



ASCHIANA

Afghanistan's Children and New Approach

Protection from Sexual Exploitation and Abuse (PSEA) Manual

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PSEA Policy

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1. PURPOSE & SCOPE

This policy applies to all employees of Aschiana Organization and related personnel both during and outside normal working hours.

This policy sets out Aschiana's approach to preventing and addressing sexual harassment and sexual exploitation and abuse. This includes:

- Our commitments to prevent PSEA and to ensure effective action is taken when problems occur;
- Principles upon which we will base our decision making and actions;
- Our expectations of all those who work on behalf of Aschiana.

2. POLICY STATEMENT

Aschiana has a zero-tolerance policy towards sexual harassment, exploitation, and abuse. At Aschiana, we believe all people have a right to live their lives free from sexual violence and any abuse of power regardless of age, gender, sexuality, sexual orientation, disability, religion or ethnic origin. We recognize that there are unequal power dynamics across the organization and in relation to those we serve, and that we face risk of some people exploiting their position of power for personal gain. Aschiana will not tolerate its employees, volunteers, consultants, partners or any other representative associated with the delivery of its work carrying out any form of sexual harassment, sexual exploitation or sexual abuse. Aschiana commits to supporting survivors, improving safeguarding capacity, reporting, investigating, responding to, and preventing sexual harassment and sexual exploitation and abuse.

3. ASCHIANA PSEA PRINCIPLES AND COMMITMENTS

Aschiana is committed to achieving full, ongoing implementation of the Six Core Principles relating to Sexual Exploitation and Abuse by the Inter-Agency Standing Committee (IASC) Working Group on Prevention and Response to Sexual Exploitation and Abuse.

- a. Sexual exploitation and abuse by Aschiana Employees and Related Personnel constitute acts of gross misconduct and are, therefore, grounds for termination of employment or contract/agreement. Sexual harassment by Aschiana Employees and Related Personnel is grounds for disciplinary action up to and including dismissal.
- b. Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of the majority or age of consent locally. Mistaken belief in the age of the child is not a defense.
- c. Exchange of money, employment, goods, or services for sex, including sexual favors or other forms of humiliating, degrading or exploitative behavior by Aschiana Employees and Related Personnel is prohibited at all times. This includes buying sex or the exchange of assistance that is due to program participants.
- d. Sexual relationships between Aschiana Employees or Related Personnel and beneficiaries are forbidden. Given the contexts where Aschiana operates, such relationships may be based on inherently unequal power dynamics and may undermine the credibility and integrity of Aschiana's relief and development work. Aschiana Employees and Related Personnel must declare any previously existing relationships with beneficiaries to their line managers or HR focal point.
- e. Where an Aschiana Employee or Related Personnel develops concerns or suspicions

regarding sexual abuse or exploitation or sexual harassment by a fellow worker, whether in Aschiana or not, he or she must immediately report such concerns via the established reporting mechanisms (see Section 5).

- f. Aschiana Employees and Related Personnel are obliged to create and maintain an environment that prevents sexual exploitation and abuse and child abuse and promotes the implementation of this Policy. Aschiana Managers at all levels have particular responsibilities to support and develop systems, which maintain this environment.

4. ASCHIANA'S COMMITMENTS

Aschiana is dedicated to fulfilling the following commitments to prevent and respond to sexual exploitation and abuse and sexual harassment as highlighted in the six Core Principles above.

a. Safe Organizational Culture:

Aschiana will make every effort to create and maintain a safe organizational culture for all those who work for and with Aschiana, as well as those in the communities where Aschiana operates through robust prevention and response work, offering support to survivors, and holding those responsible for sexual harassment, exploitation or abuse to account.

b. Reporting PSEA:

- Ensure that we have multiple channels for Aschiana Employees, Related Personnel, beneficiaries, and others to safely report sexual exploitation and abuse and sexual harassment. These channels should be designed in consultation with local communities and staff to ensure that they are safe and accessible.
- Ensure that everyone who works on behalf of Aschiana and those we serve have information about how to access these safe reporting channels. This should include posting reporting procedures in local languages and regularly explaining these channels.
- Provide training and information to all Aschiana Employees and Related Personnel, particularly focal points for receiving complaints, to ensure they understand their obligations and how to discharge their duties should they receive a complaint. A particular emphasis should be made on confidentiality.

c. Responding to PSEA Reports:

Aschiana will respond in a professional and timely manner to all concerns or allegations of sexual harassment, exploitation or abuse. All concerns or allegations will always be taken seriously, and investigated and acted upon where appropriate, in line with our safeguarding principles listed below.

- **Robust and accountable case management:** All allegations of PSEA, and subsequent follow-up, will be documented in a secure and confidential database to ensure accountability. The report will be officially acknowledged within 24 hours, and a safeguarding team will convene a case conference to assess immediate risks and next steps within 72 hours.
- **Investigations:** Aschiana will carry out independent, safe, and discreet investigations, through trained investigators working with Aschiana's Safeguarding Teams, recognizing the rights of and duty of care to everyone involved, including the complainant and/or survivor, witnesses and the subject of complaint.
- **Accountable decision-making:** Aschiana will take swift and appropriate action against Aschiana Employees and Related Personnel who are found to have committed PSEA. This may include administrative or disciplinary action, and/or referral to the relevant local authorities if appropriate and safe to do so. An independent and gender representative decision-making panel will be assigned in every investigation to ensure impartiality, transparency, and accountability.

- **Survivor Support:** Survivors of PSEA are entitled to specialized support services. Aschiana commits to refer survivors to competent support services as appropriate and available and according to the wants and the needs of the survivor. Support may include specialist psychosocial support such as counselling, medical assistance and legal counselling.

d. Embedding PSEA into Aschiana work

- **Safer Recruitment:** Aschiana is committed to prevent perpetrators of PEA from being (re)hired or (re)deployed. Managers and Human Resource teams will ensure robust recruitment screening processes for all personnel, including employees, volunteers, consultants and other representatives. As part of this, all application forms, interviews and references must address Safeguarding and equality requirements and attitudes.
- **Partnership Agreements:** Aschiana will ensure that, when engaging in partnerships, sub-grant or sub-recipient agreements, these agreements: (i) incorporate this Policy as an attachment; (ii) include the appropriate language requiring such contracting entities and individuals, and their employees and volunteers to abide by a Code of Conduct that is pursuant to the standards of this
- **Policy;** and (iii) expressly state that the failure of those entities or individuals, as appropriate, to take preventive measures against sexual exploitation and abuse and sexual harassment, to investigate and report allegations thereof, or to take corrective actions when PSEA has occurred, shall constitute grounds for Aschiana to terminate such agreements.
- **Staff and partner training:** Aschiana Employees and Related Personnel must receive as part of their induction trainings on PSEA and Safeguarding when they join Aschiana, including a briefing on Aschiana’s policies and values, the Code of Conduct, information about how to report concerns, and advice about where to seek further information about safeguarding and safer practices across the organization. Anyone working directly with beneficiaries on behalf of Aschiana must receive additional training on how to receive complaints and handle them in a safe and confidential manner.
- **Beneficiary Accountability:** Aschiana commits to promoting accountability towards our beneficiaries and the communities where we work by: (i) being transparent about Aschiana programming, activities, and services beneficiaries are entitled to; (ii) raising awareness about
- Aschiana’s Code of Conduct, safeguarding policies, and reporting channels; (iii) actively seeking feedback from communities on Aschiana’s work, individual behaviors, and complaints; and (iv) presenting feedback to communities on what changes have been made resulting from community feedback – ideally by a senior Aschiana representative. The above steps should occur regularly throughout the lifecycle of the program or activity.
- **Safe Programming:** Aschiana Employees and Related Personnel are required to take proactive measures to avoid causing inadvertent harm to civilians, contribute to actively reduce existing threats and ensure program are conflict sensitive. This includes embedding good practice and PSEA prevention measures throughout the program and project cycle, including project design, grant proposals, assessments, complaints and feedback mechanisms, and monitoring and evaluation.

