



## Prevention from Sexual Exploitation and Abuse

- A. **Policy Objective** : Prevention of Sexual Exploitation and Abuse (PSEA) Policy of CYDA aims at prevention of sexual exploitation and abuse by CYDA employees and volunteers, and ensures that allegations of SEA are responded to in a timely and appropriate manner.
- B. **Introduction and Background:** Sexual harassment, exploitation and abuse violate human rights and are a betrayal of the core values of the United Nations. This policy is aligned with 2 Acts in India. (1) The Protection of Children from Sexual Offences (POCSO) Act, 2012, formulated to effectively address sexual abuse and sexual exploitation of children through legal provisions and (2) The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 popularly known as POSH Act is a legislation to combat workplace sexual harassment.
- C. **Scope:** This policy covers staff of CYDA and its associates, engaged by CYDA irrespective of their employment status
- D. **Effective Date:** 1 January, 2023 along with its approved revisions
- E. **Definitions:**
- **CYDA's Staff and associates:** The term "CYDA's staff and associates include all employees of CYDA at various locations. The term also includes board members, volunteers, interns, and consultants, in addition to individual and contractors of these entities and related personnel. This includes organizations and their employees and individuals who have entered into partnership agreements with CYDA.
  - **Sexual Harassment (SH):** Sexual harassment is any unwelcome sexual advance, request for sexual favour, verbal or physical conduct or gesture of a sexual nature, or any other behaviour of a sexual nature. Such conduct will be also be considered sexual harassment when it interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment.
  - **Sexual Exploitation (SE):** 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. CYDA recognises that the terms sexual abuse and exploitation represent a wide spectrum of behaviours and is not limited to the act of sexual intercourse.
  - **Sexual Abuse (SA):** The actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. This would include forced marriage and sexual slavery and also includes sexual activity with a child (any person

under the age of 18)

- **Child Sexual Abuse (CSA):** When a child is used by another child, adolescent or adult for his or her own sexual stimulation or gratification. Sexual abuse involves contact and non-contact activities which encompasses all forms of sexual activity involving children, including exposing a child to online child sexual exploitation material, or taking sexually exploitative images of children.

- **Survivor / Aggrieved:** The person who it is alleged has been the subject of sexual harassment, abuse or exploitation.
- **Subject of Complaint/Subject of Concern/ (SoC):** The person against whom the allegation, complaint or concern has been raised.
- **Allegation of misconduct:** If, at case conference / stakeholder panel stage, there is a decision to investigate the suspicion of misconduct, then it is treated as an 'allegation of misconduct'.
- **Complainant:** The person who raises a complaint (this may or may not be the survivor / aggrieved **but**).
- **Outcome of Investigation:** Once an allegation is investigated and the investigation report is reviewed, the resulting recommendations are referred to as the 'Outcome of Investigation'.

## **F. CYDA's Commitment for Implementation of the Policy**

### **Organisation's Responsibility:**

CYDA believes that all people have a right to live their lives free from sexual exploitation and abuse and will not tolerate its staff, associates, or partners engaging in any sort of behaviour that puts beneficiaries or communities at risk. To that end, CYDA commits to:

- Creating a safe culture of dignity, those it serves and those who work for and represent the organisation and make them empowered to report complaints.
- Following through on any complaints and concerns in a timely manner through its Internal Committee and ensuring zero tolerance of SEA.
- Sensitising staff, associates, and partners, around how to make a complaint and the investigation procedure.
- Educating staff, associates, and partners that sexual exploitation and abuse constitute gross misconduct and are grounds for termination of employment and possibly legal action.
- Ensuring that all staff, associates, and partners have access to the PSEA policy and procedures as well as all other related safeguarding policies.

### **Setting up an Internal Committee (IC)**

Internal Committee has been established at the Head office of CYDA as well as at each field location of CYDA where employee strength is 10 or more, it is mandatory by the POSH Act. The Internal Committee comprises of 4 members, not less than 50% of its members will be women.

1. Presiding Officer - One woman in a Senior Management Role
2. Two members from staff
3. External Member is an external expert in workplace sexual harassment

The Internal Committee is responsible for informing and training all staff regarding the policies and procedures. They will also be responsible for receiving and investigating complaint of Sexual Harassment, Sexual Exploitation and Sexual Abuse.

### **Confidentiality of Complaints**

- CYDA protects the confidentiality of sexual exploitation and abuse allegations in order to protect the integrity of the investigation and prevent embarrassment, further discrimination or harassment, or retaliation.

- Confidential or sensitive information obtained by any staff member / Internal Committee during the course of an investigation shall not be disclosed to others unless required by law.
- Concerns of individuals regarding confidentiality of information provided by them will be handled as sensitively as possible.
- CYDA cannot guarantee, however, complete confidentiality, because the organisation cannot conduct an effective investigation without revealing certain information to the alleged perpetrator and potential witnesses. CYDA shares information about allegations of sexual exploitation, abuse and harassment only with those who need to know about it. Records relating to sexual exploitation, abuse and harassment complaints will also be kept confidential on the same basis.

