

Guidelines on Prevention and Response to Sexual Exploitation and Abuse



Practical Actions to Guide Leadership, staff and Volunteers of Super Buddies Club and Nghlomise Youth Skills Academy



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Key Terms

Affected Person/s refers to persons who look to or benefit from Super Buddies Club and Ngihlomise Youth Skills Academy for livelihood and education support, protection or assistance. This may include any person in the organizations' structures, partners, donors, volunteers, service providers working in local communities where the organisations are operating.

Abuse refers to actual or threatened neglect, emotional, physical and/or sexual exploitation and abuse (including sexual harassment) of any child, young person or adult by any member of our staff, volunteers and associated personnel.

Child refers to every human being below the age of 18 years.

Community-based complaints mechanism (CBCM) refers to trusted channels through which members of an affected community can safely report complaints and seek help. It builds on engagement with the community where individuals are able and encouraged to safely report grievances in a confidential way if needed – including SEA incidents – and those reports are referred to the appropriate entities for follow-up.

Gender-based violence (GBV) is an umbrella term for any harmful act that is perpetrated against a person's will and that is based on socially ascribed (i.e. gender) differences between males and females. It includes acts that inflict physical, sexual or mental harm or suffering, threats of such acts, coercion, and other deprivations of liberty. These acts can occur in public or in private.

Humanitarian worker / personnel refers to any person in the service of the organization, including all staff, volunteers, interns and consultants.

“Retaliation” or “retaliatory action” means any direct or indirect detrimental action recommended, threatened or taken because an individual has reported a suspicion of alleged misconduct or participated in an authorized audit or investigation. Retaliation may include adverse administrative actions, such as, but not limited to, unwarranted poor performance evaluations, changes in job duties or other negative decisions affecting the individual's terms and conditions of employment. Retaliation may also take the form of verbal abuse or harassment.

Sexual abuse refers to the actual or threatened physical or psychological intrusion of a sexual nature, whether by force or under unequal or coercive conditions. This includes sexual activity with anyone who looks to, or benefits from, Super Buddies Club and Ngihlomise Youth Skills Academy's services or programmes, or with anyone under 18.

Sexual exploitation refers to any actual or attempted abuse of a position of vulnerability, differential power or trust for sexual purposes, including but not limited to profiting monetarily, socially or politically from the sexual exploitation of another. It includes transactional sex, solicitation of transactional sex and exploitative relationships.

Sexual harassment refers to any form of unwanted verbal, non-verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment.

Survivor/victim refers to a person who has experienced sexual exploitation or abuse. The terms 'victim' and 'survivor' can be used interchangeably. 'Victim' is a term often used in the legal and medical sectors. 'Survivor' is the term generally preferred in the psychological and social support sectors because it implies resiliency.

Third-Party Personnel refers to any person who is employed by a third-party and made available to Super Buddies Club and Ngihlomise Youth Skills Academy without being Personnel, such as by means of a service agreement between the Super Buddies Club/Ngihlomise Youth Skills Academy and a service provider.

Whistleblower refers to an individual who reports a concern regarding wrongdoing. Whistleblowers provide information, based on a reasonably held suspicion that a wrongdoing has occurred.

Zero tolerance refers to zero tolerance of Super Buddies Club and Ngihlomise Youth Skills Academy Board Members, staff and volunteers engaging in any form of sexual exploitation or abuse. In practice, this is a commitment to immediate operational response when a concern is raised and an obligation on any staff, volunteers and associated personnel to report concerns as soon as they arise. It includes protection of, and non-retaliation towards, whistleblowers or anyone else reporting concerns. Zero tolerance to SEA includes a prohibition on transactional sex by aid personnel, regardless of local legislation.

