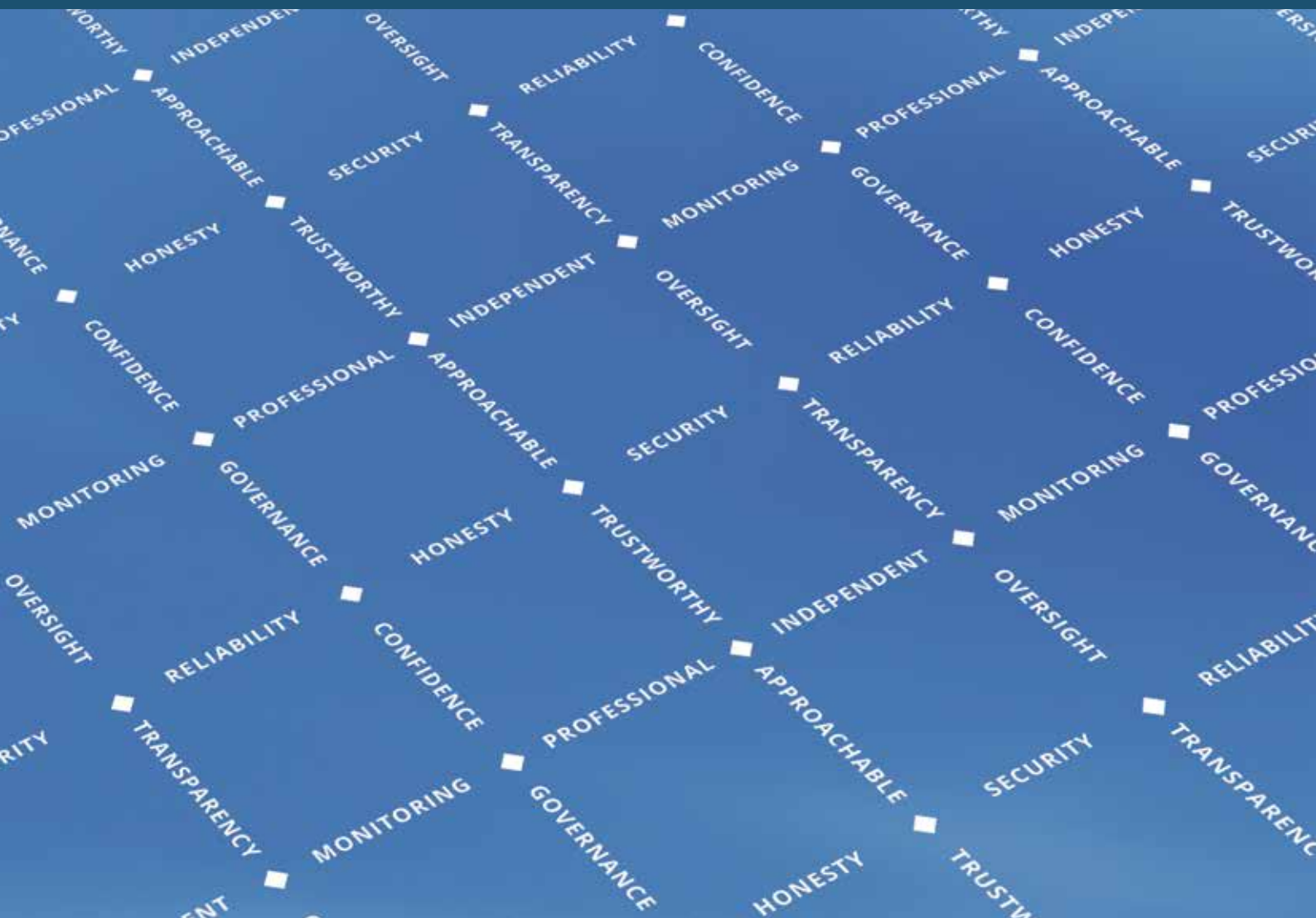




International
Code of Conduct
Association

Guidelines for Private Security Providers on Preventing and Addressing Sexual Exploitation and Abuse





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Contents

1. PURPOSE	1
2. DEFINITIONS	2
3. POLICIES AND PROCEDURES	3
4. CODES OF CONDUCT	5
5. RECRUITMENT, PERFORMANCE APPRAISAL AND DISCIPLINE	7
6. TRAINING AND RAISING AWARENESS	9
7. OPERATION DESIGN AND RISK ASSESSMENT	11
8. AGREEMENTS WITH PARTNERS AND SUBCONTRACTORS	12
9. SEA COMPLAINTS AND INVESTIGATION	14
10. SURVIVOR ASSISTANCE	17
11. CONCLUSION	18
ACKNOWLEDGEMENTS	19
ANNEX I – CHECKLIST	20
ANNEX II – USEFUL RESOURCES	22

1. Purpose

In complex environments where the rule of law has been weakened, abuses of human rights, including sexual exploitation and abuse (SEA), are more likely to occur. Paragraph 38 of the **International Code of Conduct for Private Security Service Providers**¹ ('the Code') reads:

Signatory Companies will not benefit from, nor allow their Personnel to engage in or benefit from, sexual exploitation (including, for these purposes, prostitution) and abuse or gender-based violence or crimes, either within the Company or externally, including rape, sexual harassment, or any other form of sexual abuse or violence. Signatory Companies will, and will require their Personnel to, remain vigilant for all instances of sexual or gender-based violence and, where discovered, report such instances to competent authorities.

