

PREVENTION OF SEXUAL EXPLOITATION AND ABUSE (PSEA) POLICY

I. The Policy Statement

Mercy Hands is committed to providing a safe environment for all its employees, beneficiaries, partners, and contractors, free from any type of discrimination, exploitation, harassment, or abuse, including of a sexual nature. Mercy Hands has a zero tolerance policy for any form of sexual exploitation, abuse (SEA) or harassment, and shall treat all incidents seriously, with prompt investigation of any allegations. Any person found guilty of SEA or harassment will face disciplinary action, up to and including dismissal from employment. No one shall be victimized for making a complaint of SEA or harassment.

Mercy Hands understands that gender relations create unequal conditions which particularly, but not exclusively, affect women and girls, exposing them to higher risk of harassment, abuse, discrimination, and exploitation.

The objective of this policy is to define SEA and harassment and to outline procedures for filing complaints, investigating claims and issuing appropriate disciplinary measures in the case of violations.

II. Definitions

Sexual exploitation and abuse (SEA) affect persons of concern, while sexual harassment refers to employees. The following definitions are from UNHCR:

Sexual exploitation is any actual or attempted abuse of a person in 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. It includes sexual slavery, pornography, child abuse and sexual assault.

Sexual harassment affects personnel and is defined as any unwelcome sexual advance, request for sexual favor, verbal or physical conduct or gesture of a sexual nature, or any other behavior of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation to another. It can interfere with work, be made a condition of employment or create an intimidating, hostile or offensive environment.

Examples of behavior which constitutes SEA or harassment include, but are not limited to:

- **Physical conduct**
 - Unwelcome physical contact including pinching, stroking, kissing, hugging, fondling, or inappropriate touching
 - Physical violence, including sexual assault

- **Verbal conduct**
 - Comments on someone's appearance, private life or perceived sexual orientation,

gender identity and the way these might be expressed

- Sexual comments, stories and/or jokes
- Unwanted propositions for physical intimacy
- The use of work-related threats or rewards to solicit sexual favors
- Sending sexually explicit messages (e.g. by phone or by email)

➤ **Non-verbal conduct**

- Display of sexually explicit or suggestive material
- Sexually-suggestive gestures
- Wolf whistling
- Leering

Anyone can be a complainant of SEA or harassment, regardless of their gender, sexuality and individual attributes, and it may also occur between people of the same sex. What matters is that the sexual conduct is unwanted and unwelcome by the person against whom the conduct is directed. It often occurs within unequal relationships, for example between an employee and a beneficiary or between a manager and employee. This dynamic can be aggravated with at risk groups (such as sexual, ethnic, or religious minorities).

All SEA and harassment are prohibited, whether it takes place on Mercy Hands premises or outside, including at meetings, field visits, workshops, social events, distribution sites, training sessions or conferences sponsored by Mercy Hands. Anyone, including Mercy Hands employees, volunteers, donors, beneficiaries, casual workers, contractors or visitors, found guilty of SEA or harassment will be reprimanded in accordance with this policy.

Sexual activity with children (persons under the age of 18) is prohibited, regardless of the local age of consent, as expressed in the Child Safeguarding Policy.

III. Complaints Procedures

All staff and beneficiaries have access to a confidential mechanism that allows them to make a complaint safely. All staff should report any observed or suspected SEA or harassment.

A. Reporting Complaints: Employees

Any employee who feels subject to harassment should, if possible, inform the alleged harasser that the conduct is unwelcome and must stop. Mercy Hands recognizes that if harassment occurs in unequal relationships, it may not be possible for the complainant to inform the alleged harasser without fear of harm or retaliation.

If a complainant cannot directly approach an alleged harasser, s/he should approach the Mercy Hands PSEA focal point as soon as possible after the incident has occurred. **The designated PSEA focal point at Mercy Hands is Zina Attar (zina.attar@mercyhands.org | hotline: +964 7901166147).**

Complaints can also be made through any HR or MEAL staff member, suggestion boxes in MH offices, or the employee complaint form: <https://www.mercyhands.org/complaintform>

Regardless of how the complaint is made or who it is made to, all sexual harassment complaints will be redirected to the Mercy Hands PSEA focal point, who in turns will inform the Chairman.

B. Reporting Complaints: Beneficiaries

Any beneficiary who feels subject to SEA may complain through one of many methods provided

under each project.

- Project helpline (call or text)
- Online form: <https://www.mercyhands.org/complaintform>
- Email Address: complaints.feedback@mercyhands.org
- The free **UN IDP Call Centre** (80069999)
- Suggestion box
- Face to face (meetings, project activities, field visits, etc.)
- Help desk
- Social media
- Surveys (PDMs, Satisfaction Surveys, etc.)

According to the MEAL Department's procedures on complaints and feedback from beneficiaries, no matter the source or type of complaint, all feedback is forwarded to the MEAL Department and documented in the CFRM database. All complaints involving sexual abuse or exploitation will then be referred to the Mercy Hands PSEA focal point.

C. Processing Complaints: PSEA Focal Point

Once the complaint reaches the PSEA focal point, she is responsible for managing and is authorized to act above her regular scope of work and authority in relation to sexual misconduct. If the person accused obstructs the process of verification, the focal point is authorized to contact the Board of Directors for assistance in investigating complaints.

When the PSEA focal point receives complaints, she will immediately address the following questions:

- Is the complainant still at risk?
- Is the harassment or SEA ongoing?
- Does the complainant feel safe going back to the location of services/workplace?
- Does this person need psychosocial support now, or during the process of investigation?

