



NAC PSEAH POLICY

“Ending sexual exploitation, abuse, and harassment is about dignity, and it is also a matter of bodily autonomy and power. We all must wield our power to interrupt and expose misconduct, to right the deep injustice of sexual exploitation, abuse and harassment – and to prevent it from ever occurring ...”

Dr. Natalia Kanem, Executive Director, UNFPA

INTRODUCTION

The Norwegian Afghanistan Committee (NAC) does not tolerate any form of sexual exploitation, abuse, or harassment (SEAH). This applies to our own organisation and extends to those we work with. We continue to strengthen our approach to preventing SEAH (PSEAH) and driving cultural change through strong leadership both in Afghanistan and in Norway.

This policy complements the NAC Ethical Guidelines and Commitments, and the NAC Child Protection and Gender Policies by addressing the full spectrum of SEAH.

The purpose of this PSEAH policy and its procedures is to promote the protection of all people, especially children, adults-at-risk, and other programme participants, from any harm of SEAH with special attention to SEAH arising from:

- The conduct of NAC staff, officers, consultants, and volunteers.
- The conduct of NAC national and international partners.
- Uncontrolled inherent risks in the design and implementation of NAC programmes and activities.

This policy also covers the protection of our staff and representatives while carrying out their responsibilities for and on behalf of NAC. NAC will do all it can to actively prevent SEAH in its workplaces and projects; raise awareness on how to recognize and report concerns; and respond decisively to all reported SEAH cases with a survivor-centered approach.

PSEAH is a shared responsibility. The Policy therefore needs to be adapted to the many contexts in which NAC works. We will strive to create a safe, respectful, supportive, and harassment-free environment for all staff, representatives, partners, and programme participants.

This policy outlines the organisation's PSEAH commitments and informs staff and representatives of their PSEAH responsibilities.

The Policy outlines both expectations and requirements for NAC staff and our partners to manage SEAH risks and incidents, should they occur in the delivery of NAC programmes. NAC staff and partners will therefore need to apply judgment based on the risk context in which they operate.

NAC will give practical effect to the Policy through agreements, reporting requirements and regular communication to our staff and partners. In recognition of the requirements and expectations within, the Policy will be implemented incrementally, and reviewed initially after 12 months, and then every three years.

*"If you see harassment happening, speak up. Being harassed is terrible; having bystanders pretend they don't notice is infinitely worse."
Celeste Ng*

Based on the Afghan Constitution and the Law on Elimination of All Violence against Women (EVAW), harmful practices such as rape, beating, child marriage and baad (a forced exchange marriage as a part of a traditional conflict resolution mechanism) are outlawed.

Committing itself to the international goals of gender equity, equality and empowerment, Afghanistan signed the Millennium Declaration in 2004 with an extended period of implementation until 2020. Afghanistan has consistently declared its commitment to promote women's human rights in each of the nine key conference declarations from Bonn in 2001, until Tokyo in 2012. In 2015, Afghanistan became a signatory to the UN Sustainable Development Goals, including Goal 5 which states: "**Achieve gender equality and empower all women and girls by 2030.**"

COMMITMENT

The Norwegian Afghanistan Committee (NAC) has a zero-tolerance approach to SEAH and does not allow any officer, staff member, intern, volunteer, partner, supplier, sub-contractor, agent, or any other individual linked with NAC to engage in any form SEAH.

All children and adults have the equal right to protection regardless of any personal characteristic, including their gender, sexuality, age, abilities, disabilities, backgrounds, and circumstances.

NAC aligns itself with all relevant national and international laws, declarations and commitments, such as the Afghan Constitution; the Afghan Law on Elimination of All Violence against Women (EVAW); the Freedom, Empowerment and Opportunities (the Norwegian Action Plan for Women's Rights and Gender Equality in Foreign and Development Policy) as part of Norwegian Government efforts to combat child marriage, female genital mutilation, and gender-selective practices and the Commitments from the London Summit (2018) – signed and endorsed by Norway and other key multilateral and bilateral donors to Afghanistan – to tackle sexual exploitation and abuse and sexual harassment in the international aid sector.

