

# Children and Youth International

Policy for Protection from Sexual Harassment and Abuse  
(PSEA)

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## 1. Introduction

- (a) All forms of sexual exploitation and abuse (SEA) are a violation of human rights and an abuse of a position of power over a vulnerable population that the United Nations and other humanitarian and development actors have pledged to protect. SEA can lead to serious, sometimes life-long, adverse consequences for the survivors, particularly child survivors. Furthermore, SEA undermines the integrity and reputation of any organisation. Recent failures by UN agencies and NGOs to respond effectively to allegations underscore the urgent need to scale up efforts.
- (b) CYI is fully committed to improving protection from sexual exploitation and abuse, and has a zero-tolerance policy on all kinds of harassment. We continue to strive to ensure having adequate safeguards and taking appropriate action to tackle SEA, and update these policy as required.
- (c) The objective of this Policy is to promulgate policy of zero tolerance for sexual exploitation and abuse (SEA) for all CYI employees, volunteers, and related personnel and ensure that roles, responsibilities and expected standards of conduct in relation to SEA are known within CYI. To create and maintain a safe environment, free from SEA, by taking appropriate measures for this purpose, internally and in the communities where CYI operates, through robust prevention and response work.
- (d) This policy is for all CYI employees, volunteers and related personnel.

**Effective Date:** 10.06.2022

**Mandatory Revision Date:** 10.06.2026

## 2. PSEA Policy

- (a) Policy statement:

- (i) SEA violates universally recognized international legal norms and standards and are unacceptable behaviors and prohibited conduct for all humanitarian workers, including CYI's employees, volunteers and related personnel.
  - (ii) CYI has a policy of zero tolerance towards SEA. All CYI employees, volunteers and related personnel are expected to uphold the highest standards of personal and professional conduct at all times, and to provide humanitarian assistance and services in a manner that respects and fosters the rights of beneficiaries and other vulnerable members of the local communities.
- (b) Scope of application:
- (i) This policy sets out CYI's approach to prevent and respond to SEA. The policy applies to all employees, volunteers and related personnel, both on-and off-duty.
- (c) Definitions:
- (i) For the purposes of the present policy 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.
  - (ii) Similarly, the term 'sexual abuse' means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.
- (d) Commitment to PSEA:
- (i) CYI will make every effort to create and maintain a safe environment, free from SEA, and shall take appropriate measures for this purpose in the communities where it operates, through a robust PSEA framework, including prevention and response measures.
  - (ii) This PSEA framework affirms CYI commitment to the UN Secretary General's Bulletin on Special Measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13) and to achieving full, ongoing implementation of the IASC Six Core Principles relating to SEA.
- (e) Six core principles:
- (i) SEA by CYI employees, volunteers and related personnel constitute acts of gross misconduct and are therefore grounds for termination of employment/volunteering involvement.
  - (ii) 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 defense.

- (iii) Exchange of money, employment, goods, or services for sex, including sexual favors or other forms of humiliating, degrading or exploitative behavior is prohibited. This includes exchange of assistance that is due to beneficiaries.
- (iv) Any sexual relationship between CYI employees or related personnel and beneficiaries of assistance or other vulnerable members of the local community that involves improper use of rank or position is prohibited. Such relationships undermine the credibility and integrity of humanitarian aid work.
- (v) Where an CYI employee or related personnel develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same organization or not, he or she must report such concerns via established reporting mechanisms.
- (vi) All CYI employees, volunteers and related personnel are obliged to create and maintain an environment which prevents SEA and promotes the implementation of this policy. Managers at all levels have particular responsibilities to support and develop systems which maintain this environment.

(f) PSEA framework:

(i) Prevention:

- (1) Vetting: CYI systematically vets all prospective job candidates in accordance with established screening procedures.
- (2) Training: CYI holds mandatory induction and refresher trainings<sup>[7]</sup> for all employees, volunteers and related personnel on the Organization's SEA policy and procedures.

(ii) Response:

- (1) Reporting: CYI has safe, confidential and accessible mechanisms and procedures for personnel, beneficiaries and communities, including children, to report SEA allegations and ensures that beneficiaries are aware of these.
- (2) Investigation: CYI has a process for investigation of SEA allegations in place and shall properly and without delay conduct an investigation of SEA by its employees or related personnel or refer to the proper investigative body if the perpetrator is affiliated with another entity.
- (3) Referral to National Authorities: If, after proper investigation, there is evidence to support allegations of SEA, these cases may be referred to national authorities for criminal prosecution.