Recognising that SEA may occur in private security operations, private security industry standards, such as ANSI/ASIS PSC.1-2012 and ISO 18788:2015, also identify safeguards that companies need to adopt to address this risk.² In addition, clients and major donors increasingly stipulate that failure to address SEA is a justification for terminating contractual agreements.³

These Guidelines have been developed by the International Code of Conduct Association (ICoCA) following extensive consultation with Member Companies and other stakeholders. They will help companies to comply with the obligations that derive from Paragraph 38 of the Code, mitigate the risk of SEA effectively, and address incidents and allegations. The Guidelines focus on preventing and addressing sexual exploitation and abuse (PSEA) and do not cover broader aspects of gender-based violence (GBV) or violence against women (VAW).

¹ The Code is available in several languages at: https://icoca.ch/en/the_icoc.

² See: ANSI/ASIS PSC.1-2012 (R2017), Section 9.3 (Competence, Training and Awareness); Annex A.9.1.1 (Establishing Norms of Behavior and Codes of Ethical Conduct); Annex A.9.2.2 (Selection, Background Screening, and Vetting of Personnel); and Annex A.9.3 (Competence, Training and Awareness). See also: ISO 18788:2015(E), Section 7.2.2 (Competency Identification); Annex A.6.1.2.1 (General); Annex A.7.2 (Competence); Annex A.8.2 (Establishing norms of behaviour and codes of ethical conduct); and Annex A.8.6.2.2 (Selection, background screening and vetting of personnel).

³ See Paragraph 3, United Nations, Protocol on allegations of sexual exploitation and abuse involving implementing partners: "The UN does not partner with entities that fail to address sexual exploitation and abuse through appropriate preventive measures, investigation and corrective action. Such failures shall constitute grounds for the termination of any cooperative arrangement with the UN". At: https://interagencystandingcommittee.org/system/files/un_protocol_on_sea_allegations_involving_implementing_partners_final.pdf.

2. Definitions

Bulletin 13 of the United Nations Secretary-General (2003) defines sexual exploitation as “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 defines sexual abuse as “the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions”.⁴

The risk of sexual exploitation and abuse rises when companies fail to address acts of sexual harassment or operate in environments in which gender inequality persists. Sexual harassment is explicitly prohibited in Paragraph 38 of the Code, and is defined in Bulletin 5 of the United Nations Secretary-General (2008).⁵

SEA has traumatic psychological, physical and social effects on survivors. In addition, it is likely to cause serious reputational, operational, financial or legal detrimental consequences for private security companies (PSC) that tolerate it.

⁴ United Nations, Secretary-General’s Bulletin, Special measures for protection from sexual exploitation and sexual abuse, ST/SGB/2003/13, 9 October 2003, Section 1, p. 1. At: <https://undocs.org/ST/SGB/2003/13>.

⁵ United Nations, Secretary-General’s Bulletin, Prohibition of discrimination, harassment, including sexual harassment, and abuse of authority, ST/SGB/2008/5, 11 February 2008. Section 1.3, p. 1, states: “Sexual harassment is any unwelcome sexual advance, request for sexual favour, verbal or physical conduct or gesture of a sexual nature, or any other behaviour of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation to another, when such conduct interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment. While typically involving a pattern of behaviour, it can take the form of a single incident. Sexual harassment may occur between persons of the opposite or same sex. Both males and females can be either the victims or the offenders.” At: <https://undocs.org/ST/SGB/2008/5>.

3. Policies and procedures

Guideline. Declare and disseminate PSEA requirements in internal policies and processes that are developed in consultation with personnel, and adopt an implementation plan.

To prevent SEA from occurring and adequately address potential incidents, ICoCA Member Companies should articulate PSEA requirements and processes clearly in their internal policies, regardless of whether the government or licensing requirements require them to do so.⁶ This can be achieved by developing a PSEA-specific policy or by embedding PSEA in existing policies and procedures.

Interview with a PSC

"A proper PSEA strategy should include the following elements: recruitment policy; induction and training; performance management; whistleblowing; discipline and grievance/complaints; partnership agreements; policy implementation, monitoring and review; budget to implement."

In both cases, company staff at all levels should actively contribute to, and be involved in, the policy development process. Adopting a participatory approach will enable the company to develop policies that reflect employees' views and expectations as well as local culture and operational realities. In addition, staff will become more aware and will understand the need to address SEA effectively.

Companies should take account of the local context and culture when they implement PSEA policies. At no point, however, should consultation or cultural sensitivity compromise core standards of conduct. Zero tolerance and full accountability should always guide both the development and the implementation of PSEA policies.

Interview with a PSC

"The only way to prevent SEA is to promote a company culture that is concerned about these issues [cultural change] and to have a strong management leading by example."

The features of a PSEA policy are set out in more detail in the sections that follow.

What to do

1. **Develop a PSEA-specific policy or embed PSEA in existing policies and procedures** in consultation with personnel. Clarify:
 - What SEA is and that it is always prohibited both in the company and in its operations.
 - The standards of conduct applicable to personnel with respect to SEA.
 - To whom the policy applies. Ideally, it should apply to every person employed by the company, irrespective of the nature of the employment relationship, including consultants, interns, and temporary support personnel.
 - The correct procedures for reporting cases of alleged SEA.

⁶ See also: ANSI/ASIS PSC.1-2012 (R2017), Section 9.3 (Competence, Training and Awareness); and ISO 18788:2015(E), Section 7.2.2 (Competency Identification) and Annex A.6.1.2.1 (General).