The commitments from the London Summit (2018) constitute a set of 22 political commitments, designed to bring about 4 long-term strategic shifts:

- Ensure support for survivors, victims, and whistle-blowers, enhance accountability and transparency, strengthen reporting and tackle impunity.
- Incentivize cultural change through strong leadership, organisational accountability, and better human resource processes.
- Agree minimum standards and ensure we and our partners meet them.
- Strengthen organisational capacity and capability across the international aid sector, including building the capability of implementing partners to meet the minimum standards.

NAC also follows the Inter-Agency Standing Committee's (ISAC) **Six Core Principles Relating to Sexual Exploitation and Abuse**, detailed as follows (modified slightly to include development workers).

Sexual exploitation and abuse by development and humanitarian workers undermine the credibility and integrity of development and humanitarian aid work, they constitute acts of

gross misconduct and will lead to termination of employment and may lead to legal actions against the perpetrator(s).

1. Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of consent locally. Mistaken belief regarding the age of a child is not a defense.
2. Exchange of money, employment, goods, or services for sex, including sexual favors or other forms of humiliating, degrading or exploitative behaviour is prohibited. This includes exchange of assistance that is due to beneficiaries.
3. Any sexual relationship between those providing development and/or humanitarian assistance and protection and a person benefitting from such assistance is prohibited.
4. Any sexual relationship that involves improper use of rank or position is prohibited.
5. Where a development or 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.
6. Development and 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.

Where the guidance in this policy conflicts with any applicable laws or regulations, the higher standard must be observed at all times. In line with the commitments from the London Summit (2018), NAC will take action on the commitments according to priorities and systems, and to assess progress in the Annual Report to its members in June of each year.

WHAT?

PSEAH stands for the Prevention of Sexual Exploitation, Abuse, and Harassment. The term **sexual exploitation** means any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially, or politically from the sexual exploitation of another. Similarly, the term sexual abuse means the actual or threatened physical or virtual intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

The term **harassment** refers to unwanted conduct, whether verbal, physical or visual, which is related to a person's gender, age, abilities, disabilities, backgrounds, and circumstances with the purpose or effect of violating the dignity of a person or creating an intimidating, hostile, degrading, humiliating or offensive environment.

WHAT IS SEXUAL EXPLOITATION, ABUSE, AND HARASSMENT?

Sexual exploitation, abuse and harassment includes the involvement of under-age children and youth in sexual activities, as well as women and men that do not fully comprehend and understand and are thus unable to give informed consent to, or are not developmentally and physically prepared for, such as:

- Sexual exploitation, abuse, and harassment with physical contact:
 - Kissing, touching, or holding someone in a sexual or inappropriate manner.

- Vaginal or anal intercourse and other sexual activity without the other person's consent.
- Incest (sex with close family members).
- Child marriage – which means marriage of girls and boys under the legal age – 16 for females and 18 for males (afghan law).
However, the un convention on the rights of the child defines anyone under the age of 18 as children – therefore young women and men should wait until they reach the age of 18 before they get married.
- Marriage of a person over the legal age without their explicit and informed consent.
- Sexual exploitation, pornography, and prostitution, where sexual abuse of children and adults involve any kind of commercial transaction (monetary or in-kind).
- Sexual exploitation, abuse, and harassment without direct physical contact:
 - Obscene calls or remarks on a computer, mobile photos, smss, or in written notes and drawings.
 - Virtual sex and online sexual solicitation and grooming.
 - Voyeurism and exhibitionism.
 - Exposure to pornography.
 - Sexually intrusive questions or comments.
 - Forcing someone to self-masturbate or watch others masturbate without their explicit consent.

WHO?

WHO ARE RESPONSIBLE FOR UPHOLDING THIS POLICY?

