

# **EASY-TO-READ GUIDE ON **AMISOM****

*Policy on Prevention  
and Response to Sexual  
Exploitation and Abuse*



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# PURPOSE

The African Union Mission in Somalia (AMISOM) takes seriously all concerns about sexual exploitation and abuse and complaints about them brought to our attention. AMISOM initiates rigorous investigation of complaints that indicate a possible violation of this Policy on Prevention and Response to Sexual Exploitation and Abuse (“PSEA Policy” or Policy”) and takes appropriate disciplinary action, as warranted. This policy applies to complaints of sexual exploitation and abuse involving AMISOM Uniformed and non Uniformed.

The purpose of this policy is to inform military members of TCC’s, civilian police officers and civilian personnel of AMISOM of the policy on Prevention of Sexual Exploitation and Abuse.

The African Union Mission for Somalia (AMISOM) has zero-tolerance for any form of Sexual Exploitation and Abuse and is committed to putting in place robust framework designed to prevent this menace. When ever complaint of sexual allegations are made against any AMISOM member of staff, AMISOM initiates rigorous investigation of such complaint and takes appropriate disciplinary action, as may be required.

# BACKGROUND

The African Union Mission in Somalia (AMISOM) is fully committed to prevent acts of sexual exploitation and abuse by AMISOM Personnel and Related-Personnel and to fully implement the letters and spirit of the Commitment on Eliminating Sexual Exploitation and Abuse by UN and Non-UN personnel.

Additionally, AMISOM is reaffirming the goal of achieving full implementation of the six core principles adopted in 2002 by the Inter-Agency Standing Committee Task Force on Prevention and Response to Sexual Exploitation and Abuse.

# Core Principles of the AMISOM POLICY ON PSEA

## The Core Principles provide that :

- ▶ Sexual exploitation and abuse by AMISOM Uniformed and non Uniformed personnel are acts of gross misconduct and are therefore grounds for termination of employment.
- ▶ Sexual activity with children (persons under the age of 18) is prohibited regardless of the local age of consent in Somalia. Ignorance or mistaken belief in the age of the child is not a defence.
- ▶ Exchange of money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour by AMISOM Personnel and Related Personnel is prohibited. This includes the exchange of assistance that is due to participants and beneficiaries.
- ▶ Sexual relationships between AMISOM personnel and participants / beneficiaries of AMISOM's programs are strongly discouraged since they are based on inherently unequal power dynamics. Such relationships undermine the credibility and integrity of AMISOM's relief and development work.
- ▶ When a AMISOM personnel develops concerns or suspicions regarding sexual exploitation or abuse by a AMISOM Personnel or Related- Personnel s/he must report such concerns via the established reporting procedures of the appropriate AMISOM entity.
- ▶ AMISOM personnel are obliged to create and maintain an environment that prevents sexual exploitation and abuse and promotes the implementation of this Policy. AMISOM Managers at all levels have particular responsibilities to support and develop systems that maintain this environment.

# Commitments

Seniors leadership team, Officers and supervisors must ensure that all AMISOM Personnel and Related-Personnel understand and comply with this Policy and its Core Principles. To aid in implementing this Policy and in educating AMISOM Personnel and Related-Personnel, AMISOM and its senior's leadership team, Officers and supervisors commit to:

- 1.** Develop organization-specific strategies to prevent and respond to sexual exploitation and abuse.
- 2.** Incorporate its standards on sexual exploitation and abuse in induction materials and training courses for our personnel and in other relevant organizational codes of conduct.
- 3.** Incorporate appropriate job responsibilities (such as staff training, complaints and response mechanisms, coordinating high-level oversight and progress reports) in specific staff positions to support and ensure effective implementation of organizational strategies to prevent and respond to sexual exploitation and abuse.
- 4.** In compliance with applicable laws and to the best of its abilities, prevent perpetrators of sexual exploitation and abuse from being rehired or redeployed by AMISOM. This could include use of background and criminal reference checks.
- 5.** Establish and ensure that complaint mechanisms for reporting sexual exploitation and abuse are accessible, particularly to participants and beneficiaries of AMISOM programs and those AMISOM focal points for receiving complaints understand how to discharge their duties.

- 6.** Take appropriate action to the best of AMISOM abilities to protect persons from retaliation when allegations of sexual exploitation and abuse are made in good faith.
- 7.** Investigate allegations of sexual exploitation and abuse involving AMISOM Personnel in a timely and professional manner, and to the best of AMISOM ability to encourage its Personnel to do the same. This includes the use of appropriate interviewing practices with complainants and witnesses, particularly with children. Engage professional investigators or secure investigative expertise as appropriate.
- 8.** Take swift and appropriate action, including legal action when required, against AMISOM Personnel who commit sexual exploitation and abuse. This may include administrative or disciplinary action, and/or referral to the relevant authorities for appropriate action, including criminal prosecution, in the abuser's country of origin.
- 9.** Provide basic emergency assistance (medical, legal) and basic psychological support as appropriate and feasible to complainants of sexual exploitation and abuse.
- 10.** Create and maintain mechanisms to systematically educate AMISOM Personnel and Related-Personnel and the communities we serve on measures taken to prevent and respond to sexual exploitation and abuse.

