RET Protection from Sexual Exploitation and Abuse (PSEA) Action Plan

The aim of the RET PSEA Action Plan is to clarify steps to be taken when sexual exploitation, abuse or harassment of beneficiaries, recipients of services or employed staff, is suspected and when that abuse is allegedly perpetrated by or against a member of RET staff.

This is an administrative procedure and should not be seen as a substitute for a criminal investigation, if this would be warranted.

This document follows the spirit of the United Nations General Secretary Bulletin on Special measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13), the six core principles established by the IASC (Inter-Agency Standing Committee) Task Force on Protection from Sexual Exploitation and Abuse, the Statement of Commitment on Eliminating Sexual Exploitation and Abuse by UN and non-UN personal, and the RET Code of Conduct.

Definitions

RET’s definition of “sexual exploitation and sexual abuse” is based on the definition given by the United Nations General Secretary Bulletin on Special measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13):

“The term “sexual exploitation” means 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. Similarly, the term “sexual abuse” means the actual or the threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions”.

This document equally covers the behaviors - when related to sexual content - defined as followed in RET’s Code of Conduct, §13:

“Language or behaviour that is not appropriate, harassing, abusive, sexually provocative or culturally inappropriate”

Training

1. Each newly recruited staff member on all levels (field and HQ) has to
participate in a thorough induction about the RET’s Code of Conduct and the RET’s PSEA mechanisms before signing his/her Terms of Employment. The induction will be facilitated by a senior staff, who will be able to answer the participants’ questions.

2. The induction must lead to the signature of the Code of Conduct and of the present Action Plan by the new RET employee. The Code of Conduct and Action Plan will have been read, explained and approved during the induction.

3. Every year, all the RET staff members have to participate in training session about PSEA at the country and/or regional level. The aim of this session is to recall the Code of Conduct and the present Action Plan and enhance the staff members’ understanding of SEA issues and RET’s protection mechanism. It will also provide an opportunity for staff to share experiences, and for protection mechanisms to be adjusted, when considered necessary.

4. To plan and carry out the training, HQ’s Head of Operations shall receive a timetable from each head of country (e.g. Chief of Mission or Programme Manager) at the beginning of the year, indicating when, where and how the training will be held.

5. To prepare the training session, RET’s country team has to use the extensive guidelines developed by UNHCR and IASC such as the UNHCR “Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons - Guidelines for Prevention and Response” as well as the IASC “Guidelines for Gender-based Violence Interventions in Humanitarian Settings - Focusing on Prevention of and Response to Sexual Violence in Emergencies”.

6. In addition, each of RET’s country teams has to include in its training session updated material (reports, guidebooks, local and international legislation) in line with a human rights approach to SEA. This material will be shared with the RET International Headquarters (HQ) office annually.

7. At the end of each annual in-country training, the Head of Country will send a training report to HQ, which will include content, duration, place, list of participants, name of trainers and a summary of the discussions and measures to be taken. These reports will be openly available from HQ to all concerned / interested parties.

8. In case of amendments to RET’s Code of Conduct or PSEA Action Plan, a special training will be held with all the RET staff members. Each staff member will then be asked to sign the amended document.

9. When the RET works with an Implementing Partner (IP), the Code of Conduct must be an integral part of the signed working agreement between the RET and its IP. According to the signed agreement, the IP will have the overall responsibility to enforce the RET’s Code of Conduct, including the PSEA Action Plan, and train its staff accordingly.

Reporting mechanisms

10. All RET staff must report internally any concerns, including both specific complaints and rumours, regarding possible sexual exploitation or abuse
by a RET staff and/or other external persons. Failure to report information through the proper channel should result in disciplinary action. Complaints should be reported, even when the institutional affiliation of the perpetrator is unknown.

11. The complaint must be reported directly to the SEA focal point. The RET SEA focal point in the field is the Head of Country. The Regional SEA focal point is the Regional Director. The RET SEA focal point in HQ is the Chief Operations Officer (COO).

12. The field focal point must report the complaint to the Regional focal point, which in turn must report to the HQ focal point (the COO) and to the CEO.

13. If the complainant believes this reporting route to be compromised - for example that s/he would be victimised, or if s/he has no confidence in the local management structure, or when the focal point itself has been accused of SEA -, then the complaint should be raised directly with another RET focal point at the regional or HQ level.

