



Protection from Sexual Exploitation and Abuse (PSEA) Policy

Version 1: Developed October 2023

POLICY STATEMENT:

Save The Children India (STCI; Brand Name: Vipla Foundation) is steadfast in its commitment to prevent all forms of sexual exploitation and abuse, and to respond decisively when such incidents occur. This entails taking all concerns seriously and swiftly addressing allegations of abuse. STCI ensures that no one is subjected to victimization for reporting an incident, and the organization's commitment is to collaborate closely with complainants and survivors, placing them at the center of all response efforts. STCI's goal is to ensure that victims of Sexual Exploitation and Abuse (SEA) are not further harmed or disempowered by any processes and that they receive ongoing support.

Save The Children India firmly regards any form of sexual violence as a grave violation of human rights. **STCI will not tolerate any kind of abuse, exploitation, or harm, whether directed towards its employees, rights holders, communities, or any individuals it encounters through its work.** STCI recognizes that all instances of sexual exploitation, abuse, harassment, and other safeguarding concerns, including the abuse of vulnerable adults, are rooted in power imbalances, particularly those related to gender and sexual dynamics.

Given the inherent power imbalances within the development sector and the broader societal norms and structures in which we operate, we hold a duty to prevent such abuses and respond robustly to allegations of sexual exploitation and abuse. STCI understands that when individuals within the development sector engage in sexual exploitation and abuse, it inflicts harm, violates human rights, erodes trust in the sector, and jeopardizes the credibility of all organizations working with communities on the ground.

PURPOSE AND COMMITMENT TO PSEA:

Save The Children India observes Zero Tolerance to sexual exploitation and abuse and acknowledges its responsibility to safeguard and promote the well-being of all individuals it encounters in the course of its work. This encompasses a wide range of people, including but not limited to employees, partners, program participants, community members, and all associated individuals. The organization recognizes that imbalanced power dynamics, especially gender inequality, can increase vulnerability. Therefore, the Save The Children India is committed to establishing a safeguarding environment that fosters positivity, identifies potential risks, and implements clear processes and procedures for risk management and redressal. This policy outlines the

Save The Children India observes Zero Tolerance to Sexual Exploitation and Abuse



commitments made by Save The Children India and communicates the responsibilities of employees, beneficiaries, consultants, vendors, associates, donors, contractors, partner organizations, institutions, and all related individuals regarding safeguarding. **This policy is applicable to all of the above-mentioned persons/ entities across ages and gender.**

CORE PRINCIPLES:

To safeguard the most vulnerable populations, particularly vulnerable adults and children, and to uphold the integrity of its operations, STCI adheres to the following six Core Principles:

1. Sexual exploitation and abuse, as well as child abuse, committed by Save The Children India employees, are considered acts of gross misconduct and are grounds for immediate termination of employment.
2. Sexual activity with children is strictly prohibited, irrespective of local age of majority or local age of consent. Mistaken belief in the child's age is not a valid defence.
3. The exchange of money, employment, goods, or services for sexual acts, including sexual favours or any demeaning or exploitative behaviour by Save The Children India employees, is strictly prohibited. This also encompasses providing assistance contingent upon sexual intercourse for beneficiaries.
4. Sexual relationships between Save The Children India employees and beneficiaries are prohibited due to the inherent imbalance of power dynamics.
5. If a Save The Children India employee becomes aware of concerns or suspicions regarding sexual abuse or exploitation, as well as child abuse, involving a fellow worker, whether within or outside the organization, they are obligated to promptly report such concerns through established reporting channels.
6. Save The Children India employees have a responsibility to foster and maintain an environment that prevents sexual exploitation and abuse, as well as child abuse, and actively promotes the implementation of this policy. Managers at all organizational levels have specific duties to support and develop systems that uphold this environment.

DEFINITIONS OF SEA:

- a. **Sexual Abuse:** Actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. It encompasses physical intrusion of a sexual or sexualized nature, such as inappropriate touching, sexual assault, and rape. It may also involve non-physical intrusion, like exposure to explicit content, sharing explicit material, or demands for sexualized actions or images.
- b. **Sexual Exploitation:** Any actual or attempted abuse of 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.



