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Protection from Sexual Exploitation and Abuse (PSEA) Policy

CONTEXT

PROUD Lebanon adheres to a zero-tolerance policy regarding any incident of Sexual Exploitation and Abuse (SEA). PROUD Lebanon is unequivocally committed to the prevention of and response to sexual exploitation and abuse and to addressing all reports and allegations of SEA with utmost seriousness. Through the enactment of this policy, PROUD Lebanon seeks to ensure a safe and respectful environment for all individuals within its operational realm.

PURPOSE AND SCOPE

The purpose of this policy is to establish standard operating procedures (SOPs) and guidelines for the prevention and safeguarding against all forms of Sexual Exploitation and Abuse (SEA), and for an effective response to the allegations of SEA.

These SOPs are applicable to all PROUD Lebanon operations and services at headquarters and field offices, and at all times, encompassing both during and outside office hours, without any exceptions.

They are applicable to all PROUD Lebanon staff and non-staff personnel, as defined in this policy, and to members of the Advisory and Executive Boards.



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DEFINITIONS

Sexual Abuse: actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. All sexual activity with a person under the age of 18- a child- is considered sexual abuse. Any misapprehension regarding the age of a child does not constitute a defense. Ignoring a person's age shall not be accepted as a justification. Sexual abuse includes rape, sexual assault, or sexual activity with a child. It also includes instances of non-contact and online sexual abuse

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

Sexual Harassment: any unwelcome sexual advance, request for sexual favors, or other verbal or physical conduct of a sexual nature that might reasonably be expected or perceived to cause offense or humiliation, when such conduct interferes with an individual's work, is made a condition of employment or advancement or creates an intimidating, hostile, or offensive working environment.

Staff personnel: Anyone employed by PROUD Lebanon in official capacity, including employees on a full-time or part-time basis and interns.

Non-staff personnel: Anyone with a contractual relationship with PROUD Lebanon, including consultants, independent contractors, volunteers, partners, sub-grantees and sub-recipients, and suppliers of goods or services.



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PREVENTION

Priority shall be given to preventive measures to deter or prevent any instance of SEA.

Vetting and reference-checking of applicants

- PROUD Lebanon has a zero-tolerance recruitment policy. Those who have committed acts of SEA will not be considered for employment.
- Prospective staff will be asked during the initial Human Resources interview to provide information about any ongoing investigation and/or disciplinary process pertaining to acts of SEA, sexual harassment or child protection.
- A reference check, involving a minimum of two contacts, shall be conducted for all prospective staff, incorporating specific questions about child protection and SEA.
- All PROUD Lebanon contracts include general conditions indicating that the conditions indicating that the personnel must comply with the PSEA policy. All personnel should sign the PSEA and are required to acknowledge in writing, upon contract signature or renewal, or upon the issuance of new standards, their knowledge and understanding of the PSEA policy and the consequences for non-compliance.

PSEA awareness raising and training of staff and related personnel

- All staff personnel and advisory and executive board members at PROUD Lebanon are expected to complete a mandatory induction session on PSEA policy.
- The Executive Director of PROUD Lebanon is responsible for ensuring that staff receive adequate PSEA training and support through induction or refresher sessions.



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Ensuring adequate safeguards when engaging with beneficiaries

- PROUD Lebanon integrates PSEA considerations into its planning, programming and operational processes (strategic planning, budgeting, program cycle management, etc.). Additionally, PROUD Lebanon shall actively promote PSEA awareness through its various communication channels (media and social media) and training activities.
- Focus group discussions with beneficiaries shall be conducted at the end of each project to gather feedback on service quality and employee conduct. Any identified complaints are meticulously documented and subsequently addressed.
- The identity and contact details of the PSEA Focal Point shall be made known, throughout PROUD Lebanon premises and area of operations.
- Surveillance cameras are installed in key areas within PROUD Lebanon's premises (offices, meeting rooms, etc.) to facilitate evidence collection in the event of reported incidents.

RESPONSE

Reporting and Receiving Complaints

- Complaints or reports about concerns or suspicions of SEA may originate from a victim, witness or staff or non-staff personnel who have a duty to report any allegations of SEA of which they are aware.
- All staff or non-staff personnel of PROUD Lebanon, irrespective of their rank of position, who witnesses or suspects an SEA incident or misconduct should report it directly to the PSEA focal point or by utilizing the Speak-up policy.



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- Beneficiaries of PROUD Lebanon's programs and services may report SEA incidents or concerns to the PSEA Focal Point either directly or through the complaint mechanism.
- PROUD Lebanon established a complaint mechanism to enable beneficiaries to anonymously report concerns or grievances related to service delivery or the conduct of any personnel. It includes a physical complaint box and an online submission form. To ensure comprehensive awareness, beneficiaries shall be introduced to the PSEA policy and the complaint mechanism during their initial interaction/service provision by the responsible staff through various channels, including informational posters throughout the center and on the website, verbal communication preceding each awareness-raising session, and specific sessions dedicated to educating beneficiaries about PSEA.

Procedure for Managing Complaints and Investigation

Responsibilities of Executive Board

- The Executive Board of PROUD Lebanon has an oversight responsibility for the prevention and response to SEA.
- The Executive Board shall designate a PSEA focal point among its members.

Responsibilities of PSEA Focal Point



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- The PSEA focal point is responsible for receiving SEA complaints and referring them to the Investigation Committee.
- Upon being informed of an SEA allegation, the PSEA focal point must promptly communicate the incident to both Executive and Advisory Board members. The PSEA focal point shall immediately alert the Executive Director to provisionally suspend the party implicated in misconduct pending the completion of an investigation, and to notify PROUD's legal counsel.

