

PREVENTION OF SEXUAL EXPLOITATION, ABUSE AND HARASSMENT POLICY

(Commitments Trust's PSEAH Policy will be in effect from 1st April 2022. It will be reviewed every five years. This policy will be reviewed before 31st March 2027)

INTRODUCTION

COMMITMENTS shares the Vision of similar public organizations that the poor and the disadvantage communities (especially Persons with Disabilities) are enthusiastic to overcome the social, economic, cultural and psychological barriers through their own efforts and self-managed institutions. They are capable of attaining higher productivity with improved skills and capabilities to utilize the resources to full potential and gain access to services. Similarly, the Mission of COMMITMENTS is to enable the poor and disadvantaged (especially Persons with Disabilities) communities to perceive possibilities for change and bring about desired change by exercising informed choices through collective. COMMITMENTS respects and promotes the rights of all people to live free from discrimination and harassment.

PURPOSE

COMMITMENTS is committed to promoting a culture where people are treated with dignity and respect, both in the workplace and in projects conducted by COMMITMENTS and its implementing partner organizations. This policy outlines COMMITMENTS Organization commitment to ensuring:

- effective mechanisms are in place to prevent sexual exploitation, abuse and harassment
- these practices are integrated into our workplace and in the delivery of COMMITMENTS programs
- procedures are in place to raise concerns or allegations, and make complaints, and
- effective action is taken when concerns are raised or allegations are made.

SCOPE OF POLICY

This policy applies to all activities carried out by COMMITMENTS personnel while deployed by or otherwise conducting business for or representing COMMITMENTS. The policy is applicable to all COMMITMENTS personnel, including employees, Directors, volunteers, interns, Ambassadors, contractors and consultants in all locations (in India and overseas).

BACKGROUND

COMMITMENTS believes all people have a right to live their lives free from sexual harassment, sexual abuse, sexual violence, bullying, exploitation and any abuse of power, regardless of age, gender, sexuality, disability, religion, or ethnic origin.

This policy is guided by the United Nations Charter, the Universal Declaration of Human Rights proclaimed by the United Nations General Assembly, and the Inter-Agency Standing Committee (IASC) Protection from Sexual Exploitation and Abuse Global Standard Operation Procedures. COMMITMENTS personnel are obliged to adhere to local and international criminal laws related to sexual exploitation, abuse and harassment (SEAH).

Sexual exploitation, sexual abuse and sexual harassment can take various forms and can happen to anybody at any time during their lives but are more likely when one person is in a position of power over another. COMMITMENTS recognizes that there are unequal power dynamics in the work it conducts, creating an inherent risk of people exploiting a position of power for personal gain. While women and children are particularly at risk of SEAH, all vulnerable populations, including men, are at risk.

If a person does not object to inappropriate behaviour at the time it happens, it does not mean that they are consenting to the behaviour. It may be difficult for the offended person to object, especially if the harasser is in a position of authority.

DEFINITIONS AND EXAMPLES

For the purposes of this policy, the following definitions apply:

Sexual exploitation – any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, threatening or profiting monetarily, socially or politically from the sexual exploitation of another.

Sexual abuse – the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

Sexual harassment – sexually related behaviour that is unwelcomed, unsolicited and unreciprocated and would cause a reasonable person in the circumstances to be offended, humiliated or intimidated. It does not refer to occasional compliments or other mutually acceptable behaviour.

Examples of acts of sexual exploitation and abuse include, but are not limited to:

- Sexual assault (any unwanted or forced sexual act committed without consent) or threat thereof. Sexual assault can occur either against a person's will, by force or coercion, or when a person is incapable of giving consent, such as when they are under duress, under the influence of drugs or alcohol. Force includes:
 - actual physical aggression, including but not limited to: rape, forcible sodomy, forcible oral copulation, sexual assault with an object, sexual battery, forcible fondling (unwanted kissing or touching)
 - threats of physical aggression
 - emotional coercion
 - psychological blackmailing
- Forcing someone to have sex with anyone

- Forcing a person to engage in prostitution or pornography or videotaping or photographing sexual acts and posting it without permission
- Refusing to use safe sex practices
- Alleging or threatening to allege that anyone already has a history of prostitution on legal papers
- Insisting on anything sexual that may be uncomfortable, frightening or hurtful
- Demanding sex in any context or telling someone that they or anyone else are obliged to have sex as a condition for anything.

Examples of behaviour that could be considered sexual harassment include, but are not limited to:

- Unwanted physical contact, sexual suggestions, or demands
- Making obscene or sexually suggestive remarks, insults or jokes that may cause offense
- Name-calling with sexual epithets
- Sending explicit or sexually suggestive emails
- Intrusive enquiries into a worker's private life.

