



GUIDANCE NOTE

Protection from sexual exploitation and abuse for the Private Sector

INTRODUCTION

The private sector, when working with vulnerable communities and engaged in humanitarian and disaster management operations, must safely and appropriately mainstream protection from sexual exploitation and abuse into their operations.

Protection from Sexual Exploitation and Abuse (PSEA) enables protection of communities affected by a disaster or a conflict, from sexual exploitation and abuse (SEA). This is relevant to all actors engaged in disaster management to ensure that their efforts, activities, and interventions do not cause any harm and are a positive contribution to the populations they serve.

PSEA supports the vision of a humanitarian environment in which people caught up in crises feel safe and respected, and can access the protection and assistance they need without fear of exploitation or abuse by any party involved, and in which workers themselves feel supported, respected and empowered to deliver such assistance in work environments free from sexual harassment.

Key Takeaways

- It is key to adhere to the [six core principles](#) relating to Protection from Sexual Exploitation and Abuse (PSEA)
- **Do not underestimate the possibility of sexual exploitation and abuse (SEA) happening in your communities nor the severity of it!** SEA can happen in all contexts and can have long-lasting consequences that can be prevented.
- Watch this 3-minute video "[What if it were you?](#)".
- On the last page of this document, we share a **one page summary and checklist of actions private sector networks and companies can take towards PSEA.**

WHY THE NEED TO PROMOTE AND ESTABLISH PSEA MECHANISMS WITHIN THE PRIVATE SECTOR?

Sexual exploitation and abuse (SEA) in humanitarian contexts are gross acts of misconduct and grave violations of the responsibility to do no harm and to protect people affected by crises. The behavior also causes serious reputational damage to the entity whose staff is involved in such acts, including for its partners.

It is important that the private sector is committed to the global fight to eradicate any incidents of sexual misconduct by respecting the PSEA mandate. The "[Protect, Respect and Remedy](#)" Framework details that it is the State's duty to **protect** against human rights abuses by third parties, while the corporate responsibility is to **respect** human rights. That means the private sector must act with due diligence to avoid infringing on the rights of others, and to address both situations that occur and their adverse impacts. "**Remedy**" refers to providing victims access to seek effective remedy to SEA, both judicial and non-judicial. For the private sector working in humanitarian operations, adhering to the PSEA principles and framework is essential.

**Please note that PSEA may go beyond a company's regular Human Resource (HR) policy on sexual harassment and grievance mechanisms, as it extends to protecting affected populations both internal and external to the company. It can, however, be made part of the HR guidelines and the Employee Code of Conduct, as it is up to the company to decide how they integrate PSEA into their operations.

What is CBI's commitment to PSEA?

The OCHA-UNDP Connecting Business initiative (CBI) works at the intersection of businesses and disaster management operations. CBI is committed to assisting the private sector in ensuring that their disaster operations conduct a positive cycle of learning and doing as it relates to the protection from sexual exploitation and abuse.

SIX CORE PRINCIPLES RELATING TO SEXUAL EXPLOITATION AND ABUSE IN THE CONTEXTS IN WHICH THE PRIVATE SECTOR OPERATES

1. Sexual exploitation and abuse in humanitarian contexts are gross acts of misconduct. It is therefore recommended that the private sector consider **including these behaviors in their internal policy as grounds for termination of employment.**
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.
3. **Exchange of money, employment, goods, or services – including the exchange of assistance in the case of disaster management operations – for sex, including sexual favors or other forms of humiliating, degrading or exploitative behavior is prohibited.**

The private sector as an active enabler in protecting communities

The private sector actively participates to humanitarian operations as service providers, philanthropic actors and beyond. While their role is of core importance, the possible lack of understanding on PSEA may present significant risks to the success of operations. The private sector's understanding of the need to protect, at all staff levels, is key.

GSMA, for example, works with [Mobile for Humanitarian Innovation](#). Highlighting the “do no harm” principle, GSMA conducted a training on the PSEA code of conduct in Rwanda to enhance Mobile Money agents' understanding of sexual exploitation and abuse within the humanitarian assistance context. After the training, the agents had concrete action points to prevent and respond to cases of SEA. The successful project was [extended to Uganda](#) digitally, which is an example of COVID-19 safe action.

4. Any sexual relationship between those providing humanitarian assistance and protection and a person benefitting from such disaster/humanitarian assistance and protection that involves improper use of rank or position is prohibited. Such relationships undermine the credibility and integrity of humanitarian aid work.

5. Where a private sector worker develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same company or not, he or she should report such concerns via established reporting mechanisms (more information of how to establish a reporting mechanism is available at the end of this document).

6. The private sector workers that participate in humanitarian operations are encouraged 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 a particular responsibility to support and develop systems which maintain this environment.

