

MUKTI FOUNDATION



PSEAH

Policy



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1. Policy Statement:

Mukti Foundation is committed to upholding the rights and dignity of all individuals and ensuring a safe and respectful environment for everyone associated with our organization. We recognize that sexual exploitation, abuse, and harassment are serious violations of human rights that undermine the integrity of our work and harm those we aim to serve. As such, we adhere to a zero-tolerance policy towards any form of sexual exploitation, abuse, or harassment within our organization and in the communities we serve.

In accordance with the judgment dated 14.05.2009 of the High Court Division of the Supreme Court of Bangladesh, 2009 in Writ Petition No. 5916/2008, which outlines directives to be followed and observed at all workplaces until adequate and effective legislation is made in this field, Mukti Foundation reaffirms its commitment to implementing robust measures to prevent and address sexual exploitation, abuse, and harassment.

2. Related Policies and Procedures

In addition to the Protection from Sexual Exploitation, Abuse, and Harassment (PSEAH) Policy, Mukti Foundation employees and representatives are required to adhere to the following related policies and procedures to uphold the highest standards of ethical and professional conduct:

- Mukti Foundation HR Policy
- Mukti Foundation Gender Policy
- Mukti Foundation Safeguarding Policy
- High Court Division's Directives on Sexual Harassment, 2009
- High Court Division's Issue on Bullying or Ragging Prevention Policy-2023

3. SCOPE

This policy applies to all individuals associated with Mukti Foundation, including employees, volunteers, interns, consultants, contractors, subcontractors, partners, and any others interacting with the community on behalf of Mukti Foundation.

Contractual agreements with consultants, contractors, and subcontractors will include a standard Protection from Sexual Exploitation, Abuse, and Harassment (PSEAH) clause, outlining the organization's policy and the responsibilities of third-party personnel.

Mukti Foundation will integrate PSEAH considerations into existing and future policies and guidelines, ensuring consistency across all organizational instruments. Additionally, initiatives will be undertaken to develop new policies, such as a whistleblower protection policy, to enhance the effectiveness of the PSEAH framework.

4. Key Guiding Principles:

Protection of Rights Holders: Mukti Foundation is dedicated to protecting the rights and dignity of all individuals, including vulnerable adults, women, children, and marginalized groups, who come into contact with our organization or representatives.

Zero Tolerance: We maintain a zero-tolerance approach towards any form of sexual exploitation, abuse, or harassment perpetrated by any member of our organization, including staff, associates, partners, volunteers, and representatives.

Ethical Conduct: All individuals associated with Mukti Foundation are expected to uphold the highest standards of ethical and professional conduct at all times, adhering to the organization's policies and procedures, including this PSEAH Policy.

Prevention and Mitigation: We are committed to implementing proactive measures to prevent sexual exploitation, abuse, and harassment, including training, awareness-raising initiatives, and promoting a culture of respect and equality within our organization and communities.

Reporting and Accountability: Mukti Foundation provides accessible and confidential mechanisms for reporting incidents of sexual exploitation, abuse, or harassment. We ensure prompt and thorough investigations of all reported cases and take appropriate disciplinary action against perpetrators.

Collaboration and Advocacy: We collaborate with stakeholders, partners, and relevant authorities to address systemic issues related to sexual exploitation, abuse, and harassment. We advocate for policies and practices that prioritize the safety and well-being of all individuals.

Continuous Improvement: Mukti Foundation regularly reviews and updates its PSEAH policies, procedures, and practices to ensure their effectiveness and responsiveness to evolving needs and challenges.

5. Conduct Considered sexual harassment:

Sexual harassment can involve a series of actions or occurrences, and these behaviors may manifest in physical, verbal, or non-verbal forms. Examples of conduct that constitute sexual harassment include, but are not limited to:

5.1. Verbal:

- Insulting and referring to someone with derogatory names
- Making sexual comments about a person's or someone else's body (E.g: women's gynecological matters), appearance, clothing, and looks
- Turning work discussions to sexual topics
- Telling sexual jokes or stories

