



**Survey on Experiences, Practices and Tools used by
Development Partners on PSEAH (Protection from Sexual
Exploitation, Abuse and Harassment)**

India & Myanmar

November 2021

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Acronyms

ACFID- Australian Council for International Development

AIDS-acquired immunodeficiency syndrome

ASEAN- Association of Southeast Asian Nations

CEDAW- Convention on Elimination of all forms of Discrimination Against Women

CHS Alliance- Core Humanitarian Standard on Quality and Accountability

CRC- Convention of the Rights of the Child

CSO-Civil Society Organisation

CYSD -Centre for Youth and Social Development

HCT-Humanitarian County Team

HIV-Human Immunodeficiency Virus

HQ-Head Quarter

IASC, - Inter Agency Standing Committee

ICC-Internal Complaint Committee

INGOS- International Non-Government Organizations

JQAN- Japan Quality and Accountability Network

LGBTQ-Lesbian, Gay, Bisexual, or Transgender

MNCWA-Myanmar National Committee for Women's Affairs

MOP-Minimum Operating Procedures

MSSRF -M S Swaminathan Research Foundation

NGO- Non-Government Organizations

PSEA- Prevention of Sexual Exploitation and Abuse

PSEAH- Protection from Sexual Exploitation, Abuse and Harassment

SDGs-Sustainable Development Goals

SNEHA - Society for Nutrition Education and Health Action

SRSVC-The Special Representative of the Secretary-General on Sexual Violence in Conflict

UN- United Nations

UNFPA-The United Nations Population Fund

UNICEF- The United Nations International Children's Emergency Fund

UNOPS-The United Nations Office for Project Services (UNOPS)

Acknowledgement

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Executive Summary

This Report is the outcome of a study undertaken on the implementation of PSEAH policy by NGOs, UN agencies working in India and Myanmar. The study has conducted survey on experiences, practices and tools used by development partners in India and Myanmar on PSEAH (Protection from Sexual Exploitation, Abuse and Harassment). The key survey objectives are as follows:

- *Collect and review the ongoing PSEAH experiences and the practice of Non-Government Organizations (NGOs) in India and Myanmar.*
- *Analyse the existing practices to suggest action points for Japanese NGOs to introduce measures related to PSEAH as part of raising quality and accountability of projects.*
- *Provide analysis of existing practices on training of PSEAH to management level and recipient community which Japan Quality and Accountability Network (JQAN) can use to develop training modules.*

Both primary and secondary data (Desk Review) in the form of reports, guidelines and legal documents dealing PSEAH was collected from selected NGOs from India and Myanmar. A set of research questionnaire was developed to collect primary data. The desk review is based on the 49 policy documents submitted or retrieved from the web link referred by the 20 organizations (participated in this study) from India and Myanmar.

Based on the primary data collected for this study on various parameters such as Information, Knowledge, and approach of organization towards PSEAH, using existing international Guidelines/policy/protocol on PSEAH, PSEAH policy for partners and contractors, complaint handling procedures and PSEAH Implementation, training, and survivor Care on PSEAH from the NGOs, an assessment has been done to understand the PSEAH policy and its implantation by these organizations in India and Myanmar.

Key Findings

- *Policy review of the selected NGO reveal that the NGOs have policy instrument to deal with PSEAH management mechanisms including reporting, complaint handling, counselling, survivor concern, training, strategies to prevent the PSEAH incidents.*

- NGOs have complaint flow chart mentioning officials involved to deal with reporting, complaint handling and forms and procedures of ensuring accountability while managing PSEAH case.
- The documents suggest that organizations in India and Myanmar have provisions for confidentiality as well as the transparency of the processes wherever needed, and the NGOs are monitored by the terms of contract with the partners.
- Most of the NGOs from India adopt the Sexual Harassment at Workplace (Prevention, Prohibition and Redressal) Act, 2013 made by Government of India to address such issue in their organizations.
- Policy on PSEAH, Standard Operating Procedures for Engaging PSEA Network Pool of Investigators, Checklist for safer recruitment, Sample Organizational PSEA Risk Assessment Tool, Government Engagement Tip Sheet, PSEAH Action Plan and PSEAH Terms of Reference, Reporting Framework for Allegations of Sexual Exploitation and Abuse, Sample Data Protection Policy, Tip Sheet for Engaging with Communities on PSEA etc are available in the MIMU NGO network platform in Myanmar: <http://themimu.info/sector/protection-sexual-exploitation-abuse-psea> . There is an Inter-Agency PSEAH network at the country level and a management committee of this inter-agency PSEA network, which developed annual activity plan and document all the activities/meeting and put these documents in a special section on PSEAH in the MIMU. JQAN can refer the above link to get all the sources of training tool and other relevant technical materials, while developing its own training modules on PSEAH.
- On complaint handling procedures and PSEAH Implementation matter, it is found that the complaint handling is done with much care on PSEAH case. However, the time taken for disposal of cases, methods of investigation, nature of punishment given to the guilty and precautionary measures taken for prevention of SEAH cases, components of training for bringing awareness among the staff on the issue vary within organizations.
- On training matter, many are using their internal training modules to impart training to their respective staff, except the UN agencies. Most of the NGOs opined in favour of developing country specific training modules. Few NGOs have budgetary provision for training program but majority do not. An NGO stated that it translates PSEAH Policy material into local language for easy understanding of the staffs, who are not comfortable in English.
- Except couple of organizations, who mentioned that they organize training for women staffs by women facilitators, all other organizations, participated in this study do not have such provision of training facilitator/participation of training gender-wise. The facilitators are chosen either from the human resource, program, senior management, or gender team, irrespective of their gender. The organization, while hiring external resource person for the training, the qualification and training experience is seen as criteria for selection, irrespective of their gender.
- On survivor Care, it is observed that there is not any systematic or specific policy like 'Survivor Care Policy/Guideline' to deal with the survivor of a case. However, some parts of the care are dealt by the existing policy on Sexual Exploitation followed by the organisation.
- On power relations issue, it is found that many organizations reported having their female staffs occupying managerial position (CYSD-India-15%, PRADAN-India 24%, SNEHA India- 85%, Action Aid- Myanmar-80%, OAK foundation (over 50% of their management staffs are female), UNOPS Myanmar 37.9%, World Concern Myanmar 63.64%, World Vision-Myanmar 42%). The other important factor that influences power relation is working environment within the organization. NGOs surveyed have given good practical intervention to make favourable working condition for female staffs in the organizations such as Equal pay for work of equal value, prevention and elimination of violence and harassment, creating a harmonious work-life balance for both women and men, investment in a future of work that works for women.

Developing PSEAH network and Working on PSEAH Training modules

This study has provided a road map for JQAN to develop a PSEAH network in Japan. PSEAH network and take a lead role in developing training tools for the use of development organizations in Japan.

The Preventing Sexual Exploitation, Abuse and Harassment (PSEAH) network will aim to support Japan development partners members in ensuring their response is robust and based in a gendered power analysis, and to then use these learnings to influence the wider sector. The network will provide a platform for learning and sharing best practice on safeguarding, coordinates input to development platforms and other key decision makers' initiatives and consultations on safeguarding and promotes gender-based analysis of sexual harassment, abuse, and exploitation across the sector, ensuring that women's voices are heard.

The report recommends a multipronged, victim-centered strategy to effectively prevent and respond to sexual misconduct. The strategy can focus on a number of concrete measures under three key objectives: prevention, response and assistance embedded in a robust institutional framework.

The study recommends that JQAN can initiate the process to institutionalize a PSEAH platform in more structured form in Japan. The institutionalization and structured form of PSEAH network can be worked out in following four steps in the pilot phase during the year 2022.

Step-1: Call for a consultation workshop with like-minded development organizations, UN agencies, Japan led funding agencies and JQAN can make a presentation of this report and propose a structured JQAN-led PSEAH network plan for Japan, including a discussion on how to generate resources for appointing a full-time PSEAH Coordinator for this network to run different activities on PSEAH.

Step-2- Based on the agreement in the consultation meeting, PSEAH Coordinator can be appointed to work on four areas such as engagement, prevention, response, management, and coordination in close collaboration with either existing PSEAH advisory group or a new group formed to advise PSEAH coordinator to take up all aspects of PSEAH work in Japan.

Step-3- JQAN can launch a website link to provide complete information on membership criteria, three years strategy, training documents, other resources on PSEAH for the use of its members both in English and Japanese language.

Step-4 – PSEAH Coordinator in close collaboration from PSEAH advisory group and JQAN can develop resources materials and start bi-monthly meeting with its members to develop and implement annual activity plan.

Once, these four steps are completed, all participating organizations can decide for a 3-year plan (2022-24) to carry forward the PSEAH work in the country.

The report recommends JQAN to follow UNOPS training modules and outlines list of documents to be developed by JQAN so that development organizations in Japan will be benefited.

1. Introduction to PSEAH Survey

1.1 Scope of this Assignment & Key Survey Objectives

The study has conducted survey on experiences, practices and tools used by development partners in India and Myanmar on PSEAH (Protection from Sexual Exploitation, Abuse and Harassment). The key survey objectives are as follows:

- Collect and review the ongoing PSEAH experiences and the practice of Non-Government Organizations (NGOs) in India and Myanmar.
- Analyse the existing practices to suggest action points for Japanese NGOs to introduce measures related to PSEAH as part of raising quality and accountability of projects.
- Provide analysis of existing practices on training of PSEAH to management level and recipient community which Japan Quality and Accountability Network (JQAN) can use to develop training modules.

1.2 Country of survey & Selection Criteria

The assessment has taken India and Myanmar as its study area. Development sector partners (NGOs and UN agencies, INGO having branch and full-time staffs in India and Myanmar) are selected from those conducting humanitarian response in areas of technical chapters on WASH, Shelter, Nutrition and Health, or those engaged in development activities under sustainable development goals (SDGs) goals, mainly poverty reduction, education, health, and community development. These NGOs, INGOS, United Nations (UN) agencies are registered organizations and have certain scale, annual budget minimum 0.5 million US and have fulltime staff in the country of survey.

2. The Assessment Questions and Indicator Matrix

Table 1 The Assessment Questions and Indicator Matrix

Policy and Implementation Analysis to decode PSEAH Success Indicators (Desk Review and stakeholders Consultation)		
Assessment questions	Indicators	Data source, collection methods & Analysis Approach
1.0 What are the good model and best practices adopted by development partners/donors/UN agencies on PSEAH?	1.0.0 Accountability, responsiveness and transparency, confidentiality, counselling mechanism and participation of staff on PSEAH placed.	1.1.1.0 Collect and review existing secondary data collected from development partners, who have implemented PSEAH in India and Myanmar
1.1 Is PSEAH policy same for all organizations or it varies from one to other organization or one to other country?	1.1.1 Development partners/donors/UN agencies have an official PSEAH Policy and PSEAH/Safeguarding focal point available	1.1.1.1 The study collected awareness raising approach, budget, Code of Conduct, Contract condition, Focal Points, Grievance process, Guidelines on prevention, senior leadership engagement, monitoring mechanism, Organizational accountability, participation in UN and other network system, regular risk assessment, tool Kit for training and system of