Acronyms

CEA	Community engagement and accountability
GBV	Gender-Based Violence
IASC	Inter-agency Standing Committee
PSEA	Prevention of Sexual Exploitation and Abuse
SEA	Sexual Exploitation and Abuse
UN	United Nations

Introduction

The Guidelines aim to support Super Buddies Club and its sister organisation, Nghlomis Youth Skills Academy's leadership, personnel, volunteers and partners in helping them understand just how important it is to both prevent and respond to sexual exploitation and abuse (PSEA). It also incorporates practical solutions that adhere to minimum standards in line with the Inter-agency Standing Committee Minimum Operating Standards on PSEA (IASC)

It is mostly geared towards individuals within the organisations' structures who do not have specific expertise in PSEA. With the right guidance, such non-PSEA specialists can play a key part in helping reduce the risk of sexual exploitation and abuse (SEA) for affected populations and colleagues.

There are two parts to the Guidelines, each outlining the different, yet complementary, actions for:

- a) leadership, management and staff of Super Buddies Club and Nghlomis Youth Skills Academy
- b) field officers and volunteers.
- c) Employees of other partners or service providers

The Pledge on PSEA

What is sexual exploitation and abuse (SEA)?

SEA is any form of sexual exploitation or abuse caused, intentionally or unintentionally, by Super Buddies Club or its sister organisation, Nghlomis Youth Skills Academy to people they are providing services or support of any kind. This includes SEA of persons (adult or child) that come into contact with or benefit from services, protection or assistance. SEA is a form of gender-based violence. SEA in childhood or adulthood impacts not only on the survivor but also their family, friends and communities. SEA has numerous potential consequences that can last a lifetime, with serious adverse effects on emotional and psychological well-being, social acceptance, health, education, employment, crime and/or economic well-being.

As well as harming the people we serve, SEA erodes trust in Super Buddies Club and Nghlomis Youth Skills Academy and can have serious reputational, financial and legal consequences.

Why does SEA happen?

SEA often results from power imbalances associated with gender, age, disability or where an individual belongs to a minority group including sexual minorities. In addition, the risks of sexual exploitation and abuse are heightened where there is crisis, conflict and forced displacement. Emergency-affected community members often have multiple layers of vulnerability towards SEA. In this context, humanitarian workers are often in a position of relative power and privilege in relation to emergency affected populations. Those most at risk are often women, children, people with disabilities and sexual minorities. Men can be targeted too. Most people who have experienced SEA don't report such violations. This may be because of fear of reprisal or

stigma, lack of information on how to report concerns, or lack of trusted services to help support healing, recovery and justice.

SEA is a form of power abuse. There may be risk of SEA when professional standards of behavior are not clearly communicated and enforced and so staff and volunteers feel less inclined to speak out about concerns.

Our Commitment to ‘do no harm’

PSEA is a part of Super Buddies Club and Nghlomisè Youth Skills Academy’s commitment to ‘do no harm’. Our commitment to PSEA is reinforced through our policies, resolution and pledge.

Policies: We deepen our efforts to prevent, identify and respond to instances and allegations of behavior that are contrary to our humanitarian principles and values. We will support the widespread implementation of Super Buddies Club and Nghlomisè Youth Skills Academy’s policies on the Prevention of Sexual Exploitation and Abuse and, will constantly monitor and update these policies and practices as necessary.

Our Resolution: Super Buddies Club and Nghlomisè Youth Skills Academy has resolved “to adopt and zero-tolerance policies on sexual exploitation and abuse of beneficiaries by their staff and volunteers, and subject these individuals to sanctions for their actions” and of staff members.

Our Pledge on Prevention and Response to Sexual Exploitation, Abuse:

Super Buddies Club and Nghlomisè Youth Skills Academy will strengthen the organizational capacity to prevent and respond to sexual exploitation and abuse perpetrated by our the staff, field teams and volunteers through operations and projects. The organisations prohibits its personnel, volunteers or our partners from engaging in any form of sexual exploitation and abuse and will respond timely in the event it occurs.

Code of Conduct for staff in relation to SEA

Do no harm is about ensuring that services and support provided in communities do not have any negative effects endangering affected persons.