These are adapted from the [IASC Six Core Principles Relating to Sexual Exploitation and Abuse](#).

Do not underestimate the possibility of SEA happening in your communities nor the severity of it! SEA can happen in all contexts and can have long-lasting consequences that can be prevented.

PSEA in the time of COVID-19

The COVID-19 Pandemic was a public health, social and economic crisis global in scale. Disruption to livelihoods, public services and the freedom of movement can exacerbate SEA risks for already vulnerable populations, such as women, children, refugees, migrants and internally displaced people, as well as the marginalized. The use of isolation measures may limit access to information on PSEA, and restrict the access of SEA victims to reporting channels.

The crisis does not create new responsibilities; rather, **the COVID-19 pandemic should strengthen existing PSEA commitments** to protect and assist people receiving humanitarian assistance. To learn more on COVID-19 specific measures, please see the IASC [technical note](#), a [checklist](#) and a [webinar](#).

RESOURCES & SUPPORT

Given the seriousness of the topic, CBI is committed to supporting the private sector in PSEA by facilitating trainings and guidance materials.

The next steps include companies and private sector networks to consider the 1-page *PSEA Key Points to Consider for the Private Sector* at the end of this guidance note, to ensure their commitment.

For any further questions, or to connect to the IASC on PSEA, please contact ocha.psea@un.org or the OCHA-UNDP Connecting Business initiative (CBI) at connectingbusiness@un.org.

RESOURCES AT THE NATIONAL LEVEL

Key resources and contacts related to PSEA at the national level are below :

- Humanitarian partner's PSEA focal points at country level; the contacts are accessible [here, under each country page](#).
- Humanitarian Country Teams (HCT) involve all humanitarian actors in the country; they can be contacted through the [national OCHA office](#) or UN Resident Coordinators Office.
- National gender bureaus and local women organizations have context specific information on the situation and needs of women and other groups that may be particularly vulnerable to SEA.
- Local level NGOs and service providers are integral part of the humanitarian operations.

FURTHER MATERIALS FOR TRAINING PURPOSES

- The PSEA [materials](#) are available in English, French, Arabic, Spanish and Portuguese.
- [UN Protocol on Provision of Assistance to Victims of Sexual Exploitation and Abuse](#)
- [The humanitarian metadata problem: 'Doing no harm' in the digital era](#)

PSEA KEY POINTS TO CONSIDER FOR PRIVATE SECTOR NETWORKS AND COMPANIES

For the private sector to help accelerate Protection from Sexual Exploitation and Abuse (PSEA) at the country level, they can improve preventive efforts, and if the prevention fails, improve accountability by ensuring safe and accessible reporting channels, and if needed, provide quality assistance to survivors.

Here are some actions to consider:

- Include the six core principles of PSEA into the company policy**, as standards of conduct internally, and towards the disaster/conflict affected communities.
- Include company codes of conduct and the six core principles in general contract conditions** for staff and subcontractors/suppliers, also stating clear consequences of any SEA incidents.
- Strengthen the information on PSEA for the company staff involved in disaster/ humanitarian operations.** This may include using this guidance note and providing PSEA training, pre-deployment orientations, and information on the standards of conduct by the company as well as mechanisms to file complaints of misconduct and the implications of breaching these standards.
- Designate a PSEA focal point** at your company that is dedicated to developing and implementing the PSEA policy and activities, to who staff can report.
- Strengthen the awareness of all staff members on their obligation to report on any SEA incidents or misconduct**, and **ensure there is a reporting channel and a policy for protection from retaliation** in place.
- Strengthen the communication between HQ and field offices** regarding expectations on PSEA.
- Establish or strengthen the **internal SEA investigation procedures**.
- Establish a linkage with the Gender Based Violence and Child Protection referral pathways and **refer victims of SEA for quality assistance** (both beneficiaries of humanitarian operations as well as internal staff members), which may include, for example, a written guidance on the provision of victim assistance.

The above is adapted from the [IASC Minimum Operating Standards for PSEA by own personnel](#).

How to report sexual exploitation and abuse?

To prevent sexual exploitation and abuse, everyone has an obligation to report. Please consider the following channels:

1. A reporting channel by your company/network or reporting to the designated PSEA focal point at your company.
2. In case such channel is not in place, consider seeking assistance from [IASC PSEA](#) Coordinators, national focal points, or CBI.
3. In identifying support services to assist the victim at the national/local level, the [IASC PSEA](#) Coordinators, national focal points, or the Humanitarian Country Team can often provide support.

For questions or clarifications, or if you have an example you wish to share as a potential case study, contact the OCHA-UNDP Connecting Business initiative team at connectingbusiness@un.org.