



# **DRC's Protection from Sexual Exploitation, Abuse and Sexual Harassment Policy**



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# Glossary

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<b>People of concern</b>	DRC's target group in accordance with DRC's mandate, including refugees, internally displaced persons (IDPs) and other people affected by displacement or conflict i.e. affected population.
<b>Workforce</b>	Any employee, intern, student, irregular worker, and other member of DRC's Workforce who, irrespective of the length of their engagement, remuneration and other terms and conditions, is required to sign the Code of Conduct. Members of DRC's Workforce may be individually referred to as a Staff Member and collectively as Staff.
<b>Report of suspected misconduct</b>	A report submitted by a Complainant or Reporting Person about a suspicion that a breach of the Code of Conduct or of the PSEAH Policy has happened or will happen.
<b>Retaliation</b>	By retaliation, we understand any direct or indirect act or omission which occurs in a work-related context, is prompted by internal or external reporting or by public disclosure, and which causes or may cause unjustified detriment to the Reporting Person, the Complainant or any other person assisting in such report, disclosure or in an internal investigation. It includes threats of retaliation and attempts of retaliation.
<b>Partner</b>	An institution with which DRC has a formalised relation on its implementation of programmatic, advocacy, capacity development and material assistance under DRC's programme and budget. Thus, a partner carries out a portion of the activities covered by the programme based on a sub-grant. Partners include local NGOs, CBOs and public institutions, as well as INGOs operating in a given local context.
<b>Supplier</b>	Any vendor, who has been vetted, approved, and accepted as a supplier to DRC. (A Vendor is any company that could potentially provide goods, services, or construction.) <b>works to DRC.</b>
<b>Irregular workers</b>	Any individual engaged by DRC via a mutually binding agreement (oral or written) where the individual agrees to perform work for the benefit and under the management and instructions of DRC. It excludes individuals procured as contractors (external service providers) and regular employees of DRC. <b>Examples:</b> Volunteers, Incentive workers, Casual workers, Daily worker; Cash for work
<b>Investigation</b>	Is a legally-based analytical process designed to establish facts in order to permit the objective determination as to whether an alleged misconduct has occurred and, if it has, the identity of the person or persons responsible for the misconduct.
<b>Code of Conduct Reporting Mechanism</b>	The mechanism that allows any individual to report a suspicion of a breach of DRC's Code of Conduct (CoC) committed by one or more member(s) of the Workforce of DRC or any other concern as may be required by applicable whistleblower laws and regulations. Reports of Suspected Misconduct (RSM) affecting other organisations, implementing or commercial partners are also registered in the CoCRM when they are brought to the attention of DRC.

# Abbreviations

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<b>AGDM:</b>	Age, Gender, and Diversity Mainstreaming
<b>CBO:</b>	Community-Based Organization
<b>CFM:</b>	Community Feedback Mechanism
<b>CHS:</b>	Core Humanitarian Standard
<b>CHSA:</b>	Core Humanitarian Standard Alliance
<b>CoC:</b>	Code of Conduct
<b>CoCRM:</b>	Code of Conduct Reporting Mechanism
<b>CRC:</b>	Convention on the Rights of the Child
<b>CT:</b>	Compliance Tool
<b>DGPR:</b>	Data Protection and Privacy Regulations
<b>DRC:</b>	The Danish Refugee Council
<b>FP:</b>	Focal Point
<b>GBV:</b>	Gender-Based Violence
<b>HQ:</b>	Headquarters
<b>HR:</b>	Human Resources
<b>IASC:</b>	Inter-Agency Standing Committee
<b>IDP:</b>	Internally Displaced Person
<b>INGO:</b>	International Non-Governmental Organization
<b>L/NAs:</b>	Local National Actors
<b>NGO:</b>	Non-Governmental Organization
<b>OH:</b>	Operations Handbook
<b>PoC:</b>	People of Concern
<b>PSEAH:</b>	Protection from Sexual Exploitation, Abuse, and Harassment
<b>RSM:</b>	Report of Suspected Misconduct
<b>SaG&amp;CoC FP:</b>	Safeguarding and Code of Conduct Focal Point
<b>SCA:</b>	Survivor-Centered Approach
<b>SEAH:</b>	Sexual Exploitation, Abuse, and Harassment
<b>SGBV:</b>	Sexual and gender-based violence
<b>UN:</b>	United Nations
<b>WHO:</b>	World Health Organization

## Introduction

1

### Purpose

This section provides an overview of why the policy is being developed and what it aims to achieve, by setting the context for the rest of the policy.

2

### Objective

This section outlines the specific goals and outcomes that the policy seeks to achieve. It helps to clarify the intended impact of the policy.

3

### Policy Statement

This section outlines the organization's stance on PSEAH and the principles that guide its approach. It provides a clear message to staff about the importance of PSEAH.

6

### PSEAH related terminology

This section provides definitions and explanations for key PSEAH related terms used in this Policy. It ensures a common understanding of the language used in the policy.

5

### Overview of the relationship between this PSEAH Policy and DRC's policies for ethics and conduct

This section outlines the link between the PSEAH policy and other DRC policies, offering an overview of how PSEAH aligns with the broader DRC ethical framework.

4

### Scope

This section outlines the extent and applicability of the policy. It clarifies who is covered by the policy.

## Institutional and personal responsibility towards PSEAH

*This section of the PSEAH policy outlines the commitments of both the institution (DRC) and its employees towards preventing and responding to sexual exploitation, abuse, and sexual harassment. It includes both a commitment to preventing such incidents from occurring and a commitment to responding appropriately if they do occur.*

### DRC's institutional responsibility

This subsection of the policy addresses the institutional commitment of DRC towards preventing and responding to SEAH, outlining specific measures throughout three pillars:



**Prevention**



**Enabling reports**



**Response**

### DRC's Workforce responsibility

This subsection of the policy addresses the commitment of DRC's individual employees towards SEAH. It outlines the expectations for staff behavior, as well as the specific measures that employees should take to prevent and respond to these incidents.

