



Khmer NGO for Education (KHEN)

PROTECTION FROM SEXUAL EXPLOITATION AND ABUSE POLICY

Final version: 31st August 2020

Mandatory Review: 29th -30th March 2021, thereafter annually

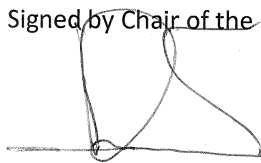
Preface

The rights, safety and protection of children and their families are of paramount concern to KHEN and its Board. We have developed and have been implementing robust child safeguarding measures ¹ and associated policies within our day to day work.

This policy for the Protection from Sexual Abuse Exploitation and Abuse builds on our previous work and experience and recognizes the need to be explicit about the protection needs, risks and responses to protect children and adults from Sexual Exploitation and Abuse (PSEA) and Sexual Harassment. KHEN has zero tolerance for SEA and we aim to ensure our policies and practices are clear, comprehensive and enforceable for our staff, associates and the communities we work with.

We intend to continue to refine and strengthen this policy, consult with stakeholders and align with other existing policies and processes ² as we learn more about what works in this important area of prevention and response. It is also important to note that we have revised our HR policies to better reflect the requirements to prevent sexual harassment³ within our organization. Consequently, this policy will be regularly reviewed as a responsibility of the KHEN Board. We are determined to put children first in all we do and to make the rights enshrined in the International Convention on the Rights of the Child a reality for all children everywhere whilst ensuring that KHEN contributes to protection from sexual exploitation, abuse and sexual harassment in our organization and the communities where we work.

Signed by Chair of the Board



Bun Tithyarith

Battambang, Cambodia 0

¹ Updated Child Protection Policy (KHEN) reviewed 2019

² Code of Conduct, Gender, Safeguarding and Child Protection, Primary Governance Guidelines, Financial Management Policy, Reporting Processes and Training on Fraud Prevention approved July 2015, (reviewed 2017 and 2019)

³ Sexual Harassment: Sexual Harassment is any unwelcome behaviour of a sexual nature when such behaviour interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment by staff against each other, or against any other individual



KHEN'S PROTECTION FROM SEXUAL EXPLOITATION AND ABUSE POLICY ⁴

1. INTRODUCTION

This policy underpins KHEN's zero tolerance for sexual exploitation and abuse (SEA) and sexual harassment (SEAH). It is complementary to the existing Child Safeguarding and Child Protection Policy including Young Persons 2019, Code of Conduct and Human Resource policies. It outlines the roles, responsibilities and behavior expected from KHEN staff and associates in order to ensure a safe environment free from SEAH internally and within the communities where KHEN works.

Policy statement:

1.1. Sexual Exploitation and Abuse (SEA) violates universally recognized international legal norms and standards and are unacceptable behaviors and prohibited conduct for all humanitarian workers, including KHEN's staff and associates.⁵

1.2. KHEN has a policy of zero tolerance towards SEA and sexual harassment. All KHEN employees and related personnel⁶ 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 respects the rights of children and communities we work with.

1.3.KHEN's VISION

Our vision is a Kampuchea where the rights of all children are recognised and respected.

KHEN works with all children and their communities in rural and remote areas of Battambang Province to ensure that the rights of all children are fulfilled through access to quality and comprehensive education for a better life.

We aspire towards a Cambodian society where access to quality education enables the rights of all children to be recognised and respected.

1.4 OUR VALUES:

- Responsiveness
- Quality
- Collaboration
- Accountability

⁴ Prevention of Sexual Harassment is addressed more specifically in Human Resource Policies

⁵ UN Secretary General's Bulletin ST/SGB/2003/13, 2003. <https://undocs.org/en/ST/SGB/2003/13>

⁶ See full list of KHEN staff and associates below.

1.5. MEANING OF SEXUAL EXPLOITATION AND SEXUAL ABUSE: ⁷

For the purposes of this policy:

“Sexual exploitation” is any actual or attempted abuse of someone who is in a position of vulnerability or where there are differences in power or trust for sexual purposes, including, but not limited to profiting monetarily, socially or politically from the sexual exploitation of another.

“Sexual abuse” is the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. This includes non-contact and online sexual exploitation and abuse.

“Sexual harassment” is specifically addressed through our Human Resource Policies and Code of Conduct and is implied through all our policies.