All Staff shall:

- Not commit any act of sexual exploitation, sexual abuse or sexual violence. This prohibition extends to **all forms of sexual abuse or exploitation** and includes not **reporting** concerns or suspicions regarding any violation by a co-worker (whether fellow Staff or an individual working for a partner organization).
- Not engage in any sexual activity with **persons (adult or child) that look to or benefit from Super Buddies Club or Nghlomisè Youth Skills Academy.** or with any **persons under the age of 18** years, regardless of the age of majority. Mistaken belief in the age of a child is not a defense.
- Not **exchange** money, employment, goods or services for sex, including sexual favors or other forms of **humiliating, degrading or exploitative behavior.**

PSEA Complaints mechanism

Super Buddies Club and Nghlomisè Youth Skills Academy will integrate a mechanism to listen and act on feedback and complaints from the communities we work with into

the project design documents. This will include concerns related to sexual exploitation and abuse, misuse of the organisation's name and funds..

Reporting of Sexual Exploitation and Abuse

Core Principles Related to Handling Complaints:

Survivor-centered: All responses to SEA complaints will be developed in a manner that balances respect for due process with a survivor-centered approach in which the survivor's wishes, safety, and well-being remain a priority in all matters and procedures. The overarching approach, in line with best practice, will be to let the complainant/survivor be in charge of their case, letting them decide what they want to do, what information they want to share, who they want to talk to and what help they want. Allowing the complainant/survivor to make decisions about their case empowers them, which is particularly critical in cases involving sexual exploitation and abuse.

Respect and Non-Discrimination: All survivors have the right to be respected and to the given best possible assistance without unfair discrimination on the basis of gender, age, disability, race, color, language, religious or political beliefs, sexual orientation or social class.

Confidentiality: Complainants and subjects of a complaint both have a right to confidentiality. Informed consent will be sought from the survivors and respected.

Accessibility: The complaints mechanism will be accessible to all potential complainants and to the largest number of people. To ensure this, multiple channels for complaints will be made available. To facilitate reporting and avoid stigmatization, anonymous reports will be treated with the same gravity as other cases.

Safety and Well-Being: The safety of the survivor will be a primary consideration at all times during reporting, investigation, and thereafter. All actions taken under these guidelines will consider potential dangers and risks to all parties, incorporate ways to prevent injury and harm, address potential retaliation to survivors/complainants, and offer a safe space for reporting.

Transparency: Members of the affected community will be informed on how to raise complaints. This will be in a format that is accessible to all, regardless of age, literacy, language spoken or disability.

Accountability: Community members will be informed about their rights, including their rights to make and withdraw complaints. Complainants/survivors will be kept informed about any next steps related to their case, including investigation and referral to GBV services.

Mandatory Reporting: It is mandatory for all staff and volunteers to report SEA cases to the responsible persons to allow proper investigation of the cases.

Mandatory Reporting and Confidentiality and Survivor's Consent: Anyone making a complaint will be made aware that all Super Buddies Club and Ngihlomise Youth Skills Academy staff and volunteers are obliged and mandated to report when they become aware of any concern or complaint of sexual exploitation or abuse by a fellow worker. To

make the respect for consent meaningful, potential complainants will be informed early in the process of this reporting obligation, so that they may make an informed decision whether to report.

Special Considerations regarding Children: As per UN definition and the purpose of these Guidelines, a Child is any person below the age of eighteen (18) years. All above principles apply to children, including the right to participate in decisions that will affect them. Each time that a decision is taken on behalf of a child, the best interests of the child shall be the overriding guide.