PROHIBITION OF SEXUAL EXPLOITATION, ABUSE AND HARASSMENT (SEAH)

SEAH goes against the beliefs, values and mission of COMMITMENTS. As such, the following activities are strictly prohibited during the course of engagement with COMMITMENTS:

- any form of SEAH by COMMITMENTS employees, volunteers, consultants, implementing partners or any representatives of the organisation associated with the delivery of COMMITMENTS programs
- employees, volunteers and other representatives exchanging money, humanitarian assistance, gifts, preferential treatment, employment, goods or services for sexual services, including sexual favours or other forms of humiliating, degrading or exploitative behaviour
- employees, volunteers and other representatives having sexual relationships with children (defined as anyone under the age of 18), as is made clear in COMMITMENTS Child Protection Policy. Mistaken belief of age is not a defence.

RISK-BASED APPROACH

COMMITMENTS takes a risk-based approach to the management of Prevention of Sexual Exploitation, Abuse and Harassment (PSEAH) in its business activities and has implemented policies, processes and procedures to manage SEAH risks, including:

1. A Prevention of Sexual Exploitation, Abuse and Harassment Policy
2. A Code of Conduct outlining acceptable and unacceptable standards of behaviour
3. A Complaints Policy and processes for investigation and reporting
4. Assessment, monitoring and reporting of SEAH risks for programs and activities

COMMITMENTS will implement additional PSEAH safeguards as required.

RAISING A CONCERN

COMMITMENTS expects employees, volunteers and other representatives of the organisation to report, in line with this policy, any suspicions of inappropriate behaviour, however, there is no obligation for the affected person to report an incident that has happened to them. Nevertheless, in this situation reporting is encouraged if there is reasonable belief that not reporting an incident has the potential for negative consequences for another individual.

If COMMITMENTS staff have experienced sexual exploitation, abuse or harassment at any location where work is being conducted, including on-site at COMMITMENTS offices, off-site or after hours, at work-related activities including conferences, training sessions, insight trips and social functions, they can make a confidential disclosure to the Human Resource Manager.

If the Human Resource Manager suspects the concern disclosed relates to any act of sexual exploitation, abuse and/or harassment, the matter will be escalated to the EXECUTIVE DIRECTOR, who will treat the concern as a formal complaint. Allegations involving criminal sexual misconduct will be reported to the local enforcement authorities unless it is at odds with the wishes or welfare of the affected person, or it would pose a threat to the life or safety of another individual.

HOW TO MAKE A COMPLAINT

COMMITMENTS has internal procedures for handling complaints, including those related to sexual exploitation, abuse and harassment, and non-compliance with this policy or the safeguarding Code of Conduct.

Complaints regarding SEAH can be made by a person to whom COMMITMENTS services or who is affected by COMMITMENTS services, an implementing partner, an organization we work with, employees, interns, volunteers, contractors or sub-contractors, donors, or members of the public. Complaints can be made to the EXECUTIVE DIRECTOR, who is responsible for dealing with the matter and ensuring that an investigation is conducted.

The Executive Director can be contacted on COMMITMENTS or at commitmentask@yahoo.co.in & ed@commitmentstrust.org Alternatively, if a disclosure is about a Director or the Company Secretary, concerns can be reported directly to the Chair of COMMITMENTS Audit and Risk Committee, contactable creddy@apmas.org

During the investigation of the complaint, the complainant will be advised of the process and the expected timeframe for resolution.

COMMITMENTS will not reveal a complainant's name or personal details to anyone outside the organisation without the complainant's permission, unless required by law.

If a victim/survivor of sexual misconduct alleges the perpetrator was an employee or volunteer deployed by COMMITMENTS, or otherwise conducting business for or representing COMMITMENTS, we will consider, on a case by case basis, providing appropriate and effective forms of reparation, including but not limited to access to relevant assistance and support services such as medical, legal and psycho-social services.

COMMITMENTS has a Prevention of Sexual Exploitation, Abuse and Harassment (PSEAH) Focal Person whose role includes:

- acting as the reporting contact for implementing partners to report incidents of SEAH in their organisations
- facilitating SEAH training for COMMITMENTS staff, and
- ensuring practices and standards are current and implemented.

COMMITMENTS will notify relevant enforcement agencies as required. If a complaint relates to alleged instances of sexual exploitation, abuse and harassment or policy non-compliance internally or at an implementing partner, COMMITMENTS will also notify other stakeholders in line with its reporting requirements.

SAFEGUARDING CODE OF CONDUCT AND TRAINING

A Safeguarding Code of Conduct has been developed and must be signed by COMMITMENTS staff, and complied with during their engagement with COMMITMENTS. Participants in COMMITMENTS Insight Trips will also be required to sign a Safeguarding Code of Conduct.

Training on this policy is delivered to staff at induction, and as part of COMMITMENTS regular staff training program as appropriate.

Breaches of the PSEAH policy or the Safeguarding Code of Conduct may result in disciplinary action which may include transfer to other duties, suspension or dismissal.

APPLICATION TO IMPLEMENTING PARTNERS

COMMITMENTS is committed to creating a safe culture for all those representing the organisation and engaged in COMMITMENTS programs. COMMITMENTS expects personnel to work and behave in a manner that respects and fosters the rights of the people they serve.

COMMITMENTS will promote to its implementing partners the importance to implement a policy or procedures for the prevention of sexual exploitation, abuse and harassment, both in their offices and in the delivery of their activities.