5. ROLES AND RESPONSIBILITIES

All Aschiana Employees and Related-Personnel: Everyone who works on behalf of Aschiana is required to report any suspicions or incidences of PSEA of others. Failure to report to a relevant person suspicion of PSEA relating to someone else is a breach of Aschiana's policy, and could lead to disciplinary action being taken against employees and the termination of Aschiana's relationship with non-employees. There is no obligation for an individual to report any incident that has happened to them.

Board Members and Directors: Aschiana Directors and Trustees, hold overall accountability for this policy and its implementation.

Managers: Responsible for promoting awareness of this policy with people they manage and for supporting/developing systems that create and maintain a safe working environment. This also includes the responsibility for ensuring that all staff and Related Personnel receive regular PSEA trainings, with a particular emphasis on staff who are in direct contact with the people we serve. Managers should prioritize PSEA awareness raising for themselves and their divisions, individual departments or teams, and provide budget lines for some activities.

Program Teams: Consult with beneficiaries (in a safe, accessible, and culturally appropriate way), to ensure that beneficiaries and those working on behalf of Aschiana are familiar with Aschiana's Code of Conduct, how to raise complaints and concerns, and that Aschiana will take action when this happens. Program teams should also clearly explain what goods and/or services the beneficiaries are entitled to and how beneficiaries are selected.

6. RAISING A COMPLAINT OR CONCERN

Aschiana Employees and Related Personnel have a responsibility to report any suspicion or concern of PSEA. Any individual can raise a concern/complaint to Aschiana about an incident they have experienced, witnessed, or heard about concerning an Aschiana staff member or partner (suppliers, partners, contractor, etc.) without fear of retribution. Aschiana Employees and Related Personnel *must not* investigate allegations or suspicions themselves.

e. Reporting Channels

Anyone (including Aschiana's beneficiaries) can raise a concern or make a complaint to Aschiana about something they have experienced or witnessed without fear of retribution. You can do this verbally or in writing to your line manager or Safeguarding Focal Point.

Toll number i.e. 0093-72-895-5502 will be circulated among the personnel, recipient of assistance and communities including children to report SEA allegations and receiving related complaints. Toll number is registered on WhatsApp as well for receiving evidences in soft form and for recording of communication. This toll number will be accessible by the executive and senior management of Aschiana along with focal person appointed for addressing SEA issues. Besides, specific email address i.e. aschiana.psea@gmail.com is allocated for receiving SEA compliances and issues.

Recipient of assistances, target communities and beneficiaries will be educated by Aschiana's field team on recording SEA issues and allegations, which will be further communicated to the focal point and/or GRM person for further proceedings.

f. Confidentiality

Complaints can be made anonymously. Every effort will be made to maintain confidentiality throughout the complaints process. Information that identifies individuals involved in a complaint will be limited to essential personnel and will not be shared further without obtaining the informed consent of those involved, except if someone's life is at

risk, a child is at risk, or as required by law in consultation with legal counsel and where safe to do so. Non-identifying information will be shared as per reporting requirements.

Staff involved in the complaints process will be made aware of the importance of maintaining confidentiality and may be asked to sign a confidentiality agreement. Employees who breach confidentiality may be subject to disciplinary action up to and including termination of employment, and others who work with Aschiana may have their relationship with Aschiana terminated.

g. Retaliation against Complainants, Survivors and Witnesses

Aschiana will take action against anyone, whether they are the subject of a complaint or not, who seek or carry out retaliatory action against complainants, survivors or other witnesses. Employees may be subject to disciplinary action, up to and including termination of employment. Others who work with Aschiana may have their relationship with Aschiana terminated.

h. Complaints about Aschiana's Partners

Where Aschiana receives a complaint about a partner organization, Aschiana will expect the partner to respond safely, quickly and appropriately. Aschiana will assist the partner to ascertain its reporting obligations.