- The disciplinary and legal consequences of violating PSEA standards of conduct
 - The responsibilities of management to enforce the standards and promote a company culture that prevents and addresses acts of SEA.⁷
2. **Develop a work plan to implement the PSEA policy**, identifying:
 - Goals and objectives.
 - The responsibilities of persons and departments.
 - The risk factors that may hinder implementation of the policy and planned responses.
 - Indicators to measure progress.
 - Relevant budgetary needs.
 3. **Constantly monitor implementation of the work plan and regularly review the policy** to ensure that both the plan and the policy remain effective and relevant to the company's operations.

⁷ For example, managers might be expected to raise awareness of the risks and consequences of SEA, conduct training, assess complaints, protect witnesses, or take disciplinary action against perpetrators.

4. Codes of conduct

Guideline. Explicitly prohibit SEA in the company's code of conduct and set out the responsibilities of employees with respect to it.

The instrument that sets out the standards of conduct that personnel are expected to follow is usually the company's code of conduct, sometimes also called 'code of ethics' or 'code of behaviour'. Board-recognised industry standards for ICoCA Certification expressly require companies to adopt a code of conduct.⁸ These codes serve several purposes. They set out standards of professional conduct that prevent misbehaviour and promote good practice; guide day-to-day decision-making; and communicate a company's values and commitments both internally and externally.⁹ It is essential that all ICoCA Member Companies explicitly prohibit sexual exploitation and abuse in their internal codes of conduct.¹⁰

Company codes of conduct should be comprehensible to staff. They should be written simply and concisely and, where a company operates in various environments, be translated into local languages.

What to do

1. Adopt a company code of conduct which makes clear that:

- Sexual exploitation and sexual abuse are serious human rights abuses,¹¹ and when perpetrated in the context of armed conflicts can, under certain circumstances, also violate norms of international humanitarian law.¹²
- Certain forms of SEA are crimes in national law and may incur criminal liability.
- The prohibition on benefiting from sexual exploitation in Paragraph 38 of the Code covers the use of prostitutes, regardless of whether prostitution is legal or illegal in the area of operations.
- Every employee has a duty to comply with the company code of conduct and contribute to an environment that prevents and addresses acts of SEA, including by reporting incidents and concerns and cooperating in internal and external investigations.

⁸ See: ANSI/ASIS PSC.1-2012 (R2017), Section 9.1.2 (Establishing Norms of Behavior and Codes of Ethical Conduct); ISO 18788:2015(E), Section 8.2 (Establishing norms of behaviour and codes of ethical conduct); and ISO 28007-1:2015(E), Section 4.1.7 (Organizational roles, responsibilities and authorities). For further information on standards recognised by ICoCA, see: <https://icoca.ch/en/icoca-recognised-standards>.

⁹ Ethics and Compliance Initiative (ECI), *Why Have a Code of Conduct?* At: <http://www.ethics.org/resources/free-toolkit/code-of-conduct>.

¹⁰ See also ANSI/ASIS PSC.1-2012 (R2017), Annex A.9.1.1 (Establishing Norms of Behavior and Codes of Ethical Conduct); and ISO 18788:2015(E), Annex A.8.2 (Establishing norms of behaviour and codes of ethical conduct).

¹¹ See Geneva Academy of International Humanitarian Law and Human Rights, *What amounts to 'a serious violation of international human rights law'? An analysis of practice and expert opinion for the purpose of the 2013 Arms Trade Treaty* (Academy Briefing, No. 6), p. 38. At: https://www.geneva-academy.ch/joomlatools-files/docman-files/Publications/Academy%20Briefings/Briefing%206%20What%20is%20a%20serious%20violation%20of%20human%20rights%20law_Academy%20Briefing%20No%206.pdf.

¹² See International Committee of the Red Cross (ICRC), *Rule 93. Rape and Other Forms of Sexual Violence* (Customary IHL Database). At: https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule93.

- Any form of SEA constitutes serious misconduct that betrays the values of the company and is likely to harm its reputation. SEA abuses are therefore subject to severe disciplinary measures, including dismissal.
2. **Translate the company code of conduct into a language that personnel understand.**

5. Recruitment, performance appraisal and discipline

Guideline. Embed PSEA in recruitment and performance appraisal processes and establish disciplinary procedures to respond to violations.

Effective recruitment, clearly defined performance appraisal, and disciplinary procedures are vital elements of policies to prevent and address SEA. Selection and vetting processes informed by PSEA principles screen out candidates who might not abide by expected standards of conduct,¹³ while performance appraisal and disciplinary procedures allow the company to assess the contribution that staff make to implementation of the PSEA policy, and respond promptly and effectively to violations.

To ensure effective personnel recruitment, company human resources (HR) departments should include professionals with knowledge and understanding of SEA issues who can identify and analyse relevant concerns.

Companies should be aware that SEA can also occur during recruitment. For instance, a recruiter may exploit his or her position of power to request sexual favours of applicants in exchange for employment.

Interview with a civil society organisation

"[In my country] SEA is more an internal issue [referring to the sexual exploitation of vulnerable women during recruitment or afterwards] than an external one [in relation to abuses against local communities] for private security companies. The industry is very male-dominated [...] Companies do not adopt specific gender measures to protect women and often expose them to significant risks."

To reduce this risk, ICoCA Member Companies should ensure their hiring processes are transparent and fair. In that it limits male dominance, securing gender diversity in HR departments may also reduce the incidence of SEA.