# I. Introduction

## I.1. Purpose

*As an organization committed to protecting the most vulnerable, safeguarding their rights, and empowering them towards a better future, DRC recognizes its duty and responsibility to prevent and address the devastating consequences of Sexual Exploitation, Abuse, and Sexual Harassment (SEAH) on individuals within its sphere of influence. This responsibility extends to People of Concern, its Workforce, service providers, and partners' staff in DRC-managed operations. In line with our values and principles, we firmly assert that SEAH has no place within DRC. Our actions and words reflect our unwavering commitment and responsibility to create an environment free from SEAH, ensuring the well-being and dignity of all individuals we serve.*

*In acknowledging the existence of inherent power imbalances within our work, accountability demands that we manage power responsibly. Considering that power imbalances can manifest in various aspects of our work, such as project implementation, interactions with communities, and the resources we provide, DRC must work to protect from SEAH all individuals within its sphere of influence, and to empower them towards a better future.*

The **Protection from Sexual Exploitation, Abuse and Harassment (PSEAH) Policy** serves to define and promote an organizational culture of accountability, respect, and equality, that **protects the people DRC work with or come into contact with**, from SEAH incidents, e.g. DRC's Workforce, partners, service providers, PoC and anyone DRC engages with through its programmes and activities. **Such incidents may be caused by groups and/or individuals within or associated with DRC** (e.g. DRC's Workforce, partners, suppliers, irregular workers).

## I.2. Objective

In line with DRC's vision, missions and values, DRC's Code of Conduct and international standards<sup>1</sup>, the **PSEAH Policy** provides guidance and establishes DRC's institutional commitment and responsibility and a clear set of rules for DRC's Workforce and partners when it comes to PSEAH.

DRC adheres to the Inter-Agency Steering Committee Six core principles relating to Sexual exploitation and abuse<sup>2</sup>, as reflected within the DRC's Code of Conduct and this Policy, under the chapter 'Institutional and personal responsibility towards PSEAH'.

This PSEAH Policy outlines DRC's commitment to take the necessary steps and measures, by putting in place policies, procedures and practices, to:

- » create safe environments that protect the dignity of everyone involved in DRC's programmes and activities and that are free from SEAH, through preventing, enabling reports and adequate response measures, as outlined under section II of this PSEAH Policy.
- » ensures that individuals who work with DRC or come into contact with DRC's activities are aware of their rights and responsibilities regarding SEAH.

<sup>1</sup> Notably: UN Secretary-General's Bulletin on Special measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13), the IASC six core principles relating to sexual exploitation and abuse, 2019 and the CHS Alliance PSEAH Index, 2019

<sup>2</sup> IASC is the longest-standing and highest-level humanitarian coordination forum of the United Nations system that brings together the executive heads of 18 organizations and consortia to formulate policy, set strategic priorities and mobilize resources in response to humanitarian crises. IASC is working to scale up protection from sexual exploitation and abuse across humanitarian response efforts, since they are catastrophic failure of protection that bring harm to those whom we are mandated to protect.

## 1.3. Policy statement

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DRC categorically prohibits<sup>3</sup>, and has zero tolerance for, any actions by its Workforce and any group and/or individuals associated with DRC (partners, suppliers, irregular workers) that constitute sexual exploitation, abuse or sexual harassment of any individual regardless gender, gender identity and expression, age, race, disability, sexual orientation, nationality, employment status, education, health, socio-economic status, religion, ethnic origin and their role in the organization.

DRC has zero tolerance<sup>4</sup> for any form of **retaliation** against those i) reporting in good faith suspicions of SEAH to the CoCRM, ii) providing information or otherwise assisting in such reports or partaking in an internal investigation or iii) refusing to act in violation of DRC's Code of Conduct and this Policy.

## 1.4. Scope

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### »» DRC's Workforce

The PSEAH Policy applies to DRC and to its Workforce without distinction. All DRC's Workforce including but not limited to international or national staff, managers or not, frontline, support or programme staff, paid or unpaid trainees, students and irregular workers<sup>5</sup> are equally obliged by DRC's PSEAH Policy.

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### »» DRC's partners

DRC requires of its partners that they have, or develop and employ, a PSEAH policy morally equivalent to that of DRC's. This includes the duty to protect against SEAH, apply a survivor-centered approach and provision of access to a safe complaints and response mechanism. If circumstances warrant that partners adopt and abide by DRC's PSEAH policy, this is accommodated<sup>6</sup>.

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### »» DRC's suppliers

Key related principles, as reflected within DRC's Code of Conduct for Suppliers and DRC's General Conditions of contract, which contain specific SEAH clauses, are applicable for the DRC's suppliers.

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<sup>3</sup> See DRC's Code of Conduct, Section 4 of the Rules of Conduct, 2022

<sup>4</sup> See DRC's Code of Conduct, Section 7.1 of the Rules of Conduct, 2022

<sup>5</sup> For more details about irregular workers, please see DRC's Framework Policy for Irregular Workers, 2022.

<sup>6</sup> For more related information, please consult DRC's Implementing partners policy Operations Handbook, 2023.

## **1.5. Overview of the relationship between this PSEAH Policy and DRC's policies for ethics and conduct**

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**DRC's Code of Conduct** holds the values and rules that DRC and its Workforce shall act by to uphold and safeguard the necessary standards of conduct and to avoid misconduct. This is DRC's main and general guiding document in terms of ethics and behaviour that applies to all DRC Workforce, that covers all the topics of interest under this umbrella.

This **PSEAH Policy**, together with the **Child Safeguarding Policy**, are more specific policies that cover the protection of all populations at particular risk from the types of behavior outlined within these policies. They also outline DRC's institutional commitments and its Workforce personal commitments towards these specific situations. Though stand-alone policies, that are applicable to all DRC's Workforce, these policies sit under the **Safeguarding Framework Policy**, which seeks to serve as an umbrella policy.

Thus, this PSEAH Policy is linked to and must be read together with DRC's Code of Conduct, Safeguarding Framework Policy, and Child Safeguarding Policy.

## **1.6. PSEAH related terminology**

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SEAH involves certain groups and/or individuals within or associated with an organisation (i.e. NGOs, INGOs, L/NAs, UN agencies, humanitarian and development organizations) exercising power in harmful ways against those who do not hold the same level of power, either in the organisation or in the communities where the organisation works.

People can hold power based on, but not limited to, characteristics such as gender, gender identity and expression, age, race, ability, sexual orientation, nationality, employment status, education, health, socio-economic status, religion, ethnic origin, and their role in the organization. Often these characteristics intersect in ways that increase privilege or oppression<sup>7</sup>, and thus the risk of SEAH.