Where appropriate, Aschiana will work with the partner to address the issue through an appropriate independent investigation. If the outcome is that abuse has occurred, ongoing work with the partner cannot involve the individual(s) concerned. If there is reason to believe that an allegation of abuse has been dealt with inappropriately by a partner, then they risk withdrawal of funding or ending the relationship (including networks and consortiums).

i. Receiving Complaints about External Organizations/Bodies

Safeguarding complaints raised to Aschiana about other organizations/bodies should be referred to the affiliate safeguarding teams, who will report cases to the relevant organizations involved where safe to do so, as well as local PSEA working groups, networks, and/or the charity commission/police/donors where appropriate and safe to do so. Aschiana will not investigate cases related to other organizations, but does have an obligation to report.

7. Procedure for Dealing with Sexual Exploitation and Abuse Cases

Following actions points will be ensured while dealing with SEA cases in pre, during and post enquiry processes as mentioned. **(This Section is also included in HR Policy of Aschiana under CHAPTER XXV- DISCIPLINARY POLICY & PROCEDURES)**

- a. ASCHIANA management will form enquiry committee within 7 working days when the matter is raised in writing.
- b. Inquiry committee will be comprised of at least three senior members whom one member shall be woman. In case of failure to form committee, the management may appoint member from external resources. Any member can become chairperson on the committee.
- c. Committee will communicate the charges and statement of allegations in wiring to the

accused and require 7 working days to submit the written response failing which committee will proceed ex-pirate.

- d. The committee order any witness, examination of documents, statements from both parties and ensure all possible measure to investigate and conclude the case in fait and just manner.
- e. All communications will be kept confidential. The committee may appoint any employee to provide assistance to the any of the party if needed and /or both parties have the right to accompany any colleague or friend for support.
- f. The enquiry committee will conclude the case and submit its final findings and recommendations within 30 calendar days from the date it has been constituted.
- g. The committee may refer to disciplinary actions of minor and major levels as mentioned in the contract.
- h. The management of ASCHIANA shall decide and officially communicate the outcome and action to be taken to all concerned parties within 7 working days.
- i. Any party aggrieved by the decision of the management of ASCHIANA can appeal in writing to an ombudsman within 30 days of the decision communicated.

Annex 1: Definitions

- **Aschiana Employees and Related Personnel:** The term “Aschiana Employees and Related Personnel” includes all employees of Aschiana International, Aschiana Affiliates and Aschiana Offices. The term also includes board members, volunteers, interns, and international and local consultants, day laborers, in addition to individual and corporate contractors of these entities and related personnel. This includes non-Aschiana entities and their employees and individuals who have entered into partnership, sub-grant or sub-recipient agreements with Aschiana.
- **Sexual Harassment:** Sexual harassment is any unwelcome sexual advance, request for sexual favor, verbal or physical conduct or gesture of a sexual nature, or any other behavior of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation to another. 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. While typically involving a pattern of behavior, it can take the form of a single incident. Sexual harassment may occur between persons of the opposite or same sex. Both males and females can be either the victims or the offenders.
- **Sexual Exploitation:** 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. Aschiana recognizes that the terms sexual abuse and exploitation represent a wide spectrum of behaviors and is not limited to the act of sexual intercourse.
- **Sexual Abuse:** 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:** 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:** The person who it is alleged has been the subject of sexual harassment, abuse or exploitation.
- **Complainant:** The person who raises a complaint (this may or may not be the survivor).
- **Subject of Complaint/Subject of Concern/ SoC:** The person against whom the allegation, complaint or concern has been raised.
- **Suspicion of misconduct:** A concern that has been raised through any of the reporting pathways.
This suspicion is assessed at an initial case conference / stakeholder panel.
- **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'.
- **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'.

Annex 2: Speak-up Channels

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