What to do

1. Integrate a PSEA focus in the recruitment process.

- If the company uses a standard job application form, ask applicants to indicate whether they have been involved in SEA abuses in the past.
- In interviews, ask questions to assess whether candidates are likely to comply with standards of conduct, including PSEA, and assess their responses.¹⁴

¹³ See: ANSI/ASIS PSC.1-2012 (R2017), Annex A.9.2.2 (Selection, Background Screening, and Vetting of Personnel); and ISO 18788:2015(E), Annex A.8.6.2.2 (Selection, Background Screening and Vetting of Personnel).

¹⁴ For example, interviewers might present different scenarios to candidates and ask them to say what behaviour is appropriate in the circumstances described.

- Request candidates to supply at least two references and ask referees to assess candidates' ability to respect standards of conduct, including whether candidates have ever been accused of, or faced disciplinary procedures for, SEA offences.¹⁵
 - Conduct criminal background checks in cooperation with the police, other competent national authorities, or local industry associations, where appropriate.¹⁶
 - Investigate gaps in the employment history of applicants to ascertain that they have not been imprisoned for SEA-related crimes.
 - When the contract is offered, provide the successful candidate with a copy of the company code of conduct. Ensure that he or she has adequate time to read and understand its provisions and give him or her an opportunity to ask questions and seek clarification. Require him or her to sign a declaration confirming that he or she has read and understood the provisions of the company's code of conduct and undertakes to comply with them.
 - In the case of managers, include clauses in their contracts that specify their responsibility to promote and uphold the company's code of conduct, including its provisions on PSEA.
2. **Embed PSEA in performance appraisal procedures** by taking account of each staff member's:
 - Participation in PSEA training.
 - Adherence to the values set out in the company's code of conduct.
 - Overall contribution to creating an environment that prevents and addresses SEA.
 3. **Establish disciplinary procedures for SEA abuses and communicate them to personnel.**
 - Describe in staff rules and regulations the potential consequences of violating the standards contained in the company's code of conduct.¹⁷
 - Make clear that all cases of SEA are subject to severe disciplinary measures.
 - Require managers to impose appropriate disciplinary measures on staff they manage who commit acts of SEA.
 - Ensure that the company's leadership imposes appropriate disciplinary measures on managers who are found to have condoned, facilitated or engaged in SEA.

¹⁵ Data privacy laws may forbid the collection of such information without the explicit consent of the candidate. In such cases, ICoCA Member Companies should obtain applicants' written consent before approaching their referees and share candidates' statement of consent with referees.

¹⁶ Where documentary records are unavailable or unreliable, use any reliable local community, government or nongovernment source to corroborate an applicant's ability to perform duties in accordance with established standards.

¹⁷ Disciplinary measures might range from an oral or written reprimand to suspension, repatriation, or dismissal.

6. Training and raising awareness

Guideline. Provide initial and recurrent training on PSEA. Make staff aware of relevant standards of conduct, the company's commitments, and mechanisms in place to address abuses.

Since many staff may not be familiar with SEA concepts or the instruments available to prevent and address it, PSEA training is crucial, both to familiarise staff with PSEA standards and ensure that private security services are delivered responsibly.¹⁸

PSEA training can be included in a broader human rights module and should be an element of induction and refresher training for all personnel. Ideally, induction training should occur before new recruits are deployed. This sets expectations and highlights the company's determination to enforce standards. Refresher training subsequently helps staff to deepen their awareness of PSEA concepts as part of their ongoing education. Staff should participate in refresher courses at least once a year. Both types of training aim to:

1. Increase employees' knowledge and understanding of SEA and its dynamics.
2. Familiarise personnel with the company's PSEA policies and national and international legal frameworks relevant to SEA.
3. Ensure that personnel understand procedures for responding to and reporting cases of SEA.
4. Make personnel aware of their own roles and responsibility to prevent and address SEA.
5. Help personnel to identify potential vulnerabilities or areas of risk in their day-to-day operations in relation to SEA.
6. Generate staff input and feedback that can assist the company to update and improve its PSEA policies and procedures.

What to do

1. Provide initial and recurrent PSEA training to personnel.

- Explain the definition and understanding of sexual exploitation and sexual abuse, and their characteristics, as set out notably in the UN Secretary-General's Bulletin number 13 of 2003.¹⁹
- Make clear that 'benefiting' from sexual exploitation includes the use of prostitutes, whether or not prostitution is legal in the area of operations.²⁰

¹⁸ See also: ANSI/ASIS PSC.1-2012 (R2017), Annex A.9.3 (Competence, Training and Awareness); and ISO 18788:2015(E), Annex A.7.2 (Competence).

¹⁹ Sexual exploitation and sexual abuse differ. Differences of power or trust between the survivor and the perpetrator, and motives of profit, are always present in cases of sexual exploitation, whether exploitation occurred or was attempted. Cases of sexual abuse do not necessarily involve physical intrusion by force; the mere threat of a forced sexual act, when made in the context of unequal or coercive conditions, is deemed sufficient to constitute abuse.

²⁰ The argument is that prostitution persists because those who provide sexual services are often vulnerable, lack economic options, or feel obliged to engage in survival sex. While a company cannot assess the actual situation of those who provide sexual services, it should ensure that neither the company's conduct, nor the conduct of its staff, exacerbate the vulnerability of people with whom they interact.

