

Safeguarding of Sexual Exploitation, Abuse and Harassment (SSEAH) Policy

1. DOCUMENT HISTORY

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Mr. SAN Bunthoeun and Mr. KITH Samnang	May 2018	Revised	0.2	Draft
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2. INTRODUCTION and POLICY STATEMENT

Within the development and humanitarian sector, the need for safeguarding both vulnerable adults and children is increasing, due to exploitation, abuse and harassment. ICC and its partners recognise this need, and intend to safeguard vulnerable adults and children within their mandate and abilities.

ICC focuses on the least-served people especially those who are most vulnerable and marginalized in development and disaster contexts. We recognize that there are power differential and subsequent vulnerabilities in the communities in which we serve, which increase the risk of exploitation, abuse and harassment.

ICC, as a Christian organization, believes that all people are made by God in His image and are of equal value. Everyone is equally worthy of respect and have an equal right to be treated with dignity. At ICC, we also believe that all people have a right to live their lives free from sexual violence and any abuse of power regardless of age, gender, sexuality, sexual orientation, disability, religion or ethnic origin.

ICC is committed to safeguarding any forms of sexual exploitation, abuse and harassment. As ICC is committed to non-discriminatory and respectful behaviour, all forms of misconduct are considered unacceptable.

ICC has zero tolerance towards exploitation and abuse of adults and children¹ who engage with the work of ICC. Whilst this policy applies to all adults, it aims to particularly reflect ICC's commitment to safeguarding vulnerable individuals. It is our responsibility to ensure that adults are not deliberately or unknowingly placed in situations which make them easily susceptible to sexual exploitation, abuse and harassment (SEAH) by either ICC personnel or ICC stakeholders.

2.1 PURPOSE of POLICY

This policy sets out ICC's approach to safeguarding and addressing sexual exploitation, abuse and harassment, and to ensure that the caring and appropriate responses are taken should sexual exploitation, abuse or harassment occur. This policy describes clear expectations of behaviour and good practice when dealing with vulnerable adults or a marginalized person.

2.2 SCOPE

The SSEAH Policy applies to anyone working or involved with ICC and its work. The policy covers all levels of ICC personnel/stakeholders both during and outside normal working hours.

ICC personnel includes:

- National staff members
- Expatriate staff members

ICC stakeholders include:

- All contractors, e.g., consultants
- All ICC Member Agency representatives
- All ICC guests and visitors

3. STATEMENT of COMMITMENT

3.1. ICC is committed to achieving full, ongoing implementation of the 7 core principles related to sexual exploitation, abuse and harassment:

- 3.1.1. Sexual exploitation and abuse by ICC personnel/stakeholders constitute acts of gross misconduct and substantiated allegations are grounds for termination of employment or contract/agreement.
- 3.1.2. Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of the oldest participant or the locally recognised age of consent. Mistaken belief in the age of the child is not a defence.
- 3.1.3. Exchange of money, employment, contract/agreement, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour by ICC personnel/stakeholders is prohibited. This includes buying sex or the exchange of assistance that is due to project participants.
- 3.1.4. Sexual relationships between ICC personnel/stakeholders and beneficiaries are forbidden. Given the contexts where ICC operates, such relationships may be based on inherently unequal power dynamics and may undermine the credibility and integrity of the work of ICC. ICC personnel/stakeholders must declare any previously existing relationships with beneficiaries to their supervisor/project manager or the ICC designated persons.

¹ ICC has the Child Protection Policy and procedures in place, which are relevant to any matters relating to children. The ICC Child Protection Policy goes hand in hand with SSEAH Policy.

- 3.1.5. When an ICC personnel/stakeholder has concerns or suspicions regarding SEAH by a fellow worker, whether in ICC or the community, he or she must immediately report such concerns via the established reporting mechanism as outlined within this policy.
 - 3.1.6. ICC personnel/stakeholders are obligated to create and maintain an environment that safeguards SEAH and promotes the implementation of this policy. ICC project managers have responsibilities to support and develop systems which maintain this environment.
 - 3.1.7. ICC personnel/stakeholders are prohibited from engaging with commercial sex workers or engaging in prostitution of any form whilst on a work trip (including travel time, field visits and leisure time), even if commercial sex work is legalised in that country.
- 3.2. The Executive Director will designate at least two persons including a representative from HR to be responsible for dealing with safeguard issues within the organisation.
- 3.3. ICC believes that any forms of SEAH is wrong. Keeping silent is also wrong because it is similar to the actual involvement of the abuse or harassment, and it allows the abuser to repeat the same abusive actions.

