:** If, after proper investigation, there is evidence to support allegations of SEA, these cases may be referred to State authorities for criminal prosecution. These authorities can be local police, District Magistrate, SP of Police, Child Line 1098, Women Helpline181 etc.

**7.2.4. Victim Assistance:** Mashal has a system to promptly refer SEA survivors to available services, based on their needs and consent. Mashal shall;

- **Ensure that survivors have access to assistance** regardless of decisions by Mashal or others to investigate the case and regardless of the outcome of an investigation. Survivors are also not required to identify the perpetrator or prove that they are survivors of SEA to access services. As appropriate Mashal shall account for the protection and support needs of witnesses, complainants, alleged perpetrators and other individuals connected to the case.
- **Have an updated list of local service providers**, which provides options for both children and adult survivors where relevant (e.g. names of a pediatric and adult medical care provider). We shall prepare the mapping of existing GBV and CP services and referral pathways of relevant inter-agency bodies, such as the District, State and National PSEA Network and in-country GBV and CP coordination groups. Especially in cases involving children, Mashal shall also consult with UNICEF country offices. The table below provides an overview of the types of services survivors may need that Mashal shall make arrangements for by itself or with the help of local administration, district authorities, inter-agency groups, other NGOs etc.

<b>Type of service</b>	<b>Description</b>
<b>Safety</b>	Immediate safety or protection measures for survivors and witnesses to address the risk of retaliation or further violence, such as survivor safety planning, safe shelter (i.e. space that offers temporary safety to individuals fleeing harm), relocation support
<b>Medical care</b>	Medical care, including post-exposure prophylaxis (PEP) to prevent HIV ((within 72 hours of possible exposure); treatment for Sexually Transmitted Infections (STIs), pregnancy care, emergency contraception
<b>Psychosocial support</b>	Mental health care, emotional and practical support, either individually or community-based
<b>Legal services</b>	Legal assistance services, including free legal counselling, legal representation and other support (Note: If possible, such legal representation and support should be provided independently from the alleged perpetrator's employer.)
<b>Basic material assistance</b>	Provision of food, clothing, shelter, school re-integration and livelihood support to the survivor
<b>Support for children born as a result of SEA</b>	Medical and psychosocial care and pursuit of paternity and child support claims, in conjunction with relevant national laws.

- **Have a set procedure to guide the referral process** that is aligned with existing inter-agency procedures and protocols. The process should outline the steps that personnel, particularly those receiving complaints, need to take and should provide them with updated referral forms. Mashal shall make sure that those involved in the process are adequately trained on how to safely and confidentially refer GBV/SEA cases for assistance, including those cases involving children. If possible, the process shall entail referring the survivor first to a case manager or social worker, who can then facilitate referral to other appropriate services. (See Annexure 9; for Referral Forms) In the event that we are unable to conduct the referral

process on our own, we shall contact external and pre-identified GBV or CP service providers or organizations for support.

- **Always obtain informed and voluntary consent** before facilitating assistance, respecting the right of a person, including children (depending on their age and capacities), to freely choose which type of support services they want to access or to decline services entirely. To ensure informed consent, caseworkers must ensure that the adult or child survivor fully understands the services available and the referral process, potential risks and benefits of receiving services, and what information will be collected and how it will be used, including confidentiality and its limits. During this consultation, caseworkers should avoid raising unrealistic expectations among survivors particularly in locations where adequate services are limited, such as remote or emergency settings.
- When dealing with children, caseworkers should communicate the information in a child-friendly manner, adapting it to the child's age, maturity, language, gender and culture (i.e. simplifying content) and obtain informed consent from both the child (taking into account his/her evolving capacities) and one of the child's parents or guardians. At the same time, it is essential for organizations to ensure that the best interest of the child serve as the primary guide for making decisions regarding assistance and referrals. Depending on the need and complexity of the case, Mashal shall request technical support from UNICEF and/or other GBV and CP partners.
- **Respect confidentiality**, protecting identifying information of all those involved in the alleged incident. Mashal shall collect, share and store information on these cases safely and according to agreed-upon data protection policies. In particular, we shall share this information only with a limited number of individuals and on a "need-to-know" basis and ensure this happens with the survivor's explicit permission.

In exceptional cases, Mashal may need to refer cases – even without the survivor's informed consent – when there are safety concerns for the survivor or others or when they are required by law to report crimes. We shall always explain to survivors (and/or their guardians where appropriate) these limitations of confidentiality following the components of the section on informed consent.

- **Consider potential risks for survivors (and their families) and take safety precautions, as needed.** This means being careful to

avoid causing any additional harm to survivors (and their families) as a result of how the case is being managed (e.g. possible revenge acts due to mishandling of case information). Mashal shall also be careful to manage survivors’ expectations regarding our capacity to ensure the survivor’s safety.

- **Maintenance of SEA Documentation**

All documentation of SEA cases dealt with shall be documented systematically by the person appointed as PSEA Focal Point in Mashal and kept confidentially in Mashal Head Office.

### **7.3. Cooperative arrangements:**

**7.3.1.** Mashal’s contracts and partnership agreements include a standard clause requiring all staff, 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. See Annexure 13, 14, and 15:

**7.3.2.** 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.

### **Annexure 1; Roles and Responsibilities on PSEA**

<b>Personnel</b>	<b>Roles and Responsibilities</b>
<b>Management (Secretary, Programme Manager, Unit Administrators, Unit Coordinators)</b>	<ul style="list-style-type: none"> <li>• Provide oversight of PSEA prevention and response</li> <li>• Review and update PSEA-related policies and guidance</li> <li>• Ensure attention and resources to PSEA across the organization</li> <li>• Facilitate and oversee investigations of SEA allegations</li> <li>• Coordinate with other organizations on PSEA, including donors</li> </ul>
<b>PSEA Focal Point (Unit Administrators, Coordinators, Senior Programme staff)</b>	<ul style="list-style-type: none"> <li>• Support senior management to meet their PSEA-related responsibilities</li> <li>• Report concerns or issues with PSEA implementation to senior management</li> <li>• Receive reports of SEA allegations and coordinate the response</li> <li>• Conduct training and awareness-raising of personnel and others on PSEA</li> <li>• Coordinate with other relevant actors on PSEA, including inter-agency efforts</li> </ul>