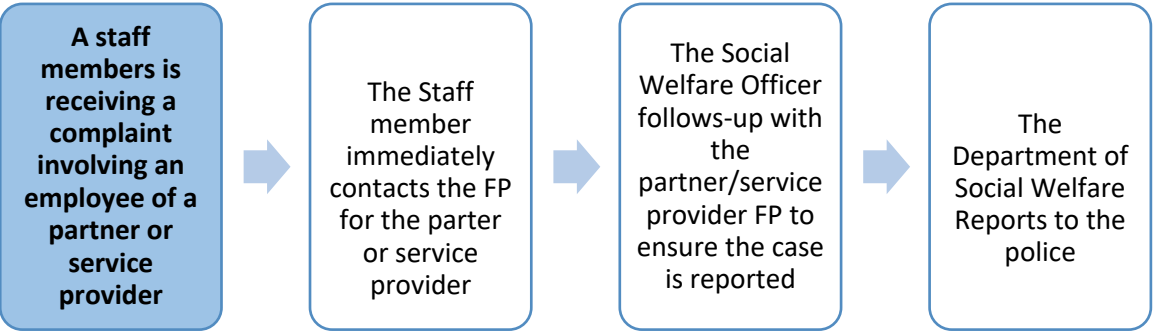
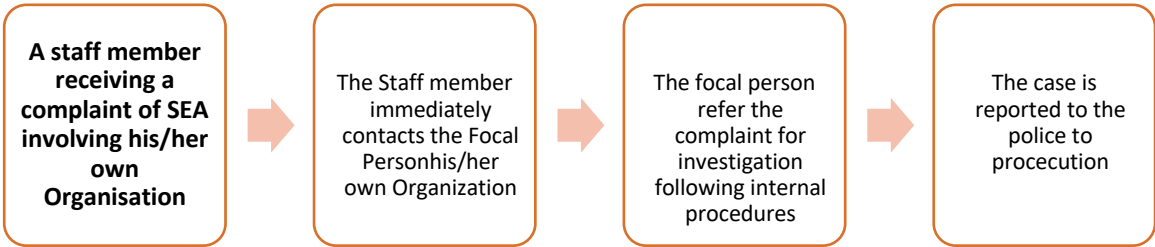
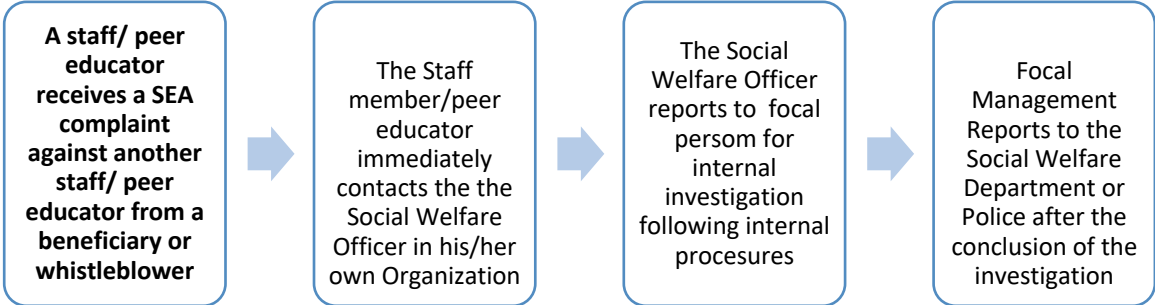
SEA Complaint Intake, Assessment and Referral Procedures

Complaints reported to Super Buddies Club will be received at different levels. Some complaints will come directly by the beneficiaries or whistleblowers while others will be reported by the staff, volunteers or community members. Complaints will be received by both staff and volunteers and will be referred to the responsible people.

It is the responsibility of the management of Super Buddies Club and Ngihlomise Youth Skills Academy to ensure safe, confidential, transparent, and accessible complaints and feedback mechanisms for all survivors/victims and whistleblowers.

Reporting mechanisms will be explained to affected populations so that all potential complainants know where and how to submit a complaint. Affected people will be made to understand their right to free humanitarian assistance, their right to complain, and how they can bring a complaint forward in the manner most comfortable to them, as part of two-way communications with affected communities.

SEA Reporting Flowcharts



Core principles on SEA complaints Intake

The PSEA Focal Points receiving a complaint pertaining to SEA should:

- A. Treat the victim, or complainant, if different, with dignity and respect, make them as comfortable as possible; always believe the survivor. Use a separate room to ensure privacy.
- B. Explain to the victim/complainant the mandatory requirement to report on all SEA allegations. If the survivor is the complainant, seek their informed consent to share information confidentially. If a victim has not given consent to report the incident, there is nevertheless the obligation to report. Address issues of confidentiality, explaining that there are limits to confidentiality to the extent that the staff are obliged to report complaints, while reassuring the complainant that information will only be shared on a strictly “need to know” basis.