- c. **Sexual Favours:** Sexual favours involve engaging in sexual or sexualized acts in exchange for something valuable, such as money, goods, services, opportunities, or inappropriate photographs, filming, or exposure to explicit content.
- d. **Child Abuse:** The physical, emotional, or sexual mistreatment or neglect of a child, including any form of sexual exploitation involving children.
- e. **Sexual Offences against a Child / Children:** Sexual offences against children as defined under Sections 3, 5, 7, 9, 11, 13, and 15 of the Protection of Children from Sexual Offences (POCSO) Act 2012 and abetment of any of the said offences as defined under Section 16 of the POCSO Act 2012.
- f. **Victim/ aggrieved person:** A person who is or has been sexually exploited or abused.
- g. **Perpetrator:** A person (or group of persons) who commits an act of sexual exploitation or abuse. For the purposes of this Policy, a perpetrator means a Save The Children India staff or related personnel bound by the policies of Save The Children India.
- h. **Child:** As defined in the Juvenile Justice (Care and Protection of Children) Act 2015, any person who has not completed 18 years of age. This will include children who are 17 years and 364 days old. This will include children without any discrimination on grounds of nationality, caste, religion, socio-economic background, gender, and sexual orientation.
- i. **Beneficiaries:** Individuals or communities who are recipients of aid, assistance, or services provided by an organization, often in humanitarian or development contexts.
- j. **Power Imbalance:** The unequal distribution of authority, influence, or control between individuals or groups, which may be exploited to engage in sexual exploitation or abuse.
- k. **Consent:** Voluntary, informed, and mutual agreement between all parties involved in any sexual activity. It must be freely given without any form of coercion or manipulation. Implied consent will not account for consent. Consent is immaterial in the case of children.
- l. **Misconduct:** Behaviour that violates organizational policies, including any actions related to sexual exploitation and abuse.
- m. **Reporting Mechanisms:** The established procedures and channels within an organization for employees and stakeholders to report suspicions, concerns, or incidents of sexual exploitation and abuse.



- n. **Whistleblower:** An individual who exposes wrongdoing or misconduct within an organization, including reporting incidents of sexual exploitation and abuse.
- o. **Redress:** The process of addressing complaints or allegations, providing support to survivors, and taking appropriate actions to rectify and prevent further harm.
- p. **Policy Implementation:** The practical steps and measures taken by an organization to put its PSEA policy into action, including awareness training, prevention efforts, and response protocols.
- q. **Zero Tolerance:** Save The Children India maintains a zero-tolerance culture towards all forms of abuse, including Sexual Exploitation and Abuse, Harassment, Intimidation, and Bullying. This commitment ensures that all concerns are thoroughly addressed, and prompt action is taken when necessary, including investigations and disciplinary measures. Everyone within the organization is held to the same standards and processes, regardless of their position, reputation, age, gender identity, sexual orientation, political/ cultural beliefs, religious beliefs, caste, tribe, socio-economic status, etc.
- r. **Compliance:** Save The Children India is dedicated to adhering to national and international disclosure obligations and complying with all applicable laws, statutes, regulations, and codes in force at any given time.

These defined terms and principles provide a strong foundation for Save The Children India's commitment to preventing and responding to sexual exploitation and abuse effectively and responsibly.

EXAMPLES OF PROHIBITED BEHAVIOURS/ ACTIONS:

1. **Engaging in Inappropriate Relationships:** This includes engaging in relationships that could be seen as an abuse of trust, or that are abusive and exploitative in nature. Such relationships may involve individuals in positions of power or authority taking advantage of their influence.
2. **Commercial Sexual Exploitation:** Any involvement in the commercial sexual exploitation of a person, is strictly prohibited.
3. **Sexual Assault:** Sexual assault involves any non-consensual sexual activity, including physical acts that violate another person's boundaries and consent.
4. **Forced Sexual Activity:** This encompasses any act of forcing or coercing someone to engage in sexual activity against their will, including non-consensual sex.



5. **Forced Prostitution:** Forcing a person into prostitution or compelling them to participate in the production of pornography is a serious breach of the policy.
6. **Unwanted Sexual Touching:** Unwanted touching of a sexual nature, even without explicit physical force, is considered a violation of personal boundaries and is prohibited.

These examples help provide clarity and guidance on behaviours and action that are strictly forbidden as per Save The Children India's PSEA policy. The policy serves to protect individuals from sexual exploitation and abuse while promoting a safe and respectful environment.