- Asking personal questions about social or sexual life (sexual fantasies, preferences, or history)
- Condescending or paternalistic remarks
- Propositioning or requesting for sexual favors.
- Telling lies or spreading rumors about a person's personal life
- Exerting pressure or giving threats in case of refusal to love/marriage proposal
- Sending sexually suggestive messages through letters, calls (any form) SMS, MMS, pictures, emails, different communication apps(E.g.: Skype, Viber, IMO, Whats App, snapchat etc.), social media (i.e. Face book, twitter, LinkedIn), notices, cartoons, or writing on desks, chairs, tables, notice boards, office walls, factory walls, classrooms, and washrooms etc.
- Implicitly and explicitly using/ condoning sexual behavior to threaten or insult someone and to control/ influence/ affect the pay/ terms and conditions of employment/ job promotion or career of a staff member

5.2. Non-verbal:

- Looking or staring at a person that makes them uncomfortable
- Following a person
- Whistling, leering or making kissing sounds at someone
- Giving personal or suggestive gifts
- Displaying or disseminating sexually suggestive visuals (pornography)
- Making sexual gestures through body movements, facial expressions or gestures
- Taking photographs or videos for the purpose of blackmail or disgrace
- Preventing participation in sports, cultural, organizational, or academic activities on the ground of sex and/ or for the purpose of sexual harassment

5.3. Physical:

- Giving a massage around the neck or shoulders
- Touching a person's clothing, hair, or body (hugging, kissing, patting, pinching, stroking and/or fondling)
- Blocking a person's path
- Touching or rubbing oneself sexually around another person
- Physical violence including sexual assault
- Standing close or brushing up against another person
- Any other physical contact which implied sexual nature or sexuality

All sexual harassment is prohibited wherever it takes place

Special Note: It's important to recognize that rape or attempted rape isn't just a form of sexual harassment; it's a serious offense categorized as sexual assault and is punishable by law. Given the concerning trend where incidents of sexual harassment have escalated into cases of rape or attempted rape, Mukti Foundation has incorporated rape or attempted rape as punishable

offenses within its PSEAH policy, aligning with legal standards. Additionally, any expression of sexual interest or engagement in sexual activities with individuals under the age of 18, whether boys or girls, is deemed as sexual abuse and is punishable by law.

6. Prevention, Reporting and Response: Mukti Foundation is committed to providing a work environment free from sexual harassment, exploitation, and abuse. This policy outlines our prevention, reporting, and response procedures for such misconduct.

6.1. Prevention:

Orientation: All new staff will receive comprehensive onboarding training on sexual harassment prevention, including Mukti Foundation's policy and resources.

Screening: We will implement a thorough vetting process for job candidates to ensure a safe work environment.

Bystander Intervention Training: We will train staff to recognize and respond to potential harassment situations.

Awareness Campaigns: We will develop regular campaigns and events to raise awareness and promote a culture of respect.

Policy Accessibility: A concise version of this policy will be displayed prominently at all Mukti Foundation locations.

Communication: We will disseminate clear messages (written, visual, audio) about sexual harassment prevention for staff, program participants, and stakeholders.

6.2. Partnership:

Zero-Tolerance Clause: All contracts and partnership agreements will include a clause requiring partners to uphold a zero-tolerance policy against sexual harassment and commit to preventive measures.

Breach of Policy: Failure to comply with these measures may result in termination of the partnership.

6.3. Reporting Mechanism:

Mukti Foundation guarantees safe, confidential, and accessible channels for reporting sexual harassment:

Direct Reporting: Anyone experiencing or witnessing harassment can report it directly through various means:

Phone: 24/7 hotline numbers of designated focal points or leadership will be available at all offices.

Email: Reports can be sent to designated email addresses or a central reporting mailbox

In-Person: Reports can be made directly to supervisors, safeguarding focal points, or leadership.

Indirect Reporting: If someone feels uncomfortable reporting directly, they can inform a trusted colleague, supervisor, or safeguarding focal point to report on their behalf.

Confidentiality: All reports and investigations will be treated confidentially. Information will only be disclosed on a strict need-to-know basis. The complainant's identity will be

protected throughout the process, and measures will be taken to prevent retaliation.

6.4. Response:

Mukti Foundation has a well-defined process for investigating allegations:

Prompt Action: Investigations will be initiated promptly to minimize disruption and ensure a fair outcome.

Victim/Survivor Support: The well-being of the victim/survivor is our top priority. We will listen attentively, record statements with permission, and provide a safe space for them to share their experience. We will offer necessary support services, including:

Medical Support: Assistance in accessing medical care after an incident.

Legal Support: Guidance on pursuing legal action if desired.

Psychosocial Support: Confidential counseling services to help cope with the trauma.

Workplace Adjustments: Relocation within the organization to ensure a safe work environment, if necessary.