<b>Human Resources</b>	<ul style="list-style-type: none"> <li>• Conduct screening for past SEA violations, and other code of conduct and policy violations (e.g. fraud, corruption, abuse of power), as part of recruitment process</li> <li>• Ensure all personnel sign the organization’s code of conduct</li> <li>• Integrate a PSEA clause in contract agreements, including when subcontracting</li> <li>• Support communication with personnel during investigation of SEA allegations</li> <li>• Keep PSEA-related documents of personnel on file, including signed codes of conduct</li> </ul>
<b>All Personnel</b>	<ul style="list-style-type: none"> <li>• Uphold the code of conduct and PSEA-related policies</li> <li>• Actively participate in SEA-related trainings and awareness-raising efforts, including support for dissemination of PSEA materials</li> <li>• Report allegations of SEA through the designated reporting channels</li> <li>• Participate in investigations of SEA allegations as appropriate</li> <li>• Identify and mitigate/avoid SEA-related programme risks <i>(particularly for personnel involved in programming)</i></li> </ul>

## **Annexure 2: PSEA Focal Point**

**Terms of Reference:**  
**Protection from Sexual Exploitation and Abuse (PSEA) Focal Point**

### **1. Background**

Mashal is a registered society committed to accompany and to enable the marginalized communities to affirm and uphold their rights and dignity. It has a zero tolerance towards sexual exploitation and abuse.

### **2. Purpose**

The purpose of the PSEA focal point is to have a designated staff member who supports senior management in coordinating the development and implementation of PSEA policy and procedures.

### **3. Scope of Work**

Key roles and responsibilities of PSEA focal points include:

## **Prevention**

- Conduct periodic assessments of Mashal's PSEA policies and practices and suggest improvements to senior management.
- Conduct training and awareness-raising sessions on PSEA for all personnel on a regular basis.
- Work with human resource and other relevant personnel such as field based volunteers, Health Centre staff, Staff of Asha Kiran-Home for Girls, Accounts team etc. on PSEA-related aspects, including ensuring that all personnel sign the code of conduct and that screening for past SEA violations is a regular part of the recruitment process.
- Facilitate awareness-raising campaigns with beneficiaries and local communities on the definition of SEA, the standards of conduct expected of Mashal's personnel, and the various mechanisms for raising SEA allegations or concerns, including contact details.

## **Reporting allegations of SEA**

- Manage the development of internal procedures for personnel to report incidents of sexual exploitation and abuse safely and confidentiality.
- Receive reports of SEA allegations and related information and coordinate the response according to relevant procedures.
- Report concerns or issues with PSEA implementation to senior management.

## **Response to SEA allegations**

- Once a complaint is received, coordinate Mashal's response, including referral of SEA survivors for immediate, professional assistance and referral of the case for further investigations to Complaint Committee responsible for handling internal investigations.

## **Other responsibilities**

- Coordinate Mashal's PSEA activities with relevant organizations, including inter-agency initiatives, as appropriate.
- Support senior management in implementing other PSEA-related activities, as appropriate.

## **1. Competencies and Experiences**

- Proven integrity, objectivity and professional competence
- Demonstrated sensitivity and knowledge of cultural and gender issues; experience in GBV programming is preferred
- Fluent in Hindi and English
- Demonstrated experience of working directly with local communities
- Proven communication skills

Upon appointment, the focal point will undergo organization-specific training on PSEA, as soon as feasible.

## **Annexure 3 ; Checklist for PSEA-Sensitive Recruitment, Contracting and Performance Management**

- Include a sentence in job announcements to notify candidates that background and reference checks will be conducted and ethics is part of annual performance appraisals
- Require applicants to self-declare prior issues of sexual or other misconduct, termination of past employment, criminal records, 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
- Conduct background checks (e.g. police records, Google searches) and 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 (e.g. What's your idea of an ethical organization? Tell me about a time when you faced an ethical challenge.)
- Require candidates to review and sign the code of conduct before being offered a contract
- Include a PSEA clause in employment contracts, including when subcontracting i.e. the Contractor shall take all appropriate measures to prevent sexual exploitation or abuse of anyone by its employees or any other persons engaged and controlled by the Contractor to perform any services under the Contract. Any breach of the provision by the Contractor shall entitle Mashal to terminate the contract with immediate effect.”

- Outline disciplinary measures in the event of proven SEA allegations (e.g. termination of contract)
- Include training in PSEA as part of onboarding process and provide refresher courses at regular intervals during employment tenure
- Include adherence to code of conduct (e.g. participation in PSEA trainings) in performance appraisals of staff
- Include in the performance appraisals of senior staff their effectiveness in creating and maintaining an environment which prevents and responds to SEA
- Freeze professional advancement/recruitment opportunities of individuals under investigation
- In cases of confirmed misconduct, take robust disciplinary action (e.g. dismissal, suspension, written censure or other administrative/corrective measures) and, where this involves possible criminal conduct, consider reporting the incident to local law enforcement authorities<sup>1</sup>
- Maintain an internal database 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.

#### **Annexure 4; PSEA Training Module**

<b>ACTIVITY</b>	<b>EST. TIME</b>	<b>RESOURCES</b>
<b>INTRODUCTION</b>		
<b>Welcome and introduction</b> <ul style="list-style-type: none"> <li>• Introduction of trainer(s) and learners</li> <li>• Overview of training agenda</li> <li>• Expected learning outcomes</li> </ul>	<b>15 min</b>	<ul style="list-style-type: none"> <li>• Handout: Training agenda</li> </ul>
<b>SESSION 1: UNDERSTANDING SEXUAL EXPLOITATION AND ABUSE</b>		
<b>Presentation: Key definitions and concepts</b>	<b>15 min</b>	<ul style="list-style-type: none"> <li>• Handouts: Related sections of the</li> </ul>