- C. Get the basic incident information following using the reporting and referral template
- D. Conduct an immediate assessment of the survivor's health (prioritizing the need for urgent medical services, safety, psychosocial and other immediate needs (e.g. food, clothing, transportation to access services and safe shelter).
- E. Based on identified needs and the informed consent of the survivor, refer her/him to post-GBV treatment and care including specific services if the survivor is a child.
- F. Ensure that safety measures are applied and a plan to mitigate any risks of retaliation or harm are addressed (e.g. relocation of the survivor to another location/safe space, if required).
- G. It is primarily the responsibility of the organization of the alleged perpetrator to ensure that the victim is referred for required assistance/ services, with the informed consent of the survivor. However, in cases where the allegation pertains to another NGO entity, the organization receiving the allegation should ensure the survivor is referred for assistance.
- H. For female survivors, always try to conduct interviews with female staff, including translators. For male survivors, ask for their preferences (a man or a woman) to conduct the interview. For survivors who identify as LGBTQI as well, seek their preference. Special consideration should be taken for survivors/complainants living with disabilities.
- I. Ensure the survivor is informed of the option to report to the police, where the case constitutes a criminal matter, and provide information regarding support available for this process.
- J. Ask the complainant how they would prefer to receive further communications about the case.

Action plan for mitigating risks within the program

Risks: When planning project activities, analyze protection risks and capacities, including risks of sexual exploitation and abuse by staff and volunteers, and ensure mitigating actions are integrated throughout the intervention. This includes keeping information safe, secure and confidential (when processed and forwarded internally and transmitted externally); safe spaces for program activities; gender balanced teams; and supervision/checks to ensure staff and volunteers are never alone with a child (under 18) or vulnerable adults. It is important to carry out SEA risk assessments for all projects and services which are community-based. This will help identify and minimize the risks of SEA caused by field staff and volunteers or other collaborating partners.

Plan the SEA assessment: Decide on whether it will be a standalone assessment or integrated into a broader capacity and/or needs assessment. Establish the assessment team, which should include project/service delivery staff who have a good rapport with groups vulnerable to SEA, with technical support/guidance from an appropriate adviser.

Situation analysis: Identify national laws relating to SEA and whether there are risks in reporting SEA allegations to the authorities; existing trends in sexual and gender-based violence, human trafficking and abuse, including child abuse, in the project communities; community attitudes, customs and practices which may contribute

to SEA, including harmful gender norms such as early marriage; power imbalances and discriminatory practices which restrict access to resources for minority populations and informal justice and protection systems.

Organizational and staffing assessment: Have project/service delivery staff and volunteers signed and been briefed on PSEA policy and staff Code of Conduct? Are safe practices established, related to recruitment screening, induction and complaints mechanism for SEA concerns? Is there a balance of gender representation in the project/service delivery team?

Project assessment: Are there risks of SEA in project delivery? For example, is the project targeting people with disabilities? Is there frequent contact with children and/or vulnerable adults? Do community members have to travel to access assistance through the project? Are high-value items being distributed and/or will assistance be delivered inconsistently?

Community consultation: Gather perspectives on the risks of SEA in relation to planned project activities. Involve people of all gender identities, ages and abilities, with a focus on particularly vulnerable groups towards SEA.

Mitigating actions: Identify practical actions that can be integrated to the project/service to address SEA risks.

Raising awareness with volunteers, staff and communities

Why awareness raising is important

Raising awareness is effective at reducing the risks of SEA. It also helps reinforce our accountability to communities by sharing information and building trust in the Super Buddies Club and Nghlomis Youth Skills Academy. PSEA will be an integral part of community engagement and accountability (CEA). In order to prevent and respond to SEA in the right way, it is crucial that everyone in the organization and affected communities understand the root causes of SEA. This includes their rights and obligations in relation to PSEA, what they can expect from Super Buddies Club and Nghlomis Youth Skills Academy, as well as how to safely report a concern. The organizations will ensure communications are tailored for the different groups that are most vulnerable. Communications will cover expected standards of behavior; rights of community members; and how to report a concern. It is important that community members understand what a SEA concern is.