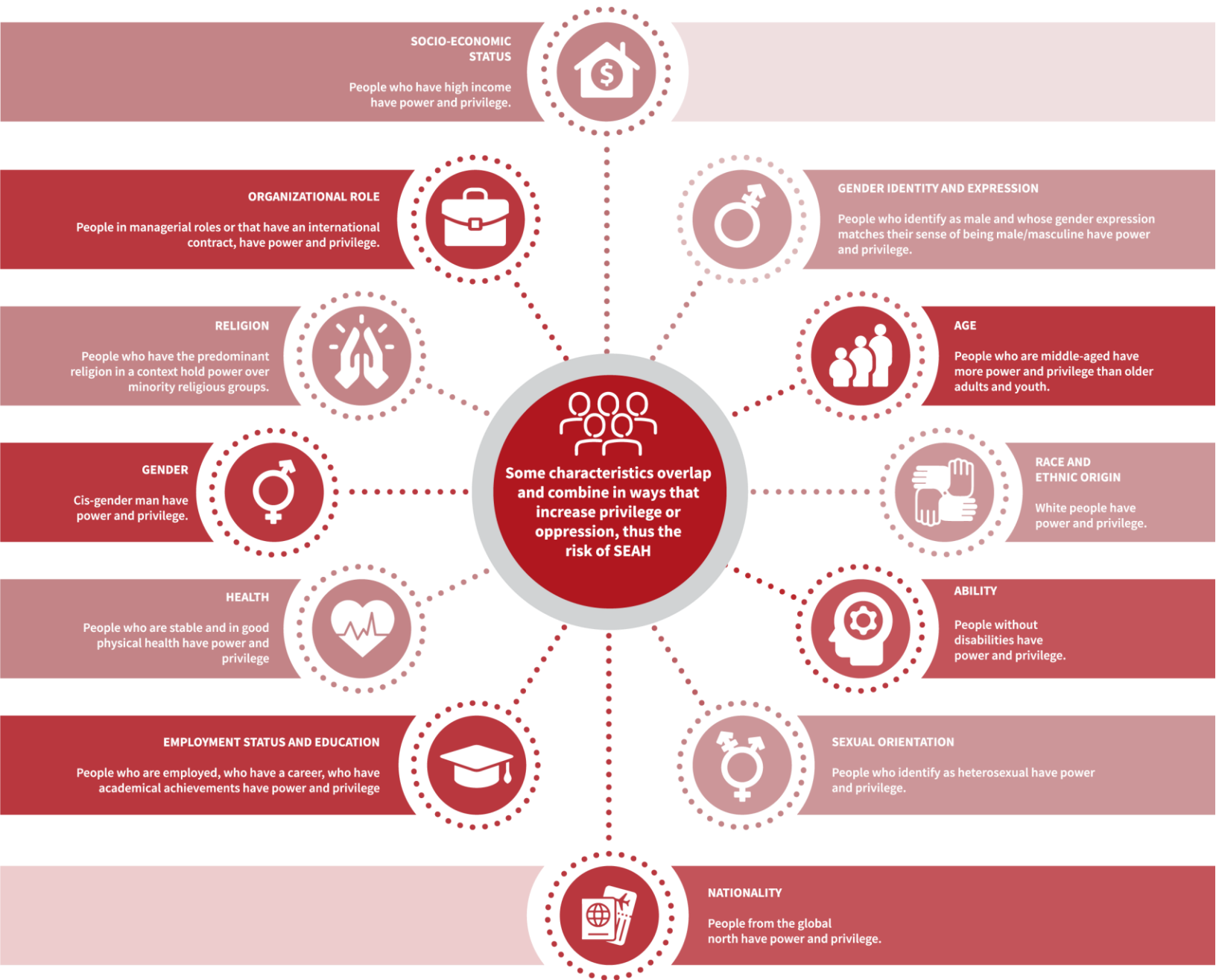
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<sup>7</sup> For more related information, please consult DRC's Age, Gender, and Diversity Mainstreaming Policy, 2020.



# Understanding SEAH through intersectionality

By exploring SEAH through an intersectional lens, we acknowledge that certain characteristics can intersect and combine, leading to amplified privilege or oppression, thereby increasing the vulnerability to SEAH.



## »» **DRC's approach towards SEAH terminology**

DRC acknowledges that both 'sexual exploitation and abuse' (SEA) and 'sexual harassment' (SH) can occur within or outside the workplace, in the frame of interactions with colleagues, PoC, and other individuals engaged with DRC's activities. DRC doesn't make a distinction between SEA and SH based on the individuals involved in these types of misconduct, whether it occurs between the members of its Workforce or against PoC. SH is therefore fully included in the spectrum of behaviours that are not acceptable conduct by DRC's Workforce, partners, and suppliers, regardless of the target of such misconduct.<sup>8</sup>

This Policy and DRC's Code of Conduct draw on United Nations<sup>9</sup> and CHS Alliance's<sup>10</sup> definitions for SEAH, which are provided in more detail below.

### »» **Sexual Abuse**

Any actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions, which includes when a person is incapable of giving consent or resist. All sexual activity with a minor (a person under the age of 18) is considered sexual abuse. Sexual Abuse may occur at the workplace, outside working hours and/or outside the workplace. Anyone can be the victim or offender irrespective of their sex or gender.

### »» **Sexual Exploitation**

Any actual or attempted abuse of 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. This notably includes acts such as transactional sex, solicitation of transactional sex, and exploitative relationships. Sexual Exploitation may occur at the workplace, outside working hours and/or outside the workplace. Anyone can be the victim or offender irrespective of their sex or gender.

This includes exchange of assistance for sexual favors.

### »» **Sexual Harassment**

Any improper and unwelcome behaviour, conduct and practice of a sexual nature that may include, but are not limited to, sexual advances, suggestions or demands, requests for sexual favours and sexual, verbal or physical conduct or gestures that are or might reasonably be perceived to cause offence or humiliation to another.

Sexual Harassment may occur at the workplace, outside working hours and/or outside the workplace. It can include a single incident or a series of incidents.

It may be deliberate and unsolicited.

Anyone can be the victim or offender irrespective of their sex or gender.