- Describe the risk factors and dynamics that underlie the occurrence of SEA.²¹
 - Show the impact of SEA on survivors²² and why it is often difficult for them to report the abuses they suffered.²³
 - Stress the potential harm to the company of acts of SEA committed by staff.²⁴
 - Underline the company's prohibition of SEA and the standards of conduct that personnel are expected to observe, as set out in the company's code of conduct and relevant national and international laws.
 - Describe the disciplinary measures that may be imposed on staff found guilty of violating PSEA standards of conduct.²⁵
 - Explain the mechanisms that are available to report cases of SEA and protect survivors, complainants and witnesses.²⁶
2. **Provide specific training to managers** on how to implement PSEA policies and procedures and on their responsibility to create an environment that prevents and addresses SEA incidents. After training managers should be able to:
 - Identify warning signs of SEA, improving case detection and reporting.
 - Manage SEA reports and complaints appropriately.
 3. **Adapt the content of training to the operating environment**, in order to enhance its effectiveness, taking into account:
 - Local SEA risk factors as identified in the risk assessment for the operation.
 - Cultural expectations and practices of both local communities and those attending the training.
 4. **Consider drawing on support from subject-matter experts or local civil society organisations**, who can provide PSEA expertise and help to develop training material and deliver trainings.
 5. **Invite a senior manager to open and close the training session** to emphasise the company's commitment to PSEA.
 6. **Use additional instruments to raise staff awareness.** For example:
 - Display the company's code of conduct in office spaces.
 - Use posters, leaflets and sensitisation cards to promote standards of conduct and explain how to report SEA incidents or concerns.
 - Put PSEA issues on the agenda of staff meetings and group discussions.

²¹ These include the power and gender inequalities present in every society and operating environment.

²² These include psychological, physical and social consequences.

²³ Reasons include: fear of retribution; shame; fear of social consequences or loss of reputation; poverty or economic dependence; lack of trust in, or information about, available mechanisms; obedience to local customs or practices that condone SEA or discourage reporting, etc.

²⁴ Harms may be of a reputational, operational, financial or legal nature.

²⁵ These may include both company disciplinary measures and criminal prosecution.

²⁶ For example, complaint mechanisms, programmes to assist and compensate survivors, whistleblower procedures, and policies to protect victims and witnesses from retaliation.

7. Operation design and risk assessment

Guideline. Identify and address SEA risks in advance of each operation.

ICoCA Member Companies have a responsibility to exercise due diligence in the provision of their services. Recognising the risks posed by SEA, that companies have committed to operate to the highest standards, and that clients increasingly require companies to adopt adequate safeguards to prevent these types of abuse, ICoCA Member Companies should carefully assess SEA risks and concerns before each operation through independent analysis and consultation with their clients. During human rights risk assessments (HRRAs) conducted for their operations, companies should identify potential internal and external SEA factors that might put at risk implementation of the contract, and introduce measures that address the risks identified.

Best practice

One good practice identified by ICoCA during field missions is the provision of door-to-door transport for female guards on night shift.

What to do

1. **Conduct SEA risk assessments** to identify:
 - The specific SEA risk factors in the operating environment.²⁷
 - Specific internal and external SEA risk factors associated with the operation.²⁸
 - The likely occurrence of SEA and the level of risk, on a predetermined scale (i.e. insignificant, low, medium, high, extremely high).
 - Who is most at risk of SEA in the context of the operation.²⁹
 - The impacts that SEA survivors are likely to experience.³⁰
 - What types of assistance SEA survivors are likely to need and what services are available to the operation.
 - The quality of such services and their accessibility.
 - The effectiveness of existing risk mitigation measures, and the need to adjust them or adopt additional measures.
 - Which staff or department is responsible for adopting and supervising risk mitigation measures in the course of the operation.
 - The timeframe for adopting risk mitigation measures.
 - Whether residual risks are tolerable.
2. **Consider drawing on support from local civil society organisations** to identify risks and assess whether the risk mitigation measures adopted are effective and appropriate in the local context.

²⁷ These might include significant power and gender inequalities in the local society, weak accountability frameworks, or a culture of impunity for SEA perpetrators, for example.

²⁸ SEA risks may be higher, for example, in environments that are particularly complex and insecure, in remote locations where staff are relatively unsupervised, or where staff are separated from their families for long periods.

²⁹ Those at higher risk might include women staff, children, and marginalised or vulnerable members of local communities, for example.

³⁰ Pay particular attention to social impacts because these differ from one location to another.

8. Agreements with partners and subcontractors

Guideline. In advance of each operation, assess the ability of partners and subcontractors to comply with PSEA standards of conduct. Require partners and subcontractors to commit explicitly to these standards and monitor their compliance.

Private security companies sometimes work through subcontractors or partnership agreements with other security companies. Before such operations start, and to ensure they are carried out responsibly, ICoCA Member Companies should evaluate the extent to which their partners or subcontractors are able to comply with the standards of conduct laid out in the Code and the company's code of conduct.

Partners and subcontractors should be required contractually to comply with these standards.³¹

The Code

50. Signatory Companies will exercise due diligence in the selection, vetting and ongoing performance review of all subcontractors performing Security Services.

51. In accordance with principle 13 of this Code, Signatory Companies will require that their Personnel and all subcontractors and other parties carrying out Security Services under the contract, operate in accordance with the principles contained in this Code and the standards derived from the Code [...].

The objective is to ensure that all persons or entities employed to provide security services, whether or not they work for an ICoCA Member Company, are aware of PSEA requirements and are adequately trained and equipped to respect relevant standards.

What to do

1. **Before an operation, assess whether partners or subcontractors are likely to comply with PSEA standards of conduct.** Consider:
 - The effectiveness of the counterpart's internal management system in preventing and addressing SEA abuses. In particular, verify whether the company has adopted and enforced a company code of conduct that explicitly prohibits SEA, and whether its internal policies and procedures address SEA as recommended in these Guidelines.
 - The past record of the partner or subcontractor with respect to cases of SEA, and the measures it has adopted to respond to incidents and prevent reoccurrence.
 - The quality and frequency of PSEA training that partners or subcontractors provide to their personnel.