		annual reporting of measures taken by organizations to prevent such cases within the organization.
1.2 How country's legal and policy components are integrated into organization's PSEAH/HR policy?	1.2.1 Staff designated, trained, and resourced, to investigate PSEAH complaints in line with legal standards, local laws, and best practice 1.2.2 Mandatory reporting obligations relating to PSEAH and mandatory training for all staffs	1.2.1.1 Collected country's legal, policy document and analyse how country's PSEAH legal comments are integrated in the NGO's sexual harassment policy.
1.3 What is the best practices organization follow in which the PSEAH complaints are taken seriously and How is PSEAH policy implementation and work plan monitored and assessed?	1.3.1 Documented guidance and a work plan to support the implementation of this policy is available 1.3.2 Affected people consulted in the design, implementation and monitoring of PSEAH process	1.3.1.1 The study review organization's staff safety policy, sexual harassment policy, PSEAH training materials, Whistle blowing policy, review of inter-agency misconduct data, human resource and recruitment policy, employment contract and induction policy that includes orientation on PSEAH policy. 1.3.1.2 Collect data on victim/survivor support policy available, data for this section will be collected through email from participating organizations and through an online stakeholder's consultation (selected organization and people), Information sharing policy, data on norms followed in case the perpetrator is a non-staff, detailed timeframe fixed to investigate and resolve PSEAH complaint, due diligence processes and templates that address PSEAH
1.4 What are the success Indicators of PSEAH implementation and what are the measures taken for adequate representation of the victim and ensure the process to be non-discriminatory and mechanism to deal gender bias in the complaint handling process?	1.4.1 Policies for preventing the occurrence of specific PSEAH incidents, rules, and methods of investigation, claim policy, internal training, coping mechanisms for victims/survivors implemented as per protocol 1.4.2 A code of conduct, complaints mechanism and whistle blowing policy in place 1.4.3 Substantiated PSEAH complaints result in either disciplinary action or contractual consequence with the allegation 1.4.4 Procedures and associated tools used to ensure program design to respond PSEAH vulnerability and risk 1.4.5 Standardized PSEAH focal point TOR and Trained PSEAH investigators available at all levels 1.4.6 PSEAH policy integration to other safeguarding policy, Human resource policy and employment contract	1.4.1.1 Reviewed PSEAH investigator process, Analyse Record showing PSEAH incidents resolution, looking at the guidance document on establishing complaints, Collect evidence of consultation with affected people, Review Victim survivor support policy, Analyse year wise Number of cases registered vs number of cases disposed; steps taken to take legal action against staff found to be guilty, collect data on how the flow of information from bottom to top level and transparency maintained in the process in handling PSEAH complaint
1.5 How do organizations address PSEAH obligations in written agreement with partners?	1.5.1 Partner compliance with PSEAH obligations monitored 1.5.2 Platform for organization to participate in inter-agency misconduct data-sharing 1.5.3 support systems related to PSEAH (introduction support, reporting system, investigation, victims/survivors support, etc.) provided by local NGO umbrella organizations/networks 1.5.4 Work with partners is governed by clear and consistent agreements that include adherence to PSEAH components	1.5.1.1 Reviewed data on partner capacity assessment, Membership in coordination bodies and networks relating to PSEAH, minutes of network and coordination meetings, partner agreement templates and examples of signed partner agreement
1.6 What are the best practices, the existing training materials/tools provided by IASC, CHS Alliance or UN	1.6.1 PSEAH Training materials of IASC, CHS Alliance or UN are used by organizations	1.6.1.1 Collected and reviewed PSEAH training materials developed by IASC, CHS Alliance and UN agencies (in consultation with development partners using this)

bodies. Is it useful and practical to be used in the context of India or Myanmar?		
1.7 What are the key components or necessary condition to achieve organizational behavioural change and concept of “power” play any role in this issue?	1.7.1 Organizational behaviours change in reference to PSEAH is observed and analyse issue of power	1.7.1.1 stakeholder consultation on organizational behaviours change issue and power organized and findings of discussion summarized in implementable format.
PSEAH Primary Survey to analyse best practices and recommend training modalities		
Assessment Questions	Indicators	Data source, collection methods & Analysis Approach
2.0 Do the development organizations have the evaluation indicators for PSEAH prevention/response efforts? What are their success indicators of the PSEAH?	2.0.0 PSEAH Evaluation indicators are defined and used	2.0.0.0 A survey schedule collected primary data will be developed and shared with organizations in India and Myanmar those who have given formal consent to join this study
2.1 What kind of quantitative / qualitative indicators do NGOs use (e.g., increased/decreased no. of SEAH incidences, Satisfaction level of the SEAH victims about the support they received)?	2.1.1 Formal and informal channels/ mechanism in place for reporting misconduct and timely response to complaints 2.1.2 Programming tools explicitly contain the requirement to implement procedures for safeguarding policy 2.1.3 Dedicated focal person in place and resource available to support PSEAH implementation 2.1.4 Evidence from HR policies, demonstrating applicability of codes of conduct to all staffs. 2.1.5 All staffs and partners are trained on PSEAH	2.1.1.1 Data from primary survey analysed steps taken to maintain accountability, responsiveness and transparency confidentiality, and participation of staff on PSEAH. 2.1.1.2 Primary data is collected on complaint mechanism, reporting system, disciplinary measures, organizational statement on PSEAH, management reporting process, human resource enforcement of PSEAH norms.
2.2 If NGOs are introducing specific or additional indicator which are not necessarily mandated from donors, the reason, and the meaning of doing so.	2.2.1 Annual reporting on cases of harassment, misconduct, sexual harassment, including action taken, made public 2.2.2 Organization formally endorsed to available IASC minimum standards on PSEAH	2.2.2.1 Primary data through survey will be collected on the workshops/seminars/orientation programmes conducted by management to train the staff, distribution of leaflets and printed material on PSEAH among staff, written rules/norms circulated among staff, dedicated fund allocated.
2.3 What are the gaps and opportunities to make suggestions for JQAN to follow up action points?	2.3.1 Review all available documents and prepare suggestions for JQAN	2.3.1.1 a comprehensive analysis is undertaken, taking all available primary data, experience, input from experts, stakeholders' consultation to make suggestions for JQAN to follow up action from
2.4 What are the best practices and good examples on PSEAH training modules adopted by NGOs, especially for management level and recipient community (for awareness raising, and for capacity building of individuals and organizations), pre/post test samples to measure the level of understanding, impact on number of cases before/after the training implementation.	2.4.1 Best Practices and good examples on PSEAH training modules adopted by NGOs available for review	2.4.1.1 all the training module available with partners are reviewed.

2.5 Who finance and implement trainings? How is the training record kept and monitored within organization? How are trainings categorized and delivered? By level of responsibility? By function? How is the topic of PSEAH categorized in training policy and menu of capacity development within NGOs/organizations? What is the cycle or frequency of PSEAH training?	2.5.1 Training agenda, operational and implementable part of PSEAH training is available for analysis	2.5.1.1 All the operational, logistics and programmatic aspect of training module used by development partners are collected and reviewed to understand a pattern in this process.
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3. Organizations Participated in JQAN PSEAH survey

Table 2 Organizations Participated in JQAN PSEAH survey

Myanmar				
SL	Organization	Key Contact Point	Email ID	Areas of work
1	UNOPS, Myanmar	Andrew Kirkwood, Director & Representative Phyu Kyi Khaing, PSEA Focal Point, UNOPS	andrewk@unops.org phyukyik@unops.org	Sustainable development, Water and Energy
2	World Vision, Myanmar	Grenville Hopkinson, National Director, World Vision, Myanmar	grenville_hopkinson@wvi.org	Education, disability, nutrition, gender and development, WASH
3	Action Aid, Myanmar	Khin Lay Nwe Tun, Program manager, Women's rights team, and safeguarding lead	khinlaynwe.tun@actionaid.org	Women Empowerment, Land and climate, emergency
4	UNICEF, Myanmar	Noriko Izumi, PSEA Focal Point, UNICEF Myanmar	nizumi@unicef.org	Child Survival, Education, gender, emergency
5	World Concern, Myanmar	Hnin Pyae Wunn, Project Manager (IHD) World Concern Myanmar Country Office	hninpyaewunn@worldconcern.org	Clean water and health, child protection, Food and nutrition, disaster response
6	PATH, Myanmar	Thida Lin, PATH, Myanmar	tlin@path.org	Sexual and reproductive health, Early Childhood development, primary health care
7	Help Age, Myanmar	Wah WahHser, Focal Point Gender, Help Age, Myanmar	wah.wahhser@helpagemyanmar.org	Age care (helplines, senior citizen care homes and day care centres, physiotherapy), Livelihoods (elder-self-help groups; linkages with government schemes)
8	Oak Foundation	Steina Bjorgvinsdottir, Project Manager, Safeguarding & Organizational Development	steina.bjorgvinsdottir@oakfn.d.ch	Environment, prevent Child sexual harassment, Human rights
9	UNFPA	Lian Yong, Inter-Agency PSEA Coordinator, Myanmar	mmpsea@unfpa.org	Sexual and reproductive health, young people, Human Rights and Gender Equality, Population control
10	Aid Facilitator	Thida Yong, HR Director	aidfacilitator@gmail.com	Gender, labour, livelihood
India				
SL	Organization	Key Contact Point	Email ID	Areas of work
1	PATH, India	Neeraj Jain, Country Director, India & Director, South Asia	njain@path.org	Sexual and reproductive health, Early Childhood development, primary health care
2	PRADAN	Smita Mohanty, Integrator, Co-lead HRD	smitamohanty@pradan.net	Natural Resource Management, Women, Food Security

3	CYSD	Shree Jagadananda, Chairman & Ms. Uppali Mohanty, Gender Focal Point	Jagada@cysd.org uppali@cysd.org	Livelihood, governance, diaster mitigation
4	MSSRF	Dr Rengalakshmi, Director	rengalakshmi@mssrf.res.in	Agriculture, Climate Change, Food Security
5	India HIV/AIDS Alliance	Sree Kumar V, Head, Human Resources	kkishor@allianceindia.org	Public Health
6	PRATHAM	Sherin Shabu, Gender Focal Point	sherin.shabu@pratham.org	Education
7	Society for Nutrition Education and Health Action-SNEHA	Dr.Nayreen Daruwala, Director, Prevention of Violence against women and children	nayreen@snehamumbai.org	Nutrition, Education, Health
8	United Nations Population Fund (UNFPA), India	Shobhana Boyle, Gender Specialist	boyle@unfpa.org	Sexual and reproductive health, young people, Human Rights and Gender Equality, Population control
9	International Union Against Tuberculosis and lung Diseases (The Union)	Sanhita Sinha Head – Human Resources	sanhita.sinha@theunion.org	Tuberculosis and Tobacco Control
10	Room to Read, India	Nikita Hunjan, Officer, People's Operation	Nikita.Hunjan@roomtoread.org	Girl's education and Literacy program

4. PSEAH Country Profiles- India and Myanmar

4.1 PSEAH Profile-India

Demographic / education Profile	Total Population-1,397,383,448, Total land area-2,973,190 Km ² , Female to the total population-48.4, Female to the total population-51.96 (As per 2011 Census- www.censusindia.gov.in), % of girls enrolled in Primary education- 97.81%, literacy rate- 77.7% (75 th Round of NSS of India, 2018)
Women Profile	Percentage of literate women-70.3%, (75 th Round NSS of India, 2018), Percentage of women labour force- 47.29% (https://data.worldbank.org/indicator/SL.TLF.CACT.FE.ZS , 2019 data)
Constitutional provision	Articles 14, 15, 15(3), 16, 39(a), 39(b), 39(c) and 42 of the Indian Constitution are of specific importance in terms of empowerment of women and key provisions are as follows; Equality before law for women (Article 14), The State to make any special provision in favour of women and children (Article 15 (3)), Equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State (Article 16), the State to direct its policy towards securing for men and women equally the right to an adequate means of livelihood (Article 39(a)); and equal pay for equal work for both men and women (Article 39(d))
Available Legal Options	The Crimes Identified Under the Indian Penal Code (IPC); (i) Rape (Sec. 376 IPC), (ii) Kidnapping & Abduction for different purposes (Sec. 363-373), (iii) Homicide for Dowry, Dowry Deaths, or their attempts (Sec. 302/304-B IPC), (iv) Torture, both mental and physical (Sec. 498-A IPC), (v) Molestation (Sec. 354 IPC), (vi) Sexual Harassment (Sec. 509 IPC), (vii) Importation of girls (up to 21 years of age), (2) The Crimes identified under the Special Laws (SLL)
	Although all laws are not gender specific, the provisions of law affecting women significantly have been reviewed periodically and amendments carried out to keep pace with the emerging requirements. Some acts which have special provisions to safeguard women and their interests are: (i) The Employees State Insurance Act, 1948, (ii) The Plantation Labour Act, 1951, (iii) The Family Courts Act, 1954, (iv) The Special Marriage Act, 1954, (v) The Hindu Marriage Act, 1955, (vi) The Hindu Succession Act, 1956

	with amendment in 2005, (vii) Immoral Traffic (Prevention) Act, 1956, (viii) The Maternity Benefit Act, 1961 (Amended in 1995), (ix) Dowry Prohibition Act, 1961, (x) The Medical Termination of Pregnancy Act, 1971, (xi) The Contract Labour (Regulation and Abolition) Act, 1976, (xii) The Equal Remuneration Act, 1976, (xiii) The Prohibition of Child Marriage Act, 2006, (xiv) The Criminal Law (Amendment) Act, 1983, (xv) The Factories (Amendment) Act, 1986, (xvi) Indecent Representation of Women (Prohibition) Act, 1986, (xvii) Commission of Sati (Prevention) Act, 1987, (xviii) The Protection of Women from Domestic Violence Act, 2005
Initiatives to protect the rights of women	National Commission for Women, Reservation for Women in Local Self -Government (The 73 rd Constitutional Amendment Acts passed in 1992), The National Plan of Action for the Girl Child (1991-2000), National Policy for the Empowerment of Women, 2001,
Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013	The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 is a legislative act in India that seeks to protect women from sexual harassment at their place of work. The Act will ensure that women are protected against sexual harassment at all the workplaces, be it in public or private. This will contribute to realisation of their right to gender equality, life and liberty and equality in working conditions everywhere. The sense of security at the workplace will improve women's participation in work, resulting in their economic empowerment and inclusive growth. Under the Act, which also covers students in schools and colleges as well as patients in hospitals, employers and local authorities will have to set up grievance committees to investigate all complaints. Employers who fail to comply will be punished with a fine of up to 50,000 rupees.
Vishaka Guidelines	The Vishaka Guidelines were a set of guidelines instituted by the Supreme Court of India in the year 1997 to protect women at the workplace and to curb rising cases of sexual harassment prescribing the method to be followed while dealing with cases related to the sexual harassment of women. The guidelines widen the meaning and scope of sexual harassment by defining it as an unwanted sexual determination which is directly or impliedly intended to cause physical contact or advances, demand or request for sexual favours, sexually coloured remarks, showing pornography, any other unwelcome conduct whether it is physical, verbal, or non-verbal.