Role and Responsibilities of SEA Investigation Committee

- An SEA Investigation Committee, formed of the PSEA focal point, a member of the Executive Board and a member of the Advisory Board, shall conduct an investigation into the reported allegations, supported by PROUD's legal counsel.
- The member of the Advisory board chairs the SEA Investigation Committee.
- The investigative process shall be carried out promptly, with a preference for completion within four working days from the time the complaint is lodged.
- The SEA investigation committee is expected to submit an investigation report to the Executive and Advisory Boards with recommendations.

In the event that a complaint involves an adult victim of SEA, the following protocol shall be followed:

- § The SEA investigation committee must instantly document the specifics of the reported incident(s), including the date and time.



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§ PROUD's legal counsel shall schedule a meeting with the victim within the next 48 hours without delay.

§ At the start of the meeting, the legal counsel shall advise the victim on their legal rights and outlines PROUD Lebanon's legal responsibilities and procedural response. They shall also ensure that the victim is fully aware of their right to file a complaint externally, utilizing the relevant legal and judicial channels available in their jurisdiction.

§ The SEA Investigation Committee shall conduct a confidential interview with the victim. The interview shall be recorded subject to the victim's consent. If consent is not granted, written notes of the interview must be taken and signed by the victim to ensure proper documentation.

§ The victim shall be asked to provide any evidence relevant to legal proceedings regarding the matter.

§ Separate interviews with relevant third parties shall be conducted, subject to the victim's consent, to gather additional information or testimonies.

§ An exhaustive report shall be prepared detailing the investigation's findings and recommendations for subsequent action.

§ Should SEA allegations be substantiated, the Executive Board shall assist the victim in filing a legal complaint and refer them to suitable support services, such as psychological support or other services identified through referral pathways. An agreement with the Lebanese Center for Human Rights (CLDH) has been established to support victims requiring assistance to file an official legal complaint.



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In the event that a complaint involves a child victim of SEA, the following protocol shall be followed:

§ In instances where the alleged abuse is perpetrated by an adult not affiliated with PROUD Lebanon, or by another minor, and is reported by PROUD Lebanon's personnel, the case shall be promptly referred to Himaya's resilience team, given their specialized expertise and primary mission in handling such cases.

§ Should the alleged perpetrator be associated with PROUD Lebanon, the Executive Board, in coordination with the Executive Director and the Advisory Board, shall designate a qualified psychologist and a social worker to provide assistance to the victim.

§ The SEA investigation committee shall conduct an interview with the child victim, in the presence of the child's parents or guardians or solely with him after obtaining their written consent, taking into consideration the child's age and personal preferences.

§ The interview shall be recorded with explicit consent from both the child and their parents or guardians. In the absence of such consent, written notes of the interview must be taken to ensure thorough documentation of the case.

§ PROUD Lebanon is committed to offering comprehensive support to the child victim and their family, which includes legal assistance, psychological counselling, and social services tailored to their needs.



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§ Should the SEA allegations be substantiated, the Executive Board shall assist the victim in filing a legal complaint and refer them to suitable support services, such as psychological support or other services identified through referral pathways. An agreement with the Lebanese Center for Human Rights (CLDH) has been put in place to support victims requiring assistance to file an official legal complaint.

§ PROUD Lebanon also reserves the right to pursue legal action against any personnel should they be found to be a perpetrator of SEA against a minor.

Confidentiality

Any allegation of SEA is strictly confidential and classified. Disclosure shall be restricted to a minimum number of persons, based on their need to know because of their responsibilities.

PROUD Lebanon personnel and Boards members and other individuals or organizations involved in its resolution must safeguard the privacy of all parties concerned and shall not disclose any confidential information obtained as a result of their service with PROUD Lebanon. This obligation continues after separation from service.

Breach of confidentiality will not be tolerated and will result in immediate termination of their contractual relationship with PROUD Lebanon and may be subject to legal action.

All information and records related to SEA allegations and investigations shall be handled with utmost confidentiality and sensitivity. Where physical records are kept, documents must be stored safely to prevent accidental disclosure. Where electronic records are kept, all files and computers used for data storage should be



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password-protected. This approach is without prejudice to the due-process rights of the parties involved in disciplinary proceedings.

PROUD Lebanon is required to report all substantiated allegations of SEA to the PSEA Working Group in a timely manner.

SANCTIONS AND DISCIPLINARY MEASURES

Upon the report of an allegation of SEA committed by an individual employed by or associated with PROUD Lebanon, the organization will:

1. Immediately place the accused individual on administrative suspension pending the outcome of the investigation, to ensure the integrity of the investigative process.
2. Conduct an internal investigation. If deemed necessary, PROUD Lebanon will also allocate appropriate resources for undertaking an external investigation.
3. Should allegations against the involved party be substantiated, PROUD Lebanon will:

- § Provide legal support to victims of SEA.
- § Terminate all professional relations with the implicated individual, regardless of their role (employee, supplier, consultant etc.), with immediate effect and without the provision of notice or compensation.
- § Initiate legal proceedings against the accused party if the victim is a minor and provide legal support if the victim is an adult.



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§ document and file the disciplinary measures and legal actions in the personnel's records, strictly adhering to the stipulations of the Labor Law.

4. Should the investigation process reveal that a board member, manager, employees or other individual associated with PROUD Lebanon, were aware of the violations and failed to report them, they would face termination of their employment or contractual relationship with PROUD Lebanon and may be subject to legal action for their omission to report such violations.

16/09/2024