Leave: Special leave to recover from the emotional impact of the incident.

6.5. Investigation Process:

- The accused will have the opportunity to respond to the allegations.
- An investigative committee will review all evidence and prepare a report.
- The committee will then make recommendations for appropriate disciplinary action.

Time Limits: The entire process, from receiving a complaint to a final decision, will be completed within 45 days whenever possible.

False Accusations:

If an investigation reveals a fabricated complaint, the HR department will take appropriate action.

Appeal Process:

Staff members have the right to appeal any disciplinary decision within a specified timeframe.

Additional Notes:

- During an ongoing investigation, resignations from either the accused or the complainant will not be accepted.
- The supervisor will ensure the safety and security of the victim/survivor throughout the process.

6.6. Committee and Focal Person: As part of the response to sexual exploitation, abuse, and harassment-related issues, Mukti Foundation will establish a Protection from Sexual Exploitation, Abuse, and Harassment (PSEAH) Oversight Committee tasked with monitoring and reviewing allegations of sexual exploitation, abuse, and harassment. Additionally, a designated Focal Person will serve as the primary contact point for reporting incidents and

coordinating responses. Both the Terms of Reference (TOR) for the formation of the committee and the TOR for the focal person will be included in Annexes for reference and guidance.

7. PSEAH Responsibility Assignment Chart

Roles/Responsibilities	All Staff	All Directors/Managers	HR Staff	Programme Staff	Top Leadership
Adhere to PSEAH Policy	✓ (Adhere to the PSEA policy and code of conduct, report concerns)				
Training on PSEAH Policy		✓ (Ensure all new employees receive the PSEAH policy training as part of their induction)	(Implement the necessary measures when recruiting new staff and volunteers)		
Implementation of PSEAH Measures		✓ (Ensure PSEAH measures are implemented within their area of responsibility)			
Follow-up on SEA Issues		✓ (Follow up and address SEA issues appropriately)			
Recruitment Measures			✓ (Implement necessary measures when recruiting new staff and volunteers)		
Appointment of PGI Officer			✓ (Recruit a full-time PGI officer as PSEA focal person)		
Distribution of Policy			✓ (Ensure all new employees receive a copy of the PSEAH		

			policy and code of conduct)		
Personnel File Documentation			✓ (Signed copies must be placed in personnel files)		
Community Awareness				✓ (Ensure communities are aware of the PSEAH Policy and how to report concerns)	
Review SCHR Scheme					✓ (Review the SCHR Misconduct Disclosure Scheme and consider possible participation by Mukti Foundation)
Development of Implementation Plan					✓ (Ensure development of a time-bound implementation plan and standard operating procedure on response to SEA allegations)
Capacity Building Trainings					✓ (Ensure capacity building trainings and workshops for personnel engaged in implementation of PSEAH)

8. Maintaining Confidentiality

It's crucial to maintain confidentiality throughout the handling of sexual harassment concerns. Information regarding the issue and its management should only be disclosed on a need-to-know basis and must be securely stored at all times.

9. Policy and Procedure Evaluation

The policy will be subject to periodic evaluation, occurring at least once every two years or

as deemed necessary due to emerging issues, significant changes in context, programs, or legislative amendments.