It is included in the spectrum of behaviours that are not acceptable conduct by staff, be it in the workplace or with people of concern or with anyone who comes into contact with DRC's programmes and activities.

<sup>8</sup> This approach is consistent with the CHS Alliance's approach, as reflected within the PSEAH Handbook, 2021.

<sup>9</sup> The Secretary-General's Bulletin on Special measures for protection from sexual exploitation and sexual abuse, ST/SGB/2003/13

<sup>10</sup> CHS Alliance's PSEAH Handbook, 2021.

Within the parameters of the above definition, many forms of behaviour can constitute sexual harassment, including but not limited to:

- Physical conduct of a sexual nature, including unwanted contact such as unnecessary touching, patting or pinching or brushing against another person’s body
- Verbal conduct of a sexual nature. This may include unwelcome sexual advances, propositions or pressure for sexual activity, continued suggestions for social activity outside the workplace or any unwanted or offensive flirtations, suggestive remarks, innuendos or lewd comments.
- Non-verbal conduct of a sexual nature. This may include the display of pornographic or sexually suggestive pictures, objects, written materials, posts on social media, emails or text messages. It may also include leering, whistling or making sexually suggestive gestures.
- Sex-based conduct. This may include conduct that denigrates or ridicules or is intimidating or physically abusive of an employee because of their sex, such as derogatory or degrading abuse or insults that are gender related.

Though anyone can be the victim/survivor or offender of SEAH cases, irrespective of their sex or gender, DRC acknowledges there are some demographics (e.g. women, girls/boys) that are at a higher risk of being the victim/survivor.<sup>11</sup>



### SEAH and GBV



### SEXUAL EXPLOITATION, ABUSE AND SEXUAL HARASSMENT

### GENDER-BASED VIOLENCE<sup>12</sup>



### What do we understand by this terminology

**SEAH** refers to sexual exploitation, abuse or sexual harassment

...*perpetrated* by those working in, or with, or are associated with an organisation<sup>13</sup> (i.e. NGOs, INGOs, L/NAs, UN agencies, humanitarian and development organizations)

Gender-based violence (GBV) falls under the larger umbrella of protection programming. GBV is an umbrella term for any harmful act that is perpetrated against a person’s will and that is based on socially ascribed (i.e. gender) differences between males and females<sup>14</sup>. It includes acts that inflict physical, sexual or mental harm or suffering, threats of such acts,

<sup>11</sup> (1) According to UN Women: ‘SEAH fall along the continuum of violence perpetrated (mainly) by men against women and girls. The majority of those targeted in sexual harassment and SEA are women and girls, however there are other groups that can form part of this continuum, such as LGBTQ+ people or men and boys.’ - Bridging the Gap: Sexual Exploitation, Abuse and Harassment (SEAH) 2020.

(2) According to WHO: ‘Globally, 31% of women aged 15–49 have been subjected to physical and/or sexual violence from a current or former husband or intimate partner, or sexual violence from a non-partner, or both in their lifetime (defined as since the age of 15). That is almost one in every three women, or up to 852 million women worldwide.’ - Violence Against Women Prevalence Estimates, 2018.

(3) Worldwide, an estimated one in three women will experience physical or sexual abuse in their lifetime and women with disabilities are up to 10 times more likely to experience sexual violence. - <https://www.hi.org/en/protection>.

(4) Whilst it is commonly accepted that women and girls are disproportionately affected by SGBV, there is increasing recognition of the experiences of SGBV of men and boys in humanitarian settings. LGBTQ+ persons, whether female, male or non-binary, may face increased risk of SGBV, notably in contexts where homosexuality and/or same-sex intimate relations are criminalized, or when in detention. “That never happens here” - Sexual and gender-based violence against men, boys and/including LGBTQ+ persons in humanitarian settings, The Norwegian Red Cross (NorCross) and ICRC.’

<sup>12</sup> For more information, consult DRC’s Gender-Based Violence Policy, 2020.

<sup>13</sup> While they are actively working to carry out the objectives of the organization.

<sup>14</sup> For more details on the SCA approach from the GBV perspective, please consult DRC’S GBV Policy, 2020.

...*against* people who work with or come into contact with an organization, such as PoC, staff, partners, service providers, and everyone coming into contact with the organization's programmes and activities.

coercion, and other deprivations of liberty. These acts can occur in public or in private.<sup>15</sup>

In this Policy, GBV refers to an incident perpetrated by persons who are not associated in any way with the organization e.g. community members against other community members.

### What kind of response shall be provided when such incidents occur:

- DRC's Workforce has an obligation to report such cases to the Code of Conduct Reporting Mechanism (CoCRM)
- For DRC, at institutional level, this may imply conducting an internal investigation into the reported incident, implement adequate safety and security measures and/or taking contractual measures.
- DRC responds to GBV by ensuring adequate and holistic referral pathways are available for GBV survivors (in collaboration with the GBV and Child Protection Areas of Responsibility).
- In various contexts, DRC also provides direct GBV and Child Protection services for survivors of GBV, including case management.
- In all contexts DRC has an obligation to ensure GBV survivors receive an appropriate response in line with the IASC GBV in Emergencies Guidelines.

### For both SEAH and GBV incidents,

it is crucial that survivors are able to access safe, appropriate services and that a survivor centered approach is adhered to, in accordance with this PSEAH Policy and DRC's GBV Policy and international standards.

In accordance with the survivor's safety and explicit consent, there are occasions when Protection and Safeguarding and Code of Conduct practitioners may need to liaise in order to prioritize the well-being and recovery of the survivor. Nevertheless, in order to ensure the safety, dignity, and confidentiality of the survivor, it is advised to keep GBV response separate from the response of the organization to address a SEAH case, as this represents a breach of both this Policy and the DRC's Code of Conduct.

### »»» **Victim and survivor**

People who have experienced SEAH may choose different terms to describe their experience, thus they should be asked how they prefer to be addressed as: victim or survivor.

'**Victim**' is a term often used in the legal and medical sectors, it has protective implications, as it implies the victim of an injustice which we should seek to address, while the term '**survivor**' is generally preferred in the psychological and social support sectors to a person who has experienced sexual or gender-based violence because it implies resilience, strengths, and the capacity to survive.

<sup>15</sup> IASC Guidelines for Integrating Gender-Based Violence interventions in Humanitarian Action: Reducing risk, promoting resilience and aiding recovery, 2015.