(4) Victim assistance: CYI has a system to promptly refer SEA survivors to available services, based on their needs and consent.

(iii) Cooperative arrangements:

- (1) All CYI's contracts and partnership agreements include a standard clause requiring contractors, suppliers, consultants and sub-partners to commit to a zero-tolerance policy on SEA and to take measures to prevent and respond to SEA.
- (2) The failure of those entities or individuals to take preventive measures against SEA, to investigate allegations thereof, or to take corrective action when SEA has occurred, shall constitute grounds for termination of any cooperative arrangement.

### 3. Prevention: Sensitive recruitment, contracting, and performance management

While CYI does not have any current staff members, it is important to have a policy should this need arise. When recruiting volunteers for mandated positions, the checklist below must be adapted and applied as well.

- Include a sentence in job announcements and calls for mandated volunteering positions to notify candidates that background and reference checks will be conducted and ethics is part of annual performance appraisals
- Require applicants to self-declare prior issues of sexual or other misconduct, termination of past employment, criminal records, and concerns registered with government authorities regarding contact with children, and to consent to the disclosure of any such information by their former employers during verification of references
- Conduct background checks (e.g. police records, Google searches) and contact references to vet for former misconduct in accordance with local laws regarding employment, privacy and data protection
- Ensure gender-balanced interview panels during hiring processes and conduct gender neutral interviews

- Ask candidates interview questions about ethics and ethical dilemmas (e.g. What's your idea of an ethical organization? Tell me about a time when you faced an ethical challenge.)
- Require candidates to review and sign the code of conduct before being offered a contract
- Include a PSEA clause in employment contracts, including when subcontracting
- Outline disciplinary measures in the event of proven SEA allegations (e.g. termination of contract)
- Include training in PSEA as part of onboarding process and provide refresher courses at regular intervals during employment tenure
- Include adherence to code of conduct (e.g. participation in PSEA trainings) in performance appraisals of staff
- Include in the performance appraisals of senior staff their effectiveness in creating and maintaining an environment which prevents and responds to SEA
- Freeze professional advancement/recruitment opportunities of individuals under investigation
- In cases of confirmed misconduct, take robust disciplinary action (e.g. dismissal, suspension, written censure or other administrative/corrective measures) and, where this involves possible criminal conduct, consider reporting the incident to local law enforcement authorities<sup>[3]</sup>
- Maintain an internal database documenting any disciplinary measures on personnel, including dismissals, to avoid rehiring them at a later point in time
- Systematically share relevant information of personnel known to have committed SEA with other potential employers during background checks, to the extent legally possible.

## 4. Prevention: Training and Awareness

It is crucial that awareness is created around the existing PSEA Policy, including CYI's zero-tolerance policy on sexual harassment and abuse, and the procedures put in place to secure the victim's rights and protection.

### **How do we create awareness?**

- Mandatory PSEA Training for all employees, volunteers, and related staff.
- Organise regular activities (both pre-planned or on request) within a safe space, specifically focused on enhancing the understanding and awareness of these matters.
- Associated and relevant information is included in all documentation and outlets related to membership, processes and procedures and engagement guides.

All staff and mandate holders at CYI must complete PSEA training. At least one yearly training will be provided for staff and mandated holders/volunteers to participate in. Alternatively, a recorded version will be available, provided the attendee also fills in the final feedback form.

These trainings are mandatory and need to complete training within one year of start of the employment.

Draft agenda (timing can be adapted by trainer provided it hits all the points below):



ACTIVITY	EST. TIME	RESOURCES
<b>INTRODUCTION</b>		
<p><b>Welcome and introduction</b></p> <ul style="list-style-type: none"> <li>· Introduction of trainer(s) and learners</li> <li>· Overview of training agenda</li> <li>· Expected learning outcomes</li> </ul>	<b>5 min</b>	Slide: Training agenda
<p><b>Presentation: Key definitions and concepts</b></p> <ul style="list-style-type: none"> <li>· Definition of SEA</li> <li>· UN Zero-Tolerance Policy on SEA</li> <li>· Roles and responsibilities of personnel in preventing and responding to SEA</li> </ul>	<b>10 min</b>	Slide/handouts: links to SG's Bulletin ( <a href="#">ST/SGB/2003/13</a> ), organization's PSEA and other relevant documents
<p><b>Case scenarios: Is this SEA?</b></p> <ul style="list-style-type: none"> <li>· Present practical scenarios and discuss which ones may be cases of SEA and why</li> <li>· Optional group exercise asking learners to identify the (potential) consequences of SEA on a) the survivor(s), b) the community, c) the organization, and d) others</li> </ul>	<b>10 min</b>	
<p><b>Presentation: Guiding Principles</b></p> <ul style="list-style-type: none"> <li>· Overview of responses to SEA (prevention, reporting, investigation and referral)</li> <li>· Guiding principles (including survivor-centered approach)</li> </ul>	<b>5 min</b>	Handout of relevant tools of UNICEF's <i>PSEA Practical Guide Toolkit for UNICEF and Partners</i> (e.g. organizational self-assessment, action plan template, PSEA risk assessment and mitigation)
<p><b>Group discussion: Prevention</b></p> <ul style="list-style-type: none"> <li>· Discuss in groups how to identify and mitigate risks of SEA in their context (What are warning signs? Why are they ignored? What more can the organization do to prevent SEA?)</li> </ul>	<b>10 min</b>	