4.2 PSEAH Profile Myanmar

Demographic/ education Profile	Total population-54.87million, Female percentage-50.7%, Total land area-653290 Km ² .
Women Profile	Literate women-84%, Percentage of women labour force- 46%
Constitutional provision	The Myanmar Constitution (2008) ¹⁰⁴ does not explicitly enshrine gender equality, however it does provide for equal rights before the law (Section 347) and non-discrimination based on sex (Section 348).
PSEA Law and women protection	<p>Myanmar is a signatory to the Convention on Elimination of all forms of Discrimination Against Women (CEDAW), which prohibits trafficking and exploitation of women. Myanmar has ratified the Convention of the Rights of the Child (CRC), the Convention on the Rights of People with Disabilities and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. Myanmar is a member of the Association of Southeast Asian Nations (ASEAN) Committee on Women and the ASEAN Commission on Protection and Promotion of the Rights of Women and Children.</p> <p>The Ministry of Social Welfare, Relief and Resettlement, the leading ministry for implementing women's advancement and empowerment, recognise there are major challenges in advancing women's rights, including contradictory messages in the legal framework, the plural legal system with different gender equality and women's rights standards, policy-practice deficits, among others.¹⁰⁰</p> <p>In December 2018, the Government signed a Joint Communiqué on prevention and response to conflict-related sexual violence and an implementation plan with the Special Representative of the Secretary-General on Sexual Violence in Conflict (SRSG-SVC),¹⁰¹ in relation to 'allegations of widespread and systematic patterns of sexual violence allegedly committed by elements of the Myanmar Security Forces, Border Guard Police and Rakhine Buddhist militias against Rohingya</p>

women and children'.¹⁰² While the signing of the Joint Communiqué is positive in terms of a reflection of political will to implement change, it is nevertheless an indication of the systemic gender inequality issues that are exacerbated in ethnic groups, particularly vis a vis state actors.

Legal Framework The Myanmar Constitution (2008) does not explicitly enshrine gender equality; however, it does provide for equal rights before the law (Section 347) and non-discrimination based on sex (Section 348).

The Penal Code (1948) includes provisions relevant to sexual exploitation and abuse, in relation to causing hurt (Section 323), sexual abuse against a woman (Section 354), rape (Section 376), sexual harassment (Section 509) and attempt to commit an offence (Section 511), among others. There are, however, barriers to women and particularly survivors of GBV in terms of accessing the criminal justice system.

The Anti-Trafficking in Persons Law (2005) criminalizes trafficking of women, children, and youth (Section 24) including the use of trafficking victims for pornography (Sections 25); and attempts to traffic (Section 27) and providing assistance to traffickers (Section 32) also constitutes an offence.

The recently enacted the Child Rights Law (2019) raises the age of a child from 16 to 18, and the minimum age to marry is 18 years. It provides penalties for acts of sexual abuse against a child (Section 100(iii)), employing a child in a nightclub, karaoke bar or massage parlor which may also be used as a place of sexual business (Section 101), and making and distributing child pornographic photographs (Section 105).

The Suppression of Prostitution Act (1949) remains in effect and criminalizes sex work. The law punishes those who engage in sex work or are suspected of engaging in sex work; clients of sex workers are not punished.

The Majority Act (1875) states that the age of majority (to marry and divorce) is 18 (Section 3).

The Penal Code states that the age of consent to sex is 14 years for females (Section 375) but doesn't provide a specific age restriction on males. As the legal system comprises of customary law, statutory law and judicial decisions, the age of majority may vary, but often place the female age lower than the male's; customary laws include Burmese Buddhist law, Hindu law, in addition to traditional customs of ethnic groups. According to the Burma Laws Act (1898), customary laws have the force of law (Section 13). Therefore, specific laws govern the age of marriage between different religions and those belonging to a certain religion – for example, the Christian Marriage Act (1872) states the legal age of marriage is 13 years for girls and 16 years for boys (Section 60).

The draft Prevention of Violence Against Women law, under development since 2013, hopes to better protect women from all forms of violence, including domestic violence, marital rape, sexual violence, harassment, and assault in the workplace and in public. Despite being submitted to Parliament in late 2017, it is yet to be passed. In 2013, the Government launched its National Strategic Plan for the Advancement of Women, which recognizes the work needed across Government to progress towards gender equality.

The Myanmar National Human Rights Commission was established in 2011 with a mandate to conduct inquiries in respect of complaints of human rights violations while providing an alternate avenue that victims may choose over the formal justice system, the lack of transparency and application of cultural norms and practices rather than international human rights principles only serves to further entrench attitudes towards gender while moving away from a survivor-centered approach. (*Australian Council for International Development (ACFID), (2020), Prevention of Sexual Exploitation and Abuse (PSEA), Country Mapping of Known Context, Legislation, Reporting and Referral Pathways — Myanmar*)

Government Institutions The Department of Social Welfare under the Ministry of Social Welfare, Relief and Resettlement is the statutory authority for the safeguarding of children and vulnerable adults. Committees on the Rights of the Child have been formed at national, regional, district and township levels to respond to cases of child abuse; however, there are gaps regarding implementation of duties. For women,

the Myanmar National Committee for Women's Affairs (MNCWA) has been established under the management of the Department of Social Welfare to respond to different issues related to women. The Myanmar Police Force also has the overall duty to ensure protection of all citizens including women and children, however there are serious concerns regarding the rule of law and trust by the community.

5. PSEAH Policy and Implementation- Desk Review

This desk review is based on the fifty-two policy documents submitted or retrieved from the web link referred by the selected NGOs.

Table 3- Assessment of Good Practices of NGOs on PSEAH

PSEAH Indicators	Experience from India and Myanmar
<p>Good model and best practices followed by development partners/donors/UN agencies</p>	<p>Accountability-Based on the policy document shared by NGOs, it is found that NGOs take efforts to make their staff accountable through different means. For example, instructions provided by NGO 'Help Age International' to its staff/partners regarding the PSEAH have potential to bring accountability among them. These instructions are (i) Do no harm (ii) Prevent harm and abuse (iii) Report harm and abuse (iv) Provide channels for reporting (v) Believe and support survivors (vi) Investigate (vii) Collect Feedback to survivors (viii) Act on wrongdoing (ix) Learn via case review. Similarly, the NGO 'ActionAid's policy on accountability underlines considering withdrawal of funding or end of relationship as a mechanism to ensure accountability from a partner if there is evidence that a complaint has been dealt with inappropriately or inadequately</p> <p>Confidentiality-The data suggests that the NGOs take sincere effort to ensure confidentiality. Following approach on confidentiality is discernible from policy documents of the NGOs concerned: Safety and wellbeing of the victim is always paramount, Confidentiality is crucial in SHEA and Safeguarding and Privacy, Breach of confidentiality erodes complaints management processes, confidentiality of personal data and information is important in managing issues relating to sexual harassment, exploitation and abuse, accepting confidentiality is a healthy survivor-centred approach, sharing of information must be on a need-to-know basis or only those who are accountable in SEAH investigation process need to be informed, any kind of breach should be treated as a serious misconduct understanding that confidentiality principle may be compromised when somebody's life is in danger and to ensure that everyone is safe,. The policy declaration of NGOs to comply with the local and international data protection laws/policies when gathering, storing, or sharing any data relating to individuals and SHEA</p> <p>Counselling-The policy documents shared by NGOs mention the importance of counselling in case of the SEAH case. The NGOs provide guidelines for streamlining the post SEAH occurrence situation in which survivor counselling through the established mechanisms and with provision of adequate information on the process. The legal assistance, emotional support and confidentiality constitute the core areas of the counselling policy of NGOs</p> <p>Participation-The study of the existing policy documents of some NGOs reveals that there is a declared commitment by NGOs to ensuring active participation of stakeholders in assessing, planning, implementing, monitoring, and evaluating programs through the systematic use of participatory methods recognising the fact that sexual exploitation and abuse is often grounded in gender and other inequalities. Accordingly, the programmes are to be designed in an inclusive way so that those who are most marginalised can access the programme and realise their rights. Space must be created for children, young people, women, transgender, and gender non-binary people to raise concerns and share ideas and this vulnerable section should be made aware of their rights and procedure to follow if there is any violation of these rights.</p>