Throughout this Policy, we will be using the term ‘survivor’, to affirm the ability of people to thrive beyond traumatic events. This is not in any way meant to imply a lack of strength, resilience, or capacity to survive of those who prefer to identify themselves as ‘victim’.

**Survivors of SEAH** are individuals who have experienced SEAH perpetrated by those working in, or with, or are associated with an organisation (i.e. NGOs, INGOs, L/NAs, UN agencies, humanitarian and development organizations) while they are actively working to carry out the objectives of the organization, during or outside working hours and/or within or outside the workplace.

SEAH survivors include people DRC works with or comes into contact with, such as DRC’s Workforce, implementing partners, service providers, PoC and everyone coming into contact with DRC’s programmes and activities.

### »» Survivor-centered approach (SCA)

This represents an approach that seeks to empower the survivor by prioritizing their rights, needs and wishes. It means ensuring that survivors have access to appropriate, accessible and good quality services including health care, psychological and social support, security and/or legal services. This approach aims to create a supportive environment where the survivors’ rights are respected, and they are treated with dignity and respect. It helps promote a survivor’s recovery and reinforce their capacity to make decisions about possible interventions.

Within DRC’s GBV Policy, the SCA is defined as an approach that creates a supportive environment in which the survivor’s rights and wishes are respected, their safety is ensured, and they are treated with dignity and respect. A survivor-centered approach is based on the following principles: safety, confidentiality, respect, and non-discrimination.<sup>16</sup>

DRC has integrated the survivor-centered approach to SEAH recommended by the Inter-Agency Standing Committee<sup>17</sup> into the formal and informal processes, policies, and procedures related to SEAH. This has been done by adhering to the principles and key actions outlined in the approach.

From the SEAH perspective, we look into the ‘**survivor-centered approach**’ through the following lenses<sup>18</sup>:

Stages	Related considerations
<p><b>I. Disclosure of a SEAH incident</b></p>	<p>»» In the context of PSEAH incidents, "making a disclosure" refers to the act of revealing or reporting information about an incident of SEAH. Though the terms "disclosure" and "report" are often used interchangeably, there is a difference in calling it a disclosure or a report and it lies primarily in the formality and the intended purpose. A disclosure<sup>19</sup> refers to the act of sharing information about a PSEAH incident, often seeking support or validation, whereas a report (i.e. reports of suspected misconduct – RSM) refers to the formal documentation that is</p>

<sup>16</sup> IASC SEAH Victim Survivor Centered Approach and Principles, 2023.

<sup>17</sup> See CHS Alliance – Victim/survivor-centred approach to protection from sexual exploitation, abuse and harassment in the aid sector, foundational paper, 2023.

<sup>18</sup> DRC’s partners have a duty to report SEAH incidents, as per the Sub-grant Agreement they sign with DRC and DRC’s suppliers as per the General Conditions of Contract.

<sup>19</sup> A disclosure refers to the act of sharing information about a PSEAH incident, typically by the survivor or someone directly affected by the incident. It involves revealing details about the incident, such as what occurred, who was involved, and when it happened. The purpose of a disclosure is often to seek support, validation, or assistance without necessarily triggering a formal investigation.

submitted to the organization, which typically triggers a more structured response, such as initiating an investigation, contractual and/or disciplinary measures.

Disclosing a SEAH incident is a challenging process that may require time, and it can be an initial step in seeking help, support, understanding and/or putting an end to the misconduct. The decision to disclose, not disclose, or limit disclosure should be solely in the hands of the survivor.

- » A disclosure is typically made by the survivors themselves. The person making the disclosure will not suffer any adverse consequences for reporting in good faith.
- » Survivors will be asked questions, engaged with, and listened to without bias or judgement, and without assigning guilt or responsibility. They shall be shown empathy in all interactions and shall be empowered to share information, should they wish to, and at their own pace<sup>20</sup>.
- » When a SEAH disclosure is made to a staff member (i.e. DRC Workforce):
  - » They have an obligation to further report it to DRC's CoCRM mechanism<sup>21</sup>.
  - » This obligation subsists even for the cases when the survivor's preference is not to report further<sup>22</sup>, but without revealing the survivor's identity.
  - » Survivors must be informed of the limits of confidentiality, including informing them about mandatory reporting procedures in place and what these imply. The information that may be transmitted, to whom, and for what purpose shall be outlined to the survivor as early as possible.
  - » They must uphold confidentiality<sup>23</sup> regarding the disclosure itself and its content.
  - » The Survivors themselves do not have an obligation to report.
- » In the disclosure phase, the recipient of the disclosure has the option, if they feel at ease:
  - » To inform the survivor about the possibility of receiving support, if desired, and to let them know they can be connected with the Safeguarding and Code of Conduct Focal Point (SaG&CoC FP) for more information.
  - » To provide them with details regarding their rights, reporting procedures, and the resources accessible to help them make well-informed choices.
- » DRC will manage the data and data sharing received via disclosures or RSMs and obtained subsequently as part of other related internal processes in a manner that

<sup>20</sup> This applies at all stages outlined under the SCA.

<sup>21</sup> DRC's partners have a duty to report SEAH incidents, as per the Sub-grant Agreement they sign with DRC and DRC's suppliers as per the General Conditions of Contract.

<sup>22</sup> In DRC, we acknowledge that the preference of survivors to report (or not) should be ascertained, acknowledged and respected. However, it is to be considered that in such cases, DRC's accountability and prevention efforts might be hindered: as an INGO, we have an institutional duty of care to protect our Workforce, PoC and other people who might come in contact with us, our programmes and activities. Thus, we need to act upon knowledge of SEAH.

<sup>23</sup> This doesn't not apply when it comes to sharing the information to DRC's CoCRM.

is compliant with confidentiality, GDPR<sup>24</sup> and other applicable privacy rules and regulations<sup>25</sup>.