<p><b>Presentation: Key actions from personnel and mandate holders</b></p> <ol style="list-style-type: none"> <li><b>1. Reporting</b> <ol style="list-style-type: none"> <li>a. Mandatory reporting</li> <li>b. How to report SEA allegations, including confidentiality issues and “the best interest of the child”</li> <li>c. Protections for those reporting SEA allegations</li> </ol> </li> <li><b>2. Investigations</b> <ol style="list-style-type: none"> <li>a. Overview of investigation process</li> <li>b. Consequences for personnel if allegations are substantiated</li> <li>c. Responsibilities of personnel to fully participate in any investigation</li> </ol> </li> <li><b>3. Assistance</b> <ol style="list-style-type: none"> <li>a. Service needs of survivors (and witnesses)</li> <li>b. Survivor-centered approaches and informed consent</li> <li>c. Referral pathways</li> </ol> </li> </ol>	<p><b>20 min</b></p>	<p>Handout with contact information of reporting channels and policy for protecting whistleblowers and/or complainants</p>
<p><b>Conclusions</b></p> <ul style="list-style-type: none"> <li>· Summary of key learnings</li> <li>· Ask each learner to provide at least one answer to the question: “How do you plan to apply what you just learned in your work?”</li> <li>· Feedback on training</li> </ul>	<p><b>10 min</b></p>	<p>Feedback forms to be completed individually</p>

## 5. Response: Reporting

### Principles

Reporting is a crucial part of all PSEA. All our processes and our members need **to abide to the core principles of effective reporting:**

- **Safety:** avoid creating or exacerbating risks for those reporting allegations or concerns, as well as other parties involved (e.g. survivor, alleged perpetrator). This involves ensuring strong referral procedures and protection measures. We also need to restrict access to incident reports and keep reports stored safely (e.g. using passwords or encryptions for computers and lock offices when unattended).

- Confidentiality: enforce strict information-sharing practices, i.e. limiting the number of people who have access to the reported information; using code names when referring to those involved and omitting information that could reveal their identity (e.g. date of birth, address, phone number, description of unique physical traits); and keeping information on the identity and personal information separate from incident and related reports. People also have the option of anonymous reporting.
- Transparency: obtain prior informed consent of the complainant, unless the complainant is a UN or partner personnel, who have a mandatory obligation to report SEA. Organizations should share confidentiality procedures with all complainants, explaining clearly how information will be shared, with whom and for what purpose, including for investigations and assistance to survivors. This also includes notice of our obligations for mandatory reporting.
- Accessibility: make reporting mechanisms easy-to-use and remove potential barriers for usage (e.g. difficult or foreign language, costs and time needed for using them), keeping in mind our target audiences, including people of different ages, genders, educational backgrounds, abilities, etc.

## Channels

The reporting process provides different options for first contact:

- An in-person or virtual meeting can be scheduled with the existing Grievances and Redressal Mechanism Focal Point within our Board.
- We also offer the option of contacting one of our trained constituencies' Focal Points who will also be able to access the reporting form and have been trained in the addressal procedures. If for any reason the person is not comfortable with speaking with any of these, they can contact whoever they feel more comfortable within the organization and ask for help in identifying the best Focal Point to talk to.
- As well, an email may be sent instead of a meeting if that is more comfortable. This can be done both from their personal email or also from an anonymous email - if they do not feel comfortable disclosing their identity
- We also accept reports coming from external and community-based sources, if the victim felt more comfortable reporting to an organization in their community.