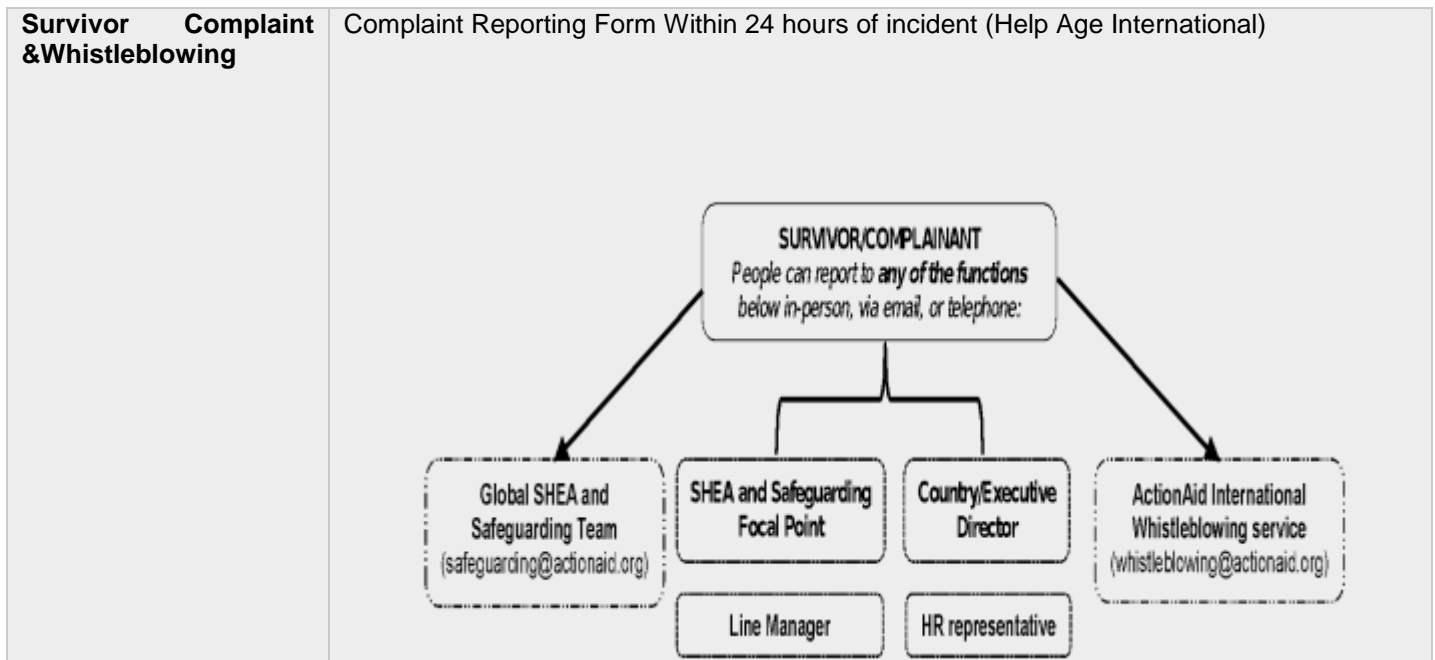
<p>Is PSEAH policy same for all organizations or it varies from one to other organization or one to other country</p>	<p>It is found from the document review that the concerned Development partners/donors/UN agencies have an official PSEAH Policy and PSEAH/Safeguarding focal point are available However, the PSEAH policy of some of the NGOs are aligned with the government policy on sexual exploitation of their country of operation whereas some NGOs follow PSEAH policy guidelines directly.</p>
<p>How are country's legal and policy components integrated into organization's PSEAH/HR policy?</p>	<p>NGOs take, as per the policy document, effort for imparting knowledge on the country specific policies on sexual exploitation wherever the PSEAH is different from the country's government policy.</p>
<p>What is the best practices organization follow in which the PSEAH complaints are taken seriously and How is PSEAH policy implementation and work plan monitored and assessed?</p>	<p>Documents of NGOs like CHS Alliance, PSEA Myanmar Action Plan 2021, ActionAid and Help Age International Indicate that complaint handling is vital to PSEAH management. Complaints are dealt by PSEAH Focal person, SEAH Investigators and delegated authorities with responsibility examine SEAH incidents. The complaint handling procedure verification requires records showing SEAH incident resolution, SEAH incident reporting to the organisation's governing body or equivalent Posters/information about complaints mechanisms visible in public areas of offices and at project sites. NGOs carrying out PSEAH management based on documented complaints, reporting and investigations system/procedure and evidence of consultations with affected people, dissemination of information through posters/information about complaints mechanisms visible in public areas of communities or project sites is ensured. Communities and affected people are consulted on how the complaints handling process accommodate SEAH.</p>
<p>What are the success Indicators of PSEAH implementation and what are the measures taken for adequate representation of the victim and ensure the process to be non-discriminatory and mechanism to deal gender bias in the complaint handling process?</p>	<p>Policies for preventing the occurrence of specific PSEAH incidents, rules, and methods of investigation, claim policy, internal training, coping mechanisms for victims implemented as per protocol are reflected in NGO documents studies.</p> <p>Employment: Selection and recruitment of staff to be designed by considering the suitability of the candidate to the post. The candidate's past criminal records, commitments and understanding of SEAH issue of gender equality and justice, education history of candidate and character assessment through referees need to be ensured as followed by Help Age International, ActionAid and some other NGOs.</p> <p>The document submitted by NGOs reveal that preventive measures like having PSEAH policy, complaints handling policy, whistle blowing policy and code of conduct and associated procedures are crucial to prevent occurrence of the SEAH cases. Documented code of conduct that covers expected staff behaviours including the obligation of staff not to sexually exploit or abuse people to reporting obligations are reflective of the policy documents.</p>
<p>How do organizations address PSEAH obligations in written agreement with partners?</p>	<p>The policy of some of the NGOs suggest that if a donor or supporter is in breach of the Child Safeguarding Policy, action may be taken against them including being suspended or permanently removed from the sponsorship programme or end or relationship. The contract document between the NGOs and Partner contains terms of compliance and other conditionality governing the operational relationship among the NGOs involved. The document indicates the need of understanding and checking of the PSEAH policy of recipient/partner NGO with regard to the survivor care policy, recruitment or contracting policy, response to the community demand, norms and formats of the recording, responding and complaint handling by the donor NGO</p>
<p>What are the best practices, the existing training materials/tools provided by IASC, CHS Alliance or UN bodies? Is it useful and practical to be used in the context of India or Myanmar?</p>	<p>Multi-Level Training Strategy:</p> <p>Training the Investigators -The policy documents of NGOs indicate multi-level training structure to sensitise the PSEAH issue. There should be training to the investigators dealing the SEAH case to ensure they have the skills and competencies to take complaints of abuse and exploitation from children and that they do this with sensitivity and care, and do not bring any bias or prejudice to those interactions</p>

	<p>Training for the Staff-The staff of the NGO should have thorough training on the PSEAH rules, humanitarian values, human Rights, Child Rights, their own responsibilities in carrying forward the mission of the NGO they are working.</p> <p>Continuous Assessment of the Effectiveness of Training Programme -The NGOs need to carry our assessment of the effectiveness of the training by collecting feedback from the trainee and by assessing the impact of training on SEAH occurrences by comparing pre training status and post training status</p> <p>CHS Alliance document highlights following aspects of training</p> <ul style="list-style-type: none"> ● Designing and implementing Plans and strategies based on an assessment of SEAH risks and understanding of SEAH vulnerabilities of different groups ● Managing complaints or reports relating to SEAH need to be managed in a timely, fair, appropriate, safe, and competent manner ● Having a documented complaints-handling and investigations process that addresses SEAH ● Mandatory reporting obligations relating to SEAH. <p>The desk review indicates that these are already in practice in case of many NGOs and quite appropriate to the Indian and Myanmar context.</p>
<p>What are the key components or necessary condition to achieve organizational behavioural change and concept of power?</p>	<ul style="list-style-type: none"> ● unequal access to information between staff and service recipients ● Awareness on the part of the service recipients on the rights, norms, and procedures training and sensitization on PSEAH for both staff and community dependent on NGO for goods and services ● The data received from the NGOs working in both the countries India and Myanmar indicates that the factors like symmetric access to information and awareness through training and campaigning activities has the potential to better bargaining capabilities and reduces the compromising position of the dependent communities. The sensitization and training activities are crucial for the behavioural change and power relations between the staff and the dependent communality.

Table 4 Selected Examples of Good Practices Followed by NGOs on PSEAH

Issue	Good Practice
<p>Staff Awareness</p>	<p>Commitments in activity and behaviour of staff (ActionAid) Self-awareness, Self-care and caring for others, dismantling bias, Inclusion, Sharing power, Responsible and transparent use of power, accountable Collaboration, respectful Feedback, Courage, Zero Tolerance</p>
<p>Responsiveness</p>	<p>Response System for Partner (PSEA Network Myanmar) Ensure that member organisations have effective internal complaints and investigation procedures in place which adhere to principles of confidentiality.</p> <ul style="list-style-type: none"> ● Where appropriate and possible, harmonise procedures for the reporting of sexual exploitation and abuse and for such reports to be properly referred for investigation and assistance to be provided to the victims in a timely manner. ● Establish and maintain a complaint referral mechanism between UN agencies, NGOs and other relevant entities. ● Harmonise victim assistance and support in line with existing referral pathways. ● Establish and maintain a pool of investigators to offer support to member organisations after a complaint of SEA is received.

<p>Staff Code of Conduct</p>	<p>Staff Discipline/Accountability (ActionAid) Strictly prohibits staff and other representatives from engaging in or promoting any form of abusive, exploitative, or harmful behaviour towards children. Strictly prohibits staff and other representatives from engaging in any kind of sexual activity with children (anyone under the age of 18 years, or older if the local law indicates this). Mistaken belief of age is no defence. Affirms that all staff and other representatives have a duty to protect the rights of children, ensure that ActionAid's SHEA and Safeguarding approach is embedded into all areas of ActionAid's work, and ensure that every aspect of our work is carried out in a way that ensures the rights, dignity, and empowerment of children.</p>
<p>Self-Assessment by NGOs by PSEAH Toolkit</p>	<p>CYSD has assessed itself in accordance with the Toolkit adopted by UNICEF. As per various standardized parameters of the Toolkit, CYSD has scored 16 points which is adequate for PSEAH organizational capacity as per the Toolkit's rating points. The PSEAH risk ranking, as per survey is low. Self-assessment is a good practice which should be adopted by other NGOs as per the Toolkit.</p>
<p>Community Feedback Mechanism (CFM)</p>	<p>World Concern Myanmar Community Feedback Mechanism (CFM) facilitating community members to complain on staff attitude and project activities. The Feedback mechanism is a standard format for complaining on staff wrong doings and project activities.</p>
<p>Responding a Complaint</p>	<p>Help Age International Things to Say I want to listen to what you have to say, I am going to do my best to help you, you did the right thing by telling me, this is what I am going to do next, you are not to blame, is there anything else you want to share? Things Not to say Wait until I get my manager so you can tell him/her too, I can't do anything, I can't believe it, I'm shocked, this is your fault, don't tell me anymore.</p>
<p>Protection of Survivor from Retaliation by Offender</p>	<p><u>Guidance for Managers (PATH)</u> Do not publicly discuss the allegation. Do not share information about the allegation or investigation with any third parties. Be mindful not to isolate the employee or take actions that may be perceived as a negative change in behaviour toward the employee. Avoid reactive behaviour such as denying the employee information/equipment/benefits that are provided to others performing similar duties. Do not interfere with the investigation. Provide clear and accurate information during the investigation. Do not threaten the employee, witnesses, or anyone else involved in the processing of a complaint.</p>



6. PSEAH Primary Survey Result- Documenting Best Practices

6.1 Information, Knowledge and Approach of organization on PSEAH

Table 5 Survey Results on Information, Knowledge and Approach of NGO on PSEAH

Key Questions	Survey Results
Process Followed to Choose PSEAH Point Person	17 out of 20 organizations surveyed in India and Myanmar mentioned that senior management choose PSEAH point person
Organizations issues circulars to staffs regarding appointment of PSEAH focal point	18 out of 20 organizations surveyed issued formal circular to staffs regarding the appointment of PSEAH focal point
Number of times PSEAH meeting organized during 2020-21	Most of the organizations reported that they organize meeting in every quarter
Who are invited to attend PSEAH meeting in the organization	The organizations surveyed generally include its senior management team and PSEAH focal point and an external invitee to PSEAH meeting. In some cases, senior management team, PSEAH focal point, program point person, Gender specialists are invited to PSEAH meeting. The third scenario comes up from the survey that Operations Director, Program Quality Development Director, Humanitarian & Emergency Affairs Director, People and Culture Director, All Departments Directors in the organization are included in the PSEAH meeting.
Is PSEAH meeting organized on regular interval, or it is called once organization receives a complaint	50% development partners in India and Myanmar reported that PSEAH meeting is called once there is a complaint and rest reported of calling such meeting in regular interval and once there is a complaint (both).
Any survey organization conducted on sexual harassment for internal staffs since last 3 years period	Except UN organizations participated in the survey, most of the organizations did not conduct any survey for internal staffs on sexual harassment. However, one organization (PRADAN-India) reports gender audit every year and their team plan action to redress any issue or making their workplace better for women. One organization reported organizing survey around training needs to ensure that trainings organized are appropriate and fill any knowledge and practice gaps.
Organization has separate parameters for male and female	Most of the organizations surveyed did not have separate parameters for male and female staffs, clients, or victims on PSEAH matter.

staff, client, or victim on PSEAH matter	One organization reported that transgender, MSM (LGBTQ) community members are parts of their team. Their Sexual harassment policy against women at workplace is revised to include the requirements of the members from these communities as well. There are couple of NGOs reported that they do not have separate parameters for male and female staff. However, the NGO collects data from both male and female for training and PSEAH focal point generally nominate both male, female and victims. One NGO stated that it works as per the separate needs of girls, boys, women, and men.
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6.2 NGO and International Guidelines/policy/protocol on PSEAH and partners and contractors

Table 6 Policy Parameters of Selected NGOs on PSEAH

India										
Key Indicators	CYSD	HIV/AIDS Alliance	PRADAN	PRATHAM	SNEHA	THE UNION	UNFPA	MSSRF	PATH	Room to Read
Whether organization using existing international Guidelines/policy/protocol on PSEAH	developed based on Prevention, Prohibition & Redressal) Act 2013	internally developed referring to various best practices and local legal compliance related requirements	Based on UNICEF and UN-Women Guidelines	follow Government of INDIA. Ministry of Women and Child development guidelines of POSCH	Not following any international guidelines	Not following any international guidelines	UNFPA Personnel Policies and Procedures, based on the SG's 2003 Bulletin on PSEA	Not using any international guidelines	Follow guidelines as per the law of the country	Not following any international guidelines
PSEAH policy for partners and contractors	Do not use PSEAH policy for partners/contractors	Partners, have the option to follow their own policy.	Comply with all their policies while in partnership	No	Yes	No	The UN Protocol on Allegations of SEA involving Implementing Partners	No	Yes	Yes
Myanmar										
Key Indicators	Action Aid	Help Age	Oak	PATH	UNFPA	UNICEF	UNOPS	World Concern	World Vision	Aid Facilitator
Organization using existing international Guidelines/policy/protocol on PSEAH	SHEA & safeguarding policy	Safeguarding Policy (HelpAge International)	informed by best practice	Procedures for Harassment and Retaliation	SEA and SH policy, Code of Conduct	IASC PSEA policy, UNSG's guidelines	IASC PSEA guidelines UNOPS/ Myanmar PSEA manual UNOPS PSEA Strategy Tools and Guidelines	Interaction PVO Standard, includes the IASC six principles	Child & Adult beneficiaries Safeguarding policy	Internally developed
PSEAH policy for partners and contractors	process for checking before completion grants agreements	Separate policy for partners & contractors, they have to follow HelpAge policy	Yes	It is available and still in developing stage	UN IP Protocol	CSO risk management guidelines -	Yes	adhere PSEAH policy (Safeguarding policy)	Yes	N/A