After assessing the immediate risks and needs of the complainant, the focal point shall:

- Assure the complainant that all complaints will be kept confidential to the degree requested by him or her, unless her or others' safety is directly at risk
- Give the complainant the option of submitting their complaint to an external party and provide them with UN contact information and any other relevant external party contact information.
- Record the dates, times and facts of the incident(s). When recording the incident, the complaint should include as much information as possible, including:
 - Names and positions of all involved, including any witnesses
 - When and where the incident occurred
 - The nature of the SEA or harassment
 - A description of any visible sign of abuse or other injuries, if physical assault
 - An accurate account of what was said, if verbal harassment
 - Whether anyone else knows or has been given the information
 - What steps have already been taken
- Ascertain the views of the complainant as to what outcome s/he wants
- Confirm whether the complainant wants to pursue an informal resolution or a formal investigation, after:

- Ensuring that the complainant understands Mercy Hands' procedures for dealing with the complaint
- Ensuring that the complainant understands that choosing to resolve the matter informally at first does not preclude the complainant from pursuing a formal complaint if he/she is not satisfied with the outcome
- Ensuring that the complainant knows that they can lodge the complaint outside of Mercy Hands through the relevant legal framework

Throughout this conversation, the focal point must respect all choices of the complainant. She must also ensure that full confidentiality is respected. The **ONLY** situation in which the focal point may break confidentiality is if the safety of the complainant or anyone else is at risk. All reports, emails, and other documentation throughout the investigation should not include the complainant's name.

All discussions and actions taken are to be recorded, and all records are to be kept confidential. The PSEA focal point will manage a secure database which only she, MEAL Director, and Chairman have access to. The database will include all details of the complainant and complaint, whether it is by an employee or beneficiary, the informal or formal actions taken, and all results of these actions. All active and inactive cases must be kept logged in this database.

D. Informal Complaints Mechanism

The complainant may choose to deal with the matter informally, with support from the PSEA Focal Point. If the complainant is comfortable foregoing confidentiality and wants to address the issue directly with the accused harasser, the PSEA Focal Point shall:

- Ensure that the alleged harasser understands the complaints mechanism
- Give an opportunity to the alleged harasser to respond to the complaint
- Facilitate discussion between both parties, with the aim of achieving an informal resolution which is acceptable to the complainant
- Ensure that a confidential record is kept of what happens
- Follow up to ensure that the offensive behavior has stopped

These steps should be completed within 14 days of the complaint being made.

E. Formal Complaints Mechanism (Investigations)

If the complainant wants to make a formal complaint directly, or if the informal complaint has not led to a satisfactory outcome for the complainant, a formal investigation may be requested. Throughout the complaints procedure, a complainant is entitled to be helped by a counsellor – internal or external - and Mercy Hands shall cover the cost of the counseling. Every single step in the investigation must be agreed upon with the complainant.

All complaints must be reported to the Chairman who will assign an investigation committee to investigate the complaint. The PSEA Focal Point and MEAL Director may be members in the investigation committee. In case the complainant or the victim is a female, at least one investigator must be a female.

The investigator(s) will:

- Interview the complainant
- After doing a risk assessment and planning for contingency measures, interview the alleged

harasser separately

- Interview other relevant third parties separately and gather relevant evidence
- Decide whether or not there is valid proof of sexual harassment
- Produce a report detailing the investigations, findings and recommendations of actions to be taken, such as an apology, a change of working arrangements, training for the harasser, suspension, dismissal. This must be done in consultation with the complainant
- Ensure that the recommendations are implemented, the behavior has stopped and the complainant is satisfied with the outcome
- Follow up with the complainant throughout the investigative process to ensure s/he remains informed of all actions taken and provides his or her consent

The full investigation and implementation of recommendations should be completed within 3 months. If the complaint is proved accurate, the committee will submit their report and recommendations to the Chairman.

If it cannot be proven that the SEA or harassment took place, the complainant should continue to be monitored by PSEA Focal Point, and followed up on to make sure s/he is safe and no retaliatory measures have been taken.

IV. Implementation of this Policy

A. For MH staff:

- the PSEA Code of Conduct and Policy shall be disseminated every time they are updated.
- New employees must read this PSEA policy and sign the PSEA Code of Conduct, as part of their induction into the organization. It is the responsibility of the HR Director to ensure this will happen and a signed copy of the PSEA Code of Conduct will be placed in the Employee Personnel File.
- The PSEA Focal Point shall conduct a training on this policy for all employees, twice a year, around February and November.

For beneficiaries:

- the PSEA Code of Conduct, concepts and reporting channels should be disseminated at the same time as the CFRM for each project. This occurs through:
 - CFRM awareness sessions for both male and female beneficiaries
 - CFRM sensitization visits to community leaders (i.e. mukhtars)
 - Advertisement of CFRM procedures and methods (during project activities and community meetings, and via posters, banners, cards, flyers, etc.)

V. Sanctions and Disciplinary Measures


- Anyone who has been found to have committed SEA or harassment against another person shall be suspended or have their contract immediately terminated, depending on the gravity of the SEA or harassment.
- All cases of physical assault will result in the immediate dismissal of the harasser.
- Even in the absence of an evidence, it is recommended that the Executive Director will take action to remove the unequal power conditions between the victim and accuser.

VI. Monitoring of this Policy

- The MEAL Department will manage an accountability mechanism to track, monitor, and

evaluate compliance with set standards and protocol.

- Quarterly, the MEAL Director will collect and review statistics on PSEA complaints, including the number of complaints, timeframe for resolving, and % of which were resolved.
- Annually, the Internal Auditor will coordinate with the PSEA Focal Point to complete a PSEA self-assessment and submit a review report to the Executive Director and Board of Directors, who are responsible for evaluating the effectiveness of this policy and implementation and making any necessary changes.



Reviewed and approved
date: December 2020

Khaldoon Al-Moosawi
Chairman Board of Directors