## Internal and external reporting

The Focal Point recording the SEA allegation should do so using the template form provided. They need to pay special care to ensure the confidentiality of the individuals involved is protected. If an email is received and essential information is required, they may follow up to

ask questions via email or during the meeting, in whatever form is most comfortable for the one reporting. When reporting, the Focal Point should remember to:

- Use the complainant's own wording to describe facts, violations and persons involved in the case to the extent possible.
- Indicate where relevant information is missing and add essential contextual information where needed.
- Remember that their role is not to investigate but rather to relate the facts for others to follow-up.

When possible, the contacted Focal Point should refer to the Grievances and Redressal Mechanism Focal point for them to proceed with coordinating the investigation and the referral processes. If a conflict of interest arises, the contacted Focal Point may proceed themselves or contact the Chair or Vice-Chair for help. If needed, for instance for budget implications or for something requiring immediate attention, they should involve the Treasurer or Chair of the Board.

The Board will also be notified promptly of any allegations and investigations while maintaining the safety of all involved.

Similarly, if a person from a different entity is involved in the allegation, it is the responsibility of the Focal Point to also report the allegation promptly to the entity. The safety of all involved is paramount and should take precedence.

If the investigation finds the person guilty, the abuse should also be reported to local authorities.

### Communications

All this, including the different channels available for reporting, will be included in the mandatory training for all new staff and volunteers. This is both in the meeting and as a follow-up brief explaining our standards, responsibilities, as well as right. It will also be on our website for easy access to all internal and external people. When beneficiaries are introduced to our programmes, they will also be made aware of this both verbally and in writing.

Both verbal and written communication must include:

- A clear description of behaviors that constitute SEA, stressing the need to report when in doubt about a case
- The obligation of all personnel to report any suspicions or concerns and consequences for failing to report (a warning; third warning would terminate their mandate with CYI)

- The option of reporting information anonymously via anonymous email
- The organization's protections for those who makes an allegation in good faith (e.g. whistleblower policy, protection plans for complainants)
- Details regarding how to contact the Focal Points and the template form so that they can see what information to share to allow for proper response and follow-up
- Explanation of how the organization will use the information (i.e. the Focal Points who will be involved and our policy of protecting first and foremost the safety of those involved including the victim and any whistleblower).

### **Sample Incident Report Form for SEA Allegations**

**CONFIDENTIAL: Please restrict access to this document and keep it stored safely (e.g. using passwords or encryptions for computers and locking lock offices when unattended). Always use code names when referring to individuals involved in the case, omit information that could reveal identities (e.g. date of birth, address, phone number, description of unique physical traits) and keep information on the identity and personal details of persons involved separate from incident and related reports.**

1. Details on how, when, and by whom, the allegation was received:
2. Description of alleged incident, including dates, times and locations:
3. Description of alleged or suspected survivors (e.g. name, age, gender, ethnic origin/nationality, specific needs):
4. Description of alleged or suspected perpetrators (e.g. name, age, gender, nationality, organizational affiliation/position, previous record of misconduct):
5. Actions taken by organization in response to allegations to date (e.g. referral for assistance, investigations, notification of UN/Host Government):
6. Actions taken by other organizations or entities (e.g. UN, Host Government) in response to the allegation:
7. Requested support from partners (e.g. support for SEA survivors, investigations)

**Report transmitted by:**

Name:	Contact info (email, phone):
Title:	Date:

## 6. Response: Referrals

### Referral responsibilities

Global policies on PSEA underline that a survivor-centred and rights-based approach that supports the survivors to receive the protections and remedies they desire, need and are entitled to. Furthermore, supporting survivors to access quality services in a timely manner is essential to help survivors, beneficiaries and others regain trust in the integrity of organizations.

The needs may include:

Type of service	Description
<b>Safety</b>	Immediate safety or protection measures for survivors and witnesses to address the risk of retaliation or further violence, such as survivor safety planning, safe shelter (i.e. space that offers temporary safety to individuals fleeing harm), relocation support
<b>Medical care</b>	Medical care, including post-exposure prophylaxis (PEP) to prevent HIV ((within 72 hours of possible exposure); treatment for Sexually Transmitted Infections (STIs), pregnancy care, emergency contraception
<b>Psychosocial support</b>	Mental health care, emotional and practical support, either individually or community-based