## II. RSM handling

- » DRC receives all RSMs, independently of who is sharing the RSM via the established mechanisms or if a previous disclosure has been made. The RSM can be made by the survivor themselves, DRC's Workforce or someone external to DRC, who becomes aware of the incident.
- » When a DRC staff member (i.e. DRC Workforce) has a suspicion or becomes aware of a SEAH case, they have an obligation to report to the CoCRM.
- » The person making the RSM will not suffer any adverse consequences for reporting in good faith suspicions or concerns of SEAH. DRC Workforce must uphold confidentiality<sup>26</sup> regarding the disclosure and/or RSM themselves and their content.
- » DRC receives and processes RSMs independently of the entry point (e.g. CoCRM, SaG&CoC FP, management or other available channels). SEAH RSMs will be processed only at HQ level.
- » DRC accepts anonymous RSMs, though encourages individuals to report in a way they can be identified, as it will be easier to follow up on the report.
- » For the cases when the RSM is made directly by the survivor or by a third party with a prior disclosure and consent to further report it from the survivor to that individual, once a SEAH RSM is received, the SaG&CoC FP will contact the survivor if their identity is known.
- » If the RSM is made by a third party who witnessed a SEAH case, without any prior disclosure from the survivor to that individual, the SaG&CoC FP will contact and inform the survivor that a disclosure has been made by someone else. Throughout this process, the survivor's consent, preferences, and comfort in sharing this information will always be sought and respected<sup>27</sup>.
- » The survivor will be informed by the SaG&CoC FP about the possibility to receive support, if desired, in cases where this information has not been previously conveyed by the individual who received the disclosure.
- » DRC has the responsibility to ensure, through its SaG&CoC FP, that appropriate, accessible and good quality services are mapped, including health care, psychological and social support, security and/or legal services and that SEAH

<sup>24</sup> GDPR stands for the General Data Protection Regulation, a data protection law that was implemented in the European Union (EU) in 2018.

<sup>25</sup> See DRC's CoCRM donor reporting Guidelines, 2022: 'This entails the protection of the personal data of all individuals involved in an investigation (e.g. the Survivor, the witnesses, the Subject and the investigative team members) and the limitation of the number of persons involved in the CoCRM Donor Reporting process. As a result, the identity of individuals involved in an investigation will never be shared with the donor(s) unless they have given their informed consent.'

<sup>26</sup> This doesn't not apply when it comes to sharing the information to DRC's CoCRM.

<sup>27</sup> Before sharing any details, explain to the survivor that a disclosure has been made by someone else regarding their situation and they have the right to decide how much information they want to know. If the survivor expresses a desire not to know the specific details, their wishes will be honored.

survivors are made aware of these support services and of their option of accepting them or not.

- » Survivors will be consulted in creating the opportunities and channels for them to actively participate in decisions and processes that affect them.
- » DRC will document, in a confidential manner, all SEAH RSMs and disclosures and will decide, based on internal guidelines and procedures<sup>28</sup>, how to follow up on the RSM.
- » For the situations when the SEAH RSMs constitute a criminal offence, it will be the decision of the DRC's CoCRM Intake Committee, together with the Country, Regional or relevant Directors at HQ to refer cases to the relevant law enforcement authorities, in line with internal procedures appropriate for the country context<sup>29</sup>.
- » The decision of DRC to refer a case to the national authorities will always take into account the consent of the survivor, who may not wish to do so. This may be in conflict with the mandatory reporting laws, especially laws related to SEAH incidents, and DRC should prioritise principles of the survivor-centered approach at all times to minimize harm to the affected person<sup>30</sup>.

### III. Referral to support services

- » Upon obtaining the survivor's consent, the SaG&CoC FP at DRC will facilitate their access to suitable support services; both internal and external support services may be considered, prioritizing the external ones, where possible. This process entails identifying and honoring the survivor's needs, preferences, choices, well-being, and safety.
- » The survivor will be offered holistic assistance and support irrespective of whether they initiate or cooperate with an investigation or any other accountability or resolution procedure.
- » Assistance and support to child survivors (persons below 18 years of age) must be provided in a manner consistent with the Convention on the Rights of the Child (CRC), in particular the principle of the "best interests of the child", as per article 3 of the CRC. Children have the right to have their best interests assessed and considered as a primary consideration in all actions or decisions that concern them. In addition, children shall be assured the right to express their views freely in all matters affecting them, their views being given due weight in accordance with the child's age and level of maturity, as per article 12 of the CRC. For children who are too young to understand information about their rights and service options, this information should also be shared with their trusted adult who can support the child to participate in making a decision.
- » The referrals to support services are part of the due process in dealing with and responding to RSMs of SEAH focusing on the recovery of the survivor and are separate from DRC's internal procedures to address the RSM. While the internal procedures focus on investigating and addressing the RSM within the organization,

<sup>28</sup> See DRC's Code of Conduct Reporting Mechanism Operations Handbook, 2023.

<sup>29</sup> DRC's Global Community Feedback Mechanism (CFM) Guidance, p. 117, 2022.

<sup>30</sup> Inter-agency Standing Committee et al, Best Practice Guide Inter-Agency Community-Based Complaint Mechanisms (PSEA), 2016.



the referrals to support services concentrate on providing the survivor with appropriate resources and assistance to aid in their recovery.

» Survivors are not required to identify the perpetrator or prove that they are survivors of SEAH to access services<sup>31</sup>.

#### IV. Investigation

» After processing a SEAH RSM, if appropriate and considering the SCA, DRC will without delay initiate an internal administrative investigation as per internal procedures<sup>32</sup>.

» Following a SCA, it means placing the interests of the survivor(s) at the center of all decisions and actions taken, obtaining the informed consent of the survivor to proceed<sup>33</sup> with the investigation and sharing their identity internally or externally to DRC.

» The survivor has the right to withdraw the consent given anytime during the process, without impacting their right to assistance or referral to support services. The survivor also has the right to decide to reopen the investigation, even if the consent was previously withdrawn.

» If the survivor withdraws consent during the investigation, the investigation team will normally have to close the investigation. However, there can be exceptions depending on the situation. If the investigator believes an exception applies, they should review the case with the Authorising Officer for a decision on continuing the investigation.

» Confidentiality<sup>34</sup> will be maintained at all stages.

» The survivor has the right to be informed and may ask and request information if they don't feel sufficiently informed, regularly and timely, in a language and format that is accessible, to enable them to evaluate and understand the consequences, including the benefits and risks of a course of action and make informed choices. The exceptions to this right are a) the integrity of the investigation and b) the right to privacy on the side of others.

» The survivor will be provided with information about the due process rights of the alleged perpetrator(s) at the earliest time possible, allowing the survivor to understand how this may affect them.