4. DEFINITION

- 4.1. Safeguarding – Actions, policies and procedures that create and maintain protective environment to protect people from exploitation, abuse and harm of all kinds.
- 4.2. Vulnerable Adults – Vulnerable adults are people over the age of 18 who may be placed in a position of vulnerability and inability to care for themselves or protect themselves from any harm or exploitation. Individuals could be vulnerable to SEAH due to their: gender, race, ethnicity, religious identity, mental or physical health, disability, sexual orientation, economic or social status.
- 4.3. Sexual Exploitation – Any actual or attempted abuse of a position of vulnerability, differential power, or trust for sexual purposes. It includes profiting monetarily, socially, or politically from sexual exploitation of another.
- 4.4. Sexual Abuse – The actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. It covers sexual offences including but not limited to: attempted rape (which includes attempts to force someone to perform oral sex); and sexual assault (which includes non-consensual kissing and touching). All sexual activity with a child is considered sexual abuse.
- 4.5. Sexual Harassment – A person sexually harasses another person if the person makes an unwelcome sexual advance or an unwelcome request for sexual favours, or engages in other unwelcome conduct of a sexual nature, that can make a person feel humiliated, intimidated or offended. Sexual harassment can take various forms. It can be obvious or indirect, physical or verbal, repeated or one-off and perpetrated by any person of any gender towards any person of any gender. Sexual harassment can be perpetrated against beneficiaries, community members, citizens, as well as personnel/stakeholders.

5. BEHAVIOURAL PROTOCOLS

- 5.1. ICC expects all personnel:

- 5.1.1. To give respect and dignity to all people, as human being, associated with the work of ICC;
 - 5.1.2. Are able to work with ICC after they have signed the ICC SSEAH policy;
 - 5.1.3. Will follow the Code of Good Practices. See APPENDIX 1 (ICC CODE OF GOOD PRACTICES)
 - 5.1.4. Stakeholders will be made aware of the ICC SSEAH policy. Stakeholders to ICC project areas will not be left unsupervised, and will sign and follow the behavioural protocol guideline for Stakeholders such as guest, visitor, etc. APPENDIX 4 (GUIDELINE FOR STAKEHOLDERS AT ICC x2)
- 5.2. If the behavioural protocols are broken, action will be taken, such as the incident may be reported to the police, dismissal, discipline action, etc. according to ICC's policies/procedures and according to the law of Cambodia.

6. RECRUITMENT and SCREENING

ICC is committed to prevent perpetrators of SEAH from being(re)hired or (re)deployed. Managers and leadership will ensure robust recruitment and screening process to minimise the risk of recruiting a person who poses an unacceptable risk of engaging in SEAH.

Procedures include:

- Behavioural interview pertaining to sexual harassment and abuse may be used to determine the history of as behaviours, beliefs, attitudes, motivations, and values of candidates regarding working or interacting with children and/or vulnerable adults.
- Reference checks will be conducted, which include questions related to the candidate's general conduct, and where relevant, questions related to concerns about a candidate's conduct when working or interacting with children and/or vulnerable adults in the context of SEAH.
- Managers in cooperation with designated persons will develop a detailed induction program highlighting expected behaviours, and behaviours specifically pertaining to sexual harassment in the workplace, child protection and safeguarding of sexual exploitation and abuse of children and vulnerable adults.
- Potential ICC personnel/stakeholders who will be working directly and/or having regular, sustained contact with children and/or vulnerable adults, are required to have an extra check through an external reference before any commencement of work or activity with ICC such as a Certificate of Behaviour from the local authority.

7. RESPONSES to ALLEGATIONS

- 7.1. All levels of ICC personnel/stakeholders may raise the discussion on the potential of sexual exploitation, abuse and harassment within the organization.
- 7.2. All levels of ICC personnel/stakeholders must report any concerns they have for the safety or wellbeing of adults in relation to sexual exploitation, abuse and harassment.
- 7.3. All level of ICC personnel/stakeholders will not be in jeopardy if they have any suspicion or allegation against other ICC personnel/stakeholders.
- 7.4. Where an allegation has been made that an ICC personnel/stakeholder has committed an offence, ICC will take the appropriate action to deal with the situation.
- 7.5. Managers will first inform the designated ICC person(s)/Executive Director (ED). If ED is the subject of the allegation, the Chairperson of the ICC Board must be informed instead. ICC

personnel/stakeholders may inform their manager, but may also inform the designated persons/ED. See APPENDIX 2 (RESPONSE TO ALLEGATION x2)

- 7.6. ICC will treat all concerns raised seriously and ensure that all parties will be treated fairly.
- 7.7. ICC will treat victims/survivors with dignity and respect, and ensure that their needs are prioritised in any actions that the organisation takes to handle the incident.
- 7.8. The allegation will be kept confidential, with only those who have authority in relation to sexual exploitation, abuse and harassment being informed.
- 7.9. ICC personnel involved in the allegation process will be made aware of the importance of maintaining confidentiality and may be asked to sign a confidentiality agreement.