<ul style="list-style-type: none"> <li>• Definition of SEA</li> <li>• Zero-Tolerance Policy on SEA</li> <li>• Roles and responsibilities of personnel in preventing and responding to SEA</li> </ul>		Policy, organization's code of conduct and other relevant documents
<p><b>Case scenarios: Is this SEA?</b></p> <ul style="list-style-type: none"> <li>• Present practical scenarios and discuss which ones may be cases of SEA and why</li> </ul>	<b>45 min</b>	
<p><b>Group exercise: Impacts of SEA</b></p> <ul style="list-style-type: none"> <li>• Ask learners to identify the (potential) consequences of SEA on a) the survivor(s), b) the community, c) the organization, and d) others</li> </ul>	<b>30 min</b>	
<b>SESSION 2: TAKING ACTION AGAINST SEA</b>		
<p><b>Presentation: Overview</b></p> <ul style="list-style-type: none"> <li>• Overview of responses to SEA (prevention, reporting, investigation and referral)</li> <li>• Guiding principles (including survivor-centered approach)</li> </ul>	<b>20 min</b>	<ul style="list-style-type: none"> <li>• Handout of relevant tools of Mashal's PSEA Policy (e.g. organizational self-assessment, action plan template, PSEA risk assessment and mitigation)</li> </ul>
<p><b>Group discussion: Prevention</b></p> <ul style="list-style-type: none"> <li>• Discuss how to identify and mitigate risks of SEA in their context (What are warning signs? Why are they ignored? What more can the organization do to prevent SEA?)</li> </ul>	<b>45 min</b>	
<p><b>Presentation: Reporting</b></p> <ul style="list-style-type: none"> <li>• Mandatory reporting</li> <li>• How to report SEA allegations, including confidentiality issues and "the best interest of the child"</li> <li>• Protections for those reporting SEA allegations</li> </ul>	<b>20 min</b>	<ul style="list-style-type: none"> <li>• Handout with contact information of reporting channels and policy for protecting whistleblowers and/or</li> </ul>

		complainants
<b>Presentation: Investigations</b> <ul style="list-style-type: none"> <li>• Overview of investigation process</li> <li>• Consequences for personnel if allegations are substantiated</li> <li>• Responsibilities of personnel to fully participate in any investigation</li> </ul>	<b>15 min</b>	
<b>Presentation: Assistance</b> <ul style="list-style-type: none"> <li>• Service needs of survivors (and witnesses)</li> <li>• Survivor-centered approaches and informed consent</li> <li>• Referral pathways</li> </ul>	<b>10 min</b>	
<b>CONCLUSIONS</b>		
<b>Conclusions</b> <ul style="list-style-type: none"> <li>• Summary of key learnings</li> <li>• Ask each learner to provide at least one answer to the question: “How do you plan to apply what you just learned in your work?”</li> <li>• Feedback on training</li> </ul>	<b>20 min</b>	Feedback forms

## Annexure 5: PSEA Risk Assessment and Management for Safe Programmes

Area	Questions to Consider for Risk Assessment	Possible Management strategy(ies)
<b>Profile of beneficiaries</b>	<ul style="list-style-type: none"> <li>• What is the demographic profile of the population in the target areas (e.g. sex, age, education level, income level, household size, percentage of female- and child-headed households, marriage age, religion, race/ethnicity, migration status, etc.)?</li> <li>• What are some of their characteristics of the</li> </ul>	<ul style="list-style-type: none"> <li>• Adapt awareness-raising efforts on PSEA to meet specific needs of beneficiaries</li> <li>• Conduct targeted messaging campaigns for those groups that are highly susceptible to SEA</li> </ul>

	<p>population that may render individuals more susceptible to SEA? Which groups are particularly vulnerable?</p>	
<b>Profile of personnel</b>	<ul style="list-style-type: none"> <li>• Is there an adequate gender balance of personnel involved in programming, particularly of personnel directly engaging with beneficiaries and local communities or responsible for recruitment?</li> <li>• Have personnel been sufficiently vetted and trained in regards to PSEA?</li> </ul>	<ul style="list-style-type: none"> <li>• Re-adjust gender balance of personnel involved in programming</li> <li>• Recruit additional female personnel involved in programming as needed</li> <li>• Conduct (refresher) training(s) on PSEA (e.g. annually), specifically focused on possible risks associated with the specific programme</li> <li>• Review HR files of personnel and conduct additional screening to identify previous misconduct as needed</li> </ul>
<b>Programme approaches</b>	<ul style="list-style-type: none"> <li>• Does the programme create or exacerbate existing imbalances between personnel and members of the community?</li> <li>• Does the programme involve direct interaction between personnel and beneficiaries, especially children?</li> <li>• How are personnel delivering goods and services (i.e. private/public, working in pairs/alone, gender-mixed)?</li> </ul>	<ul style="list-style-type: none"> <li>• Arrange periodic monitoring visits by someone in a management or programme oversight role</li> <li>• Change location(s) of distribution to make it more public</li> <li>• Ensure that personnel wear visible forms of identification (e.g. caps, vests, T-Shirts)</li> </ul>

	<ul style="list-style-type: none"> <li>• Do personnel wear visible forms of identification (e.g. caps, vests, T-Shirts) when conducting programme activities?</li> <li>• Are external visitors allowed to attend programme activities unaccompanied? Who is in charge of making these decisions?</li> </ul>	<p>when conducting programme activities and provide such forms of identification where needed</p> <ul style="list-style-type: none"> <li>• Restrict access of external visitors to programme activities, to the extent possible</li> <li>• Ensure that programme participants are regularly informed of their rights, of expected behaviour of personnel, and how to report concerns</li> </ul>
<p><b>Programme context</b></p>	<ul style="list-style-type: none"> <li>• Where do programme activities take place (camp, informal settlement, host community, rural/urban setting, etc.)? What are specific risks associated with this location (e.g. lack of availability of complaints mechanisms or service providers, insecurity)?</li> <li>• What is the attitude of beneficiaries towards GBV concerns? How comfortable would beneficiaries be reporting SEA concerns?</li> <li>• Is there an inter-agency mechanism for community feedback/complaints in this location?</li> </ul>	<ul style="list-style-type: none"> <li>• Create a more secure environment at programme location (e.g. install lights, hire night guards)</li> <li>• Work with communities to adapt complaints mechanisms to meet their needs</li> <li>• Ensure that beneficiaries are aware of and can access inter-agency mechanisms for complaints in the programme location(s)</li> </ul>

## Annexure 6:

### Programmatic Actions by Sector for Minimizing PSEA Risks

Note: Before taking any programmatic actions, Mashal shall ensure that programme design reflects SEA risks. The following table outlines programmatic actions has taken to minimize SEA risks and help connect survivors to appropriate care.