Staff and volunteers will be briefed on their PSEA obligations when joining Super Buddies Club and Nghlomis Youth Skills Academy. But it is not enough for them to just sign the staff Code of Conduct. It is important that they fully understand its contents, particularly our zero tolerance of SEA and the implications should staff breach the Code of Conduct. Adequate training on the Fundamental Principles and mandate of the organisations will also be carried out so they can explain it clearly to communities and realize their roles and responsibilities in reporting and responding to SEA. At the **community level**, orientation meetings will be held to discuss assessment and project plans with communities, explaining who we are; their rights (including right to be treated with respect, and right to receive humanitarian assistance free of charge and without being exploited or harmed); overview of program activities; contact details and how to report a concern. Information will be visual, child-friendly and accessible for vulnerable groups towards SEA.

Regular awareness raising is important to reinforce key messages.

Super Buddies Club and Nghlomise Youth Skills Academy will re-introduce PSEA for each specific context, including whenever there is large mobilization or recruitment of volunteers to respond to a disaster or an emergency. A refresher training will be organized for staff and volunteers and the development of IEC material will also be included to raise awareness. This will include posters or leaflets displayed in the office, distributed to staff and volunteers and distributed during school and community sessions

Service provision mapping: When identifying the appropriate service providers, it is important to be aware of both governmental, non-governmental actors and community-based organizations providing child protection, health care (including sexual and reproductive health care service), trafficking in persons, counseling and legal services. Existing referral systems will be identified and efforts to strengthen them will be made to ensure victims/survivors access services at the appropriate time; as well as how survivors are referred to the receiving agency, how the dignity and safety of victims/survivors is ensured, and how the service in question fills a gap or complements services being offered by Super Buddies Club and Nghlomise Youth Skills Academy.

Establishing a safe complaints mechanism for SEA concerns

Why safe complaints mechanisms are important

Many people who have experienced SEA do not report violations for a range of reasons, including a fear of reprisal or stigma against those who have experienced or reported SEA; lack of information about what type of concerns should be reported and how to safely report them; or the absence of trusted law enforcement and/or professional assistance for healing, recovery and justice. This is why it is so important for Super Buddies Club to put in place complaints mechanisms which are safe and accessible in order to address cases of SEA before they escalate.

Reporting concerns related to SEA

Why it is so important

It can be very difficult for individuals to report SEA concerns and it can take years for an individual to come forward with an allegation of sexual exploitation or abuse, such as rape or sexual harassment. Because many community members are reluctant to make a report, Super Buddies Club and Nghlomise Youth Skills Academy will always give volunteers and staff training and access to a safe reporting mechanism. This will help provide the confidence needed to ensure that if they see, hear or feel a concern about sexual exploitation or abuse, they can report it on behalf of community members or colleagues who may feel unable to do so.

It can be very hard to identify SEA and all too often there are multiple elements of power abuse which can make an individual feel too afraid to speak out. For example, the perpetrator holds a senior position or has the ability to use their power over the people they should be protecting. This is why staff and volunteers who recognize and report concerns can have a positive impact and make a real difference. It may be that they can notice things that potential victims or survivors cannot or will not speak out about for themselves.

Respond: If someone confides in you, it is a sign of trust. If you feel there is something wrong, it is important to build trust through supportive relationships with those who are vulnerable to SEA, in order to encourage reporting of any concerns. This can be achieved simply by developing a rapport as well as listening. It's also important to understand the risks and requirements of individuals and to acknowledge diversity, for example, recognizing the particular needs of children.

Report: All Super Buddies Club and Ngihlomise Youth Skills Academy personnel are obligated to report SEA, even if the concern is a rumor or a suspicion is raised by an anonymous source. Failure to report a concern about SEA could lead to expulsion from work and possibly prosecution.