All NAC staff (including those on short-term contracts), officers, interns, volunteers, and consultants are responsible for reading, agreeing to and upholding NAC's PSEAH Policy as well as NAC's Ethical Guidelines and Commitments (this must also be signed), which includes a section on PSEAH.

In the NAC, we are both individually and collectively responsible for adhering to related NAC policies on child protection, gender and whistle blowing, as outlined further in this PSEAH policy.

WHO ARE MOST AT RISK?

Although anyone is potentially at risk of SEAH, children, women, and vulnerable adults are at particular risk. *Children* refers to anyone under the age of 18, and *vulnerable adults* refers to anyone over the age of 18 who is unable to take care of themselves and/or is for whatever reason unable to protect themselves from exploitation and abuse (this includes many persons with disability).

In the context of NAC's work in Afghanistan, in which the country is facing a series of protracted political, security, economic, health and environmental crises, there is a heightened risk of SEAH due to the extreme needs and vulnerabilities of large population groups, a weak and poorly defined legal system (e.g., formal versus informal family and criminal law), coupled with a lack rule of existing laws – whether formal or informal – and lack of protective services. Additional risks relate to the lack of access to basic human rights faced by many in Afghanistan – e.g., women, children, minority populations, the

income poor, and persons with disabilities – as well as cultural norms in which discussions about sex and sexuality are extremely constrained, if not forbidden.

MEASURES

WHAT MEASURES DOES NAC TAKE TO PSEAH?

In order to prevent sexual abuse, exploitation and harassment, NAC has a vetting and PSEAH promotion process in place in regard to recruitment, contracting and performance management for all officers, staff members, consultants, interns, and volunteers.

NAC's vetting / PSEAH promotion process is drawn from UNICEF's (2020) PSEA Toolkit, Tool 5: Checklist for PSEAH-Sensitive Recruitment, Contracting and Performance Management. Through these processes, NAC:

- Includes a sentence in job announcements to notify candidates that background and reference checks will be conducted, and ethics is part of annual performance appraisals.
- Requires 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.
- Conducts background checks, including police records checks and google searches, and contacts references to vet for former misconduct in accordance with local laws regarding employment, privacy, and data protection.
- Ensures gender-balanced interview panels during hiring processes and conducts gender neutral interviews.
- Asks candidates interview questions about ethics and ethical dilemmas.
- Requires candidates to review and sign and agree to adhere to nac's child protection policy, and nac's ethical guidelines and commitments, including the whistleblower policy before being offered a contract.
- Includes a pseah statement in all employment contracts:

"Norwegian Afghanistan Committee (NAC) has a zero tolerance of sexual exploitation, abuse, and harassment (SEAH) both within the organisation and of beneficiaries. Prevention of and protection from sexual exploitation, abuse, and harassment (PSEAH) is the individual and collective responsibility of all NAC officers, management, staff, consultants, and volunteers, who are all required to familiarize themselves with, agree to, and act in accordance with NAC's Ethical Guidelines and Commitment, NAC's Child Protection Policy, and NAC's PSEAH Policy, at all times – both during and outside working hours – and participate actively in introductory and refresher trainings. Any breaches of PSEAH clauses in NAC's policies, guidelines, and/or commitments will lead to immediate termination and possible legal actions."

- Includes a PSEAH clause in all contracts with suppliers.
- Terminates the contract of any officer, staff member, consultant, intern, volunteer, and/or supplier in the event of proven SEAH allegations.

- Includes training in PSEA as part of NAC's onboarding process and provides refresher courses at regular intervals during the tenure of employment, internship, or voluntary service.
- Includes adherence to NAC's Ethical Guidelines and Commitments in performance appraisals of staff, interns, and volunteers.
- Includes in the performance appraisals of senior staff consideration of their effectiveness in creating and maintaining an environment which prevents and responds to SEAH.
- Freezes professional advancement/recruitment opportunities of individuals under investigation.
- In cases of confirmed misconduct, takes robust disciplinary action which may include dismissal, or suspension, written censure and, where this involves possible criminal conduct, reporting the incident to local law enforcement authorities.
- Maintains an internal database documenting any disciplinary measures on personnel, including dismissals, to avoid rehiring them at a later point in time.
- Systematically shares relevant information of personnel known to have committed SEA with other potential employers during background checks, to the extent legally possible.