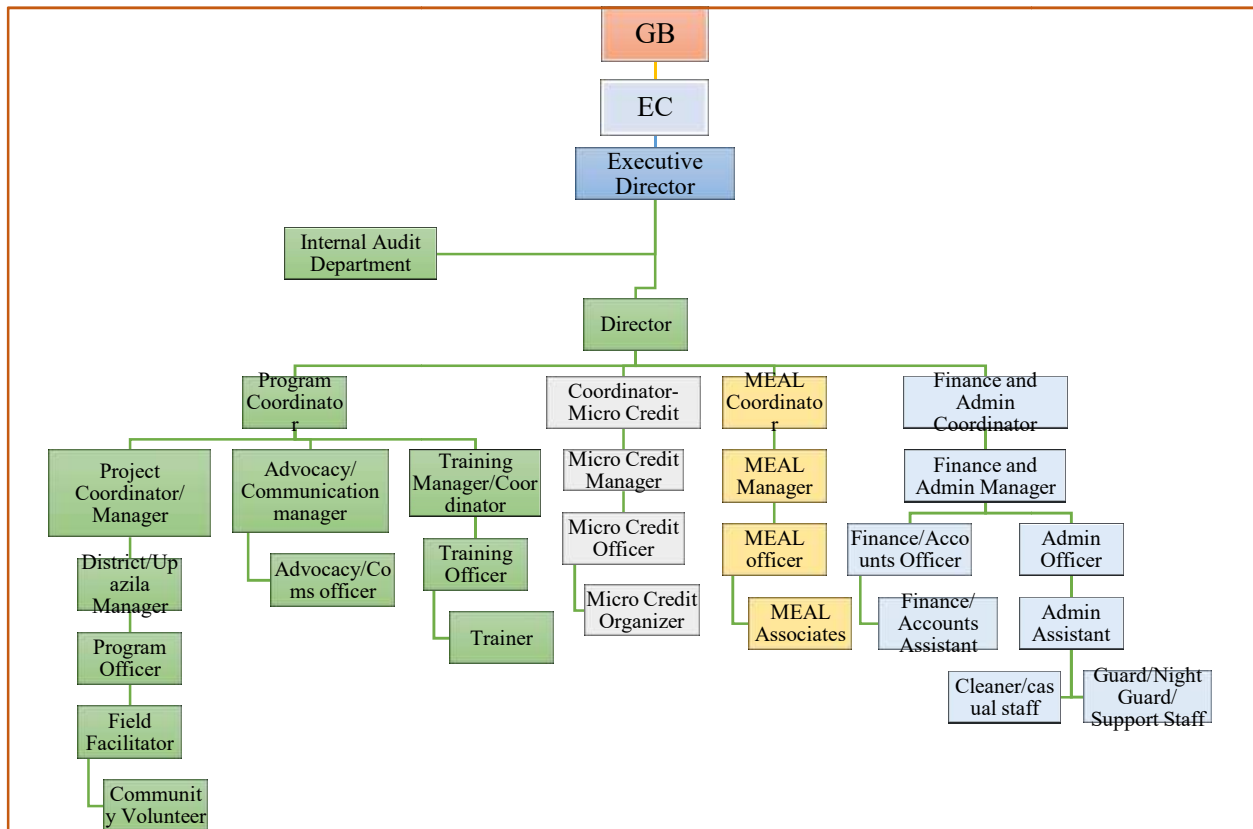
Contact Details:

Email: muktifoundationtala@gmail.com

Website: muktifoundationbd.org

Hotline: 01716840797

Annex 1: Organogram of Mukti Foundation



Annex 2: Terms of Reference for Protection from Sexual Exploitation, Abuse, and Harassment (PSEAH) Oversight Committee Formation:

Purpose:

The committee formation aims to establish a dedicated body responsible for overseeing the implementation of the Protection from Sexual Exploitation, Abuse, and Harassment (PSEAH) Policy at Mukti Foundation.

Scope:

The committee will be responsible for ensuring compliance with the PSEAH Policy across all levels of the organization, including prevention, reporting, response, and ongoing improvement measures.

Composition:

- The committee will consist of representatives from different departments and levels within Mukti Foundation.
- Membership will include HR personnel, program staff, legal advisors, safeguarding focal points, and senior management.

Responsibilities:

- Develop and review PSEAH policies and procedures to align with best practices and legal requirements.
- Oversee the dissemination of PSEAH policies and ensure staff understanding through training and awareness programs.
- Establish reporting mechanisms and ensure confidentiality for individuals reporting incidents of sexual exploitation, abuse, or harassment.
- Conduct regular reviews and audits to monitor compliance with the PSEAH Policy and identify areas for improvement.
- Coordinate with external stakeholders, partners, and legal authorities as necessary to address PSEAH-related matters.
- Provide guidance and support to individuals involved in investigating and responding to reported incidents.
- Prepare annual reports on PSEAH activities, including incident data, response outcomes, and recommendations for improvement.

Meetings:

The committee will convene regular meetings, at least quarterly, to discuss PSEAH-related issues and progress updates. Additional meetings may be called as needed to address urgent matters or emerging concerns.

Duration:

The committee will be established for an initial term of 2 years, with the option for renewal based on organizational needs.

Accountability:

The committee will report directly to the Executive Director or the Board of Directors, providing

updates on PSEAH initiatives and compliance.

Confidentiality:

Committee members must adhere to strict confidentiality regarding all PSEAH-related matters to protect the privacy and safety of individuals involved.

Annex 3: Terms of Reference for PSEAH Focal Person:

Role:

The PSEAH Focal Person serves as the primary point of contact and resource for addressing issues related to sexual exploitation, abuse, and harassment within Mukti Foundation.