<sup>31</sup> Aligned with UN Protocol on the provision of assistance to victims of sexual exploitation and abuse: 'for the purpose of providing victim assistance, all individuals who report are assumed to be victims, in order to best meet their needs and also to secure the best possibility of gathering evidence in due course.'

<sup>32</sup> See DRC's CoCRM OH, Compliance Tool CoCRM 3 – ToR for Intake Committee Member

<sup>33</sup> The survivor has the right to withdraw the consent given, without impacting their right to assistance.

<sup>34</sup> By confidential information we understand any information that DRC designates as "confidential" or that includes information which calls for tact, care and caution in treatment. This notably includes but is not limited to Reports of Suspected Misconduct (RSM), testimonies and other findings, information and reports related to an investigation, as well as Personal Data covered by applicable privacy laws and regulations.

## II. Institutional and personal responsibility towards PSEAH

### II.1 DRC's institutional responsibility

*DRC commits to and takes responsibility for addressing PSEAH throughout its work by implementing specific measures reflected throughout three pillars: prevention, enabling reports and response.*

#### II.1.1. Prevention

*DRC commits to and assumes responsibility for preventing the risk of sexual exploitation, abuse and harassment by its Workforce and partners, through the implementation of the following measures at institutional level:*

- a. Ensuring that through its policies, procedures, tools and contracts DRC's Workforce, its partners and service providers know what is expected from them and what is their role and responsibility towards PSEAH.
- b. Publishing, distributing, and safeguarding that this PSEAH Policy is duly known and understood by its Workforce and partners by (1) making the CoC, which is inclusive of PSEAH considerations, an inseparable part of the employment contracts and including **specific clauses** within employment contracts and sub-grant agreements, (2) informing and **training** on what conduct this policy requires and their **responsibilities** under this policy and (3) displaying inclusive **awareness raising materials** within offices on this policy.
- c. Ensuring **safe recruitment** through implementing a thorough screening process that encompasses robust background checks, reference checks, comprehensive interviews inclusive of questions specifically aimed at PSEAH and a self-declaration on previous sanctions relating to SEAH during previous employments.
- d. Having **dedicated CoC and safeguarding staff** at all organizational levels<sup>35</sup> (i.e. HQ, regional offices, and country operations) that will, in relation to PSEAH, take the following actions:
  - further train staff
  - raise awareness among people of concern,
  - handle reported cases based on internal applicable rules and
  - respond to sensitive cases by prioritizing the safety, dignity and recovery of the survivor.
- e. Allocating and guaranteeing resources at every level of the organization to proactively prevent SEAH incidents, facilitate the reporting of such cases, and ensure a timely and appropriate response.
- f. Requiring all **DRC's suppliers** to abide by DRC's Suppliers Code of Conduct and DRC's General Conditions of contract, which contain specific SEAH clauses.

<sup>35</sup> See CoCRM OH, CT CoCRM 7 - CoCRM Rightsizing Guidance Tool, 2023.

- g.** Engaging local communities in **identifying SEAH-related risks** associated to the program or project activities and the best ways of prevention and mitigation that are to be incorporated into the design and implementation of the above mentioned.
- h.** Designing and implementing programmes and activities based on an assessment of SEAH risks and understanding of SEAH vulnerabilities of different groups and taking into account organisational and contextual constraints so that the proposed action is safe in relation to PSEAH for communities.<sup>36</sup>
- i.** Implementing, by programme teams, PSEAH strategies and actions within project plans.
- j.** **Informing and raising awareness** with the program participants and affected communities about DRC's commitments under this policy, about the behavior they should expect from DRC's Workforce, partners, and service providers, about how to report suspected violations and the response DRC provides.
- k.** Participating in inter-agency working groups, forums, platforms that are engaged in PSEAH.

## II.1.2. Enabling reports

*DRC commits to and assumes responsibility for setting mechanisms and having in place procedures that would enable reporting of serious allegations of misconduct, including SEAH, for its Workforce, people of concern, communities, and stakeholders, through the implementation of the following measures at institutional level:*

### Regarding DRC's Workforce, partners, and suppliers

- a.** Setting up adequate and confidential **channels<sup>37</sup> for its Workforce and partners** that would allow them to report any suspicion of serious misconduct, including SEAH.
- b.** Informing its **Workforce and partners**, through training sessions and inclusive awareness raising materials about
  - The existing channels for reporting,
  - The **obligation to report** any suspicion of serious misconduct, including SEAH,
  - The RSMs handling process and what can be expected in terms of assistance and response.
- c.** Training its Workforce and particularly those who are likely to come into contact with members of the community on how to receive a sensitive disclosure, in a way that prevents further traumatization.

### Regarding PoC, affected communities and other stakeholders

- d.** Consulting with communities and people affected by crisis on the design, implementation and monitoring of complaints-handling processes and community-based reporting system, in order

<sup>36</sup> See DRC's Code of Conduct, 2022 DRC's CoCRM Operations Handbook, 2023 DRC's Global CFM guidance, p-70-73, 2022.

<sup>37</sup> See DRC's Code of Conduct, DRC's CoCRM Operations Handbook, DRC's Global CFM guidance, p-70-73, 2022.

to identify the barriers to reporting that a survivor may experience based on their gender, disability, race, age and other intersecting identities<sup>38</sup>.

- e. Setting up various local channels (i.e. CoCRM, CFM)<sup>39</sup> for raising concerns or reporting SEAH, that are safe, culturally and gender-sensitive, inclusive and confidential.
- f. Communicating how the reporting mechanisms i.e. CoCRM channels, CFM reporting lines can be accessed, the scope of issues they can address and what sort of assistance or response can be expected in formats, languages and manners that are appropriate, culturally and gender sensitive<sup>40</sup>.

## In general

- g. Ensuring the reporting mechanisms (i.e. CoCRM, CFM) and RSMs handling procedures (i.e. CoCRM Operations Handbook, Investigation guidelines) comply with the core standards for reporting: safety, confidentiality, transparency, accessibility.
- h. Setting procedures for the RSMs-handling that would allow the **RSMs' management in a timely, fair, and appropriate manner that prioritizes the safety** of the complainant and those affected at all stages<sup>41</sup>.
- i. Allowing anonymous RSMs, without having a statute of limitations on making reports of SEAH.
- j. Designing and documenting the RSMs handling procedures in a way **that reduces the risk of re-traumatizing the survivor**.
- k. Conveying messages among the DRC's Workforce, PoC and partners about DRC's zero tolerance for any form of **retaliation** against those who report suspected or known SEAH cases in good faith or participate in investigations.
- l. Ensuring that RSMs that do not fall within the scope of DRC are referred to the relevant party in a manner consistent with good practice.