This definition of Sexual Abuse complements the existing definition in KHEN’s Child Safeguarding and Child Protection Policy⁸. The Protection from Sexual Exploitation and Abuse (PSEA) Policy is different as it applies to adults as well as children who may come into contact with KHEN through our work.

1.6. THIS POLICY APPLIES TO:

KHEN has zero tolerance for any behaviors that lead to SEA and Sexual Harassment and has a strong commitment to ensuring our work provides protection and an effective response to SEA(H). This applies to:

- All KHEN’s staff
- Volunteers (foreign and domestic)
- Children
- Community members
- Consultants
- Board of Directors
- Donors
- International and local guests
- Visitors
- Interns
- Staff or contractors under short-term or long-term contract (trainer, interns)

For the purposes of this policy, this list is referred to as ‘**KHEN staff and stakeholders**’. Where applicable particular groups are mentioned.

1.7. OUR COMMITMENT TO CORE PRINCIPLES⁹

⁷ A glossary of terms appears in Annex 1

⁸ **Sexual abuse:** occurs if a child or young person is pressured into or forced to take part in any kind of sexual activity, whether or not the child is aware of, or consents to, what is happening. Sexual abuse includes incest, rape and fondling. It may also include non-contact activities such as showing pornography or Internet based sexual activity. Sexual abuse may involve siblings or other family members, or persons outside the family.

⁹ IASC: Inter-agency Standing Committee: Six Core Principles Relating to Sexual Exploitation and Abuse, revised and published 23 September 2019

1. "Sexual exploitation and abuse by KHEN staff and stakeholders constitutes acts of gross misconduct and are therefore grounds for termination of employment within the applicable and current regulations.
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 defense. KHEN's Safeguarding and Child Protection Policy gives the principles and operationalization procedures and guidelines for child safeguarding in all KHEN's actions.
3. 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 and communities.
4. Sexual relationships between KHEN staff and beneficiaries and members of the community are strongly discouraged since they are based on unequal power dynamics. Such relationships undermine the credibility and integrity of the aid work.
5. Where a KHEN staff member or associate develops concerns or suspicions (including hearing rumors) regarding sexual abuse or exploitation by a fellow worker, whether in the same agency or not, he or she must report such concerns via KHEN's reporting mechanisms.
6. All KHEN staff and stakeholders are obliged to create and maintain an environment that prevents sexual exploitation and abuse and promotes the implementation of the Code of Conduct. Staff and Board Members have particular responsibilities to support and develop systems which maintain this environment.

This policy explains responsibilities and what measures KHEN will take to protect and respond to individuals (adults or child), staff (current and former) and stakeholders who report sexual exploitation or abuse. How we will respond to sexual harassment is included in our human resource policies. We will ensure action taken is agreed by the survivor (if youth or adult) and in the best interests of the survivor if a child and is aligned with Cambodian national law.

2. PREVENTION PROCEDURES:

KHEN builds on its existing Safeguarding and Child Protection procedures to ensure these include PSEA and also identifies specific measures when needed such as reference to the meaning of SEA for KHEN staff and stakeholders particularly youth and those living with disabilities.

2.1.RISK MANAGEMENT AND ASSESSMENT

KHEN will implement Risk Management and Assessment processes and tools put in place in its Safeguarding and Child Protection Policy and these have been adapted to incorporate specific risks of PSEA that will be identified through consultation with the staff and community. These are detailed in Annex 2. As part of KHEN's commitment, all risk assessments are stored for future reference. This will ensure KHEN continually updates and revises the risk management strategies.

2.2. STAFF RECRUITMENT:

KHEN's current staff recruitment policies are monitored to ensure that they continue to address safeguarding that includes both child protection and prevention of PSEA and Sexual Harassment

Advertisement: Besides stating the requirements of education or responsibilities as defined for each position, KHEN highlights its aims to protect children against all forms of violence and respect child rights and ensure Protection from SEA. Advertisements, job descriptions

and application forms for all posts will include a reference to KHEN's commitments to child protection and protection from SEA.