SAVE THE CHILDREN INDIA'S APPROACH TO PREVENTION:

Save The Children India's approach to preventing the abuse and exploitation of adults and children is rooted in a strong commitment to safeguarding vulnerable individuals. This commitment is upheld through the following key principles:

- **Awareness:** Save The Children India ensures that all of its staff, representatives, and affiliated third parties are well-informed about the high standards of behaviour and conduct expected of them. This knowledge extends to both their personal lives and their professional responsibilities, with the aim of safeguarding adults and children from any form of sexual abuse and exploitation. Beneficiaries must also be made aware of behaviour expected from all STCI staff and related parties.
- **Prevention:** To mitigate the risk of any form of sexual exploitation and abuse, Save The Children India promotes awareness and encourages best practices. This includes, but is not limited to, conducting thorough vetting and background checks during the staff recruitment process.
- **Reporting:** Save The Children India ensures that all staff members and individuals working in association with the organization have a clear understanding of the steps to take when suspicions or concerns arise regarding allegations of sexual exploitation or abuse against adults and children in vulnerable populations where the organization operates.
- **Responding:** In cases where reports of sexual exploitation and abuse are made, Save The Children India takes immediate action to identify and address the situation. The primary focus is on ensuring the safety and well-being of the person who has been subjected to sexual exploitation or abuse. This also includes provision of timely support services to the victim and family, as required, including referral services.

This approach underscores Save The Children India's commitment to creating a safe and respectful environment for all, particularly vulnerable adults, and emphasizes proactive measures to prevent, identify, and respond to any instances of abuse or exploitation.

Save The Children India observes Zero Tolerance to Sexual Exploitation and Abuse



REPORTING:

For Save The Children India, safeguarding against sexual misconduct is a paramount responsibility shared by all members of the organization, including employees, beneficiaries, and board members. STCI believes in providing multiple avenues for individuals to raise concerns or suspicions, respecting their choice to maintain confidentiality or disclose their identity. Here are the mechanisms in place for reporting concerns of SEA and are **applicable to persons across ages and gender**:

(i) Internal and External Reporting: STCI has established internal and external reporting mechanisms, as outlined in the Policy, to facilitate the reporting of concerns related to sexual misconduct.

(ii) Direct Reporting: Employees are encouraged to raise concerns internally with a senior manager they trust and feel comfortable with. Beneficiaries and other parties/ individuals engaged with STCI are encouraged to report cases to the Internal Complaints Committee, or Program Directors/ Heads/ Managers via multiple modes including emails, telephone calls, written complaints, using the suggestions box, or in-person interactions. All these modes are widely publicized in English and local language for improved accessibility.

(iii) Safeguarding Focal Point: The STCI office designates a Safeguarding focal point, responsible for receiving Sexual Exploitation and Abuse (SEA) complaints, along with the Director. When we become aware of a potential breach of our PSEA Policy, we take the following actions:

- a. **Protection Against Retaliation:** We take immediate action to protect complainants from any form of retaliation for coming forward with their concerns. *Refer to the organizational Whistle-Blowing Policy for details.*
- b. **Support for Victims:** We provide essential support to victims, including counselling and medical assistance as appropriate. This support may encompass psychosocial counselling and access to specialized services tailored to their needs. Survivors and victims have the autonomy to decide when and if they wish to avail themselves of these support options. *Refer to the 'Referral SOP for Protection from Sexual Exploitation and Abuse' and 'Referral Form for Victims' for details [annexed with this Policy]*
- c. **Confidentiality:** We maintain strict confidentiality throughout the process, respecting the privacy and wishes of those involved. *Refer to the 'Guidelines on Victim Assistance' for details [annexed with this Policy]*
- d. **Timely Investigation:** We conduct investigations promptly and engage experienced investigators as required during the investigation.



- e. **Accountability:** We take swift and appropriate action, including suspension and legal measures, when necessary, against employees found to have committed sexual exploitation or abuse.
- f. **Suspension on Full Pay:** Any staff member implicated in an investigation is suspended on full pay, without prejudice, while the investigation is ongoing. This suspension is not indicative of guilt but is a protective measure for all parties involved.
- g. **Accountability for Bystanders:** We also take swift and appropriate action, including suspension and legal measures if required, against employees who were aware of such abuse but did not report it.
- h. **Reporting Obligations:** We fulfil reporting obligations as needed, both internally within the organization and to appropriate external entities when required. *STCI understands and acknowledges that all cases that constitute a crime under the Protection of Children from Sexual Offences (POCSO) Act 2012 must be mandatorily reported to relevant systemic authorities as outlined in the said legislation.*

STCI's commitment to these actions ensures a safe and accountable environment within the Save The Children India, where all concerns related to sexual misconduct are addressed promptly and with the utmost care.

Internal Complaints Committee (ICC) Composition:

- ICC comprises 4 to 5 members
- Minimum 50% representation of women
- Term not exceeding three years
- Chairperson (woman, from the Sr. management Role)
- All members committed to women's rights, legal knowledge, or social work experience

For SEA Related Concerns and Complaints below mentioned PSEA Focal Points/ Members of ICC should be contacted.