The following additional and related protective measures are in place as part of NAC's PSEAH vetting process:

POLICE CLEARANCE CERTIFICATES / DECLARATION OF INTEGRITY

National staff members, consultants, interns, volunteers, and visitors are required to have a Police Clearance Certificate issued by the Ministry of Interior. In communities where this is not possible, staff members, consultants, interns, volunteers, and visitors must present a personal Declaration of Integrity signed by two senior government officials, or universally respected community elders and religious leaders from their home district, or from two senior UN or NGO officials. Until this is in place they will not be permitted to work directly with children and youth, or with adults who are particularly vulnerable to abuse (e.g., persons with disabilities).

If a national staff member fails to present an original copy of a Police Clearance Certificate or a Declaration of Integrity within four months of taking up employment, his/her contract may be terminated (ref. NAC HR & Personnel Policy (2022)).

POLICE CLEARANCE CERTIFICATES:

International staff members, consultants and volunteers are required to have a Police Clearance Certificate from their home countries. Until this is in place they are not permitted to work directly with children and youth, or with adults at risk who are particularly vulnerable to abuse (e.g., individuals that are often persons marginalized due to economic and social status and persons with disabilities). If an international staff member fails to present an original copy of a Police Clearance Certificate within four months of taking up employment his/her contract will be terminated (ref. NAC HR & Personnel Policy (2018)).

There is a commitment for NAC officers, staff, interns, consultants, and volunteers to:

- Sign and agree to adhere to the Child Protection Policy, NAC Ethical Guidelines and Commitments, including the Whistleblower Policy and PSEAH policy.
- Report breaches and suspicion of breaches as outlined in the Whistleblower Policy. This is a mandatory requirement and failure to do so may result in disciplinary action.
- Respond to a child, or adult suspected of having been abused or exploited in accordance with applicable local office procedures.
- Cooperate fully and confidentially in any investigation of concerns or allegations.
- Contribute to an environment where children and adults are safeguarded, respected, and encouraged to discuss their concerns and rights.

Reporting:

As outlined in NAC's Ethical Guidelines and Commitments, and Whistleblower Policy, it is mandatory for all NAC officers, staff, interns, consultants, and volunteers to report concerns or allegations of sexual exploitation and abuse through the following reporting channels:

1. Through PSEAH officers at regional and/or national level.
2. Through the responsible regional or project manager and the Country Director.
3. Through the Country Director if the regional manager is involved.
4. Through the Secretary General if the Country Director fails to act or if he/she is involved.
5. Through the Chair of the Board if both the Secretary General and the Country Director fail to act or themselves are involved.
6. Through the Deputy Chair of the Board should the Chair of the Board fail to act or if he/she is involved.
7. Reports can also be made directly to Norad.

(See: Reporting guidelines as outlined in the NAC Ethical Guidelines and the Whistleblower Policy)

PSEAH FOR THE MOST VULNERABLE

NAC recognizes that children and vulnerable adults are particularly vulnerable to sexual exploitation and abuse.

The NAC Child Protection Policy (2018) defines child exploitation and abuse, including a focus on sexual abuse and neglect. NAC's specific approach to risk identification and management in relation to children and vulnerable adults, builds on what is outlined in the aforementioned **Child Protection Policy**.

NAC recognizes that due to the nature of its work, the organisation is at risk of being targeted by individuals wanting to exploit or harm children and vulnerable adults and that there are potential risks to children and vulnerable adults in the delivery of NAC programmes. NAC understands that the effects of abuse on children and vulnerable adults are both devastating and long term. NAC will not permit a person to work with children or vulnerable adults if they pose an unacceptable risk to children's/vulnerable adults' safety or wellbeing.