6.3 Steps taken to take legal action against staffs found to be guilty

Table 7 Complaint Handling Procedures by NGOs on PSEAH Implementation

What are the steps taken to take legal action against staffs found to be guilty? What is the exact policy on this? Please share this policy
CYSD- Staffs found guilty were punished by written warning, suspension, termination of contract or regular employment
India HIV/AIDS Alliance- If there is any legal action to be taken, the first step is to file a complaint with the local police authorities. The complainant will be given appropriate legal support
PATH-India- Committees are formed (specific to country following local laws and global policy). Investigations are conducted in case of complaints and necessary steps are taken. Policy is confidential and for internal use only
PRADAN- Not any recently, we will support in case the woman wants to go for legal action, its written in our policy. Though it is not laid down, it is understood that in case some financial help the woman colleague requires we will provide those. Also, if required will get it reimbursed from the perpetrator.
The Union- Written apology• Warning• reprimand or censure• Withholding of promotion• Withholding of pay-rise or increments• Termination from service
UNFPA-India- The Office of Audit and Investigation Services may recommend a case to be referred to national authorities. Upon decision of the Executive Director, for all such cases UNFPA will coordinate all necessary activity with the United Nations Office of Legal Affairs.
PATH- Myanmar- Final actions and determinations will be made based on a finding of facts in each case and on legal requirements. Depending on the seriousness of the offense and the facts of each individual case, action against personnel can range from written reprimand, up to and including termination of employment or contracts, the right to pursue legal action, either civil or criminal
UNICEF Myanmar- Following investigation by HQ's Internal Investigation disciplinary measures are taken

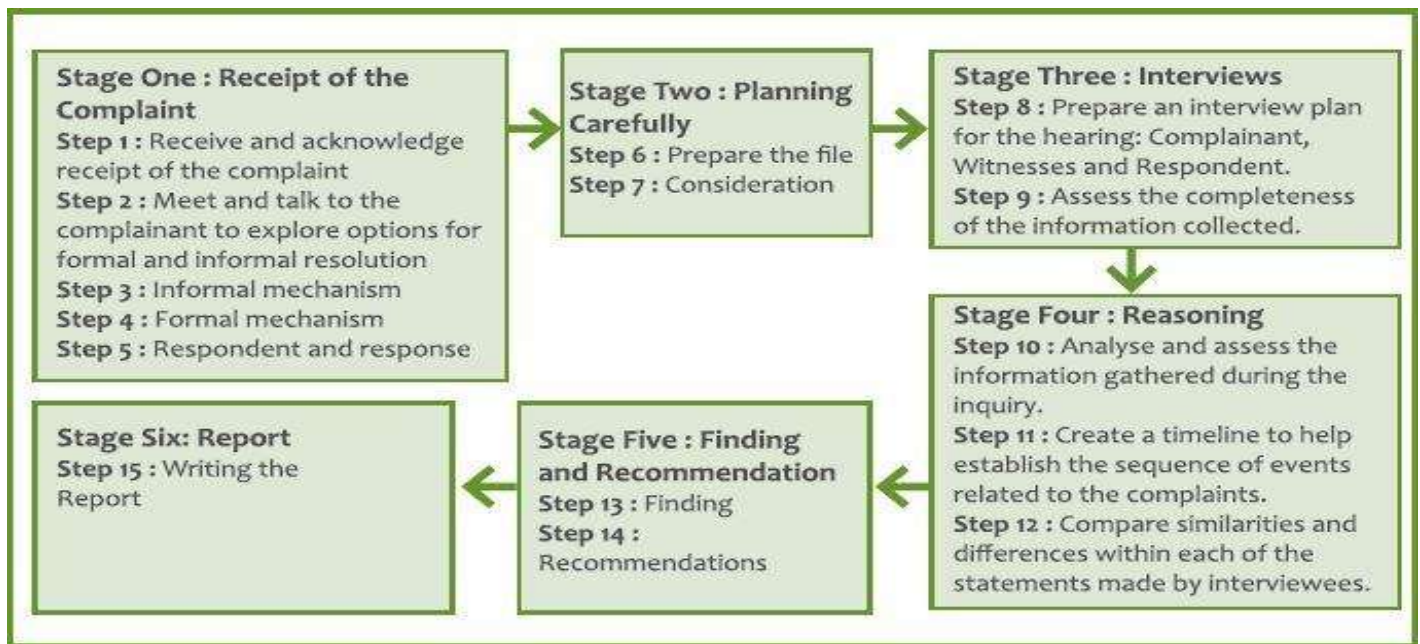
6.4 Methods of investigation of any complaint (3 Best Methods)

CYSD
When the Committee is convened, it will gather facts of the case through interviews with both the parties and their witnesses, if any and subsequently a combined interview will be made with both the parties and witness if any. The proceedings will be documented in writing. The Committee will decide on the procedures for examining the evidence in line with the existing legal procedures. While investigating any complaint of sexual harassment, ICC shall ensure that the principles of natural justice are adhered to, namely: - Both parties shall be given reasonable opportunity to be heard along with witnesses and to produce any other relevant documents before ICC – Upon completion of the investigation, both parties will be informed of the results of that investigation. Confidentiality will be strictly maintained during the investigation of all complaints When the investigation is completed, the ICC will prepare a confidential investigation report. This will include a summary of the allegations and the response of the accused party, a summary of any statements by witnesses, a summary of the findings of fact, conclusions about the allegations, and recommendations for further action. Within 7 days the confidential report will be submitted to the Board of Management. After receipt of the report, the Management with the help of third party will produce its recommendations within 30 days. If the Board of Management determines that further information is needed to decide, it will request ICC to conduct follow-up and/or additional interviews, but it should not exceed more than 5 days. If the person being accused is found guilty, the Management will recommend one or more of the following actions: written warning, suspension, termination of contract or regular employment, or withdrawal of volunteer status depending on the nature of the act and seriousness of the case. In case of a disciplinary action, the Management informs both the parties concerned about CYSD's decision. Proceedings of the case will be kept confidential and will be made available upon the order of a court, if needed. False accusation of sexual harassment is an offence. In case of false complaint, the complainant would produce a written apology.

The Union

A copy of complaint along with supporting documents and names and address of witness shall be sent to the IC. The inquiry must be completed by the IC within a period of 90 days after receiving the complaint. On receipt of such complaint, the IC shall provide a copy along with supporting documents of such complaint to the respondent within 7 working days. The respondent shall file a reply within 10 working days of receipt of the complaint along with the list of documents, names, and addresses of witnesses. A copy of the reply submitted by the respondent shall be given to the aggrieved woman. The IC shall investigate in detail into the matter of the complaint. The IC shall have the right to call the respondent or any other witnesses as and when it deems necessary. The IC shall conduct the inquiry in accordance with the principles of natural justice and will ensure to give both the aggrieved woman as well as the respondent, a right to be heard and present their case before the IC. During the inquiry process, the aggrieved woman and the respondent shall refrain from any form of threat, intimidation or influencing of witnesses. The record of the proceedings and the statement of witnesses shall be self-attested by the persons concerned. The IC can terminate the enquiry or give ex-parte decision on the complaint, if the respondent or aggrieved woman remains absent for 3 consecutive hearings, without sufficient cause, provided that such termination or ex-parte order may not be passed without giving a notice in writing, 15 days in advance, to the party concerned. If both parties are employees, the parties shall, during inquiry, be given an opportunity of being heard and a copy of the findings shall be made available to both the parties enabling them to make representation against the findings before the committee.

Room to Read



6.5 Training Strategy Adopted by NGOs on PSEAH

Table 8 Training Strategy Adopted by NGOs on PSEAH

Key Questions	Survey Results
Which PSEAH training document you use for training your staffs	Except UN cases, many NGOs have developed internal training modules for their training on PSEAH.
What are the key suggestions to improve the existing international training documents	Responding to the question on what the key suggestions are to improve the existing international training documents, the NGO suggested that the scope of the International Policy Document can be widened to incorporate the training for the protection of vulnerable adults from other gender including male and transgender apart from women.

Does the management of your organization think that there is any need of developing country specific training tools?	All most all NGOs surveyed have the opinion that there is a need of developing country specific training tools based on the country law.
Does your organization have any special budget allocated for awareness and training program on PSEAH related matter?	Few organisations have special budget allocated for awareness and training program on PSEAH related matter whereas and many do not have specific budget for this work.
Who provides training to staff/client?	Most of the NGOs arrange external trainers to provide training to staffs/clients. Though many NGOs do not have special budget for training, these NGOs however, as per the data provided by them, arrange training by inviting external trainers from their contingency budget. Some NGOs do it presumably from their overall budget which is not categorically mentioned as PSEAH expense.
Whether training is provided separately for male and female?	The training content, approach is same while organizing training for staffs irrespective of their gender.
How PSEAH related training is structured and built in into your organization's overall training program	<p>Survey received following answers regarding how PSEAH related training is structured and built in into their organization's overall training program. Few important answers are given below to understand the issue.</p> <ul style="list-style-type: none"> ● General orientation is compulsory as part of the new staff orientation. So, all new members are updated on the policy from the beginning itself. ● At the time of induction, the PSEAH policy is dealt, and the policy is easily accessible to all staff and translated in all local languages for all staff to aware of it ● Part of Induction and mandatory trainings all new hires ● training is done every year for newcomers/trainees, new team coordinators and ICC members. ● This is a compliance and mandatory training, hence the training is done every quarter ● Every once in two years, the child and adult safeguarding policy training has been provided to all staff and project support staff. Harassment prevention online training also must be applied by all staff once a year. ● training module is prepared from the resources from UNOPS training and MIMU resources for PSEA training ieUNOPS training, IASC Six Core Principles and four pillars, IASC case studies ieAfrida Video and PDF, Case studies from PSEA network, and Interaction Video (NO EXCUSE FOR ABUSE: Preventing Sexual Exploitation and Abuse in Humanitarian Action). Also, session to discuss our organization's PSEAH related policy and MOPs by doing group discussion. ● UNOPS training, IASC Six Core Principles and four pillars, IASC case studies ieAfrida Video and PDF, Interaction Video (NO EXCUSE FOR ABUSE: Preventing Sexual Exploitation and Abuse in Humanitarian Action. ● Through induction and year wise refresher training to all staff ● Newly joined staff are introduced mandatory training during induction session and they included code of conduct, safeguarding policy and serious incident report, refresher training provided once in a year

- training module is prepared with HR department's staff capacity development sector and program related intervention.
- The policy is prepared keeping in mind staff composition and as per the guidelines from the government.