<b>SECTOR</b>	<b>Sample Programmatic Actions</b>
<b>Child Protection (CP)</b>	<ul style="list-style-type: none"><li>• Work with GBV specialists to develop child/adolescent-friendly messaging on GBV (“safe/unsafe touch”, etc.) and how to report abuse.</li><li>• Ensure adequate supervision and monitoring of family tracing and reunification activities, particularly when children travel with personnel.</li><li>• Build capacity of community-based CP mechanisms on how to respond to GBV/SEA cases.</li><li>• Support the development and implementation of standard operating procedures (SOPs) that specifically address how to manage GBV/SEA cases involving children.</li><li>• Support GBV service providers to ensure services are accessible and appropriate for children and adolescents.</li></ul>
<b>Education</b>	<ul style="list-style-type: none"><li>• Assess the costs associated with school or vocational training (e.g. school fees/supplies, transportation) and associated risks for exploitation.</li><li>• Minimize situations where a student’s advancement depends on a single teacher and ensure regular supervision of school staff.</li><li>• Help ensure female students’ and teachers’ menstrual health and hygiene (MHH) needs are met, both to improve school attendance and to reduce risk of sexual exploitation.</li><li>• Ensure students and school staff have access to reporting mechanisms and raise awareness on SEA risks in schools.</li></ul>

	<ul style="list-style-type: none"> <li>• Include GBV and psychological first aid (PFA) in capacity-building plans for teachers and other school staff.</li> </ul>
<b>Health</b>	<ul style="list-style-type: none"> <li>• Integrate GBV response services into existing health interventions (sexual and reproductive health, antenatal services, etc.) to minimize stigma and increase accessibility.</li> <li>• Work with GBV/CP/protection actors to identify and address potential barriers for survivors in accessing health services (e.g. availability of private space for examination, presence of same-sex health workers).</li> <li>• Coordinate with other health partners to address gaps in knowledge and equipment for providing GBV services to both adult and child survivors.</li> <li>• Ensure health workers understand mandatory reporting on SEA and can communicate their reporting obligations to survivors; develop a system to enable health workers to access support from GBV/CP specialists, if needed.</li> <li>• Train health services providers on survivor-centered approaches of working with GBV survivors, as needed, and set up systems to protect confidential patient information.</li> </ul>
<b>Nutrition</b>	<ul style="list-style-type: none"> <li>• Monitor challenges different beneficiaries (e.g. child-headed households, people with disabilities, etc.) are facing in accessing services (e.g. registration, ration cards) and work with relevant organizations to address them.</li> <li>• Consider co-locating nutrition services with a health facility and/or a women-friendly space to help facilitate referrals for GBV/SEA survivors.</li> <li>• Share information about available reporting and response mechanisms related to GBV/SEA during meetings with beneficiaries and communities (e.g. mother-to-mother support group discussions).</li> </ul>
<b>Water, Sanitation and Hygiene (WASH)</b>	<ul style="list-style-type: none"> <li>• Assign women to roles that require direct interaction with beneficiaries and local communities (e.g. hygiene promoters; latrine/bathing facility/water point monitors).</li> <li>• Ensure women are adequately represented in WASH committees.</li> </ul>

	<ul style="list-style-type: none"> <li>• In consultation with communities, especially women and children, identify access concerns and risks for different beneficiaries related to WASH (e.g. water buckets that are too heavy for children; lighting in toilets, MHH).</li> <li>• Monitor potential abnormal behavior in women and children’s behavior related to WASH (e.g. if it takes women and children unusually long to collect water).</li> </ul>
<p><b>Communication for Development (C4D)</b></p>	<ul style="list-style-type: none"> <li>• Work with other programmes to develop and disseminate SEA-related information materials for their respective beneficiaries (e.g. programme eligibility criteria, distribution procedures, reporting mechanisms, etc.).</li> <li>• Support GBV/CP/protection actors to create simplified versions of the referral pathway for use in community outreach activities (e.g. use of locally-appropriate drawings or symbols).</li> <li>• Work with GBV specialists to ensure that community-based complaints mechanisms respect global standards for safe and ethical GBV data management and information sharing (e.g. confidentiality of incident data).</li> </ul>

### **Annexure 7: 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 (e.g. name, age, gender, ethnic origin/nationality, specific needs):
4. Description of alleged or suspected perpetrators (e.g. name, age, gender,

nationality, organizational affiliation/position, previous record of misconduct):

5. Actions taken by organization in response to allegations to date (e.g. referral for assistance, investigations):
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 transmitted by:</b>	
Name:	Contact info (email, phone):
Title:	Date:

### **Annexure 8; Terms of Reference for Investigator of SEA Allegations**

#### **1. Background**

[Include brief description of the SEA allegation and other relevant information that may support the investigation.]

#### **2. Purpose and Objectives**

The purpose of this investigation is to conduct a thorough, objective and effective investigation of the above-mentioned reported SEA allegations and other related incidents, in accordance with professional standards and best international practice.

Specific objectives are to:

- 1) Assess whether the allegations reasonably amount to SEA, and possibly, an offence under national law;
- 2) Review evidence presented and gather further evidence that might support or undermine the allegations;
- 3) Present a summary of the evidence and conclusions.