- Statement:** Applicants must submit a written statement about their behavior from the local authority, confirming no involvement in any wrong acts against children or sexual exploitation or abuse
- Interview:** Candidates will be asked to describe previous experience of working with children and wherever possible a police check will be required. KHEN will also undertake identity checks on candidates appointed to identified posts. Members of the interview committee for any position will comprise three to five persons consisting of gender balance and one child protection officer in the interview.
- Contracts:** Staff contractors and consultant /contractor contracts will include a specific reference to KHEN's Safeguarding and PSEA policies and zero tolerance of any behavior that contravenes the policies and all contractors will be asked to sign acknowledgement of their understanding
- References:** At least two referees/references will be contacted regarding the candidate's background, behavior and history with children and will include an explanation of what behaviors are included in the PSEA and HR Policies and whether the referee has any concerns about previous PSEA behavior or Sexual Harassment at work
- Probation:** Candidates successfully selected for a job will have to sign the Safeguarding and Child Protection Policy, the PSEA policy and the Code of Conduct. S/he will have to work under a probation contract of 3 months. New staff will be oriented on the job and receive induction training on all the organizational policies and their specific roles and responsibilities to implement these policies. If the candidate breaches the policy his/her contract will be subject to immediate termination and referred to the relevant authorities.

Volunteer

- Recruitment** A parallel practice will operate with volunteers and other unpaid staff. Any volunteers who are recruited or designated for work with schools, young people or children will be asked to complete a disclosure form.

Managerial

- Responsibility** All managers are responsible for ensuring that all staff have understood and signed the CPP and understand the PSEA Policy This will be done through regular staff meetings and appraisals, and through provision of annual refresher training for all staff. Management will be responsible for regularly asking during performance reviews whether the staff member has any concerns about safeguarding behaviors to report.

2.3. TRAINING, STAFF DEVELOPMENT AND AWARENESS RAISING

KHEN recognizes the risks of a lack of willingness or capacity by some staff and stakeholders to report SEA and Sexual Harassment and we have built on our existing experience of training on child safeguarding to

ensure that all training combines discussions on local context, child safeguarding and understanding of PSEA and staff roles and responsibilities and behaviors. Regular training attendance is recorded and is as follows:

- i) at induction,
- ii) annual mandatory refresher training.

Existing training materials have been adapted to include PSEA(H) and will be included in all workshops and training. Given its size and small number of staff, KHEN will collaborate and attend training with other NGOs to ensure that resources and materials are rationalized.

KHEN's community awareness messaging combines child safeguarding and how to prevent and report SEA by explaining to children and communities what their rights are. We will convey these messages when working with children, youth and communities so they understand their rights as beneficiaries, what is not acceptable behavior by KHEN staff and stakeholders and how to report. A clear message on KHEN's zero tolerance is on KHEN's website. Consultations with staff and communities will enable us to develop these materials to our context.

2.4.KHEN CODE OF CONDUCT

This Code of Conduct was developed in consultation with KHEN staff and associates and explains specific behaviors and language expected relating to child safeguarding, PSEA and Sexual Harassment.

All KHEN staff and stakeholders must display respect and appropriate behavior towards children and adults and be aware of the scope of their duties and responsibilities as a representative of KHEN inside and outside work.

KHEN Staff and Stakeholders will:

- Use appropriate language
- Be role models for children
- Foster independence and critical thinking
- Treat children fairly
- Educate children using positive encouragement techniques
- Respect and implement KHEN's Child Protection Policy, PSEA Policy and Human Resource Policies relating to sexual harassment
- Ensure the Child Protection Policy (CPP), the Code of Conduct and PSEA Policy have been explained and signed by visitors and stakeholders
- Ensure that children and other stakeholders are aware of the CPP and PSEA Policy and possess the appropriate skills to respond to potential dangers
- Promote the best interests and safety of children as paramount
- Empower children to form and express opinions through participation in KHEN activities
- Listen to children or adults' complaints and seek intervention if appropriate
- Promote the importance of continual education
- Utilise the KHEN reporting system to immediately report any suspicion of abuse as it applies to children or adults
- Comply with the PSEA core principles detailed above.

KHEN Staff and Stakeholders will not:

- Use any form of intimidation or fear as punishment to children, community members or colleagues
- Engage in any form of inappropriate physical contact with a child or vulnerable adult
- Engage in any form of sexual activity with a child or adult who is receiving support or services from KHEN
- Employ the services of any child in a private capacity
- Behave in the workplace in a way that could be experienced to be sexually harassing by others or create an intimidating, hostile or offensive work environment for staff against each other or against an individual.