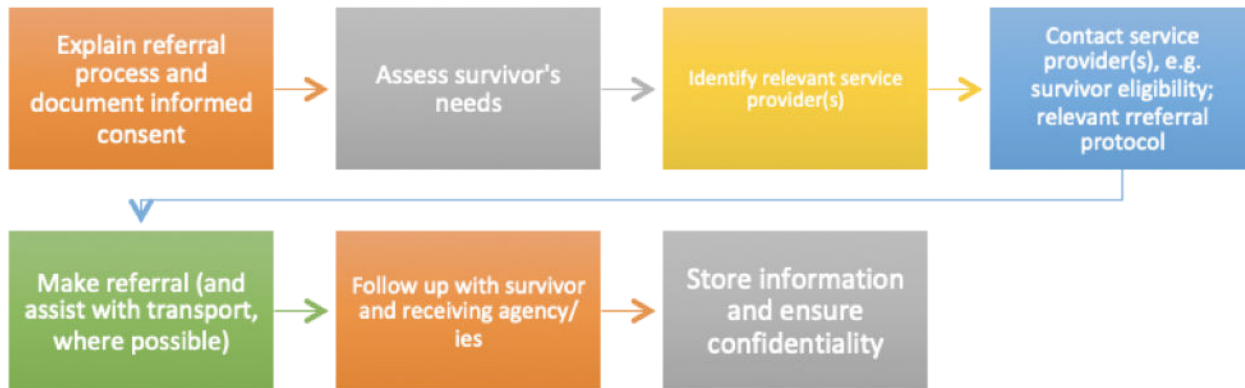
<b>Legal services</b>	Legal assistance services, including free legal counselling, legal representation and other support (Note: If possible, such legal representation and support should be provided independently from the alleged perpetrator's employer.)
<b>Basic material assistance</b>	Provision of food, clothing, shelter, school re-integration and livelihood support to the survivor
<b>Support for children born as a result of SEA</b>	Medical and psychosocial care and pursuit of paternity and child support claims, in conjunction with relevant national governments

### Focal Points' responsibilities

It is the responsibility of the Focal Point to ensure survivors of SEA allegedly perpetrated by their personnel receive immediate professional assistance by referring them to relevant service providers where consent is given. The focal point should act on the following aspects:

- **Ensure that survivors have access to assistance** regardless of the decisions by CYI or others to investigate the case and regardless of the outcome of an investigation. Survivors are also not required to identify the perpetrator or prove that they are survivors of SEA to access services. As appropriate organizations should account for the protection and support needs of witnesses, complainants, alleged perpetrators and other individuals connected to the case.
- **Be ready to identify and refer to local service providers**, which should provide options for both children and adult survivors where relevant (e.g. names of a pediatric and adult medical care provider). Since CYI is based in New York, the main local providers have already been collected and can be accessed for all genders and ages at: <https://nownyc.org/womens-justice-now/get-help/>. However, should the allegations be made regarding someone not based in New York, the Focal Point should promptly identify services easily available for the victim. They may want to use or adapt the mapping of existing GBV and CP services and referral pathways of relevant inter-agency bodies, such as the in-country PSEA Network and in-country GBV and CP coordination groups. In cases involving children or young adults, we should also consult with UNICEF country offices.
- **Follow our set procedure to guide the referral process**, which is aligned with existing inter-agency procedures and protocols. These are outlined in the graph below. The Focal Point should make use of the template referral form provided. All Focal points will be adequately trained on how to safely and confidentially refer GBV/SEA cases for assistance, including those cases involving children. If possible, the process should

entail referring the survivor first to a case manager or social worker, who can then facilitate referral to other appropriate services. If the Focal Point is for any reason unable to conduct the referral process on their own, they should contact external GBV or CP service providers or organizations for support.



- **Always obtain informed and voluntary consent** before facilitating assistance, respecting the right of a person, including children (depending on their age and capacities), to freely choose which type of support services they want to access or to decline services entirely. To ensure informed consent, the Focal Point must ensure that the adult or child survivor fully understands the services available and the referral process, potential risks and benefits of receiving services, and what information will be collected and how it will be used, including confidentiality and its limits. During this consultation, the Focal Point should avoid raising unrealistic expectations among survivors particularly in locations where adequate services are limited, such as remote or emergency settings. When dealing with children, Focal Points should communicate the information in a child-friendly manner, adapting it to the child's age, maturity, language, gender and culture (i.e. simplifying content) and obtain informed consent from both the child (taking into account his/her evolving capacities) and one of the child's parents or guardians. At the same time, it is essential for organizations to ensure that the best interest of the child serve as the primary guide for making decisions regarding assistance and referrals (see point below).
- In the case of children, **prioritize the best interests of the child**, choosing the course of action that is most effective in protecting the child's rights to safety and ongoing development. For example, in some cultures, the survivor's parents/caregivers may want (or force) the girl to get married to the alleged perpetrator to "protect family dignity" or for other reasons, which violates the girl's rights and exposes her to additional harm. In such instances, experienced caseworkers can help the girl and her



parents/caregivers make informed decisions, applying the best interests of the child principle. Depending on their in-house expertise and the complexity of the case, organizations may also need to request technical support from UNICEF and/or other GBV and CP partners.

