



NATIONALITY FOR ALL
Advancing the right to a nationality in the Asia-Pacific region

Policy for Protection from Sexual Exploitation and Abuse Policy

Sexual Exploitation and Abuse (SEA) represent grave breaches of the right to safety, security and dignity of persons of concern. NFA is committed to taking all necessary action to prevent, mitigate the risks of and respond to sexual misconduct and to put the protection, rights and dignity of victims at the forefront, in line with our policy on a Survivor-Centered Approach in NFA's response to sexual misconduct.

Nationality For All (hereinafter 'NFA') strives to create and maintain a work environment in which people are treated with dignity, decency and respect. The environment of the company should be characterized by mutual trust and the absence of intimidation, oppression and exploitation. NFA operates a **zero tolerance policy** for any form of sexual exploitation and abuse, treat all incidents seriously and promptly investigate all allegations of SEA. Any person found to have sexually exploited and abused another will face disciplinary action, including dismissal from employment and possible legal action. All complaints of SEA will be taken seriously and treated with respect and in confidentiality. No one will be victimized for making such a complaint.

All employees, regardless of their positions, are covered by and are expected to comply with this policy and to take appropriate measures to ensure that prohibited conduct does not occur. Appropriate disciplinary action will be taken against any employee who violates this policy. Based on the seriousness of the offense, disciplinary action may include verbal or written warning, suspension, or termination of employment or handing over to the concerned legal bodies for investigation.

Managers and supervisors who knowingly allow or tolerate discrimination, harassment or retaliation, including the failure to immediately report such misconduct to human resources (HR), are in violation of this policy and subject to discipline.

A. PURPOSE

The purpose of this policy is to establish mechanisms for the prevention of all forms of Sexual Exploitation and Abuse (SEA) and provide practical guidance on how to handle suspected or actual cases of SEA. Through the Protection from Sexual Exploitation and Abuse (PSEA) Policy, NFA clearly expresses its determination to prevent and respond to sexual exploitation and abuse of beneficiaries and members of the community by NFA employees and all related personnel including: volunteers, interns, contractors, board members and others.

B. SCOPE

All NFA employees and related personnel are required to behave irreproachably with the project beneficiaries or members of the community, using particular care with the most vulnerable classes: minors, women, the elderly and other marginalized groups.

NFA commits to create a zero-tolerance organizational culture against complacency and impunity. NFA Management, among the others, is expected to create and maintain an environment that prevents sexual exploitation and abuse. NFA management staff must be familiar with and enforce this policy, being proactive in overseeing their team. Through the Protection from Sexual Exploitation and Abuse Policy, NFA clearly expresses its determination to prevent and combat sexual exploitation and abuse of beneficiaries and members of the community by NFA employee and all related personnel.

NFA SEA policy sets minimum standards to be followed to protect beneficiaries and members of the community from sexual exploitation and abuse. The policy is principally addressed all NFA employee and related personnel included in the following categories:

- a) Board of Directors and NFA Management;
- b) All the employees and collaborators in all NFA structures and projects; c) Non NFA entities and their employees and individuals who have entered into partnership or, collaboration with NFA;
- d) Consultants and other freelance persons who act on behalf of NFA on the basis of service contracts (understood as consultants and providers of intellectual services); e) all persons acting voluntarily on behalf of NFA;

- f) Suppliers of any sort of goods, services, or works, including current and potential suppliers.
- g) All the other people not included in the above mentioned categories who have signed a contract with NFA.

The principles set forth in this policy apply all times, during and outside the office hours and during the periods of leave, with no exceptions.

C. PRINCIPLES¹ AND PROHIBITED CONDUCTED

- i. Sexual exploitation and abuse by NFA employee and related personnel constitute acts of gross misconduct and are therefore grounds for disciplinary actions and/or termination of employment contract within the applicable and current regulations;
- ii. Sexual activity with children is prohibited: 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 and no way shall ignorance of the age of the person be accepted as a justification
- iii. Exchange of money for sex is prohibited including exchange of money, employment, goods, or services for sex, including sexual favors or other forms of humiliating, degrading or exploitative behavior by NFA employee and related personnel is prohibited.
- iv. Sexual relationships between NFA staff and beneficiaries and members of the community is prohibited since they are based on inherently unequal power dynamics. Such relationships undermine the credibility and integrity of NFA's work.
- v. Where NFA employee and related personnel develops concerns or suspicions regarding sexual abuse or by a fellow worker, whether the individual works for NFA or for other organization, partners, suppliers or other related stakeholders, he or she must report such concerns through the means and tools available

¹The six core principles are from the UN Secretary-General's Bulletin on Special Measures for Protection from Sexual Exploitation and Abuse.

within the Organization.² The Supervisory Body must be informed about all the concerns and suspicions, including rumors in good faith arisen about sexual exploitation and abuse;

- vi. All NFA staff members, whatever their levels are obliged to create and maintain an environment that prevent sexual exploitation and abuse and promotes the implementation of the Code of conduct and Ethical Code.