14. It is suggested that the complaint should be recorded, either verbally or written.

15. The complaint is strictly confidential. The primary focal point must ensure that the individual who makes a complaint is informed of the confidentiality of the process. The focal point must obtain a written consent from the complainant for the information to be made available to others outside the complaint-reporting mechanism.

16. The primary focal point must immediately take all necessary and appropriate measures to ensure that the safety of the complainant is guaranteed (for example via a change in working arrangements, or a temporary suspension).

17. Staff members should be reassured that there will be no action taken against any member of staff who reports in good faith information indicating a violation of the RET’s Code of Conduct and which, following investigation, proves unfounded. However, if a staff member knowingly and wilfully reports false or malicious information regarding another member of staff, such false reports will lead to disciplinary action.

Community-based complaint mechanisms

18. Awareness-raising regarding SEA among communities where the RET works is a priority and must be an integral part of each RET program.

19. During the whole project implementation process, RET staff members have to be particularly vigilant to any sign or evidence of SEA coming from the community where they work and immediately report any case to their superior.

20. On the occasion of field visit or M&E mission, RET staff members have to set up meetings with different stakeholders of the communities involved in RET’s programme (e.g. Education Council, Defensoría del Pueblo etc.) to inform them about RET’s PSEA policy and to specifically address SEA issues, in
particular regarding women and children. The meetings should be led by RET staff members of both genders to allow refugees to talk to a person of the same sex and reduce obstacles to report acts of SEA, respecting discretion and confidentiality.

21. In each project location, the RET will be in permanent contact with other organizations and NGOs working in the field of psychosocial support of the target population (e.g. UNHCR) or legal institutions (Defensorías del Pueblo, Education Council etc.) to be informed about cases regarding its staff.

22. In the framework of each RET programme, a SEA/SGBV focal point will be designated in each project location where refugees can report SEA cases.

23. Once received the complaint must follow the same reporting mechanism, as described in the previous section of this document.

Investigation

24. Once the complaint is received, HQ focal point will consider the appropriate steps to take, including the initiation of an investigation.

25. Any investigation that is undertaken must be completed, regardless of whether the alleged perpetrator is still a RET staff member. In the event that a complaint does not warrant a full investigation, the Head of Country may nonetheless be asked to take a number of steps to address concerns in other ways, (for example, addressing any poor practice with additional training, adjusting working arrangements or procedures).

26. If the complaint involves staff of other UN agencies, NGO partners, military personnel or non-staff personnel, such agencies must be informed of the complaint via appropriate mechanisms.

27. The investigation of complaints will be conducted with due regard to a number of key principles including, but not limited to, confidentiality, safety, impartiality, objectivity, thoroughness, timeliness and accuracy as well as safeguarding the due process rights of the alleged perpetrator. All individuals concerned, including the subject of the complaint, have the right to be treated with respect and dignity and to be kept informed of the progress of the investigation.

28. The HQ focal point will designate a senior member of staff or focal point to assume responsibility for the oversight and monitoring of the investigation. The designated senior member of staff or focal point will be responsible for ensuring that an investigation is undertaken according to the principles of confidentiality, safety, impartiality, objectivity, thoroughness, timeliness and accuracy.

29. The general principle of confidentiality is such that the disclosure of the identity of complainants, witnesses, victims/survivors, the subject of the complaint and any others involved in an investigation, is restricted and is permitted only on an authorised or “need to know” basis, and only in certain exceptional circumstances. A breach of confidentiality may lead to disciplinary action.
30. Interviews must be conducted in a safe and supportive environment and in accordance with the principles of good practice.

31. Witnesses will always be interviewed in the language of his/her choice. If an interpreter is needed, s/he will follow strict rules of confidentiality.

32. Once the investigation is completed, the investigator must deliver a full written report, which includes conclusions and recommendations. The report must be produced in an appropriate time-frame.

**Disciplinary Actions**

33. The investigation report must be submitted to the HQ focal point, who will, in consultation with the CEO, decide upon an appropriate course of action.

34. Should the investigation indicate that misconduct has not occurred, the case will be closed.

35. Should the investigation indicate that misconduct has occurred, disciplinary action must be taken, including possible summarily dismissal, pursuant to RET Staff Rules and Regulations.

36. If, after proper investigation, there is evidence to support allegations of sexual exploitation or sexual abuse, which may contravene national laws, in consultation with the complainant, these cases may, upon consultation with the appropriate internal legal advisors, be referred to national authorities for criminal prosecution.