³¹ See also: ANSI/ASIS PSC.1-2012 (R2017), Section 8.3 (Outsourcing and Subcontracting); and ISO 18788:2015(E), Section 7.1.2.4 (Outsourcing and Subcontracting).

2. **Include PSEA clauses in agreements with partners and subcontractors** and consider the contract's validity to be conditional on their acceptance.
 - If the partner's or subcontractor's code of conduct does not refer to PSEA, or does not do so adequately, consider inserting references to your own company code of conduct or PSEA policy, and request the partner or subcontractor to sign a declaration stating that it is aware of, and commits to comply with, expected standards of behaviour.
 - Where partner or subcontractor personnel need additional PSEA training, make clear how and when this will be provided.³²
 - Define in clear terms how SEA complaints for acts committed by personnel of the partner or the subcontractor will be managed.³³
 - Identify the sanctions that may be imposed for violations of PSEA standards of conduct, both on individual perpetrators and potentially on the partner or subcontractor.
3. **Constantly monitor the implementation of PSEA clauses contained in the contract** and, if deficiencies are identified, take appropriate action to address them without delay.

³² For example, training sessions for the personnel of both companies may be organised; or the partner or subcontractor may be asked to organise additional PSEA training for its staff.

³³ Clarify whether SEA complaints that arise in the context of joint operations will be processed through the company grievance mechanism (CGM) of the principal contractor. If not, clarify how the different CGMs of the companies will coordinate.

9. SEA complaints and investigation

Guideline. Adopt a survivor-centred approach to SEA complaints and report cases of sexual violence to the competent authorities.

Even when a company has adopted and implemented a comprehensive PSEA policy and complied with international standards and its obligations under applicable national law, SEA abuses may still occur in the company or in its operations. A company's grievance mechanism is the principal instrument for gathering allegations of SEA, through complaints submitted by the company's personnel or third parties (individuals, communities, clients, civil or military authorities, suppliers, trades unions, NGOs, etc.).³⁴

Because SEA complaints are characteristically complex and personal, ICoCA Member Companies should make sure that their company grievance mechanisms make specific arrangements for dealing with these types of allegation.

Interview with a PSC

Private security companies "should cover this aspect [i.e. sexual exploitation and abuse] explicitly in their grievance mechanism".

It is especially important to adopt a survivor-centred approach. The objective should be to protect the person who has suffered abuse and make sure that the grievance process does not avoidably exacerbate his or her trauma.³⁵ This aim should run through every stage of the complaint reporting and assessment process.

United Nations Protocol on allegations of sexual exploitation and abuse involving implementing partners, Paragraph 5

"A victim-centered approach guides UN SEA prevention and response whereby the victim is informed, participates in the decision-making process and provides consent on the possible use and disclosure of their information."

What to do

1. Adopt a survivor-centred approach by:

- Prioritising the rights, needs and wishes of the survivor.³⁶
- Respecting the survivor's privacy and his or her confidentiality needs.

³⁴ This guide focuses on elements relevant to SEA complaints. For more information on how to effectively establish and maintain CGMs, see ICoCA, *Manual: Developing and operating fair and accessible company grievance mechanisms that offer effective remedies*, and ICoCA, *Interpretative Guidance: Developing and operating fair and accessible company grievance mechanisms that offer effective remedies*. Both can be found at: <https://icoca.ch/en/guidance>.

³⁵ For more information on the survivor-centred approach, see UN Women, Virtual Knowledge Centre to End Violence against Women and Girls. At: <http://www.endvawnow.org/en/articles/652-survivor-centred-approach.html>.

³⁶ See also, IASC, *Global Standard Operating Procedures on inter-agency cooperation in community-based complaint mechanisms* (2016), p. 18. At: <https://interagencystandingcommittee.org/accountability-affected-populations-including-protection-sexual-exploitation-and-abuse/documents-51>.

- Proactively keeping the survivor informed about the status of the company's investigation and related efforts to address his or her complaint.
 - Allowing the survivor to provide input.
2. **Take into account the gravity and nature of SEA when appointing the investigative team.**³⁷
 - Make sure the investigative team includes at least two investigators who have specific training in SEA investigation and a thorough understanding of the operating environment in which the alleged abuse took place.³⁸
 - Appoint investigators who can meaningfully engage with, and be trusted by, the survivor.³⁹
 - Appoint at least one investigator who is independent of the immediate reporting chain.
 - Appoint at least one manager who is responsible for overseeing the proper conduct of the investigation, taking strategic decisions, and reporting (on 'a need to know' basis) to the company's leadership.⁴⁰
 3. **Design a value-led investigation** that is:⁴¹
 - **Timely.** The investigation should start immediately on receipt of the complaint and be concluded promptly.
 - **Thorough.** The investigation should collect and assess information in a manner that is well-planned, accurate and exhaustive.
 - **Impartial.** The investigation should be objective and independent, free of personal bias or interest.
 - **Documented.** The investigation process, the evidence gathered, and the conclusions reached, should all be documented.
 - **Safe.** The investigation should guarantee confidentiality, identify risks to the complainant and witnesses, as well as to their families and belongings, and adopt appropriate measures to provide protection and prevent retaliation in line with the company's grievance procedure.⁴²
 4. **Take appropriate disciplinary action against the perpetrator** if the complaint is substantiated.⁴³

³⁷ On appointment of the investigative team, see International Council of Voluntary Agencies, *Building Safer Organisations Guidelines: Receiving and Investigating Allegations of Abuse and Exploitation by Humanitarian Workers*, pp. 16-17. At: <https://reliefweb.int/report/world/building-safer-organisations-guidelines-receiving-and-investigating-allegations-abuse>.