8. COMMUNICATION

- 8.1. ICC's communication about adults will reflect images that are decent and respectful, not seeking to exploit their circumstances.
- 8.2. ICC will use any computers, mobile phones, video cameras or social media appropriately and never exploit or harass adults or access adult exploitative material through any media.
- 8.3. ICC will never display pictures of adults in vulnerable situations.
- 8.4. ICC will take special care to protect vulnerable adults' identities and their specific geographic location in public relations materials.
- 8.5. Related to the usage of information and visual images, ICC's principle is to maintain respect and dignity by seeking approval before any photograph/video is taken, or when posting photographs/videos on any public sites or printed material. See APPENDIX 6 (REQUEST PICTURES FORM x2)

9. AWARENESS RAISING and TRAINING

- 9.1. ICC obligations is to make all levels of ICC's personnel/stakeholders aware of the necessity of vulnerable adult/children protection and the SSEAH Policy.
 - 9.1.1. Managers will be responsible for conducting training to their current and new team members.
 - 9.1.2. ICC leadership will be responsible for conducting training and review to Managers.
 - 9.1.3. Both Managers and leadership may provide the training on SSEAH Policy organisationally, alongside the designated ICC person(s).
- 9.2. Training as set out in the training agenda is mandatory.
- 9.3. All ICC personnel will receive SSEAH training as part of orientation and induction, refresher training, and job-specific training as required.
- 9.4. Each ICC Manager/Designated Person(s) will ensure the requirements are both understood and met by stakeholders and provide the necessary training and support so that those requirements are met.
- 9.5. All level of ICC personnel/stakeholders should be provided with opportunities to learn about how to safeguard vulnerable adults/children, to recognize and respond to concerns in relation to SEAH.

9.6. Appropriate literature, such as help-line numbers and how to report an incident and vulnerable adult/child-safe information, will be made available to all levels of ICC personnel/stakeholders.

9.7. The Policy will be placed on the ICC website.

10. IMPLEMENTING

- All level of ICC personnel/stakeholders will have access to a copy of the SSEAH Policy in English and/or Khmer.
- ICC will ensure telephone numbers are clearly displayed in the organization for easy reference by everybody. See APPENDIX 5 (CONTACT INFORMATION)
- A Report Form is easily accessible to all personnel for reporting in case of misconduct. See APPENDIX 3 (REPORT FORM). The alternative channel especially for Beneficiaries/Community, the grievance process for beneficiaries could be used to report.
- Each individual personnel must sign a statement to say that they have read and will comply with the Policy, will respect it and understand that actions will be taken in cases of inappropriate behaviour.

11. MONITORING and EVALUATIION

ICC leadership and Managers are committed to regularly and routinely monitor all personnel conduct and activities to ensure the ongoing protection of vulnerable adults are maintained to the highest level possible. This is achieved through:

- All levels of ICC personnel/stakeholders are aware that their conduct will be monitored and reviewed regularly according to the ICC SSEAH Policy and procedures.
- Maintaining good communication between all levels of ICC personnel/stakeholders to encourage timely and effective reporting of any concerns or incidents or misconduct involving protection and safety of SEAH of adults or children, especially vulnerable adults.
- ICC, in the event of an incident of misconduct being reported, immediately evaluating and reassessing on all levels, in order for necessary changes and extra safeguards to be added.
- ICC will ensure the ICC SSEAH Policy remains relevant and effective. ICC will consistently monitor and assess all risks (e.g. project design and project implementation) related to children and SEAH of adults, including vulnerable adults, and when needed, make necessary changes to the SSEAH Policy, at a minimum of every 3 years.
- Developing the Safeguarding Risk Assessment for children/vulnerable adults from project design and during implementation of any ICC intervention. See APPENDIX 7 (Safeguarding Risk Assessment Template)

12. DECLARATION of COMMITMENT

All levels of ICC personnel/stakeholders connected with the work of ICC are to sign and declare that they have read and understood the ICC SSEAH Policy and that they are willing to act according to the ICC SSEAH Policy.

A copy will be kept on file at ICC Head Office or in the project field office. ICC personnel/stakeholders will sign an employment/working contract and will thereby agree to follow the ICC SSEAH Policy.

I,, (name) declare that:

1. I have read, understood and will comply with the ICC SSEAH Policy;
2. I will work within the procedures as they are specified in the ICC SSEAH Policy;
3. I have not been convicted of any offence involving SEAH;
4. I understand that if a complaint is brought against me regarding the SEAH of adults or children, while engaged in ICC activities, the allegation will be thoroughly investigated in cooperation with the appropriate authorities.

Signature: _____

Date: _____

GLOSSARY of TERMS

Confidentiality – Refers to the protection of personal information ICC will endeavour to upkeep confidentiality when dealing with concerns, issues and suspected cases, unless a person is at risk of harm to themselves or others.

Complaint – A statement that something is wrong or not satisfactory.

Designated Person(s) – the committee (representative from HR is added), appointed by the Executive Director, responsible for dealing with safeguard issues within the organisation.