- **Respect confidentiality**, protecting identifying information of all those involved in the alleged incident. Organizations should collect, share and store information on these cases safely and according to agreed-upon data protection policies (also see “[principles of effective reporting](#)” in Reporting Section). In particular, organizations should share this information only with a limited number of individuals and on a “need-to-know” basis and ensure this happens with the survivor’s explicit permission. In exceptional cases, organizations may need to refer cases – even without the survivor’s informed consent – when there are safety concerns for the survivor or others or when they are required by law to report crimes. Organizations should always explain to survivors (and/or their guardians where appropriate) these limitations of confidentiality.
- **Consider potential risks for survivors (and their families) and take safety precautions, as needed.** This means being careful to avoid causing any additional harm to survivors (and their families) as a result of how the case is being managed (e.g. possible revenge acts due to mishandling of case information). Organizations should also be careful to manage survivors’ expectations regarding the organization’s capacity to ensure the survivor’s safety.

## **REFERRAL FORM**

**CONFIDENTIAL: Please restrict access to this document and keep it stored safely.**

Note: Please share copies of filled out referral forms with the survivor and receiving agency and keep a copy for the organization’s internal records and follow-up.

Referring agency	
Agency/org:	Contact:
Phone:	Email:
Location	

Receiving agency

Agency/org:	Contact:
Phone:	Email:
Location	

Survivor information	
Name:	Phone:
Address:	Age:
Sex	Nationality:
Language:	ID number
If survivor is a minor (under 18)	
Name of primary caregiver:	Relationship to child:
Contact information for caregiver:	Is child separated or unaccompanied? c Yes c No
Caregiver is informed about referral? c Yes c No (If no, explain)	

Background Information/Reason for referral and services already provided	
Has the survivor been informed of the referral? c Yes c No (If no, explain below)	Has the survivor been referred to any other organization? c Yes c No (If yes, explain below)

Services requested		
c Mental Health Services	c Protection Services	c Shelter
c Psychosocial Support	c Legal Assistance	c Material Assistance
c Social Services	c Education	c Nutrition
c Medical Care	c Livelihood Support	c Support for children born as a result of SEA
Please explain any requested services:		

**Consent to release information. (Read with survivor/ caregiver and answer any questions before s/he signs below. Sign on behalf of survivor/caregiver if consent is given verbally and survivor/caregiver cannot sign.)**

I, \_\_\_\_\_ (**survivor name**), understand that the purpose of the referral and of disclosing this information to \_\_\_\_\_ (**name of receiving agency**) is to ensure the safety and continuity of care among service providers seeking to serve the client. The service provider, \_\_\_\_\_ (**name of referring agency**), has clearly explained the procedure of the referral to me and has listed the exact information that is to be disclosed. By signing this form, I authorize this exchange of information.

Signature of responsible party (survivor or caregiver if a child):

Date (DD/MM/YY):

#### Details of Referral

Any contact or other restrictions?  Yes  No (If yes, please explain below)

Referral delivered via:  Phone (emergency only)  E-mail  Electronically (e.g., App or database)  In Person

Follow-up expected via:  Phone  E-mail  In Person. By date (DD/MM/YY):

Information agencies agree to exchange in follow up:

Name and signature of recipient:

Date received (DD/MM/YY):

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## 7. Response: Investigations

### Determining our capacity for investigation

Investigating allegations is essential to implementing the zero-tolerance policy of CYI as well as of the UN on SEA and increasing accountability for violations. Our policy requires us to ensure that investigations of allegations of SEA involving their personnel take place without delay. However, conducting such investigations can be a dangerous, complex and oftentimes costly undertaking. We may lack the internal capacities or resources needed to conduct or oversee the needed investigations; when this is the case, the Focal Point may work with relevant donors and/or other partner organizations to identify options to meet their needs and capacities (e.g. using pro-bono legal services, requesting a partner to sponsor/deploy investigator(s)).