³⁸ Consider external appointments if these skills are not available in the company.

³⁹ Gender and age may both be relevant. For example, where substantive differences of treatment and social perception exist between women and men, appoint investigators who meet the survivor's gender preferences. For similar reasons, the appointment of investigators may need to be age-sensitive.

⁴⁰ Including a manager reinforces the company's commitment and ensures that the case will be taken seriously. The appointee may be the Grievance Officer if he or she meets the requirements of the role.

⁴¹ See also: Inter-Agency Standing Committee Task Force on Protection from Sexual Exploitation and Abuse, *Model Complaints and Investigation Procedures and Guidance Related to Sexual Abuse and Sexual Exploitation* (2004), p. 31. At: http://www.pseatactaskforce.org/uploads/tools/modelcomplaintsandinvestigationproceduresandguidancerelatedtoseadraft_iasctaskforceonpsea_english.pdf.

⁴² See Section 3.2.2 of ICoCA, *Manual: Developing and operating fair and accessible company grievance mechanisms that offer effective remedies*. At: <https://icoca.ch/en/guidance>.

⁴³ See Section 5 of these Guidelines.

5. **Report all instances of sexual violence to competent authorities** as prescribed by Paragraph 38 of the Code, based on the wishes of the survivor and the assessment outlined in Section 3.1.4 of ICoCA's *Guidance on Company Grievance Mechanisms*.⁴⁴
6. **Investigate the reasons behind the occurrence of SEA** and assess whether additional risk mitigation measures need to be adopted to prevent reoccurrence.

Interview with a PSC

"In truth, much of this activity [i.e. sexual exploitation and abuse] is already either illegal or a breach of employment law – but companies fail to report issues to the police or take appropriate company disciplinary action."

⁴⁴ See ICoCA, *Manual: Developing and operating fair and accessible company grievance mechanisms that offer effective remedies*. At: <https://icoca.ch/en/guidance>.

10. Survivor assistance

Guideline. Consider providing adequate assistance to survivors of SEA to mitigate its harmful effects.

When a potential act of SEA is reported, through the company grievance mechanism or another formal or informal reporting avenue, ICoCA Member Companies should prioritise the needs of the survivor and consider providing the support and assistance necessary to mitigate the effects of the alleged abuse. As mentioned above, ICoCA Member Companies should have identified the potential needs of survivors and the services available to respond to SEA incidents during the design phase of their operations.⁴⁵ This mapping exercise will guide companies when they devise PSEA plans and strategies.

For the purpose of these Guidelines, ‘assistance’ is a broader concept than ‘remedy’. Remedies are linked to the resolution of a complaint, whereas ‘assistance’ refers to any form of support that a survivor might need as a consequence of the abuse he or she has suffered. So understood, survivor assistance includes both immediate and longer-term assistance. Immediate assistance meets immediate needs after an alleged abuse and, by its nature, precedes resolution of any claim or complaint. Longer-term assistance, on the other hand, addresses the lasting consequences of SEA after an allegation has been substantiated, and may be part of the remedy offered as a resolution of the complaint.

What to do

1. **Consider providing both immediate and longer-term assistance to SEA survivors,** including:
 - **Medical assistance**, especially to treat injuries and prevent sexually-transmitted diseases.⁴⁶
 - **Psychological support**, to address effects of SEA on mental health.⁴⁷
 - **Safety assistance**, to protect survivors from retaliation or the social consequences of reporting SEA.
 - **Material assistance**.⁴⁸
 - **Legal support**, to inform survivors of their rights, advise them on the mechanisms available for obtaining remedies, and help them to access these mechanisms.
2. **Design assistance strategies to meet the survivor’s specific needs, wishes and best interests**, taking into account his or her personal situation, as well as age, gender, ethnicity and culture.
3. **Respect the survivor’s rights** to be informed, treated with dignity, and involved at every stage of the assistance provision process.
4. **Assess whether the assistance provided was appropriate and effective**, in order to improve future support.

⁴⁵ See Section 7 of these Guidelines.

⁴⁶ Medical assistance must be provided promptly after sexual abuse, because most treatments are ineffective if they are not administered within 72 hours.

⁴⁷ These might include: depression, anxiety, post-traumatic stress disorder, fear, or feelings of guilt or shame.

⁴⁸ This may include emergency financial support, shelter, clothing, or food.

11. Conclusion

The risk of SEA is an important concern for clients contracting private security services as well as for security providers themselves and entities mandated to oversee compliance with standards of conduct, such as the International Code of Conduct Association.

When they join ICoCA, Member Companies undertake to comply with the requirements of the Code and related procedures for assessing performance and compliance. In cases of non-compliance, these procedures foresee the potential referral of companies to the Board of Directors and initiation of suspension proceedings as a last resort.⁴⁹

These Guidelines provide a framework for the effective implementation of the obligations that derive from Paragraph 38 of the International Code of Conduct. They are intended to be a 'living document' and may be updated or expanded in the future. The Association welcomes feedback from Member Companies or other stakeholders that might improve efforts to prevent and address SEA. In the meantime, the ICoCA will continue to engage with Member Companies and, when needs arise, will offer companies support or consultation to help them improve their performance, including on PSEA.⁵⁰

⁴⁹ See Sections VII and VIII of ICoCA, *Procedures for Reporting, Monitoring and Assessing Performance and Compliance under Article 12*. At: <https://icoca.ch/sites/default/files/uploads/ICoCA-Procedures-Article-12-Monitoring.pdf>.