## II.1.3. Response

*DRC takes seriously all concerns and reports of suspected misconduct about SEAH thus, commits to and assumes responsibility for acting upon potential or actual SEAH by its Workforce in a timely and systematic manner, following a survivor-centered approach, through the implementation of the following measures at institutional level:*

- a. Initiating without delay, as per internal procedures, rigorous **internal administrative investigation** of reports of suspected misconduct that indicate a possible violation of this policy, following a **survivor-centered approach**, which, in terms of an investigations it means placing the interests of the survivor(s) at the center of all decisions and actions taken, obtaining

<sup>38</sup> For guidance, consult DRC's Global Community Feedback Mechanism (CFM) guidance and toolkit, 2022.

<sup>39</sup> For guidance, see DRC's CoCRM OH, 2023, and DRC's CFM guidance and toolkit, 2022.

<sup>40</sup> See also DRC's Global CFM guidance on communicating with communities, p.135-143, 2022.

<sup>41</sup> DRC's CoCRM donor reporting Guidelines, 2022, will be followed in this sense.

the informed consent of the survivor to proceed with the investigation and the sharing of their identity internally or externally to DRC.

- b.** Guaranteeing that survivors of SEAH have access to prompt, professional assistance and can be referred to qualified service providers, as deemed suitable and with the survivor's consent, regardless of whether an investigation has been initiated.
- c.** Ensuring that, parallel to an investigation, survivors of SEAH can **receive immediate professional assistance and be referred to qualified service providers**, if appropriate and consented by the survivor.  
Identifying and respecting their needs, wishes, choices, well-being and safety will be at the center of handling such cases.
- d.** Training its Workforce in **receiving a disclosure** and its SaG & CoC FPs in **responding to and handling safeguarding cases**, including PSEAH ones in terms of managing a collaborative, multidisciplinary process. This process assesses, plans, implements, coordinates, monitors and evaluates options and services to meet the survivor's needs to promote quality and effective outcomes.
- e.** Acknowledging through DRC's CoC provisions that SEAH constitute acts of gross misconduct and are therefore grounds for **disciplinary actions or contractual measures**, including the immediate termination of the contractual relationship with DRC and committing to initiating appropriate disciplinary actions or contractual measures for the substantiated cases of PSEAH, while taking into consideration the safety and well-being of the survivor.
- f.** Reporting to donors known or suspected cases of SEAH<sup>34</sup>, considering the donors' requirements and the correspondent contractual obligations, while ensuring GDPR and data responsibility measures are respected at all times. Personal identifiable data and confidential case information will not be provided to third parties.

## II.2. DRC's Workforce responsibility

*In order to protect the adults at particular risk and children from sexual exploitation, abuse and harassment, and to ensure the integrity of DRC's activities, DRC's Workforce must abide by all the rules of conduct regarding SEAH reflected within DRC's CoC, notably adhering to the following core principles, which directly echo the IASC Six Core Principles<sup>42</sup>*

### Correlation between DRC's PSEAH related rules of conduct and the IASC Six Core Principles

#### DRC's Protection from Sexual Exploitation, Abuse and sexual Harassment rules of conduct

#### IASC Six Core Principles on Sexual Exploitation and Abuse

*Sexual Exploitation, Sexual Abuse and Sexual Harassment constitute acts of gross misconduct and are therefore grounds for disciplinary actions or contractual measures, including the immediate termination of my contract with DRC.*

1

*Sexual exploitation and abuse by humanitarian workers constitute acts of gross misconduct and are therefore grounds for termination of employment.*

*It is prohibited to request or engage in sexual activity with Children (persons under the age of 18) regardless of the age of majority or age of consent locally. This includes inciting or forcing Children to take part in activities of a sexual nature. Mistaken belief in the age of the child does not constitute a defence.*

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.*

*It is prohibited to engage in Sexual Exploitation, Sexual Abuse and Sexual Harassment of any person, and there is a particular duty of care towards women, Children, and other vulnerable individuals and groups.*

*It is prohibited to either request or obtain any service or favour from any other person in return for protection or assistance. Exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour is prohibited.*

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.*

<sup>42</sup> [IASC Six Core Principles Relating to Sexual Exploitation and Abuse, 2019](#)

*It is prohibited to abuse the power and influence that one has by virtue of their rank, position or authority over the lives and well-being of any other person. Therefore, it is prohibited to have or engage in any exploitative or abusive relationship with any person, whether intimate, sexual, emotional, financial or employment related.*

*It is prohibited to have or engage in any intimate or sexual relationships with Persons of Concern benefiting from or affected by DRC's assistance, programmes and activities, or with members of their immediate family.*



4

*Any sexual relationship between those providing humanitarian assistance and protection and a person benefitting from such humanitarian assistance and protection that involves improper use of rank or position is prohibited. Such relationships undermine the credibility and integrity of humanitarian aid work.*



*There is an obligation to report all suspicions of Sexual Exploitation, Sexual Abuse and Sexual Harassment involving humanitarian workers to DRC's Code of Conduct Reporting Mechanism.*



5

*Where a humanitarian worker develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same agency or not, he or she must report such concerns via established agency reporting mechanisms.*



*Managers have to recognise and uphold their particular responsibility to support and develop systems which maintain an environment which prevents and responds to Sexual Exploitation, Sexual Abuse and Sexual Harassment.*

6

*Humanitarian workers are obliged to create and maintain an environment which prevents sexual exploitation and abuse and promotes the implementation of their code of conduct. Managers at all levels have particular responsibilities to support and develop systems which maintain this environment.*

## VERSION AND APPROVAL HISTORY

Version no.	Lead Author	Date	Reviewer / approver	Date
1.0	Madalina Lumaicu, Safeguarding (PSEAH) Global Advisor	September 2023	DRC's Executive Management Team	September 5 <sup>th</sup> , 2023