Table 1: ICC Members in term for the period October 2023 to September 2026

Sr. No	Name	Mobile Number	Email Id
1	Nandini Thakkar Singh	9819747470	nandini.thakkar@viplafoundation.org
2	Pravin Kadam	9004686285	pravin.kadam@viplafoundation.org

Save The Children India observes Zero Tolerance to Sexual Exploitation and Abuse



3	Anita Tawade	9224450165	anita.tawde@viplafoundation.org
4	Babu Bhise	9323548721	babu.bhise@viplafoundation.org

The **ICC** plays a crucial role in ensuring the effective implementation of Protection from Sexual Exploitation and Abuse (PSEA) policy within the organization. Its primary responsibilities include:

- 1. Receiving Complaints:** The ICC receives and acknowledges complaints related to sexual exploitation and abuse promptly and confidentially. It creates an environment of trust, ensuring that complainants feel safe and supported.
- 2. Investigating Complaints:** The ICC conducts thorough and impartial investigations into allegations of sexual exploitation and abuse. This involves interviewing complainants, witnesses, and the accused party, reviewing evidence, and assessing the credibility of statements.
- 3. Decision-Making:** Based on the findings of the investigation, the ICC makes informed decisions regarding whether the complaint is upheld, not upheld, or inconclusive. These decisions are reached on a balance of probability.
- 4. Recommendations:** If the complaint is upheld, the ICC makes appropriate recommendations for disciplinary action, remedies, or support measures. This may include written apologies, reprimands, counselling, financial damages, or other actions to address the issue.
- 5. Reporting:** The ICC prepares a final report detailing the complaint, the investigative process, supporting evidence, findings, and recommendations. This report is submitted within a specified timeframe and shared with relevant parties.
- 6. Interim Measures:** The ICC may implement interim measures to protect the complainant during the investigation, such as granting leave, restraining the accused from evaluating the complainant's work, or providing support services.
- 7. Awareness and Prevention:** The ICC plays a role in raising awareness of the PSEA policy within the organization and contributes to preventive measures by promoting a culture of respect and zero tolerance for sexual exploitation and abuse.
- 8. Mandatory Reporting:** For all cases that constitute a crime under the Protection of Childre from Sexual Offences (POCSO) Act 2012, the ICC reports the said case to systemic authorities in accordance with the said Act.

Overall, the ICC is instrumental in upholding the organization's commitment to preventing sexual exploitation and abuse, providing a mechanism for individuals to report concerns, and ensuring that appropriate actions are taken to address violations and support survivors.



Following is a detailed six stage redressal mechanism that is mandated to be observed by the ICC

REDRESSAL MECHANISM:

Stage One: Receipt Of the Complaint

Step 1: Receive and Acknowledge Complaint

- The complainant submits a sexual exploitation and abuse complaint within three months of the last alleged incident to the ICC.
- Complaints received via telephonic calls, in-person narration must be recorded and documented.
- The ICC reviews the complaint for compliance with relevant workplace policies and laws, and requests any necessary additional information
- The complainant is notified in writing to confirm receipt of the complaint
- Complaints involving child victims that constitute a crime under the Protection of Children from Sexual Offences (POCSO) Act 2012 must mandatorily be reported to the systemic authorities as outlines in the Act.

Step 2: Immediate Support and Referral Services to the Victim

- Assess the immediate needs of the victim for any support and referral services
- Involve the concerned Program Head/ Manager to develop a care plan for the victim in accordance with the *SOP for Protection from Sexual Exploitation and Abuse*
- Ensure the victim receives referral and support services as per the policies of the organization

Step 3: Explore Resolution Options

- The ICC meets with the complainant to discuss formal and informal resolution options.

Step 4: Informal Resolution

- If the complainant chooses the informal process, the ICC explores various ways to address the complaint, such as counselling, education, warnings to the respondent, or appointing a neutral conciliator.
- The ICC ensures the complainant's choice and well-being are prioritized throughout this process.
- Successful informal resolutions are recorded and forwarded to the CEO of Save The Children India

Save The Children India observes Zero Tolerance to Sexual Exploitation and Abuse



Step 5: Formal Resolution

- If the complainant opts for or if the nature of the complaint requires a formal redress, the ICC proceeds with a formal investigation.

Step 6: Respondent Notification and Response

- Within seven days of receiving the complaint, the ICC notifies the respondent in writing.
- The respondent has ten days to provide a written response to the complaint.

This process ensures a fair and impartial inquiry into complaints of sexual exploitation and abuse, emphasizing trust, compliance, and respect for the complainant's choice.