D. PSEA FRAMEWORK

1. Prevention:

- a) Vetting: NFA commits to systematically vet all prospective job candidates in accordance with established screening procedures.
- b) Training: NFA commits to hold mandatory induction and refresher trainings for its staff and all associated entities on the SEA policy and procedures.

2. Response:

a) Reporting:

- i. NFA is committed to use safe, confidential and accessible mechanisms and procedures for personnel, beneficiaries and communities, including children, to report SEA allegations that and ensures that beneficiaries are aware of these.
- ii. NFA requires all team members and Partners to immediately report suspicions of sexual exploitation and/or abuse involving NFA team members, Partners, Visitors, or employees of relevant agencies. Reports should be submitted in accordance with the Whistleblower Policy. NFA will review all such reports and will investigate accordingly. Team members who are aware of sexual exploitation and/or abuse by team members or Partners or Visitors and who do not ensure that they are reports may be subject to disciplinary action.

- b) Investigation:** NFA commits to a serious, swift, and fair investigation for all allegations of sexual exploitation and abuse. NFA will, first and foremost, take into account the safety, security and well being of the survivors during any investigation or follow-up

²See: Whistleblower Policy of the NFA

action, but will also take into account the safety and well-being of the accused and any witnesses

- c) **Referral to National Authorities:** If, after proper investigation, there is evidence to support allegations of SEA, these cases may be referred to national authorities for criminal prosecution.
- d) **Survivor assistance:** NFA will offer survivors of sexual exploitation and abuse independent medical, psychosocial, and legal support. NFA will assist them with reporting incidents to the proper authorities should they choose to.

3. Cooperative arrangements:

- a) All NFA partnership agreements will include a standard clause requiring all NFA consultants/trainers, facilitators and related personnel of partner organizations to commit to a zero-tolerance policy on SEA and to take measures to prevent and respond to SEA. NFA will also receive a signed statement of commitment from all NFA consultants/trainers, facilitators and related personnel of partner organizations. (Annex 1)
- b) The failure of those entities or individuals to take preventive measures against SEA, to investigate allegations thereof, or to take corrective action when SEA has occurred, shall constitute grounds for termination of the NFA's cooperative arrangement.

4. Confidentiality

- a) NFA treats all reports and allegations with the greatest respect for confidentiality of all individuals involved, given the nature and sensitivity of the allegations involving sexual exploitation and abuse. NFA will seek to maintain privacy at all times during the investigation process, consistent with our responsibility to maintain individual and team safety. This means that only those people with a need to know can be provided information, and limited to their role in the response and investigation process. Anyone who has a role as part of the investigation or response team is bound by confidentiality and can be disciplined, up to termination, for violating that confidentiality.
- b) However, NFA may be required to disclose the allegations and related detailed information including the name and identifying information of the survivors and the accused as a result of the legal process. In providing such information NFA will seek to limited distribution of this information to the extent possible and allowed by the law and in accordance with the law. Such action will be take while seeking assurance of the confidentiality of the information disclosed to the law enforcement officials or the related parties.

5. No Retaliation

Any type of retribution against an employee for making or reporting a legitimate complaint in accordance with this policy or for participating in a complaint inquiry is strictly prohibited by NFA. Any employee/management personnel who are found to have participated or engaged in retaliatory conduct will be subject to disciplinary action, up to and including termination.

6. Disciplinary Consequences for Prohibited Conduct

- a) NFA will suspend (or otherwise ensure that any risk of further harm is mitigated) any team member, Partner team member, or Visitor who is the subject of credible allegations of sexual exploitation or abuse while NFA and/or law enforcement investigate the matter.
- b) All substantiated violations will result in termination with ineligibility for rehire or future receipt of consultancies or independent contractor contracts or other resources from NFA.
- c) Any Partner whose team members, partners or visitors engage in sexual exploitation or abuse will be required to institute corrective measures that include verification that the Partner is adhering to this policy. NFA may also immediately suspend or terminate an agreement with a Partner due to sexual exploitation and abuse by the Partner, its team members, visitors or partners. NFA may also determine the Partner ineligible for future agreements depending, in part, on whether the Partner knowingly and willfully failed to comply with this policy (for example: Partner knew of and failed to report, investigate and take corrective action for sexual exploitation and abuse).

E. Implementation of this policy:

NFA will make sure that this policy is widely shared with all pertinent parties. Additionally, it will be as part of their onboarding into the organization, all new hires must get training on the details of this policy.

Every year, NFA will require all employees to attend a refresher training course on the content of this policy. It is the responsibility of every manager to ensure that all his/her employees are aware of this policy.