#### **3. Scope of Work**

Key deliverables are:

- Work plan, including detailed methodology of investigation (e.g. review of relevant documents, site visit(s), interviews with relevant stakeholders)
- Recommended plan of actions for protecting survivors, witnesses,

alleged perpetrators and the organization during investigation process

- Investigation report, including
  - 1) Executive Summary
  - 2) Introduction
  - 3) Allegations (i.e. listing all allegations; names of the organization's policies/code of conduct and laws potentially violated)
  - 4) Investigative approach (e.g. interviews, review of documents)
  - 5) Chronology of events
  - 6) Analysis of evidence
  - 7) Retaliation and protection risks (and steps taken to address them)
  - 8) Analysis of adequacy of organization's response to SEA allegation
  - 9) Conclusions regarding evidence to substantiate or not the allegation(s)
  - 10) Recommendations (including areas of improvement for the organization's response to PSEA)

#### **4. Key Required Skills and Experiences**

- Experienced, reliable professional investigator with experience in dealing with highly sensitive cases
- Trained in conducting interviews, including with children and people who experienced trauma
- Demonstrated sensitivity and knowledge to cultural diversity and gender issues, including GBV experience if possible
- Fluent in relevant languages for interviews with personnel and other witnesses, including (specify)
- Proven communication and organizational skills

#### **Annexure 9: Confidentiality Reminder Note for SEA Investigations Confidentiality Reminder for SEA Investigations**

You have been asked to provide assistance in an investigation of allegations of sexual exploitation or abuse involving personnel that is currently being undertaken. You may be interviewed, asked to provide documents, computer files and other records, or asked to assist in some other way. Internal investigations are a key part of our organization's commitment to preventing and responding to sexual exploitation and abuse.



<b>Example</b>	<i>Survivor</i>	<i>Alleged perpetrator pressuring survivor to withdraw allegations</i>	<i>Medium</i>	<i>Verbal communication to alleged perpetrator to abstain from contact with survivor</i>	<i>Written warning to alleged perpetrator regarding consequences of continued contact</i>		
1.							
2.							
3.							

\* **High/Medium /Low**

### **Annexure 11: 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.

<b>Referring agency</b>	
Agency/org:	Contact:
Phone:	Email:
Location	

<b>Receiving agency</b>	
Agency/org:	Contact:
Phone:	Email:
Location	

<b>Survivor information</b>

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

<b>Background Information/Reason for referral and services already provided</b>	
Has the survivor been informed of the referral? <input type="checkbox"/> Yes <input type="checkbox"/> No (If no, explain below)	Has the survivor been referred to any other organization? <input type="checkbox"/> Yes <input type="checkbox"/> No (If yes, explain below)

<b>Services requested</b>		
<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:		

<b>Consent to release information. (Read with survivor/ caregiver and answer any questions before s/he signs below. Sign on behalf of survivor/caregiver if consent is given verbally and survivor/caregiver cannot sign.)</b>
I, _____ ( <b>survivor name</b> ), understand that the purpose of the referral and of disclosing this information to _____ ( <b>name of receiving agency</b> ) 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 (survivor 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  Electronically (e.g., App or database)  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):

### **Annexure 12:**

#### **Code of Conduct for the staff including consultants and contract staff of Mashal and its Units**

- As a member working in Mashal which is committed to the protection of human rights, I agree to abide by the following rules and regulations drawn up by the institution in this regard.
- Accordingly I state that, I shall always ensure that:
- I am open and not secretive about my activities associated with my service in the institution.
- I will interact with everybody in a manner which demonstrates respect, dignity, integrity, empathy, understanding and patience.
- I will always adopt socially appropriate adult behaviour towards my colleagues.

- The doors of the room that I am using are always open or visual access is always maintained, when I am alone with any other person.
- While discharging my duty in the institution with the other sex, I will maintain the professional boundaries of relationship with them.
- I will never touch the private parts of any person's body unless I am a certified medical practitioner and only for performing a legitimate and necessary medical action.
- I will announce myself before entering any area of privacy, if a legitimate business of the institution requires me to enter that area.
- I will comply with the principles and standards of Indian and International policy on Sexual harassment, Labour laws and conventions.
- I will comply with all the procedures of the 'Guidelines to Deal with Sexual Harassment at Workplace' implemented in the institution.
- I will speak up on any genuine case of abusive behaviour to the proper persons concerned viz. to the Head of the Institution/Internal Complaints Committee Chairperson, no matter what, but without gossip mongering.
- I will comply with the dress code prescribed in the institution while on duty and if there is no specified dress code I will always come modestly and neatly dressed.
- I will always avoid:
  - Engaging in behaviour that is intended to shame, humiliate, belittle or degrade the people and the institution.
  - Using inappropriate, offensive, discriminatory, vulgar or abusive language when speaking with people.
  - Doing things of a personal nature that a person can do by oneself - such as, assistance at the wash room or changing clothes.
  - Taking a person of the other sex that I am professionally engaged with, to my own home/hotel or sleeping in the same room or bed with any of them.
  - Slapping, hitting or assaulting.
  - Having recourse to or using disciplinary means which are physically or emotionally derogatory.

- Engaging in any sexual conversation or discussing sexual activities.
- Indulging in any manner of activities that are, or could be interpreted to be, aimed at any type of sexual relationship.
- Developing a sexual relationship or one that may be deemed exploitative or abusive in the nature.
- Indulging in behaviour with persons that lead to close physical contacts unless it is an unavoidable part of a structured activity.
- Performing medical/physical examinations of people unless it is my legitimate professional duty or a medical emergency.
- Showing pornographic materials to the people or having them in the premises of the institutions or in my possession when involved in an activity in the institution or outside of it.
- Exposing areas of my body considered private in an inappropriate manner in the presence of other people.
- Condoning or participating in behaviour of illegal, unsafe or abusive nature
- Taking photograph or video recording without the consent of the person
- Holding, kissing, cuddling or touching in an inappropriate, unnecessary or culturally insensitive way
- Supplying alcohol or illegal drugs or tobacco products
- Discriminating against on the basis of their race, color, sexual orientation, language, status, ethnicity, nationality, caste, religion etc.
- Irresponsible use of social media or internet (by way of texting, chatting, exchange of photographs or video clippings of any vulgar or sexual connotation).
- Neglecting to take action when a person is in real need.