### Investigation procedure

All investigations must be conducted as survivor-centered, respecting survivors' rights to safety, confidentiality, respect and non-discrimination. The following are some key points to consider:

- **Internally review** all allegations and decide on next steps, including the need for an internal investigation and/or referral to local law enforcement authorities (where appropriate as determined by the organization and when possible, the survivor); immediate consequences for alleged perpetrator in terms of their work (e.g. suspension, change of job responsibilities); assistance for survivors and others; and communication with the parties involved, partners and others. The criteria for making decisions regarding the investigation process include the nature of the abuse (i.e. breach of the organization's code of conduct/national criminal law), reliability of source(s) of allegation, availability of hard evidence (e.g. photographs), and risk(s) for the survivor(s) associated with the investigation process. In general, the involved Focal Points should always keep a record explaining the rationale for their course of action; this is particularly useful if the case will be revisited at a later stage.
- **Hire experienced, impartial and trained investigator(s)** who are qualified to handle cases that require a high degree of sensitivity and confidentiality. A sample TOR may be found at the end of this section. The investigator(s) should speak the language of witnesses and be familiar with local laws if possible. Furthermore, it is critical to agree with the investigator(s) from the outset on the scope of the investigation, coordination and communication processes (e.g. regular check-ins with managers), deliverables and timelines, contingency plans, and other key aspects of the investigation.  
Should funds not be available internally, pro-bono services may be used or help from relevant partner organizations.
- **Identify and manage conflicts of interest** by verifying that personnel and external experts involved in the investigation do not have personal or professional relations to the survivor, witnesses, complainants/whistleblowers, or the alleged perpetrator or have a vested interest in the outcome of the investigation, which may compromise their objectivity. If and when the Focal points become aware of such a conflict of interest, they should immediately remove the concerned individual from the case, stop them from further contact with all parties involved in the case, and request them to agree in writing to keep information on the case confidential.
- **Manage information-sharing and communications** in order to protect those directly involved as well as the integrity of the process. This involves:
  - Distinguishing between communications on the process of an investigation (e.g. state of investigation process), which should be transparent, and details relating

to the case (e.g. identity of parties involved, details of incident), which should be treated confidentially.

- Defining which individuals need to have access to what type of information.
- Having a secure information-management system for keeping electronic and non-electronic data with access limited to those directly involved in managing or overseeing the investigation (e.g. using password protection for computers and keeping them in a secure place; keeping documents in private drive folders; avoiding any identifying information in written communications, such as emails, WhatsApp and others).
- Providing investigators (internal/external) with access to relevant internal documents, records and personnel, as well as adequate and administrative support to conduct investigations effectively.
- Requesting all parties directly involved in the investigation process (e.g. investigators, survivors, witnesses, alleged perpetrators, designated managers/personnel) to keep the content of their interviews confidential.
- Setting up a system for keeping survivors, witnesses, alleged perpetrators and complainants informed on relevant aspects of the investigation process (i.e. determining who is responsible for sharing what type of information with whom and at what frequency).
- **Provide adequate protection and other support to survivors, witnesses and complainants/whistleblowers, and alleged perpetrators** (as part of their duty of care for personnel) throughout the investigation process as needed. Organizations should adapt their support to each person's specific needs and wishes (accounting for age, gender, abilities, other factors) to offer adequate support, closely working with protection actors and those providing services to survivors and others (as outlined in the Referral chapter). For example, individuals directly involved in the case may require independent legal counsel and/or an advisor/support person to provide emotional support, share updates on the investigation, and to serve as a liaison with the investigation team as needed. Child survivors and witnesses are likely to require additional support to ensure that the investigation process is conducted in a child-friendly manner (e.g. child-friendly interview techniques, engagement of parents/caretaker).
- **Assess and manage risks relating to the investigation process** by conducting a comprehensive risk assessment (template provided at the end of this section). If risks are substantial, the Focal Points should develop robust protection plans. It is

important to review the risk assessments (and protection plans) regularly as the situation may be evolving.

- **Follow up on investigation outcomes**, including through the following actions:
  - Make the outcomes of the investigation available to the survivor and accused party and follow up with them to find out if they require additional psychosocial or other support through referral services.
  - In case a complaint is substantiated, take appropriate disciplinary actions against the perpetrator that corresponds to the severity of the offense committed, ranging from a written reprimand to dismissal. Update personnel files of the perpetrator accordingly and share relevant information with potential employers as part of their background checks to the extent legally possible.
  - Report the case to relevant local law enforcement authorities, including the police and/or judicial authorities, and, if the case concerns a child, relevant child protection institutions, as needed and where considered appropriate by the organization and when possible, the survivor.
  - The Board should use investigation reports to identify institutional weaknesses in preventing and responding to PSEA that require changes in the organization's policies, procedures and staffing.