### **Prohibited Retaliation**

- CYDA maintains a zero-tolerance policy for retaliation against anyone for reporting sexual exploitation, harassment or abuse, assisting in making a complaint, or participating in an investigation.
- Any staff, associate, or partner who makes a good-faith complaint of sexual exploitation, harassment or abuse, assists, testifies, or participates in any investigation or proceeding or who reasonably opposes such conduct in the workplace will not be adversely affected in the terms and conditions of his or her employment and will not be discriminated against or discharged for engaging in such activity.
- Retaliation not only affects the recipient, but also can spread rapidly throughout CYDA. It destroys faith in CYDA's leadership and can damage employee morale.
- Complaints of retaliation will be promptly investigated. If retaliation is substantiated, appropriate disciplinary action, including possible dismissal, will be taken.

### **Penal Consequences**

Any staff, associate, or partner who is in violation of the PSEA policy will face disciplinary procedures, which may result in disciplinary action, termination of employment or contract and/or any action the management may deem fit.

### **Communication and Training**

It is CYDA's responsibility to ensure that all staff, associates and partners are aware and fully compliant with the PSEA policy.

In order to take the steps to prevent any forms of sexual exploitation, harassment or abuse, that:

- Training is provided to Internal Committee which has a specific responsibility of implementing this policy.
- Awareness training is provided to all staff, associates, and partners on PSEA once a year. The training will equip staff, associates, and partners to develop awareness as well as an understanding of when and how to report any concerns.
- Proactive steps are taken to communicate the zero-tolerance message.
- CYDA to provide the necessary resources and direction for the training of staff and associates. The content of the capacity building process should include the following: orientation on child abuse, neglect and exploitation; applicable laws, policies and guidelines, such as **UNCRC, POCSO, JJ Act and ICPS** to ensure they are aware of the key provisions, redressal mechanisms, media relation, confidentiality and reporting obligations



- CYDA to conduct other relevant trainings (related to appropriate behaviours with children and women) to ensure staff are able to understand finer aspects related to the policy. This includes signing a declaration indicating their understanding of the Policy.

### **PSEA Reporting Procedures**

- Any incidents of sexual exploitation, harassment or abuse can be communicated to any Internal Committee member verbally or in writing. Internal Committee to help the survivor or aggrieved to launch a complaint of Sexual Exploitation, Harassment or Abuse in writing within 3 months of the incident or in case of series of incidents, within 3 months of the last incident. Internal Committee may record in writing; extend the time limit for further period of three months.
- All complaints of Child Sexual Abuse to be recorded and to follow mandatory reporting in case of safety violations including child abuse as legally mandated in India.
- Referral needs to be made to concerned institutions in the field of CSA or police and local authorities and ensure that there is no attempt to cover up the incident, or influence the child's parents/guardian or other authorities in coordination with the concerned Internal Committee of CYDA.

### **Investigation procedure:**

The investigation will:

- Determine if there has been a breach of PSEA guidelines and Code of Ethics
- If a breach is confirmed, determined actions to be taken
- Protection of individual from being further abused or exploited will be taken care of

### **Confirmation of Receipt of Complaint**

- The complainant shall receive confirmation of receipt of the complaint, where possible, within two (2) working days after CYDA receives the complaint.
- An email, letter or phone call to the complainant acknowledging receipt of the complaint and will share the following information verbally / in writing (preferably):
  - a. How CYDA plans to address the complaint (process)
  - b. The name of the person responsible for handling the complaint
  - c. The name of the person to contact for questions or feedback

### **The following are the steps in processing complaints:**

- Complaints will be acknowledged verbally or in writing - written acknowledgement is better for reasons of accountability and transparency.
- Complaints will be reviewed and investigated as per the applicable law prevailing at the time the complaint is received.
- CYDA will communicate the preliminary outcome of an investigation to the complainant(s), where possible in 10-15 working days after acknowledgment of the complaint.
- In complex or exceptional cases, the investigation period may take longer.
- The complainant(s) will however, be informed if the investigation timeframe is extended

### **Points to consider while handling a Complaint**

1. Does the complaint relate to a breach of Code of Conduct on Sexual Exploitation and Abuse of Power, or violation of any of the CYDA policies and guidelines?
2. Is there sufficient information and evidence or is there a need to further investigate?

  


3. At this point, is the allegation conclusive enough to take disciplinary action?
4. Answers to these questions by the relevant decision maker will determine whether an investigation is justified.
5. The senior management/relevant body will be responsible for communicating the outcome of the investigation to the complainant. This must be done in writing.

### **Disciplinary measures**

- Any upheld breach of PSEA Guidelines and Procedures will not be tolerated and may, in accordance with relevant legislation, lead to internal disciplinary actions, dismissal or even criminal prosecution.
- Such action may be taken against both staff and governing body depending on the nature of the problem, the results of the investigation and proposed measures

### **Support for Survivors**

Support will be offered to survivors regardless of the outcome of any investigations. This support can include specialists in psycho-social counselling and/or access to other specialist support as needed. (Resource list to be maintained by the Internal Committee)

### **Amendments & Revisions:**

CYDA possesses full rights to amend the policy at any time without assigning any reason & it would be binding on the employees to follow the policy in letter & spirit. Any clarification and explanations can only be obtained from the policy approving authority or the Managing Trustee of the CYDA.

*Recommended by,*

*Approved by,*

**Director**

**Trustees**

  