Stage Two: Planning Carefully

Step 7: Prepare the File

- Create an independent, confidential file for the complaint and related documentation.
- Review relevant laws, policies, and guidelines, including the Act/Rules, Service Rules, Workplace Policies, and National/ State Guidelines.
- Compile a list of dates, events, witnesses, and supporting documents.
- Act promptly by creating a plan, including a list of parties, witnesses, documents, and a timeline.

Step 8: Consideration

- Interim Measures: Complainants can request leave (up to 3 months) or restraint on the respondent from evaluating their work performance during the pending inquiry. The ICC must proactively take such actions to prevent ongoing harassment.
- Support: Maintain clear, timely communication with the parties. Provide necessary assistance, such as counselling or addressing health-related concerns, to support complainants throughout the process.

Stage Three: Interviews

Step 9: Interview Planning

- Determine the issues to be pursued for questioning.
- Conduct separate, confidential interviews with the complainant, witnesses, and the respondent.



- Avoid face-to-face meetings between the complainant and the respondent.

Step 10: Information Assessment

- Review collected information for relevance to the complaint's aspects.
- Evaluate if there is sufficient information to make findings on the complaint.

Stage Four: Reasoning

Step 11: Reasoned Findings

- Identify the substance of each complaint aspect.
- Determine if unwelcome sexual misconduct occurred on a balance of probability.
- Ensure the behaviour aligns with the definitions of SEA in relevant laws and policies.
- Comment on any contributing factors.

Step 12: Establish a Timeline

- Create a timeline to sequence events related to the complaint.

Step 13: Analyse Statements

- Compare statements from interviewees to identify similarities and differences.

Stage Five: Finding And Recommendation

Step 14: Finding

- ICC determines if the complaint is upheld, not upheld, or inconclusive.
- If both parties are employees, findings are shared with both for representation before finalization.

Step 15: Recommendations

- ICC makes appropriate recommendations based on findings.
- Recommendations may include disciplinary actions, written apologies, counselling, financial damages, addressing underlying factors contributing to harassment.



Stage Six: Report

Step 16: Report Writing

- The ICC prepares a final report including complaint details, process, supporting documents, analysis, findings, and recommendations.
- The report is submitted within 90 days and shared with concerned parties.
- President and Secretary must act on recommendations within 60 days.
- Dissatisfied parties can appeal in court or tribunal.
- False or malicious complaints are offenses.
- Confidentiality is strictly maintained; breaches have consequences.

POLICY REVIEW

The Protection from Sexual Exploitation and Abuse (PSEA) Policy will be reviewed once in every three years or earlier if required, in consultation with the following.

- Appointed Child Protection Officers (CPOs) and Members of the Internal Complaints Committee (ICC)
- Department Heads (HODs)
- Chief Financial Officer (CFO)
- Chief Executive Officer (CEO)
- At least, one member from the prior team that drafted the policy in case they are engaged with the organization at that time.
- Any person with legal expertise in the domain of human/ child/ women's rights and gender-based-violence

Reference:

- <http://sigma.foundation/wp-content/uploads/2020/10/PSEA-Policy-for-SIGMA-Foundation.pdf>
- <file:///C:/Users/off86/Desktop/PSEA%20POLICY-%20SPHERE%20INDIA.pdf>



ANNEXURES



Referral SOP for Protection from Sexual Exploitation and Abuse (PSEA)

Note: Save The Children India (Brand Name: Vipla Foundation) observes **Zero Tolerance** to sexual exploitation and abuse. The organization recognizes that **persons of all ages and gender** may experience sexual exploitation and abuse. This Referral SOP, therefore, is applicable to persons across ages and gender.

Introduction

Protection from Sexual Exploitation and Abuse is not only about addressing and responding to incidents but also about creating a culture of respect, dignity, and protection within organizations and communities. It is an ongoing process that requires vigilance and continuous improvement to ensure that vulnerable populations are safeguarded from sexual exploitation and abuse by those who are meant to help them.

Developing a Standard Operating Procedure (SOP) for Referral in the context of Protection from Sexual Exploitation and Abuse (PSEA) is crucial to ensure that any suspected or reported incidents of sexual exploitation and abuse are appropriately and promptly handled.

Referral SOP for Protection from Sexual Exploitation and Abuse (PSEA)

1. Purpose

The purpose of this Standard Operating Procedure (SOP) is to provide a clear and structured process to be adopted for referral of victims of sexual exploitation and abuse for accessing support services while ensuring a coordinated and system-wide approach to the provision of assistance and support to the victims while prioritizing their rights and dignity, regardless of the affiliation of the alleged perpetrator. The goal is to ensure that all sexual exploitation and abuse cases are addressed promptly, professionally, and in accordance with the organization's policies and guidelines.