6.6 Survivor Care Strategy Adopted by NGOs on PSEAH

Table 9 Survivor Care Strategy Adopted by NGOs on PSEAH

Key Questions	Survey Results
Organization develops a victim survivor's support policy	Most of the organizations surveyed do not have victim survivor policy however, some of them mentioned that they do take care of their needs like long leave, transfer to desired location, counselling help. UN agencies surveyed mentioned that colleagues are supported if they require support to take further action as a legal case. Some organizations do not have a policy as such, but they do have a safeguarding incident preparedness plan.
Protocol document followed for victim of PSEAH	Most of the NGOs in India and Myanmar have developed protocol documents for victim of PSEAH.
Organization has a policy to resolve the PSEAH case within a time limit?	Most of the NGOs told in our survey that they have a guideline on the process to be followed to resolve the case.
The time limit followed by Organization to dispose PSEAH	There are varied of opinion on number of days organizations generally take to resolve PSEAH case. Seven NGOs in India and Myanmar mentioned that it takes more than 60 days and couple of India NGO mentioned that they must resolve the case within 90 days as per the India act and one of them mention that they must submit a confidential report to their board of management within 7 days. In one case, it is pointed that after receipt of the report, the Management with the help of third party must produce its recommendations within 30 days. Another NGO mentioned that time limit is decided based on the nature of complaint. Timeline indicated to the complainant and the accused on each stage of the enquiry. One NGO mentioned that they have time limits on reporting and escalating but not on resolution. UN agencies mentioned that it is within less than 30 days- within 24 hours action needs to be initiated.
Organization has any special budget allocated for compensation packages for the PSEAH victims	<p>There are only 5 organizations out of 20 surveyed in India and Myanmar, mentioned that they do have special budget allocated for compensation package. However, few answers as follow.</p> <p>Victim assistance is part of the case management budget</p> <p>Depends on a case-by-case basis. If the victim has received appropriate support from GBV case manager, the case can be closed. The case information will be saved into the SEA repository where only UNOPS PSEA Focal Point could access. -UNOPS</p>

For Implementing partners, survivors are to be supported in accordance with the GBV referral guideline through health, psychosocial, legal, and safety/ protection.

UNOPS is also a member of the national gender-based violence working group and prevention of sexual exploitation and abuse network so utilization of existing services and supports will take place should any SEAH occur. The average amount of the financial support the victim receives will depend on a case-by-case basis.

Is there any reduction of PSEAH cases due to training and counselling	Most of the NGOs in the survey feels that there is a reduction of PSEAH case due to training and counselling and one NGO has mentioned that “We should answer both yes and no. For yes, we can reduce PSHEA and safeguarding case due to awareness session. For No, they have disclosed due to increased awareness”.
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6.7 Power Relations and working of NGOs

Table 10 Impact of Power Relations on the working of NGOs

Key Questions	Survey Results
Is your organization an equality opportunity employer?	Apart from few organizations, who mentions that the organization appoints candidates on merit, most of the answers are yes as their organizations are an equality opportunity employer.
Percentage of female occupying managerial positions in your organization?	Many organizations reported having their female staffs occupying managerial position (CYSD-India-15%, PRADAN-India 24%, SNEHA India- 85%, Action Aid- Myanmar-80%, OAK foundation (over 50% of their management staffs are female), UNOPS Myanmar 37.9%, World Concern Myanmar 63.64%, World Vision-Myanmar 42%).
Favourable working condition for female staff? Please provide three key interventions.	NGOS surveyed have given good practical intervention to make favourable working condition for female staffs in the organizations such as Equal pay for work of equal value, prevention and elimination of violence and harassment, creating a harmonious work-life balance for both women and men, investment in a future of work that works for women, Proactive in recruitment of female candidates, Considerations for planned and safe travel for work, Maternity benefits, Creche Reimbursement, Flexible Working hours, Facility for work from Home, Strong policy on PSEAH, Gender mainstreaming at all project and program management, practicing the feminist leadership approach and principle, women's rights team as a thematic team, Good working environment, Internal complaint mechanism (staff council for everyone), Employee Assistance Program, Medical benefit relevant for female staff, Non-discrimination and enabling environment, breastfeeding room, Gender parity strategy, allow to take care of their children at the office , Creating learning opportunity for women leadership program
Is there any impact of local situation in terms of gender, caste, religion, community, race etc in functioning of the organization? Please explain this in three key bullet points.	The survey has received good response to this question of impact of local situation in functioning of the organization. The following are the few key points received from Indian NGOs- We are sensitive to such variables and based on that only POSH committee members are appointed, Follow global DEI policy

Indian society is patriarchal¹ in nature and there is prevalence of caste² system and gender inequality are high, so power imbalance is inbuilt in the upbringing of people with more acute form in underdeveloped and educationally disadvantageous regions or states. Therefore, the task of NGOs in most marginalized regions of India is challenging for women at different stages of their life. There are inherent biases in selection of women into leadership position, which is being addressed through recent policies.

Understanding that we are part of a society, where gender differences do exist, the organization does include sessions/discussions on gender during the trainings. These discussions aim for sensitization and offer an opportunity to share. The organization takes opportunities that discuss equity and equality at different times that helps the team members to reflect and take appropriate steps

Myanmar

There are challenges for women leadership at all areas till now. Current political instability and Covid-19 crisis has led to gender-based violence.

Community people are most vulnerable in current and who are more needed the humanitarian supports.

Mutual respect, Organisational values, Active listening are followed to address these issues.

There is less knowledge on gender equality and meaning of gender by the community members, minority race needs to be protected and empowered.

There is a need to empower community and create opportunity to be able to provide complaints and feedback based on establishment of the mechanism

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We need to empower community and create opportunity to be able to provide complaints and feedback based on establishment of the mechanism

7. Recommendations for JQAN- Road Map for a JQAN PSEAH Network

The study recommends that JQAN can initiate the process to institutionalize a PSEAH platform in more structured form in Japan. The institutionalization and structured form of PSEAH network can be worked out in following four steps in the pilot phase during 2022.

Step-1: Call for a consultation workshop with like-minded development organizations, UN agencies, Japan led funding agencies and JQAN can make a presentation of this report and propose a structured JQAN-led PSEAH network plan for Japan, including a discussion on how to generate resources for appointing a full-time PSEAH Coordinator for this network and to run different activities on PSEAH.

¹ Patriarchal society refers to the asymmetric/unequal power possession by male and female. There is male dominance is because of male accumulates more power because of tradition, custom and beliefs in Indian society

² Caste system is a social stratification in India with four-fold division of population into *Brahmin, Kshytriya, Baishya and Sudra* on hierarchical basis with Brahmin occupying highest position in society commanding respect and status and Sudra occupying lowest position

Step-2- Based on the agreement in the consultation meeting, PSEAH Coordinator can be appointed, who will take a lead to work on four areas such as engagement, prevention, response, management, and coordination in close collaboration with either existing PSEAH advisory group or a new group formed to advise PSEAH coordinator to take up all aspects of PSEAH work in Japan.

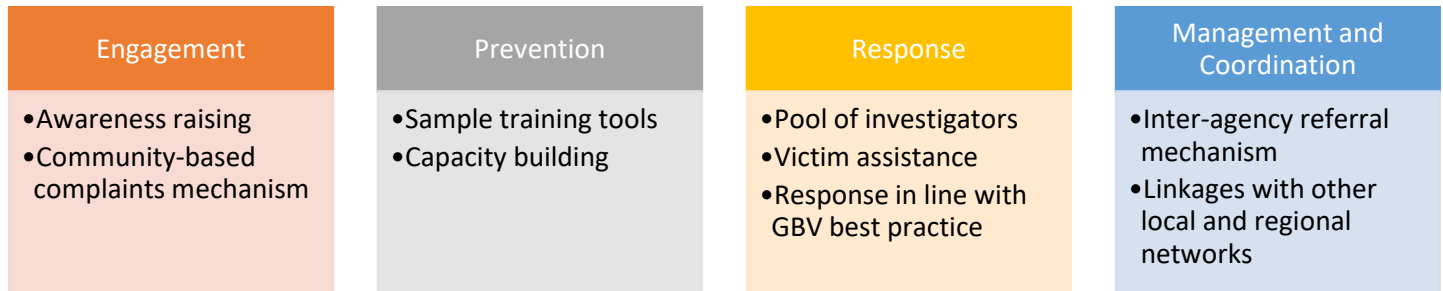
Step-3- JQAN can launch a website link to provide complete information on membership criteria, three years strategy activity, training documents, other resources on PSEAH for the use of its members both in English and Japanese language.

Step-4 – PSEAH Coordinator in close collaboration from PSEAH advisory group and JQAN can develop resources materials and start bi-monthly meeting with its members to develop and implement annual activity plan.

Once, these four steps are completed, all participating organizations can decide for a 3-year plan (2022-24) to carry forward the PSEAH work in the country.

7.1 Key Approach of the Network

The key approach of this proposed JQAN led PSEAH network will be engagement, prevention, response, management, and coordination. JQAN led PSEAH network can start working on developing training materials, which can be used by development partners in Japan³.



7.2 Documents to be Developed for the network

JQAN can start working to develop following documents to help development partners in Japan to ensure that sexual harassment in work place is prevented and taken up with seriousness.

Development of Key Documents	Document Content Plan
Develop Terms of Reference for PSEAH Japan	Background Structure and Reporting Network Responsibilities PSHEA Network Chairs and Co-Chairs PSEAH Coordinator Technical Working group Membership Criteria Member's obligation and responsibility Major Tasks of the Network (prevention, response system, management, and coordination)
Develop an Introduction invitation sheet for new members to join the network	Who can Join the Network? Developing a Mailing list PSEAH network members login to access resources
Develop PSEAH Strategy for first 3 Years	Commitment to PSEAH Vision Structure Context

³ UNOPS training materials, including facilitators guidelines on PSEAH is strongly recommended for JQAN to refer while developing the training tools.

	Overall Approach Guiding Principles Sustainability
Other Key Documents PSEAH Network can develop	Reporting Framework Inter-Agency PSEAH Helpline SOPs Engaging Investigators SOPs Risk Analysis and Sample Questions Knowledge, Attitude and Practice Survey Best Practice Guide-Supporting Partners

7.3 Develop Annual Action Plan- A Sample Action Plan from Myanmar

The following sample annual action plan will guide JQAN to develop its own plan of action.

Draft PSEA Network Action Plan 2021			
Management and Coordination			
Priority	Action point	Timeline	Responsible
1. Ensure PSEA Focal point list is up to date	a) Send email to update focal point list to network partners b) Update and share contact list	Bi-annually	PSEA Coordinator PSEA Coordinator
2. Draft and endorse PSEA Strategy, Action Plan and PSEA Network TORs	a) Review and revise PSEA Strategy b) Revise PSEA Action Plan for 2021-2022 c) Review the PSEA Network TOR and revise, as necessary d) Present revisions to the PSEA Strategy, Action Plan and Network TORs at HCT Meeting e) Share final revised strategy, Action Plan and TORs with PSEA Network and relevant partners f) Upload revised documents to MIMU webpage	November 2021 November 2021 November 2021 November 2021 November 2021 November 2021	TWG TWG TWG PSEA coordinator/RC/HC PSEA Coordinator PSEA Coordinator
3. Engage with government counterparts to increase PSEA awareness if the context allows	a) Re-assess needs and practices of government in regard to PSEA, if and when, the humanitarian community is willing or able to engage government counterparts b) Develop or revise previous strategy to engage government c) Further actions to be informed by strategy	TBA	TWG TWG TWG /Network members
4. Timely reporting on action plan progress	a) Hold regular network meetings b) Report regularly to HCT on PSEA activities, challenges, progression of action plan etc. c) Continue to update the MIMU page to share information and track progress made on AP. Including the option to share training tools, policies etc. d) Network members and UN agencies to provide PSEA work plan	Bi-monthly/ quarterly Q1 2021 Q1 2021 Q2 2021 Q3 2021	PSEA Coordinator PSEA Coordinator PSEA Coordinator Network members/PSEA Coordinator Network members/PSEA Coordinator

	<ul style="list-style-type: none"> e) Develop calendar to support coordination and planning f) Gather non-confidential information on prevention and reporting of cases: high level overview and analysis, lessons learnt to reassess priorities and update the PSEA Network action plan (annual activity) g) Bi-annual review and updating of Action Plan 	June 2020, December 2020	
5. Establish/strengthen field level PSEA networks in target locations (if not already established)	<ul style="list-style-type: none"> a) Agree on TORs for the field PSEA network b) Support field-level PSEA networks/communities of practice 	March 2021 Ongoing	PSEA Coordinator TWG PSEA Coordinator/Network members (UNHCR – protection, UNFPA GBV SS)
6. Engage with other networks to increase PSEA awareness	<ul style="list-style-type: none"> a) Regularly join the (monthly) meetings of at least 5 prominent networks in Myanmar (GEN, Myanmar CSO Network, Disability Teashop) and raise awareness about PSEA at least 3 times/year b) HCT and UNCT members to provide written updates on PSEA activities in response to specific questions on progress c) Mainstream key PSEA messages into all clusters, clusters, and relevant working groups 	Ongoing Quarterly	PSEA Coordinator/Network members PSEA Coordinator/RC/HC PSEA Coordinator/OCHA
7. Ensure funding for PSEA Network activities 2021	<ul style="list-style-type: none"> a) Advocate to donors to fund PSEA network activities in 2021-2022 b) Secure funding for activities 	Throughout 2021 Throughout 2021	PSEA Coordinator/RC/HC PSEA Coordinator
8. Ensure funding to implement PSEA programs	<ul style="list-style-type: none"> a) Develop resource mobilization strategy and proposal to be taken to HCT b) Advocate to donors to fund implementation of PSEA within programs 	Q4 2021 Throughout 2021	PSEA Coordinator/Network members
9. Draft SEA information-sharing guidelines/protocol	<ul style="list-style-type: none"> a) TWG Review and the Workshop on the information-sharing guidelines (which is adopted in 2020) b) Circulate among Network members for feedback and voluntary signature 	October 2021 November 2021	PSEA Coordinator TWG Network members
Community engagement and support			
10. Conduct SEA risk analyses in humanitarian contexts and select development contexts	<ul style="list-style-type: none"> a) Conduct desk review of available documents, PIMS, protection reports, proposals & reporting documents b) Develop and contextualize SEA risk analysis tools and 	Ongoing	PSEA Coordinator Field networks/TWG Donors/Network members Network members Network members