Name of the Institution:

Signature:

Date:

Name of the Employee:

### **Annexure 13:**

#### **Declaration for Staff and Consultants of Mashal**

To be appended to contract of employment or consultancy

- I have read and understood Mashal's Policy on Prevention of Sexual Exploitation and Abuse (PSEA) and accompanying Procedures and Guidance.
- I commit to a zero-tolerance policy on SEA and to take measures to prevent and respond to SEA.
- I also declare that I have disclosed to Mashal any issue which could give rise to any concern — real or perceived — regarding my suitability for employment or consultancy. I confirm that I have no criminal prosecutions pending, nor have I been previously convicted of any offence involving inappropriate conduct with children.
- I understand that any violation of the Code of Conduct or 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.

Name:

Designation:

Date:

Signature:

### **Annexure 14:**

#### **Contract/agreement with contractors, suppliers, consultants and sub-partners**

To be appended to contract of employment or consultancy

- I have read and understood Mashal's Policy on Prevention of Sexual Exploitation and Abuse (PSEA) and accompanying Procedures and Guidance.
- I commit to a zero-tolerance policy on SEA and to take measures to prevent and respond to SEA.
- I also declare that I have disclosed to Mashal any issue which could give rise to any concern — real or perceived — regarding my suitability for employment or consultancy. I confirm that I have no criminal prosecutions pending, nor have I been previously convicted of any offence involving inappropriate conduct with children.
- I understand that any violation of the Code of Conduct or other provisions of the Policy will lead to consequences including suspension, termination and legal action where warranted.

Name:

Designation:

Date:

Signature:

**Annexure 15:**

**Declaration for Visitors, Donors, contract staff, consultants and Others Engaging in any activity through Mashal**

- I have read and understood Mashal's Policy on Prevention of Sexual Exploitation and Abuse (PSEA) and accompanying Procedures and Guidance.
- I commit to a zero-tolerance policy on SEA and to take measures to prevent and respond to SEA.
- I understand that any violation of the Code of Conduct or other provisions of the Policy will lead to consequences including suspension, termination and legal action where warranted.

Name:

Designation:

Date:

Signature:

## **Annexure 15: INTERNAL COMPLAINTS COMMITTEE (ICC)**

Mashal Head Office will have a Complaints Committee (CC) and all units and Health Centres under Mashal which employs 10 or more employees should constitute an Internal Complaints Committee (ICC). In the case of institutions with less than 10 employees, as well as complaint against institution's head like Director, Administrator, etc., complaint should be given to the CC which will carry out the functions of ICC.

### **A. Composition of Internal Complaints Committee**

A Chairperson/Presiding Officer who shall be a woman employed at a senior position in the Institution. The Chairperson should be easily available to deal with the cases appropriately and quickly.

Provided that when no woman employee at senior position is employed in the institution then the services of a woman employee from another institution working under Mashal may be requested.

In case of a man as a victim, a man should be appointed as the Chairperson. In the case of a third gender, in case if a member of the same gender is not available, a woman shall be the Chairperson.

Not less than two members from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge.

One member from amongst the non-governmental organizations or associations familiar with the issues relating to sexual harassment.

Provided that not at least one- half of the total members of the committee shall be women.

Provided further that in case the victim is an adult male employee, the above requirement shall be read as "at least one-half of the total members of the committee shall be men".

As far as practicable, senior employees of the Institution shall be appointed in the Internal Complaints Committee so as to ensure their independent functioning.

The members of the Internal Complaints Committee shall hold office for such period, not exceeding three years, from the date of their nomination.

The composition of the Internal Complaints Committee shall always be subject to the amendments, if any, to the Act and the rules made thereof or any other law for the time being in force.

### **B. Composition of Complaint Committee (CC)**

Mashal will appoint the Chairperson. The Chairperson should be a woman, who is well versed in human rights and gender equality issues, with the knowledge of the due process of law and investigation, and with good reputation.

The CC will consist of five members including Chairperson: One member from the Employee, One member from the Institutional level Executive body, One member from an NGO.

The President will nominate two members from a panel of experts well versed in human rights and gender equality issues. One of the members will be selected as the Secretary. At least half of the members should be women.

### **Responsibilities of the ICC**

- To accept complaints
- To investigate and conduct hearing of the parties concerned
- To indicate whether the Respondent is guilty or not guilty
- To suggest appropriate measures / punishment for the guilty and/or compensation to the victim as well as appropriate actions against the complainant where charges were made maliciously. In all these matters compliance to the Law prevailing in the Country must be ensured.

The ICC is required to complete enquiry and give the report within a time period of three months. On completion of the enquiry the report will be sent to the CC with a copy to the Secretary of Mashal and the CC is mandated to take action on the report with the consent of the President within 60 days.

The Internal Committee shall submit an annual report outlining the number of cases filed, if any, and their disposal to the institution with a copy to the President and, also to the District Officer appointed under the Act in compliance with the requirements of Section 22 of the Act read with Rule 14 of ***The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013.***

It is the responsibility of the Management to ensure that the complainant does not suffer from any retaliation.

### **Responsibilities of the Complaint Committee (CC)**

It is the right and obligation of the CC to coordinate and facilitate matters so as to have a humane, mature, conducive and loving atmosphere and healthy interpersonal relationships in all institutions.

Refresher programs are to be periodically organized for the heads of the institutions and members of ICC.

The recommendations of the ICC are to be verified and implemented (For e.g. If somebody is to be suspended or dismissed, it cannot be done by the local

heads alone; different offices will have to work together. For Example, President, Secretary, local Unit in Charges, etc.).

If the matter is grave and beyond the competence of ICC and is to be referred to the competent authority; the CC at Mashal takes the decision with the consent of the President and advises the ICC regarding the procedure and monitors the same.

Handle the appeals from the individuals and ICC. (In case not satisfied with the report of the ICC, the involved parties can appeal to the Mashal CC).

The annual report sent by the ICC are verified and if needed advice the President/Secretary about the same.

### **PROCEDURES FOR RESOLUTION, SETTLEMENT OR PROSECUTION OF ACTS OF SEXUAL HARASSMENT**

Every institution under Mashal shall be bound to respond to every incident of sexual harassment regardless of its extent or magnitude, in a swift and time bound manner. It shall be the duty of every institution to provide a supportive environment to resolve concerns of sexual harassment as under:

#### **INFORMAL PROCESS**

Whenever possible, all must try to resolve the issues in an informal and amicable manner. For this, everyone must try to create an atmosphere of respect and freedom so that all issues, complaints and grievances can be resolved in an open, loving, honest, non-threatening, and non-contentious manner.