2. Scope

This SOP must be adopted in the context of suspected or reported incidents of sexual exploitation and abuse within the organization and applies to all staff, beneficiaries, volunteers, contractors, and partners affiliated with the organization. It is applicable to the above-mentioned persons across ages and gender. The document outlines the steps for referring victims of cases of sexual exploitation and abuse for accessing support services.



3. Guiding Principles

- Assistance and support to the victim/ aggrieved person must begin immediately after information indicating that an individual may be a victim of sexual exploitation and abuse is received in any way or form.
- Ensuring the safety and well-being of the victim/ aggrieved person.
- Maintaining confidentiality: Sharing information only on a need-to-know basis or in line with laws and policies. Storing any information about the victim securely. Obtaining informed consent from the victim before sharing any information, including in the context of a referral. Confidentiality shall not apply in situations where mandatory reporting is required under the law and in situations where the victim is at risk of harming themselves or others.
- Providing unconditional support to the victim/ aggrieved person. Adopting a non-blaming, non-judgemental approach while engaging with the victim/ aggrieved person.
- Adopting a victim-centred approach to providing referral and support services. This approach mandates putting the rights of each victim at the forefront of all actions and ensuring that each victim is treated with dignity and respect.
- Informed consent of the victim/ aggrieved person: This will include the following.
 - Providing all possible information to the victim about options available so s/he can make choices.
 - Informing the victim that s/he may need to share her/his information with others who can provide additional services.
 - Explaining to the victim what will happen as part of the SEA case management process.
 - Explaining to the victim the benefits and risks of services available.
 - Explaining to the victim that s/he has the right to decline or refuse any part of the services.
 - Explaining to the victim, the limits to confidentiality.
- Promoting victim recovery, reducing the risk of further harm and reinforcing the victim's agency and self-determination, i.e.; allowing them to be in control of the helping process.
- Best interest of the child: All decisions regarding any child involved shall be based on the primary consideration that they are in the best interest of the child and to help the child to develop full potential.
- Ensuring the victim's equal right to the best possible assistance without unfair discrimination on the basis of gender, age, disability, religion, caste, tribe, colour, language, religious or political beliefs, sexual orientation, socio-economic status, position on the organization, position of the perpetrator within the organization, etc.
- Documenting the incident and the initial response is mandatory.



4. Definitions

- **Sexual Abuse:** actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.
- **Sexual exploitation:** any actual or attempted abuse of 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.
- **'Attempt to Rape' or 'Rape':** Penetration – even if slightly – of any body part of a person who does not consent with a sexual organ and/or the invasion of the genital or anal opening of a person who does not consent with any object or body part. The legal definition is available under S.375 and S.376 of the Indian Penal Code.
- **Sexual Offences against a Child / Children:** Sexual offences against children as defined under Sections 3, 5, 7, 9, 11, 13, and 15 of the Protection of Children from Sexual Offences (POCSO) Act 2012 and abetment of any of the said offences as defined under Section 16 of the POCSO Act 2012.
- **Victim/ aggrieved person:** a person who is or has been sexually exploited or abused.
- **Perpetrator:** a person (or group of persons) who commits an act of sexual exploitation or abuse. For the purposes of this SOP, a perpetrator means a Save The Children India staff or related personnel bound by the policies of Save The Children India.
- **Child:** As defined in the Juvenile Justice (Care and Protection of Children) Act 2015, any person who has not completed 18 years of age. This will include children who are 17 years and 364 days old. This will include children without any discrimination on grounds of nationality, caste, religion, socio-economic background, gender, and sexual orientation.
- **Consent:** In the context of this SOP, voluntarily agreeing to engage in sexual acts with another person (or group of persons). Implied consent will not account for consent. Consent is immaterial in the case of children.

5. SOP for Referral

Keeping in mind the principles mentioned above, the following steps need to be taken for referral of victims of sexual abuse and exploitation for accessing support services.

1. The referring officer or person in charge needs to confirm that the victim/aggrieved person is willing to take referral services: informed consent.
2. In cases involving children, informed consent will include the informed consent of the child as well as the child's parent, legal guardian, or Support Person¹, except when informing parents/legal guardian/caregivers could put the child at risk.
3. The referring officer or person in charge needs to clarify the scope of the available referral services (psychological, legal, medical, emergency support, etc.) that can be made available and its benefits and risks, if any.