If an employee witnesses, experiences, hears of, or told of anyone engaging in SEA, he/she needs to make a report as soon as they feel it is safe to do so. It is crucial that to preserve evidence and, most importantly, protect their well being as well as the victim's.

While any SEA incident or concern must be reported, for the protection of victims/survivors, Super Buddies Club and Ngihlomise Youth Skills Academy will seek the consent of adults before sharing any personal details or information which could reveal their identity within the report. If someone confides in any of the staff/volunteers but says they do not want it to go further, (for example they do not wish it to report formally), it is still important that the concern is reported. This can should be done anonymously and without the need to share any information that could reveal the identity of the victim/survivor, or witness.

Staff/volunteers should:

- Find a safe place to talk and reassure victims/survivors that they have done the right thing by speaking out.
- Listen to and acknowledge what is being said.
- Ask for their consent and what they would like to happen next.

Don't:

- Promise to keep it a secret or make any promises you cannot keep.
- Be dismissive, defensive or blame others.
- Ask probing questions, push for more information or investigate the incident any further.

Investigating and responding to SEA concerns

Why investigation and response are so important

How a report of SEA is handled can be a significant factor in the psychological impact on a survivor, as well as during their recovery. Super Buddies Club and Ngihlomise Youth Skills Academy will be accountable for the way in which they respond to SEA. All complaints will be managed in a timely, fair and appropriate manner, with the safety of all persons involved given priority at every stage.

Actions

Record the incident: A simple form will be designed and used to record incidences

Develop an action plan: The issue is raised with the response team that will determine if an investigation will be launched and how to proceed. The response

team may include the Social Welfare Officer within the organisation and PSEA lead or SEA focal person

- An initial check will be done to ensure that there is no conflict of interest among those involved.
- An assessment will be done to ensure the safety and welfare of everyone involved in the case, including anyone who has experienced SEA, witnesses and the subject of the complaint, to determine any risks as well as response needs and preferences
- Cases will first be reported to the organization's Social Welfare Officer/Focal Person for an internal investigation to be instituted before reporting to the Department of Social Welfare or the police after police/authorities. If the case involves a child or is in breach of domestic laws, legal advice will be sought before the case is reported.
- Employees/volunteers suspected of misconduct will be suspended pending investigation outcomes, if a risk of further potential abuse or harm has been identified in consultation with the survivor.
- Physical evidence (for example, phones, laptop, etc.) should be collected to help prove the allegation beyond reasonable doubt.
- Protect witnesses from any forms of intimidation.

Investigate and respond: If the subject of complaint is a member of staff or a volunteer, an internal or external investigative process will be undertaken by Super Buddies Club or Ngihlomise Youth Skills Academy depending on the nature of the incident (for example, if the allegation is criminal in nature). The complainant and alleged perpetrator will be kept informed about progress in the investigation and the conclusion, as well as whether the complaint was substantiated or not.

Maintaining confidentiality throughout the process

- Information about the case will be shared on a 'need to know' basis, with only a limited number of individuals having access to secure files

Providing assistance to survivors

Why provision of assistance is important

When there is an allegation of SEA, Super Buddies Club and Ngihlomise Youth Skills Academy will put the welfare of survivors and whistleblowers at the center of our response (and not just focus on the subject of the complaint). This approach will help avoid causing further harm..

Consent: Adult survivors will be asked if they wish to report informally or formally; if their name and other identifying details may be revealed or not; if they seek an internal administrative investigation by the employer of the alleged perpetrator; and if they also wish to report the case to local law enforcement.

Our commitment

Super Buddies Club and Ngihlomise Youth Skills Academy are committed to providing a work environment that is free from sexual harassment and abuse, and that promotes mutual respect, self-esteem and, dignity.

References

- http://pseataaskforce.org/uploads/tools/globalreviewofpseabyunngoiohandi_frcersonnel_iasc_english.pdf
- IASC Gender-based Violence Pocket Guide.
- IFRC Manual on Prevention and Response to Sexual Exploitation and Abuse
- Somalia Inter-Agency SEA reporting Standard Operating Procedures