**Approach the Respondent:** It can happen that an individual is not aware that the person's behaviour is sexually offensive. In such cases one of the members should inform the respondent that such conduct is unwelcome and request that it should cease.

**Support by a Colleague:** The complainant may request a colleague to be present at a meeting with the respondent to let the person know that the person's conduct is unwelcome and request that such conduct ceases.

**Mediation:** Mediation is a process whereby a neutral third-party, with no stake in the outcome, helps the parties whose lives are affected by a problem, make decisions themselves that are mutually acceptable, and which may resolve the problem. Mediation can also help prevent a recurrence of situations that cause conflict.

When parties have arrived at a settlement the ICC shall record the settlement and make recommendations for the institution to take action as specified.

When a settlement has been arrived at, no further enquiry shall be conducted by the ICC.

If the complainant is not satisfied with the results of the informal process and wishes to pursue the formal process immediately, the person may submit a written complaint to the ICC to begin the formal grievance redressal process.

## **FORMAL PROCESS**

Filing of a Written Complaint Which Should State:

- The date(s) and location of the alleged incident(s) or harassment/abuse at workplace.
- The names of witnesses submitting any physical and/or documentary proof, which corroborate the allegation (e.g., e-mails, text messages, photos, letters etc.).
- All complaints must be signed and dated. No anonymous or pseudonymous complaint of harassment at workplace shall be accepted. The complaint must be as detailed and documented as possible. The complainant must be aware that for due process all relevant information regarding the complaint will be shared with the respondent to allow the latter to provide countervailing arguments and evidence.
- Where the victim is unable to make a complaint on account of physical or mental incapacity or death or otherwise, any other person related/known to/ legally authorized by the victim may make a complaint.

### **Responsibility of the Complainant**

The complainant submits a sexual harassment complaint in writing to the Internal Complaints Committee within three months from the date of occurrence of the incident and in case of a series of incidents, within a period of three months from the date of last incident. The ICC may, for reasons to be recorded in writing, extend the time limit beyond three months, if it is satisfied that the circumstances were such which prevented the complainant from filing a complaint within the said period.

The complaint must be made in good faith, which means that the person reporting the allegations of harassment must believe that the way the person perceived the alleged harassment reflects reality. Intentionally making a false complaint, verbally or in writing, constitutes misconduct for which, depending on the contractual status of the person, appropriate punitive measures, may be imposed.

The complainant must be prepared to cooperate with the investigation and subsequent disciplinary proceedings if any.

If the complainant resigns in the course of the investigation or of the disciplinary proceedings, the Chairperson of the ICC will determine in consultation with the ICC members whether or not such a resignation brings the case to an end.

## **INQUIRY**

### **A. Rights of the complainant**

- An empathetic attitude from the Complaints Committee so that the grievance can be stated in a fearless environment.
- Keeping the identity confidential throughout the process.
- A copy of the statement along with all the evidence and a list of witnesses submitted by the respondent.
- Right to appeal if not satisfied with the recommendations/ findings of the ICC.
- In case of fear of intimidation from the respondent, the grievance statement can be recorded in the absence of the respondent.

### **B. Rights of the Respondent**

- A patient hearing to present the case in a non-biased manner.
- A copy of the statement along with all the evidence and a list of witnesses submitted by the complainant.
- Keeping the identity confidential throughout the process.
- Right to appeal in case not satisfied with the recommendations/ findings of the Internal Complaints Committee.

### **C. Appeal**

- In case any party is not satisfied with the recommendations, has the freedom to appeal in the court of law within 90 days of such recommendations.

### **D. Preliminary Assessment**

- During the preliminary assessment, the Chairperson shall interview the complainant in person or by phone in order to:
  - Clarify the allegation(s)
  - Ensure that the complaint is about sexual harassment at workplace related events
  - Make sure that all available evidence is submitted and Consider the possibility of informal resolution.
- During the preliminary assessment, the respondent to whom a copy of the complaint or information from the complainant will be sent shall be given ten working days to respond to the allegations and provide countervailing evidence. However, if such disclosure puts at risk the documentary evidence, witnesses and potential victims, the respondent may be notified

subsequently but not later than the person's interview as the object of the investigation.

- On the basis of the results of the preliminary assessment, the Chairperson of ICC will evaluate whether there is prima facie evidence of harassment at workplace. If required, the Chairperson of ICC will extend the enquiry in order to ensure that all relevant evidence is obtained.
- If the Chairperson of ICC finds that there are reasons to believe that the complaint is founded, the Chairperson will launch an investigation. The relevant parties will be notified accordingly. This notification will indicate the nature of the allegations, the steps that will be followed to have the complaint investigated.
- Should the facts obtained as a result of the preliminary assessment indicate that no harassment at workplace has occurred; the Chairperson will recommend that the case be closed and appropriate action be taken against the complainant.

- **D. Action Pending Inquiry**

- The ICC may at the request of the victim or the complainant, as the case may be recommend to the employer to: -
- Transfer the complainant or the respondent to any other institution/department to minimize the risks involved in contact or interaction.
- Grant leave to the victim with full protection of status and benefits for a period up to three months.
- Restrain the respondent from reporting on the work performance or writing the confidential report of the victim or the complainant.
- Ensure that the respondent is asked to keep a distance from the victim, and wherever necessary and practicable, the witnesses, and restrain the entry of the respondent to the institution, if there is a definite threat.

### **Investigation Proper**

- The ICC shall conduct the investigation in accordance with the principles of natural justice.
- All the depositions by the respondent and the victim and the testimonies of the witnesses must be put into writing by the Secretary and countersigned by the parties and the Chairperson.

- As far as possible cross questioning of the respondent and the victim at the same time should be avoided.
- All the proceedings of the investigation need not be opened to the public.