¹As defined in the Protection of Children From Sexual Offences Act 2012.



4. The referring officer or person in charge needs to check if there are already formalised partnership agreements (formal/informal) that exist between the service provider and the organization. If the required service is not available inhouse or with existing connects, then to identify service providers and seek case-based support.
5. Use the annexed referral form to make referrals: **Annexure 1**
6. The referring officer or person in charge needs to be present during the first introductory interaction between the service provider and the victim/ aggrieved person.
7. Make periodic follow-up on referral services in consultation with the victim/ aggrieved person.
8. If victim/ aggrieved person feels that the follow-up from the organisation is not required and if the victim/ aggrieved person is not willing to share the progress with referral services, then he/she should not be forced to do so.
9. Bring a case to closure with resolution or with time period 3-6 months, whichever is earlier.



Annexure 1: REFERRAL FORM FOR VICTIMS²

Note: This Referral Form is a **mandatory requirement for referring cases** of victims of sexual exploitation and abuse for support and care services. This applies to **persons of all ages and gender** working with/ associated with Save The Children India (Brand Name: Vipla Foundation).

Section A: Basic Details of the Victim

Person of concern information	
Name:	Contact Details:
Gender:	Age:
Language Known:	Nationality:
Native Place:	

Section B: Reason for Referral

Basic brief		
Brief of Incident:	Current Status of Victim:	
Services requested		
Mental Health Services <input type="checkbox"/>	Legal Assistance <input type="checkbox"/>	Shelter Home <input type="checkbox"/>
Psychosocial Support <input type="checkbox"/>	Education <input type="checkbox"/>	Cash/ Stipend <input type="checkbox"/>
Medical Aid <input type="checkbox"/>	Livelihood <input type="checkbox"/>	Grocery Assistance <input type="checkbox"/>
		Nutrition <input type="checkbox"/>
Please explain any other requested services:		

² As defined in the Save The Children India Referral SOP for Protection from Sexual Exploitation and Abuse (PSEA).



Section C: Details of Referring Agency

Referring agency	
Agency/organization:	Name of the Staff:
Phone:	Email:
Location:	Date of referral:

Section D: Consent for Referral

Consent to release information of incident and Referral for requested services.
I, _____ (Person of concern name), understand that the purpose of the referral and of disclosing this information to ___ (Name of receiving agency) is to ensure the safety and supporting with services requested. The service provider, _____ (Name of referring agency), has clearly explained the procedure of the referral to me and has listed the exact information that is to be disclosed. By signing this form, I am giving consent to share the requested or required information.
Signature of Victim:
Signature of Parent/ Legal Guardian/ Support Person (in case of a child Victim):
Date (DD/MM/YY):



Guidelines on Victim Assistance in Cases of Sexual Exploitation and Abuse (SEA)

Note: Save The Children India (Brand Name: Vipla Foundation) observes **Zero Tolerance** to sexual exploitation and abuse. The organization recognizes that **persons of all ages and gender** may experience sexual exploitation and abuse. These Guidelines, therefore, are applicable to persons across ages and gender. This document must be read in conjunction with the 'Save The Children India Policy for Protection from Sexual Exploitation and Abuse' and 'Referral SOP for Protection from Sexual Exploitation and Abuse'.

Objective of the Document

- To communicate a set of values and principles to be adopted and guidelines to be adhered to by all staff at Save The Children India (STCI) in engaging with victims of sexual exploitation and abuse and in their response to cases of SEA within the organization.
- To act as a ready reckoner for addressing cases of sexual exploitation and abuse within the organization so as to ensure that all sexual exploitation and abuse cases are addressed promptly, professionally, and in accordance with the organization's policies and guidelines.
- To act as a reference document for training of all relevant staff at STCI for addressing and providing support and care services in cases of sexual exploitation and abuse.

Guidelines for Victim Assistance in Cases of Sexual Exploitation and Abuse

- **Do No Harm:** This means ensuring that actions and interventions designed to support the victim (and their family) do not expose them to further harm. At each step of the process, care must be taken to ensure that no harm comes to the victim as a result of the assistance provider's conduct, decisions made, or actions taken on behalf of the victim. Caution should also be taken to ensure that no harm comes to the victim as a result of collecting, storing or sharing their information.
- **Prioritizing the best interests of the Victim:** All decisions related to the victim must be taken with the wellbeing (physical and emotional) of the victim being top priority. Ask yourself the following questions.
 - a. Am I violating any of the fundamental rights of the victim?
 - b. Are my actions ignoring the welfare and well-being of the victim?
 - c. Are my actions coming in the way of growth and development of the victim?
 - d. Are my actions going to cause any harm (physical or emotional) to the victim?
 - e. Are my actions/ decisions ignoring what the victim feels or thinks?