KHEN's Policy on Social Media and Photography

Images of children and adults must:

- Highlight the purpose for which the image will be used
- Ask for permission from child and relevant adult (in written form)
- Be used solely for the purposes outlined in the signed consent form.
- Pictures should not disclose location or identifiable details of a child or adult (unless informed adult permission has been given)
- Ensure all children pictured are appropriately clothed

Images of children must not:

- Sexualise a child in any manner
- Undermine or devalue a child
- Be used in any private capacity.

4.RESPONDING

4.1. REPORTING AND ROLES AND RESPONSIBILITIES

Legal Duties and Responsibilities

Any individual who engages with children and community members as a result of working or collaborating with KHEN must adhere to KHEN policies and is subject to legal responsibilities requiring:

- Written consent for child's involvement in any activities, for referral and/or stay
- Referral letter to transfer a child to centre or community
- Approval letter for working with children such as for collecting information, interviewing, taking and using children pictures.

As an individual working with KHEN staff and associates must remember that they have been entrusted with the responsibility to protect children and vulnerable adults from harm. This means that:

1. The interests of the child must be paramount
2. You will not place children or vulnerable adults in situations where harm may occur. This harm could be physical, psychological or exploitative
3. You must abide by Cambodian Law when interacting with children and community members, fostering an environment of respect and non-discrimination

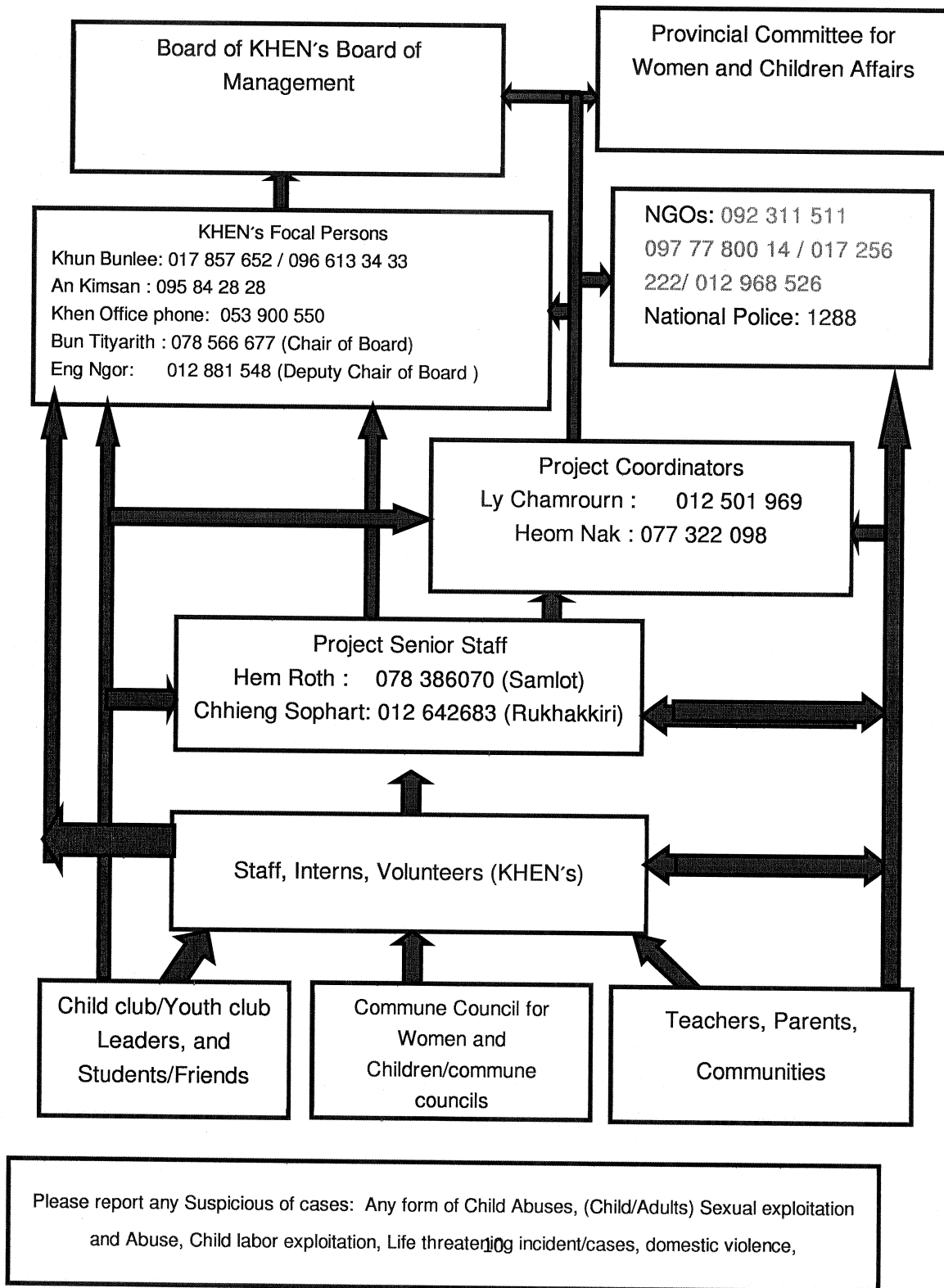
4. You have a duty to nurture the potential of each child by promoting their continuing education
 5. You will create a space that empowers children and adults to express their opinions and concerns
- You have a duty to report any safeguarding or PSEA concerns.