When necessary, the ICC will suggest to Mashal HO the interim measures that may have to be taken, namely, separate the respondent and the complainant on a temporary basis. Taking into account the contractual status of the parties, this may include, but is not limited to, the identification of alternative duties or the consideration of special leave for either the respondent or the complainant.

The ICC shall have the right to decide ex-parte against the complainant or the respondent, if either of the parties does not appear before the ICC for three consecutive hearings. Provided that such an ex-parte decision shall not be made without giving fifteen days' notice to the party concerned.

The parties shall not be allowed to be represented by a lawyer in the hearing. The required quorum for convening the hearing shall be three members, including the Chairperson/ Presiding Officer.

Until the process is completed, any disciplinary action or leave application should be sanctioned only with the consent of the Chairperson of ICC.

## **REPORTING**

When the ICC is satisfied that all the possible evidence are obtained and are verified, the Chairperson brings the investigation to a completion. If the ICC by a majority vote considers that the allegation(s) is (are) substantiated, a written confidential report will be submitted by the ICC to the CC with a copy to the Secretary of Mashal, within a period of ten days from the date of completion of the inquiry. If ICC considers that the allegation(s) is (are) not substantiated, it will prepare an internal closure note reflecting its decision. If appropriate, ICC through its Chairperson may also advise/notify the complainant and the Secretary of Mashal of its decision, so that other action as appropriate may be pursued.

To deduct, notwithstanding anything in the service rules applicable to the respondent, from the salary or wages of the respondent such sum towards compensation, as it may consider appropriate to be paid to the victim or to the legal heirs of the victim, as it may determine. In case the employer is unable to make such deductions from the salary of the respondent due to being absent from duty or cessation of employment it may direct the respondent to pay such sum to the victim. In case the respondent fails to pay the sum, the Mashal CC shall deal with the case in accordance with the Section 13(3) of the Act and forward the report to the concerned District Officer for appropriate action.

## **Reporting Core Principles:**

The reporting core principles should be followed to resolve the matter in dignified way keeping with secrecy and privacy of the involved person. As organizations dedicated to alleviating harm and respecting and honouring the dignity and integrity of everyone, having obligation and responsibility to perform in a manner that is consistent with the fundamental principles of human rights. Followings are some core principles of reporting:

### **• Safety • Confidentiality • Transparency • Accessibility**

#### **SAFETY**

Mashal will create an environment where, in both situations, individuals, communities, personnel and units personnel feel safe to report violations and trust that immediate and decisive action will be taken against perpetrators. In cases of SEA, complaint mechanisms will be safe, gender-sensitive, and appropriate to the context. They will be developed in consultation with affected communities, particularly those most vulnerable, and linked to services for survivors.

#### **CONFIDENTIALITY**

Proceedings Committee shall be confidential. The Chairperson shall direct every person to ensure that the proceedings of the Committee are not discussed outside. As far as possible, the identity of the complainant and alleged perpetrator shall be kept confidential.

#### **TRANSPARENCY**

Transparency in humanitarian operations and the full participation of beneficiaries in their planning and implementation reduces the risk of humanitarian assistance and services being used for sexual abuse and exploitation. The key to a clear reporting system is that SEA complainants know to whom they should report and what sort of assistance they can expect to receive from the health, legal, psycho-social, security, and other sectors. All potential and actual survivors of SEA must be fully informed about how the complaint mechanism works, including the reporting process and throughout the duration of the case handling. Mandatory policies and guidance need to be communicated to those in the field who have the obligation to implement, and from there need to be communicated to every employee and contract worker.

#### **ACCESSIBILITY**

The mechanism must be accessible to all potential complainants and sufficient information must be given for making the complaints process accessible to the largest possible number of people. To facilitate reporting and

avoid stigmatization, anonymous reports must be treated with the same gravity as other cases.

### **CBCM (Community Based Complaint Mechanism)**

Constituting CBCM to prevent and respond to SEA should be coordinated with existing efforts to address and mitigate gender-based violence (GBV). A preliminary mapping exercise should be carried out to determine the existing assistance infrastructure that could address the specific needs of SEA survivors, including medical and psychosocial services in place to service GBV victims.

CBCM stakeholders are agencies which have committed to participate in joint complaints mechanisms. They should include organizations which provide humanitarian assistance in the implementation site (UN agencies, international and national NGOs, international organizations), as well as community-based organizations and relevant host government agencies.

All actors, who participate in the joint CBCM agree to cooperate and assist each other to the fullest extent in preventing and responding to SEA - while still respecting prudent risk-management procedures - as well as to adhere to the following key principles:

- Promote cooperation and assistance between organizations in preventing and responding to SEA. This includes sharing situation analysis and assessment information as necessary to avoid duplication and maximize a shared understanding of the situation.
- Ensure equal and active participation by beneficiaries in assessing, planning, implementing, monitoring, and evaluating programmes through the systematic use of participatory methods. Recognizing that sexual exploitation and abuse is often grounded in gender inequality, participating agencies will ensure that humanitarian activities are conducted in a gender-sensitive manner and that the views and perspectives of women, men, girls, and boys are adequately considered.
- Ensure that all responses are developed in a manner that balances respect for due process with a survivor-centered approach in which the survivor's wishes, safety, and well-being remain a priority in all matters and procedures.
- Integrate and mainstream PSEA into all programmes and all sectors, as possible.
- Ensure accountability at all levels; and
- Ensure that that assistance for victims is provided in a non-discriminating manner.

## **CBCM Focal Points**

These are agents appointed from within CBCM member agencies whose role it is to collect and record complaints. They are responsible for receiving complainants in person to take statements using a standard Incident Report Form. They shall provide support in community consultations, awareness campaigns, training, and monitoring of complaints. Member agency focal points to the CBCM, which are technical-level, must be trained, committed, regularly participate in meetings, and respect the confidentiality of SEA allegations.

1<sup>st</sup> version Approved by Governing Body of Mashal on: 20.11.2021

Second Edition Approved by Governing Body Members on: 12.07.2025

Valid from 12.07.2025 to 30.06.2028

Chinnamma

Chinnamma KC,

Secretary,

Mashal



-----XXXXXXXXXXXXXXXXXXXXX-----