

Minimum Operating Standards Protection from Sexual Exploitation and Abuse by own Personnel (MOS –PSEA)

Adapted to fit ABAAD's structure from United Nation's Secretary – General's Bulletin titled
"Special measures for protection from sexual exploitation and sexual abuse"

To provide protection from sexual exploitation and abuse (PSEA) by own personnel, the compliance with a set of Minimum Operating Standards for PSEA (MOS- PSEA) is required.

What are the MOS-PSEA?

The MOS-PSEA are based on:

1. The Statement of Commitment on Eliminating Sexual Exploitation and Abuse by UN and Non-UN Personnel, August 2008.
2. The Global Review of protection from Sexual Exploitation and Abuse by UN, NGO, IOM and IFRC Personnel, July 2010.
3. IASC Six Core Principles Relating to Sexual Exploitation and Abuse, June 2002.

What are the key elements of the MOS-PSEA?

The four pillars of the current PSEA work provide the framework for the mechanism. These are:

1. **Management and coordination:** Effective policy development and implementation; Cooperative arrangements; a responsible department or one or more focal point/s committed to PSEA.
2. **Engagement with and support of local community population:** Effective and comprehensive communication from HQ to the field on
 - (a) what to do regarding raising beneficiary awareness on PSEA and
 - (b) how to establish effective community-based complaints mechanisms.
3. **Prevention:** Effective and comprehensive mechanisms to ensure awareness-raising on SEA amongst personnel; effective recruitment and performance management.
4. **Response:** Internal complaints and investigation procedures are in place.

Section 1

Definitions

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

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

Sexual Harassment: unwelcomed behavior of a sexual nature.



Section 2

Scope of application

2.1 Applies to all staff of ABAAD, interns, volunteers and partners.

2.2 Actors conducting operations under ABAAD's command and control are prohibited from committing acts of sexual exploitation and sexual abuse, and they have a particular duty of care towards women and children.

2.3 Promotion of equal treatment of men and women and prevention of sexual harassment.

Section 3

Prohibition of sexual exploitation and sexual abuse

3.1 Sexual exploitation and sexual abuse violate universally recognized international legal norms and standards and have always been unacceptable behavior. Parallel, such conduct is prohibited by ABAAD's Staff Regulations and Rules.

3.2 In order to further protect the most vulnerable populations, especially women and children, the following specific standards which reiterate existing general obligations are disseminated:

- (a) Sexual exploitation and sexual abuse constitute acts of serious misconduct and are therefore grounds for disciplinary measures, including summary dismissal;
- (b) 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 in the age of a child is not a defense;
- (c) Exchange of money, employment, goods or services for sex, including sexual favors or other forms of humiliating, degrading or exploitative behavior, is prohibited. This includes any exchange of assistance that is due to beneficiaries of aid;
- (d) Sexual relationships between ABAAD's staff and beneficiaries of assistance, who are based on inherently unequal power dynamics, undermine the credibility and integrity of the work of ABAAD and are strongly discouraged;
- (e) When a staff member develops concerns or suspicions regarding sexual exploitation or sexual abuse by a fellow worker, whether in the same organization or not, he or she must report such concerns via established reporting mechanisms;
- (f) ABAAD's staff are obliged to create and maintain an environment that prevents sexual exploitation and sexual abuse. Managers, at all levels, have a particular responsibility to support and develop methods that maintain this environment.



3.3 The standards set out above are not intended to be an inclusive list. Other types of sexually exploitive or sexually abusive behavior may be grounds for administrative action or disciplinary measures, including summary dismissal.

Section 4

Duties of Heads of Departments, Programme or Project

4.1 The Head of Department, Programme or Project, as appropriate, shall be responsible for creating and maintaining an environment that prevents sexual exploitation and sexual abuse, and they shall take appropriate measures for this purpose. In particular, the Head of Department, Office or Mission shall inform his or her staff of the contents of this policy and ascertain that each staff member receives a copy thereof.

4.2 The Head of Department, Programme or Project shall be responsible for taking appropriate action in cases where there is reason to believe that any of the standards listed in section 3.2 above have been violated or any behavior referred to in section 3.3 above has occurred. This action shall be taken in accordance with established rules and procedures for dealing with cases of staff misconduct.

4.3 The Head of Department, Programme or Project shall appoint an official, at a sufficiently high level, to serve as a focal point for receiving reports on cases of sexual exploitation and sexual abuse. All reports of sexual exploitation and sexual abuse shall be handled in a confidential manner in order to protect the rights of all involved. However, such reports may be used, where necessary, for action taken pursuant to section 4.2 above.

4.4 The Head of Department, Programme or Project shall not apply the standard prescribed in section 3.2 (b), where a staff member is legally married to someone under the age of 18 but over the age of majority or consent in their country of citizenship.

4.5 The Head of Department, Programme or Project may use their discretion in applying the standard prescribed in section 3.2 (d), where beneficiaries of assistance are over the age of 18 and the circumstances of the case justify an exception.

4.6 The Head of Department, Programme or Project shall promptly inform Higher Management of its investigations into cases of sexual exploitation and sexual abuse, and the actions it has taken as a result of such investigations.

Section 5

Referral to national authorities

If after proper investigation there is evidence to support allegations of sexual exploitation or sexual abuse, these cases may be referred to national authorities for criminal prosecution, upon consultation with the Legal Advisor.

Section 6

Cooperative arrangements with other partners or individual consultants



6.1 When entering into cooperative arrangements with other partners or individual consultants, ABAAD shall inform those entities or individuals of the standards of conduct listed in section 3, and shall receive a written consent from those entities or individuals that they accept these standards.

6.2 The failure of those entities or individuals to take preventive measures against sexual exploitation or sexual abuse, to investigate allegations thereof, or to take corrective action when sexual exploitation or sexual abuse has occurred, shall constitute grounds for termination of any cooperative arrangement with ABAAD.