## 8. Response: Consequences

CYI has a zero-tolerance policy on all types of harassment, including SEA. Disciplinary action will be taken corresponding to the severity of the offense committed, ranging from a written reprimand to dismissal. Personnel files of the perpetrator will be updated accordingly and share relevant information with potential employers as part of their background checks to the extent legally possible

## **Terms of Reference:**

### **Investigator of SEA Allegations**

#### **1. Background**

[Include brief description of the SEA allegation and other relevant information that may support the investigation.]

#### **1. Purpose and Objectives**

The purpose of this investigation is to conduct a thorough, objective and effective investigation of the above-mentioned reported SEA allegations and other related incidents, in accordance with professional standards and best international practice.

Specific objectives are to:

- 1) Assess whether the allegations reasonably amount to SEA, and possibly, an offence under national law;
- 2) Review evidence presented and gather further evidence that might support or undermine the allegations;
- 3) Present a summary of the evidence and conclusions.

#### **2. Scope of Work**

Key deliverables are:

- Work plan, including detailed methodology of investigation (e.g. review of relevant documents, site visit(s), interviews with relevant stakeholders)
- Recommended plan of actions for protecting survivors, witnesses, alleged perpetrators and the organization during investigation process
- Investigation report, including
  - 1) Executive Summary
  - 2) Introduction
  - 3) Allegations (i.e. listing all allegations; names of the organization's policies/code of conduct and laws potentially violated)
  - 4) Investigative approach (e.g. interviews, review of documents)
  - 5) Chronology of events
  - 6) Analysis of evidence
  - 7) Retaliation and protection risks (and steps taken to address them)
  - 8) Analysis of adequacy of organization's response to SEA allegation

- 9) Conclusions regarding evidence to substantiate or not the allegation(s)
- 10) Recommendations (including areas of improvement for the organization's response to PSEA)

### 3. Key Required Skills and Experiences

- Experienced, reliable professional investigator with experience in dealing with highly sensitive cases
- Trained in conducting interviews, including with children and people who experienced trauma
- Demonstrated sensitivity and knowledge to cultural diversity and gender issues, including GBV experience if possible
- Fluent in relevant languages for interviews with personnel and other witnesses, including (specify)
- Proven communication and organizational skills

## Tool 12: Sample Confidentiality Reminder Note for SEA Investigations

### Confidentiality Reminder for SEA Investigations

You have been asked to provide assistance in an investigation of allegations of sexual exploitation or abuse involving personnel that is currently being undertaken. You may be interviewed, asked to provide documents, computer files and other records, or asked to assist in some other way. Internal investigations are a key part of our organization's commitment to preventing and responding to sexual exploitation and abuse.

As a participant in an investigation, there are certain points you need to know:

1. **Co-operate.** You are encouraged to co-operate with the investigations and respond to all questions and requests from investigators honestly and fully.
2. **Keep it confidential.** You must keep confidential the fact that an investigation is underway and anything discussed with you as part of the investigation.
3. **No retaliation.** Our organization does not tolerate any type or threat of retaliation against anyone who reports a violation or cooperates in an investigation.
4. **Don't play detective.** Do not try to carry out your own inquiries or exhort witnesses as this may disrupt the ongoing investigation.
5. **No obstruction.** Never attempt to interfere with or obstruct an investigation.

Your compliance with these requirements is imperative. Violations can potentially result in severe discipline up to and including discharge and referral to criminal charges.



Thank you very much for assisting the organization with its investigation. If you learn or remember anything else that might be relevant to the investigation, or if you have any questions please contact me.

Name:

Email:

Phone:

Mobile:

### Tool 13: Template for Risk Assessment and Management During SEA Investigation<sup>[1]</sup>

**CONFIDENTIAL:** Please restrict access to this document and keep it stored safely.

RISK ASSESSMENT				MANAGEMENT			
No.	Who is at risk?	Identified risk(s)	Likelihood of risk*	Previous measures to manage risk(s) to date	Additional mitigation measures	By whom?	By when
<i>Example</i>	<i>Survivor</i>	<i>Alleged perpetrator or pressuring survivor to withdraw allegations</i>	<i>Medium</i>	<i>Verbal communication to alleged perpetrator to abstain from contact with survivor (3 February 2019)</i>	<i>Written warning to alleged perpetrator regarding consequences of continued contact</i>	<i>Anne</i>	<i>By 5 March 2019 (immediately)</i>
1.							
2.							

3.							
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\* High/Medium /Low

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[1] Adapted from Template of SOS Children's Village, in: Keeping Children Safe, *Management of Child Safeguarding Violations*, 2016.  
<https://www.keepingchildrensafe.org.uk/how-we-keep-children-safe/capacity-building/resources/management-child-safeguarding-all-egations>