	<p>translation with Action Aid and Malteser</p> <ul style="list-style-type: none"> c) Streamline SEA risk questions in proposals and reporting documents d) Streamline SEA risk questions in monitoring missions/existing structures e) Report responses back to PSEA Network f) Conduct SEA risk analysis in each location (geographic & community/context) g) Analyze & share report in both languages (Action Aid) h) Input actions into PSEA Network Action Plan i) Develop and promote the sample organizational risk assessment guidelines and registry on MIMU 		<p>Field networks</p> <p>TWG PSEA Coordinator TWG</p>
11. Develop context specific awareness-raising tools for communities to understand standards of staff CoC and how to report	<ul style="list-style-type: none"> a. Conduct assessment of community dynamics, help-seeing behavior regarding SEA and barriers to reporting where not already completed b. Network members to share best practices for engaging communities (ongoing as in PSEA Network Meeting) c. Review existing methodologies and share best practices d. Support field based PSEA Networks to develop methodology e. Develop and disseminate national-level awareness-raising tools f. Pilot tools in select locations and communities g. Network members give feedback to Network h. Review and make adjustments 	Ongoing	<p>ActionAid/Network members Network members PSEA Coordinator/TWG Field networks TWG (community) Network members Network members TWG (community)</p>
12. Conduct awareness-raising activities in communities on standards of staff conduct and how to report allegations	<ul style="list-style-type: none"> a) Roll out activities b) Monitor activities, ensuring specific vulnerability groups (e.g. PWD) are able to access and understand messages 	Ongoing	<p>Network members Network members</p>
Response			
13. Design inter organizational complaints referral mechanism (eg how to refer a complaint from different organizations)	<ul style="list-style-type: none"> a. Evaluate the Network guidelines for <i>inter-organizational complaints referrals</i> based on IASC guidance and the Technical Group review b. Series of dissemination workshops conducted 	Ongoing	<p>PSEA Coordinator</p> <p>TWG Coordinator/Network members PSEA Coordinator</p>

	c. Share GBV and CP referral pathway with Network members for PSEA response		
14. Conduct mapping of complaints and feedback mechanisms	<ul style="list-style-type: none"> a) Design & develop survey to gather information on CFM according to sector/geographic area b) Disseminate survey c) Organizations fill in survey (organizational and project level) d) Analyze survey data 	Ongoing	OCHA/sector/cluster leads/other OCHA/sector/cluster leads/other Network members OCHA/sector/cluster leads/other AAP consultant
15. Design community-based complaints mechanism (CBCM)	<ul style="list-style-type: none"> a) Review the interagency PSEA hotline SOP b) Pilot CBCM in select area(s) (e.g with AAP consultant) c) Conduct monitoring and make adjustments 	Q3 2021	TWG/Field networks Field networks Field networks Network members Network members PSEA Coordinator AAP consultant
16. Ensure accessible reporting systems	<ul style="list-style-type: none"> a) Select groups based on vulnerability for focus group discussions b) Draft questions c) Conduct focus group discussions d) Analyze results and make recommendations e) Adjust CBCM 		Field networks TWG (CBCM) Network members TWG (CBCM) TWG (CBCM) AAP
17. Pool of investigators	<ul style="list-style-type: none"> a) Engage trained investigators to PSEA Network members (and integrate into inter-organization PSEA referral mechanism) b) Agree on funding commitments to support investigations c) further training and networking (experience sharing of the PSEA investigator) 		PSEA Coordinator TWG/Field networks Trainer PSEA Coordinator/TWG PSEA Coordinator/TWG TWG/Network PSEA Investigator Pool
18. Victim assistance	<ul style="list-style-type: none"> d) Engage with UN system and funds to roll out of the victim assistance protocol e) Develop SOP for survivor fund 		PSEA Coordinator UNFPA /MHF
Prevention			
19. Train PSEA Focal Points on TORs	<ul style="list-style-type: none"> a) Review the training design of the PSEA focal person training using the survey, b) Conduct training in the geographic areas of Kachin, Northern Shan, and Southeast c) Review the minimum PSEA training package 	Q1 2021 Q4 2021	TWG (training) Field networks/Network members
20. Develop and field tested the awareness raising materials for staff on PSEA and/or Codes of Conduct	<ul style="list-style-type: none"> a) Develop and field tested the awareness materials in selected geographical areas b) Review workshop on the PSEA awareness materials 		TWG (training) PSEA Coordinator UNFPA-MHF

21. Ensure all PSEA Network members and their partners have internal procedures to handle reports of SEA (e.g. SOPs)	<ul style="list-style-type: none"> a) Learning workshop of the various PSEA tools/spot-check/assessment (eg UNICEF, UNOPS, UNFPA, PSF) b) Network members to conduct yearly PSEA/safeguarding/CoC refresher training and report back 		<p>TWG</p> <p>PSEA Coordinator</p>
22. Ensure all PSEA Network members and their partners have Codes of Conduct in place and signed by all staff	<ul style="list-style-type: none"> a) Network members Update existing CoC to reflect new change in principle b) Network members upload on MIMU website c) Network members feedback to Network 	<p>Bi-annually</p> <p>B-annually</p>	<p>PSEA Coordinator</p> <p>PSEA Coordinator</p> <p>Network members/TWG</p> <p>Network members</p>
23. Ensure all PSEA Network members have safe recruitment procedures in place including reference checks	<ul style="list-style-type: none"> a) Network members share their recruitment procedure on the MIMU webpage b) Safer recruitment procedure is briefed in HR working group 		<p>TWG (prevention)</p> <p>TWG (prevention)</p> <p>TWG (prevention)</p> <p>PSEA Coordinator</p>

Annexure-1

Key Policy Documents, Meeting Minutes and Toolkits of NGOs Recommended to JQAN while developing training modules

CHS Alliance Toolkit -Toolkit on PSAH

PSEA Network Myanmar Toolkit -Tip Sheet for Working with Partners on PSEA/Safeguarding Implementation, Rules on sexual conduct for humanitarian and development workers, Standard Operating Procedures for the Myanmar PSEA Survivor Fund Managed by UNFPA through the Myanmar Humanitarian Fund, Standard Operating Procedures for Engaging PSEA Network Pool of Investigators, Checklist for safer recruitment, Sample Organizational PSEA Risk Assessment Tool, HCT PSEA Strategy: 2019-2020, Risk Analysis Update June 2021, PSEAH Network Myanmar: Introduction to new members , PSEAH Network Myanmar: Government Engagement Tip Sheet, Standard Operating Procedure for Recording and Processing Complaints related to Sexual Exploitation and Abuse (SEA) through Helpline/Email, PSEAH Action Plan 2021, Protection From Sexual Exploitation and Abuse (PSEA) Network, Myanmar: Terms of Reference 2021, Code of Conduct for humanitarian, recovery, peace, and development workers to prevent and protect against sexual exploitation and abuse (PSEA) in Myanmar ,Sexual Exploitation and Abuse by Aid Workers in Myanmar: A Risk Analysis, Knowledge, Attitudes and Practices of Staff: Survey Summary, Reporting Framework for Allegations of Sexual, Exploitation and Abuse, Sample Data Protection Policy, Tip Sheet for Engaging with Communities on PSEA

ACTIONAID -Child Safeguarding Policy 2021, Protection Sexual Exploitation and Abuse Policy 2021, Child Safeguarding Policy, Sexual Harassment, Exploitation, and Abuse (SHEA) at Work Policy, Sexual Harassment, Exploitation and Abuse (SHEA) and other, safeguarding concerns Overarching Policy, SHEA and Safeguarding Policies Review: Change Log

CYSD -A PSEAH Assuagement (UNICEF), Internal Complain Committee: *The Guideline (Revised, June 2019)*, Minutes of the first meeting after the reconstitution of Internal Complaint Committee (ICC) Sexual Harassment at Workplace (Prevention, Prohibition and Redressal), 2013 held on 30th September 2020

HELP AGE INTERNATIONAL-NEW Safeguarding policy, 2021, Safeguarding policy Training Humanitarian and development context, 2021, Partner Funding Contract – 2020, Safeguarding policy December 2020

MS SWAMINATHN RESEARCH FOUNDATION -Policy on Prevention of Sexual Harassment (POSH) at Workplace

World Concern, Myanmar-Code of Ethics & Conduct, Vision: A world transformed from poverty to the Abundance of life, World, Concern Safeguarding Policy, 2021, Safeguarding Minimum Operating Procedures (MOP), Community Facilitation Guideline for, Community Feedback, Community Feedback Mechanism, Code of Ethics & Conduct and Safeguarding Policy Acknowledgement of Receipt

PATH -Procedures for Harassment and Retaliation

PRADAN -Step by Step Inquiry Process ICC members' Training, 2021, Prevention of Sexual Harassment One-day Workshop on the Sexual Harassment at Workplace (Prevention, Prohibition and Redressal) Act, 2013 Training of ICC Members of PRADAN, Annual Report

Room to Read India-Annual Report on Sexual Harassment at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (1st January 2020- December 2020), Sexual Harassment Policy, Minutes of Internal Committee (IC) Meeting, Quarterly meeting: Oct to Dec 2020

Links

https://safeguardingsupporthub.org/sites/default/files/2021-08/How-to%20Note_research%20SEAH_FINAL.pdf

https://d1h79zlgft2zs.cloudfront.net/uploads/2021/10/CHS_PSEAH_Index-102020-EN.pdf

[United Nations Protocol on Allegations of Sexual Exploitation and Abuse Involving Implementing Partners.](#)

[Information Brief for CSO Partners on PSEA Assessment & Toolkit.](#)

Annexure-2- Case Study

Case Study on Complaint Handling and Survivor Care

In the assessment of PSEAH in India and Myanmar, Cases Studies were collected from the concerned NGOs to understand the real-world situations of the handling the Complaints of SEAH and the events and processes taking places in the Survivor care.

Case study No 1

Oak Foundation has described the steps it followed in handling the complaint on PSEAH in a particular case. These steps include, receiving complaints from Victim, Sharing the response from the perpetrator, Perpetrator's inputs on the complaint, sharing with victim, Formation of an enquiry committee, having separate enquiry with both victim and perpetrator, Recording the whole events, Sharing the final report to Executive Director, Based on Executive Director's comments an appropriate action are carried out, Receiving comments from the victim

Case study No 2 from India HIV/AIDs Alliance

The Committee maintains a register to endorse the complaint received by it and keep the contents confidential, if it is so desired, except to use the same for discreet investigation. The Committee hold a meeting with the Complainant within five days of the receipt of the complaint, but no later than a week in any case. At the first meeting, the Committee members hear the Complainant and record her/his allegations. The Complainant can also submit any corroborative material with a documentary proof, oral or written material, etc., to substantiate his / her complaint. If the Complainant does not wish to depose personally for any reason about the event including, physical or mental incapacity they can seek the support of other employee or such other person to meet the committee and record the statement. When an "Enquiry" shall be conducted and concluded. The explanation also required to be given in writing.

The Committee shall prepare and hand over the Statement of Allegation to the person against whom complaint is made and give him / her opportunity to submit a written explanation if she / he so desires within 7 days of receipt of the same.

The Complainant shall be provided with a copy of the written explanation submitted by the person against whom complaint is made. Any witness/es to be called, they shall communicate in writing to the Committee the names of witness/es that they propose to call.