Save The Children India observes Zero Tolerance to Sexual Exploitation and Abuse



If the answer to any of these questions is 'yes', you are not acting in the best interest of the victim.

- **Non-discrimination:** Ensuring the victim's equal right to the best possible assistance without unfair discrimination on the basis of gender identity, age, disability, religion, caste, tribe, colour, language, religious or political beliefs, sexual orientation, socio-economic status, position on the organization, position of the perpetrator within the organization, etc. Ensuring that the victim is neither treated poorly or denied assistance services because of their individual characteristics, a group they belong to, or the influence and affiliations of the alleged perpetrator/s. This involves treating victims with compassion, empathy, and care.
- **Non-judgemental:** Providing unconditional support to the victim/ aggrieved person. Adopting a non-blaming, non-judgemental approach while engaging with the victim/ aggrieved person. Avoid negative/ judgemental language in all interactions and communication with the victim/ on the case. Whether engaged in awareness raising, prevention, or response activities; all staff must challenge discrimination, including policies and practices that reinforce discrimination. Do not blame the victim for what has happened with him/ her.
- **Adherence to Organizational Policies and National Legislations:** All actions vis-à-vis awareness raising, prevention, and response to cases of sexual exploitation and abuse within the organization must be in alignment with the organizational policies and guidelines as well as Indian laws, policies, and standards. Adhering to these standards includes following the guidelines presented in this document as they are fundamental to the delivery of professional and quality care services to victims of sexual exploitation and abuse.
- **Ensure your actions/ interventions are victim centric:** Maximize healing, minimize re-trauma. Build the victim's resources and empower them to engage as active participants in their healing process as well as the overall response to the case. Acknowledge and respect the victim's right to choose and make decisions about their own lives. Facilitate informed decision making through presenting facts, weighing pros and cons, etc.
- **Adopt a rights-based approach:** Remember that we are offering services and not 'giving'/ handing down services to the victims. Always remember that you are not doing a favour to the victim by helping them. The services being provided to them are their right. Acknowledge and respect the victim as an individual who has basic rights, and your work must focus on strengthening the capacity of this individual to claim his/her rights.
- **Adopt a trauma informed approach:** Acknowledge that victims of sexual exploitation, abuse, and other forms of gender-based violence, may undergo trauma and learn the impact that trauma can cause in individuals. Acknowledge that each individual's trauma experience is unique and regardless of the severity, everyone needs care and support. Acknowledge that not all victims will display external symptoms/ expected/ obvious symptoms of trauma like looking sad, withdrawal, crying, etc. Understand how trauma symptoms are displayed through thinking patterns, emotions, physical patterns, and behaviours. Respond in this context. Do



not react. While offering services and interventions, facilitate an environment that will promote healing and not re-traumatization/ revictimization. Recognize and respect the victim's ability to choose whether or not they want to participate in processes/ interventions.

- **Seek informed consent:** Informed consent is the voluntary agreement of an individual who has the capacity to give consent, and who exercises free and informed choice. This will include the following. In case of child victims, consent should be sought from the child as well as their parent/ legal guardian/ caregiver, etc. prior to providing services. Informed consent includes the following.
 - Providing all possible information to the victim about options available so s/he can make choices.
 - Informing the victim about the information that will be collected and how it will be used.
 - Informing the victim that s/he may need to share her/his information with others who can provide additional services.
 - Explaining to the victim what will happen as part of the SEA case management process.
 - Explaining to the victim the benefits and risks of services available.
 - Explaining to the victim that s/he has the right to decline or refuse any part of the services.
 - Explaining to the victim, the limits to confidentiality.
 - Encouraging the victim to ask questions that will help them make a decision regarding their own situation.
- **Confidentiality:** Sharing information only on a need-to-know basis or in line with laws and policies. Storing any information about the victim securely. Obtaining informed consent from the victim before sharing any information, including in the context of a referral. Confidentiality shall not apply in situations where mandatory reporting is required under the law and in situations where the victim is at risk of harming themselves or others.
- **Adopt a streamlined case management approach for effective and coordinated support services:** Adopt a case management approach rather than engaging in knee-jerk responses that may cause more harm to the victim. Case Management is a way of organising and carrying out work to address an individual's needs in an appropriate, systematic, and timely manner, through direct support and/ or referrals, and in accordance with the overall requirements of the case. The Case Management approach involves the following steps.