Responsibilities:

- Receive and respond to reports of sexual exploitation, abuse, or harassment promptly and sensitively.
- Ensure the confidentiality and privacy of individuals reporting incidents, providing necessary support and guidance throughout the process.
- Coordinate with relevant departments and authorities to initiate investigations into reported incidents and facilitate appropriate responses.
- Conduct regular assessments of organizational practices and environments to identify potential risks and vulnerabilities to PSEAH.
- Provide training and capacity-building initiatives for staff to enhance awareness and understanding of PSEAH policies and procedures.
- Maintain accurate records of reported incidents, investigation outcomes, and follow-up actions for documentation and analysis.
- Collaborate with the PSEAH Committee to implement prevention measures, monitor compliance, and promote a culture of respect and accountability.
- Serve as an advocate for victims/survivors of sexual exploitation, abuse, or harassment, ensuring their rights and well-being are prioritized.

Qualifications:

- The PSEAH Focal Person should possess strong interpersonal skills, empathy, and a commitment to upholding human rights and dignity.
- Knowledge of relevant legal frameworks, policies, and best practices related to PSEAH is preferred.
- Previous experience in handling sensitive issues or working in a similar role is advantageous.

Accountability: The PSEAH Focal Person reports directly to the director, providing regular updates on PSEAH-related activities and issues. Performance evaluations and accountability measures will be implemented to ensure the effective discharge of responsibilities by the PSEAH Focal Person.

Confidentiality: Confidentiality and discretion are paramount in the role of the PSEAH Focal

Person, who must handle all information and communications with the utmost sensitivity and confidentiality.

Annex 4: Mukti Foundation - PSEAH Incident Report Form

Confidentiality Notice: All information provided in this report will be kept confidential to the fullest extent possible, following Mukti Foundation's PSEAH Policy.

I. Complainant Information

- Complainant's Name: _____
- Contact Details (for follow-up): _____
(Phone/Email/Address)
- Age: _____
- Gender: _____
- Nationality (Optional): _____
- If Minor, Guardian Notified? (Yes/No): _____

II. Incident Details

- Date(s) and Time(s) of Incident(s): _____ (Start/Most Recent)
- Location of Incident(s): _____
- Detailed Description of Incident(s): _____ (Please be as specific as possible)
- Witnesses (Names & Contact Details, if known): _____
Witness Statements (Brief description of what each witness observed):

III. Alleged Offender Information (if known)

- Alleged Offender's Name: _____
- Employer & Job Title (if known): _____
- Staff Status (National/International): _____
- Contact Details (Optional): _____ (Phone/Email/Address)
- Age (Optional): _____
- Gender: _____
- Nationality (Optional): _____
- Physical Description (Optional): _____

IV. Reporter Information (if different from Complainant)

- Reporter's Name: _____
- Employer & Job Title: _____

- Contact Details (for follow-up): _____
(Phone/Email/Address)
- Age (Optional): _____
- Gender (Optional): _____
- Nationality (Optional): _____

V. Support for Complainant

- Briefly describe any immediate support provided to the Complainant (medical, emotional, etc.): _____
- Referrals provided to the Complainant (if any): _____
- Who is responsible for ensuring the Complainant's safety plan (Name & Title):

VI. Support for Reporter (if applicable)

Briefly describe any support provided to the Reporter (security, counseling, etc.):

VII. Witness Protection (if applicable)

List any witnesses and their specific protection needs: _____

VIII. Risk Assessment

- Briefly outline the risk of the alleged offense reoccurring:

- Are there safety concerns for the community? _____
(Yes/No)
If yes, describe any preventative measures taken: _____

IX. Additional Information

- Date Complaint Received: _____
- Received By (Name & Title): _____
- Complainant/Reporter Aware of Mukti Foundation's PSEAH Process? (Yes/No):

- Did Complainant Consent to Sharing Information with Alleged Offender?
(Yes/No): _____
- Reported By: _____ (Name & Title)

X. Attach any relevant documents (e.g., witness statements, medical reports).

Please Note:

- Completing this form is voluntary.
- You may choose to remain anonymous.
- Mukti Foundation takes all PSEAH allegations seriously and is committed to a fair and thorough investigation process.

- For further information or support, please contact:
PSEA Focal Point
- [Mukti Foundation Helpline: 01716840797]

Thank you for reporting. Mukti Foundation takes all PSEAH allegations seriously and will investigate this matter thoroughly.