The existing child safeguarding reporting mechanism is used for PSEA. The focal points are:

- Mr Khun Bunlee, NGO Director
- Ms An Kimsan, Program Support Coordinator
- Mr Bun Tityarith, Chair of Board of Management
- Mr Eng Ngor, Deputy Chair of Board of Management

The **KHEN Reporting System Flowchart** is below. Good practice guidance is given in Annex 3.

KHEN's Report Flow Charts



Reporting begins with the individual who has experienced or witnessed the alleged abuse or has heard allegations. This may be a KHEN staff member, a youth worker, a parent or adult or another child. This person has a duty to report the concern to a focal person in order to provide immediate safety and medical care (if needed) and to prevent further abuse.

The individual can report to any person in the flow diagram and the complaint will be addressed according to whether the allegation is about KHEN staff or someone outside the organisation. The Focal Points will decide on the response. This is because the roles and responsibilities relating to Child Safeguarding may be the same or different for PSEA. For example, the age and maturity of the child will influence the action taken whilst the PSEA response requires the survivors' wishes to influence the response.

KHEN distinguishes between internal and external instances of abuse

4.2. Investigating and Referral

On receiving an allegation, report or concern KHEN staff and stakeholders will respond at the point of report and document the basic information in order to:

- a) investigate if it is an allegation within the organization
- b) pass the referral onto the designated organization ¹⁰

Steps are:

- i) Khen staff and stakeholders receive report, concern or allegation
- ii) They document basic information and pass onto focal point who will decide if urgent response is needed
- iii) Two or more focal persons will discuss what action to take and how to respond i.e. address internally or pass onto designated organization

Abuse that occurs within the organization

KHEN has clearly stated the conditions and penalties concerning child abuse and SEA and Sexual Harassment in its recruitment and job contract. If KHEN finds any staff member has breached the conditions stipulated in their contract s/he will be terminated immediately, and the case will be reported to the relevant authority for further procedures.

Abuse identified outside the organization

KHEN has trained some key persons within its target areas for them to be able to provide interventions and legal assistance in child abuse cases. In addition, KHEN has also formed a list for referrals to network partners such as communities, school principals, teachers, police, local authority and relevant local institutions in support of child abuse cases.

4.3. Survivor Assistance

KHEN Focal Persons will remain in contact with the investigating agency and provide support and assistance to according to the wishes of the survivor.

¹⁰ local (government) services and resources (including NGOs/ INGOs) identified to investigate the allegation and protect and support the child or adult survivor

5. KHEN staff and stakeholders are to be required to:

Read and sign understanding and agreement with this PSEA Policy and the Child Safeguarding and Child Protection Policy and Code of Conduct.

Any staff member found to be breaching the Code of Conduct will be subject to disciplinary procedures as outlined in the KHEN staff handbook and staff contracts.

5.2. All service providers will be issued with contracts that 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.

The failure to follow these preventive measures against SEA, or to investigate allegations or to take corrective action when SEA has occurred, will be grounds for termination of the cooperative arrangement.