⁵⁰ *Ibid*, Section IV, Paragraph A.

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Annex I – Checklist

POLICIES AND PROCEDURES

- ☐ A PSEA-specific policy has been developed or PSEA has been embedded in existing policies and procedures.
- ☐ A work plan to implement the PSEA policy has been developed.
- ☐ Implementation of the work plan is constantly monitored.
- ☐ The PSEA policy is regularly reviewed.

CODES OF CONDUCT

- ☐ The company code of conduct explicitly prohibits SEA.
- ☐ The company code of conduct sets out standards of conduct and employees' responsibilities with regard to PSEA.
- ☐ The company code of conduct is translated into a language or languages that personnel understand.

RECRUITMENT, PERFORMANCE APPRAISAL AND DISCIPLINE

- ☐ A PSEA focus is integrated in the recruitment process.
- ☐ PSEA is embedded in company performance appraisal procedures.
- ☐ Disciplinary procedures for SEA abuses are established and communicated to personnel.

TRAINING AND RAISING AWARENESS

- ☐ All personnel receive initial and recurrent PSEA training.
- ☐ Managers receive specific training on their PSEA responsibilities.
- ☐ The content of training is adapted to the operating environment.
- ☐ When it develops and delivers PSEA training, the company considers drawing on support from PSEA experts and local civil society organisations.
- ☐ Where possible, PSEA training sessions are opened and closed by a senior manager.
- ☐ The company uses a range of tools to make staff aware of PSEA.

OPERATION DESIGN AND RISK ASSESSMENT

- ☐ The company runs SEA risk assessments before each operation.
- ☐ If necessary, the company adopts additional risk mitigation measures to prevent SEA.
- ☐ The company considers drawing on support from local civil society organisations to help identify risks and assess the degree to which its risk mitigation measures are appropriate and effective.

AGREEMENTS WITH PARTNERS AND SUBCONTRACTORS

- ☐ The company assesses the ability of partners or subcontractors to comply with PSEA standards of conduct before it implements operations with them.
- ☐ PSEA clauses are included in agreements with partners and subcontractors.
- ☐ The company constantly monitors implementation of PSEA clauses contained in contracts.

SEA COMPLAINTS AND INVESTIGATION

- ☐ The company adopts a survivor-centred approach when it receives and investigates SEA complaints.
- ☐ The company takes the gravity and peculiarities of SEA into account when it appoints an investigating team.
- ☐ The investigation process is driven by values: investigations are prompt, thorough, impartial, documented, and safe.
- ☐ Appropriate disciplinary action is taken against SEA perpetrators.
- ☐ All instances of sexual violence are reported to the competent authorities, based on the wishes of the survivor and an assessment in line with Section 3.1.4 of the ICoCA Guidance on Company Grievance Mechanisms.
- ☐ The reasons behind SEA incidents are investigated. Investigations assess whether additional risk mitigation measures need to be adopted to prevent reoccurrence.

SURVIVOR ASSISTANCE

- ☐ The company considers providing immediate assistance to survivors before their allegations of SEA have been substantiated.
- ☐ The company considers providing longer term assistance to survivors whose SEA claims have been substantiated.
- ☐ Assistance strategies are designed to meet the individual's needs, wishes and best interests.
- ☐ The company respects the rights of SEA survivors to be informed, treated with dignity, and involved at every stage of the assistance provision process.
- ☐ The company assesses whether the assistance provided has been appropriate and effective, in order to improve assistance in the future.

Annex II – Useful resources

Websites

CHS Alliance: Protection from Sexual Exploitation and Abuse (PSEA). <https://www.chsalliance.org/what-we-do/psea>.

European Interagency Security Forum (EISF): Managing Sexual Violence Against Aid Workers. <https://www.eisf.eu/theme/managing-sexual-violence>.

InterAction: Building NGO Capacity to Address Sexual Exploitation and Abuse. <https://www.interaction.org/work/sea>.

Inter-Agency Standing Committee (IASC): Task Force on Protection from Sexual Exploitation and Abuse (PSEA) by our own staff. <http://www.pseataaskforce.org/en>.

IASC: Task Team on Accountability to Affected Populations and Protection from Sexual Exploitation and Abuse (AAP/PSEA). <https://interagencystandingcommittee.org/accountability-affected-populations-including-protection-sexual-exploitation-and-abuse>.

United Nations: Preventing Sexual Exploitation and Abuse. <https://www.un.org/preventing-sexual-exploitation-and-abuse>.

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IASC, *Guidelines to Implement the Minimum Operating Standards for PSEA* (June 2013). At: <https://interagencystandingcommittee.org/protection-sexual-exploitation-and-abuse/documents-public/guidelines-implement-minimum-operating>.

IASC, *Minimum Operating Standards – Protection from Sexual Exploitation and Abuse by own Personnel (MOS-PSEA)* (January 2016). At: <https://interagencystandingcommittee.org/accountability-affected-populations-including-protection-sexual-exploitation-and-abuse/content-1>.

IASC, *Preventing Transgressors Moving Through the Humanitarian System* (Revision 1, May 2018). At: https://interagencystandingcommittee.org/system/files/session_1-psea-sha-preventing_transgressors_moving_through_the_sector-31_may_2018-principals_meeting.pdf.

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