Evidence also collected during the enquiry procedure

Enquiry to be completed as early as possible, but not beyond three months and communicate its findings and its recommendations for action to the HR.

The report of the committee shall be treated as an enquiry report based on which an erring employee can be awarded appropriate punishment straightaway.

A copy of the final report of the committee shall also be made available to the aggrieved and accused persons.

Survivor care

Case study on survivor care is described below.

Confidentiality is maintained throughout the process

If needed confidentiality declaration get signed from witnesses/s

The action includes like written apology; warning; reprimand or censure; withholding of promotion, pay rise or increments; transfer; termination from service. This depends on the gravity of the misconduct.

Management shall provide all necessary assistance for the purpose of ensuring full, effective, and speedy implementation of this policy.

The support may be in the form of providing counselling support to the aggrieved employee, allowing them to proceed on leave, transferring or suspending the accused person during the enquiry (depending on the gravity of the complaint)

Provides support in filing police complaints to the aggrieved employee.

In case the Committee finds the degree of offence coverable under the Indian Penal Code, then this fact shall be mentioned in its report and appropriate action shall be initiated by the Management, for making a Police Complaint.

Case study 3

Pratham Education Foundation

The victim an employee had complained about her immediate reporting authority / boss. the complaint was made by the girl orally. She was requested to give the complaint in writing in the prescribed form to the Apex IC committee. The members responded within 1 week and talked to the girl on the phone as the committee members wanted to ascertain the authenticity and ask the complainant if she wanted to proceed with enquiry or did, she want basic apology from the Respondent. The call was recorded with her consent. The complainant was asked to send evidence about the compliant. The girl sent the recording of a few of the conversations with the respondent. The committee visited the location and office where the Respondent operated. An inquiry was set up and a letter with the compliant was sent to him and was asked to explain the alleged complaint. Several meetings / depositions were conducted individually and. Joint meeting of both were also conducted. Witnesses from both sides were examined. Initially the Respondent refused all charges. There were counselling sessions along with presentation of circumstantial evidence. The complaint was that the authority / the boss asked her to spend a few days with the girl at the guest house which is the organisation premises. He also probed and called her several times to chat and ask very personal questions. He also indicated that if she gives the sexual favours, he will give her an increment and other administrative favours. The committee concluded that the respondent was guilty. As indicated in the POSH Act. He was using power and asking for sexual favours.

The committee decided to ask the respondent to leave the job. The committee made suggestions and indicated that the person's services should be terminated as it is misuse of power and violation of code of conduct. The Case was handled for around 2 months. The counselling was not only done with the Respondent but also the female employee who made the complaint as she had fears about being victimized and how the other employees would perceive her. The girl was transferred to another unit where she was under supervision and was mentored. The victim continues to be with the organisation. For prevention, several workshops were conducted. A special meeting of all female employees was conducted. The organisation mandate that we promote a conducive safe and a happy workplace environment was reiterated. There was one on one conversation with local IC committee members. The Respondent handed over his resignation.

Prescribed Form for lodging complaint, Existence of ICC in the NGO, talking with the survivor girl by phone and recording the discussion with her consent, seven days' time limit is followed to start the proceeding of complaint handling, survivor is asked to produce evidence on the case, recording of the conversation by phone was accepted by the committee as proof of complaint, enquiry was conducted to ascertain the details of the case, Counselling was conducted with the survivor, the survivor was transferred to another unit where she felt comfortable, several workshops were conducted to prevent such cases

Annexure- 3-Survey Schedule

Survey Questionnaire

Survey of Experiences, Practices and Tools used by Development Partners on PSEAH (Protection from Sexual Exploitation, Abuse and Harassment)

PART A

Purpose and Focus of this Survey: This research intends to understand the good practices followed by development partners regarding PSEAH implementation. High confidentiality will be maintained on the data provided by responding organizations. The data will be used for research purpose only and to develop training tools and other guidelines on PSEAH. Ethical norms of the research will be strictly adhered. The participating organizations will be acknowledged in the report and the final report of this work will be shared with each of the development partners, including all participating organizations will receive an invitation to participate in the research findings dissemination workshop towards end of this work.

Instructions to fill up this survey questionnaire: This questionnaire is divided into two parts. Part A is informative and instructive in nature regarding the survey, whereas the part B is related to the questions on the PSEAH. Part B section has covered topics such as organization and respondent profile, information, knowledge, and approach of organization towards PSEAH, policy parameters on PSEAH, complaint handling procedure, PSEAH implementation, training on PSEAH, donors, partners on PSEAH, power relations in the organization and survivor Care. The participating organizations are requested to provide the data as per the format. There are some close ended questions like yes/no. You can indicate tick mark on the appropriate option and wherever necessary the responding organization can fill up the space by writing the data/information. In the end of this survey questionnaire, the checklist has been provided for sharing documents/file to be used to extract best practices for this research work. If necessary, separate sheet may be used to provide additional data wherever space is not adequate.

Organization Profile

Name of the Organization	
Registered Official Address	
Total Number of Staffs in this country	
Total Number of Women Staff Members	
Name of staff Member filling this survey/ designation	
Email ID of Respondent	

PART B

1 Information, Knowledge and Approach of organization towards PSEAH

1.1 How is PSEAH focal point selected in your organization (If you are indicating that the PSEAH point person is nominated by any other process, (d) please mention the process below;	<ul style="list-style-type: none"> a) Nominated by Board b) Nominated by Senior Management (other than HR) c) Nominated by HR Head d) By any other process not mentioned above
1.2 Do your organization issue any circular to staffs regarding the appointment of PSEAH focal point	<ul style="list-style-type: none"> a) Yes b) No

1.3 How many times PSEAH meeting organized during 2020-21 (please mention the number in the right-hand side)	
1.4 Who are invited to attend PSEAH meeting? Please mention the designation/role of staffs attended this meeting?	
1.5 Is PSEAH meeting organized on regular interval, or it is called once organization receives a complaint? (✓ the appropriate option)	a) Organized on regular interval b) Organized once there is a complaint
1.6 If it is not confidential, will you please share PSEAH meeting minutes to understand the nature of discussion, agenda to pick best practices for JQAN (please enclose the meeting minutes)	
1.7 Any survey your organization has conducted to your internal staffs on sexual harassment issue since last 3 years period 1.7.1 if yes, kindly enclose the details)	a) Yes b) No
1.8 Do your organization have separate parameters for male and female staff, client, or victim on PSEAH matter?	a) Yes b) No

2 Policy Parameters on PSEAH

2.1 If your organization using any existing international Guidelines/policy/protocol on PSEAH, please mention the name of the document/name of the organization developed this tool	
2.2 Do you have a PSEAH policy for partners and contractors? If answer is Yes, will you please share a sample format with this survey	
2.3 Do the organization follow Policies for preventing the occurrence of PSEAH incidents? if your answer is yes, kindly mention those and provide documents	1. Yes 2. No
2.4 How does your organization encourage whistle blowing policy to prevent SEAH case? (✓ the appropriate option/s)	a) by giving liberty to stakeholders to raise concern on any suspected activity involving SEAH b) by giving freedom to employees in reporting mismanagement of putting a Stop on all unethical immoral or illegal work c) by creating an open work environment practice for clients to raise voice against any malpractice or immoral or illegal activity d) by making a policy on whistle blowing policy to encourage whistle blowing e) Providing security to whistle blowers f) mention if any other----- -----

2.5 Do your organization have separate policy for male and female staff? If your answer is yes, kindly provide the policy document)	a) Yes b) No

3 Complaint Handling Procedures and PSEAH Implementation

3.1 Does your organization have a guidance document on establishing complaints? (If answer is yes, will you please consider sharing this with us to understand and help developed JQAN guidance)	a) Yes b) No
3.2 What are the steps taken to take legal action against staffs found to be guilty? What is the exact policy on this? Please share this policy	
3.3 What is the methods of investigation of any complaint (include the key stages of the process to document the best practices)	a) b) c) d) (Add more number if needed)
3.4 Organization developed PSEAH Implementation Guidelines/protocols/Policy internally	a) Yes b) No
3.5 If your organization has developed this PSEAH policy Internally, will it be possible for you to share this with JQAN (If yes, please send the document with this survey)	
3.6 PSEAH Policy circulated to staffs by; (If the answer is other staff members, please mention the designation of the staff, sharing this policy)	a) Senior Management (other than HR) b) Human Resource Head c) PSEAH Focal Point d) Other staff members
3.7 Is there any separate procedure complaint handling procedure for male and female victim?	a) Yes b) No

4 Training on PSEAH

4.1 Which PSEAH training document you use for training your staffs (if organization has developed training module on its own, will you please share this with us, including training agenda. If you are using existing training module, please name the organization/ training module name	a) Organization's internal training module b) Using existing training module developed by international agency
4.2 If you are using any existing international training tool, what are specific gaps, you see while using these documents	a) ----- b) ----- c) ----- d) ----- e) -----

	(add more number if needed)
4.3 What are the key suggestions to improve the existing international training documents	a) ----- b) ----- c) ----- d) ----- e) ----- (You can add more points if needed)
4.4 Does the management of your organization think that there is any need of developing country specific training tools?	a) Yes b) No
4.5 Does your organization have any special budget allocated for awareness and training program on PSEAH related matter?	a) Yes b) No
4.6 Who provides training to staff/client?	a) by external experts/resource persons b) Personnel from top management c) Others
4.7 Whether training is provided separately for male and female?	a) Yes b) No
4.8 Number of staff/clients trained on SEAH matter since last 3 years	
4.9 Number of training programs conducted since last 3 years	
6.7 Do you think that there is a reduction of SEAH cases due to training and counselling?	a) Yes b) No
6.8 Please explain how PSEAH related training is structured and built in into your organization's overall training program	

5 Survivor Care

5.1 Do your organization develop a victim survivor's support policy. If answer is yes, will you consider sharing this with JQAN with this survey	a) Yes b) No
5.2 Any Protocol document followed for victim of PSEAH?	a) Yes b) No
5.3 Does your organization have a policy to resolve the SEAH case within a time limit?	a. Yes b. No
5.4 The time limit followed by Organization to dispose PSEAH	a) Less than 30 days b) 31-40 days c) 41-60 days d) Above 60 days e) any other
5.5 Does your organization have a policy to compensate victims of SEAH?	a) Yes b) No

If yes Mention the total amount paid and the average amount received by victim-----	
5.6 Does your organization have any special budget allocated for compensation packages for the PSEAH victims?	a) Yes b) No
5.7 Total number of SEAH victims of the organization from beginning till date?	Please provide year wise and sex wise data (Last 5 years)
5.8 Is there any reduction of SEAH cases due to training and counselling?	a) Yes b) No

6. Donors, Government and External Partners on PSEAH

6.1 Have you received any note on PSEAH from your donors?	a) Yes b) No
6.2 If you have received note on PSEAH from your donors, will you please mention, what exact compliance donor wants from your organization on this matter?	
6.3 Does your organization receive any advisory/note from government of your country on PSEAH	a) Yes b) No
6.4 Is your organization a member in coordination bodies and networks relating to PSEAH?	a) Yes b) No
6.5 what exact compliance you expect from your partners/contractors?	
6.6 Do you include any clause on PSEAH for partners and contractors in the official agreement?	a) Yes b) No
6.7 Have you taken note of the country's legal provisions dealing with the sexual harassment policy in your organization's PSEAH provisions?	a) Yes b) No

7. Power Relations

7.1 Is your organization an equality opportunity employer?	a) Yes b) No
7.2 Percentage of female occupying managerial positions in your organization?	a) Yes b) No
7.5 Favourable working condition for female staff? Please provide 3 key interventions.	
7.6 Is there any impact of local situation in terms of gender, caste, religion, community, race etc in functioning of your organization? Please explain this in three key bullet points.	

Checklist of documents (Request to share following documents)

Checklist of documents to be shared by you (Whichever is available with you)

- PSEAH Implementation Guidelines/ Protocol/
- PSEAH Focal Point- Appointment Process/terms/ TOR/ meeting minutes
- Annual Reporting System on PSEAH (Any document)
- PSEAH Complaint handling process- Without any name, we will request organization to share one case
- PSEAH Training documents, training agenda, participants list, list of key questions raised by participants by gender
- PSEAH policy for partners and contractors- sample contract copy
- Any survey organization conducted among its internal staffs on sexual harassment
- Year wise and gender segregated data on PSEAH training, PSHEA meeting