Therefore, NAC will undertake the following preventative measures:

- Proactively assessing and managing risks to children and vulnerable adults in NAC programmes (and in the communities in which NAC works) to reduce the risk of harm. This is achieved by examining each stage of the project management cycle and its potential impact on children and vulnerable adults.
- Proactively assessing and managing risks to children and vulnerable adults in sponsorship, marketing and communications activities, information, systems, and technology (IST) and human resource (HR) operations.
- Implementing preventative measures when gaps are identified.
- As an organisation, NAC will always be vigilant and uncompromising in the safeguarding of children and vulnerable adults when implementing the PSEAH Policy. Staff and others engaged in NAC activities should continually be aware of potential risks, and actively minimize opportunities and mitigating situations where children and vulnerable adults can be harmed.

MANAGEMENT AND SUPERVISION

Management and supervision of risks related to the safeguarding of children and vulnerable adults is actively addressed by NAC, e.g., through:

- HR: recruitment, induction and training of officers, staff, interns, consultants, and volunteers.
- Information safeguarding and IST in activities with access to information technology and in storing of information.
- Media, communications and marketing considerations on safeguarding of children and vulnerable adults and limiting their exposure to risks when fundraising and sponsorships.
- Accountability of the management: it is the responsibility of the Board of Directors, Secretary General, Country Director, and all management to ensure that all NAC staff, consultants, and partners in their area of responsibility are aware of, sign onto and agree to abide by the following policies: NAC PSEAH Policy, NAC Ethical Guidelines and Commitments, NAC Child Protection Policy, NAC Gender Policy, and NAC Whistleblower Policy and Process.

COMMITMENT

NAC officers, staff, interns, volunteers, and consultants must make a commitment to:

- Sign and adhere to the NAC PSEAH Policy, NAC Ethical Guidelines and Commitments, NAC Child Protection Policy, NAC Gender Policy, and NAC Whistleblower Policy and Process.
- Report breaches and suspicion of breaches as outlined in the Whistleblower Policy and Process. This is a mandatory requirement and failure to do so may result in disciplinary action.
- Respond to a child, and/or vulnerable adult suspected of having been abused or exploited in accordance with applicable local office procedures.
- Cooperate fully and confidentially in any investigation of concerns or allegations.
- Contribute to an environment where children and vulnerable adults are safeguarded, respected, and encouraged to discuss their concerns and rights.

There are specific areas of employment (this includes the work of paid staff, interns, volunteers, and consultants), responsibility, and oversight, linked with NAC's work, which carry with them an extra level of safeguarding responsibility, as they concern direct work and related engagement with children and vulnerable adults. These include:

- Teachers.
- Kindergarten teachers and playgroup facilitators.
- Education programme managers with field-level responsibilities.
- Physiotherapists (including teachers, students, and practitioners).
- Other healthcare workers.
- Students in other healthcare programmes.

To ensure the protection of children and vulnerable adults, individuals affiliated with NAC who work in these areas will undergo enhanced PSEAH training (including initial training and follow-up).

CONCLUDING REMARKS

The involvement of humanitarian and development workers in acts of sexual exploitation, abuse, and harassment is a grave violation of our responsibility to **do no harm** and to protect people affected by crises.

NAC is firmly committed to the global fight on discrimination, exploitation, violence, and abuse, regardless of gender, sexuality, age, abilities, disabilities, backgrounds, and circumstances.

NAC's Senior Management Team in Afghanistan and Norway have established clear structures and procedures for ensuring compliance with the PSEAH Policy and all other policies and documents outlining safeguarding measures for NAC's staff, partners, and beneficiaries.

All NAC staff members, interns and volunteers will receive regular training and information on identifying and preventing SEAH and responding to potential acts or suspicions SEAH.

Protection is an overarching objective for all NAC programmes and operations. Protection is a cross-cutting commitment in all of NAC's work.

NAC will always actively work on ensuring further attention to and integration of safeguarding and protection principles to ensure the safety, dignity, and rights of the girls and boys, youth, women, and men we serve, and work with.