ANNEX ONE: Definitions

Beneficiaries	The individuals, groups, or organizations that directly or indirectly benefit from an intervention, project, or program.
Child	A person under the age of 18, regardless of the age of majority or age of consent locally.
Complainant	The person who initially notifies KHEN or the authorities or donors of the sexual exploitation and abuse allegation.
Gender-based violence (GBV)	An umbrella term for violence directed toward or disproportionately affecting someone because of their actual or perceived gender identity. Sexual exploitation and abuse is a form of GBV.
Partners	Entity responsible and accountable for supporting the implementation of the programme. It may include government departments institutions, intergovernmental organizations, civil society organizations (CSOs, NGOs) and UN agencies.
Informed consent	The voluntary agreement of an individual who has the capacity to give consent, and who exercises free and informed choice.
Personnel/stakeholders	This includes KHEN's employees, Board Members as well as contractors, consultants, interns or volunteers associated with or working with KHEN
Sexual exploitation and abuse (SEA)	"Sexual exploitation" is 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. "Sexual abuse" is the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. This includes non-contact and online sexual exploitation and abuse.
Sexual Harassment	Sexual Harassment is any unwelcome behaviour of a sexual nature when such behaviour interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment by staff against each other, or against any other individual
Survivor	Refers to a person (adult or child) who is, or has been, sexually exploited or abused.
Whistle-blower	Any staff member who reports SEA or abuse/ behaviors that contravene organisational policies.

	<p>A Whistleblowing policy is an organisational policy which encourages staff members to report concerns or suspicions of misconduct by colleagues. Whistleblowers are protected from any negative consequences of reporting these concerns.</p>
Zero-tolerance policy	<p>KHEN's policy establishing that sexual exploitation and abuse by staff or associates is prohibited and that every transgression will be acted upon.</p>
Allegation	<p>An assertion of facts that one intends to prove at trial or during an internal investigation procedure</p>
Confidentiality	<p>An ethical principle that restricts access to and dissemination of information. In investigations on sexual exploitation, abuse, fraud and corruption, it requires that information is available only to a limited number of authorised people for the purpose of concluding the investigation.</p> <p>Confidentiality helps create an environment in which witnesses are more willing to recount their versions of events and builds trust in the system and in the organisation.</p>

ANNEX TWO

RISK ASSESSMENT

KHEN has risk assessment/safeguarding practice in its safeguarding policy. KHEN will continue to use this framework and incorporate the points included in the PSEA framework below

- Set up activity plan and identify risks and then carry out strategies to avoid those risks.
- Ensure risks associated with youth and online communication are included where applicable
- Continue to track for some unforeseen risks
- Ensure accurate number of staff/children
- Provide enough supervision on staff and their activities
- Minimise chances of isolating a child by any staff member
- Apply open approach to planning with participation
- Educate children and adults about rules/regulations and encourage them to talk of their suspicions and concerns
- Maintain open and understanding environment
- Regular refresher training on staff Code of Conduct
- Supervise all staff attentively

Four points of risk are identified with examples of how to manage the risk:

1. Age/vulnerability or special needs of children (or adult)
2. Place where activities happen-context
3. Level of activity management
4. Activities

Tools for risk management

- Identifying Important Activities
- Identifying Challenges including the power imbalance in the activity
- Assessing Level of Harm and keeping an updated understanding of the context
- Employing a Reduction Approach
- Ensuring Supervision

Project <i>(profile of who will be involved in the activity and where it will take place)?</i>	Activity <i>(description of the context and activity and duration)</i>	Risk <i>List each aspect of the activity from planning through to evaluation and list all risks)</i>	Management <i>(How will you reduce the risks)? If the proposed action is taken are you confident that risks are being managed)?</i>

ANNEX 3 GOOD PRACTICE GUIDANCE FOR RESPONDING TO AN ALLEGATION

Reporting alleged abuse

If a child, young person or vulnerable adult tells you they are being, or have been, abused:

- Listen to and accept what the person says.
- Do not investigate, and do not inform, question or confront the alleged abuser.
- Take the alleged abuse seriously.
- Reassure them person that they have done the right thing by telling you.
- Let them know you need to tell someone else. Do not promise total confidentiality.
- Let the person speak freely but do not press for information.
- Let them know what you are going to do next and that you will let them know what happens.
- Record immediately and carefully what you have heard. Include the place, date and time of your conversation and any incident disclosed, the first name of the person only and a brief outline of what was said or what occur