**11.** Ensure that when engaging in partnership, subgrant or subrecipient agreements, these agreements a) incorporate this Policy as an attachment; b) include the appropriate language requiring such contracting entities and individuals, and their personnel and volunteers to comply with this Policy; and c) expressly state that the failure of those entities or individuals, as appropriate, to take preventive measures against sexual exploitation and abuse, to investigate allegations thereof, or to take corrective actions when sexual exploitation or abuse has occurred, shall constitute grounds for AMISOM to terminate such agreements.

**12.** Ensure high level oversight and information systems on SEA reports received and actions taken in order to monitor effectiveness, report progress and improve efforts to prevent and respond to sexual exploitation and abuse.

**13.** Engage the support of communities and governments to prevent and respond to sexual exploitation and abuse.



# Personnel Standards

AMISOM capacity to achieve its vision and mandate depends upon each and every one of us in the AMISOM mission, individually and collectively. To this end, all AMISOM personnel must uphold and promote the highest standards of ethical and professional conduct and abide by AMISOM's policies.

This PSEA Policy sets the minimum standards to be followed by all AMISOM personnel. Each AMISOM personnel are encouraged to strive for more effective standards and define their own strategies and procedures to uphold this PSEA Policy and the Core Principles on which it is based.

The need for this Policy flows from a recognition that AMISOM work often puts its personnel in positions of power in relation to the communities its work with, especially vulnerable women and children. AMISOM have an obligation to use its power respectfully and must not abuse the power and influence its has over the lives and well-being of the beneficiaries of its programs and others in the communities where AMISOM works.

These Standards apply to all AMISOM Personnel and are intended to provide an illustrative guide for personnel to make ethical decisions in their professional and personal lives. Any violation of these Standards is serious concern and may result in disciplinary action, up to and including dismissal, in accordance with disciplinary procedures of each AMISOM personnel and applicable laws.

**1.** Personnel will not request any service or sexual favour from participants or beneficiaries of AMISOM programs, children or others in the communities in which AMISOM works in return for protection or assistance, and will not engage in sexually exploitative relationships.

- 2.** Personnel will not exchange money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour. This prohibition against exchange of money for sex means AMISOM personnel may not engage the services of sex workers while on AMISOM business, including on AMISOM premises or accommodation, or while travelling to/from or attending workshops, meetings and trainings, regardless of the local or national law concerning sex work or prostitution in the country.
  
- 3.** Personnel are strongly discouraged from having sex or engaging in sexual activities with program participants because there is an inherent conflict of interest and potential for abuse of power in such a relationship. If a personnel engages in sex or sexual activities with a program participant, the personnel must disclose this conduct to his /her supervisor for appropriate guidance. Failure to report such conduct may lead to disciplinary action pursuant to African Union, rules and regulations.
  
- 4.** Personnel must refrain from sexual activity with any person under the age of 18, regardless of the local age of consent, i.e. the local or national laws of Somalia. Ignorance or mistaken belief of the child's age is not a defence. Failure to report such a relationship may lead to may lead to disciplinary action pursuant to African Union, rules and regulations.
  
- 5.** Personnel will not support or take part in any form of sexual exploitative or abusive activities, including, for example, child pornography or trafficking of human beings.

- 6.** Personnel must report any concerns or suspicions they have regarding possible violations of this SEA Policy via AMISOM's reporting mechanism<sup>1</sup>. Personnel must report any such concerns via AMISOM established reporting procedures even when the person who may be in violation of this Policy is Related Personnel, as previously defined, and not an AMISOM personnel .
  
- 7.** Sensitive information related to incidents of sexual exploitation and abuse whether involving colleagues, program participants or others in the communities in which AMISOM works shall be shared only with enforcement authorities and AMISOM agents and personnel of the appropriate seniority or function who have a need to know such information.
  
- 8.** Personnel must undertake to create and maintain an environment that promotes implementation of this Policy.
  
- 9.** Seniors Officers and supervisors at all levels have particular responsibilities to support and develop systems that maintain an environment that facilitates implementation of this Policy and which is free of exploitation and abuse.

<sup>1</sup>Every component of AMISOM is required to establish appropriate reporting mechanisms and disseminate the policy to its entire staff.

# Annexe 1

## African Union Commission (AUC) Reviewed Code of Conduct

- 1.** Dress, think, talk, act and behave in a manner befitting the dignity of disciplined, caring, considerate, mature, respected and trusted personnel displaying the highest integrity and impartiality. Have pride in your position as a peace-keeper and do not abuse or misuse your authority.
- 2.** Respect the law of the land of the host country, their local culture, traditions, customs and practices.
- 3.** Treat the inhabitants of the host country with respect, courtesy and consideration. You are there as a guest to help them and in so doing will be welcomed with admiration. Neither solicits nor accepts any material reward, honor or gift.
- 4.** Do not indulge in acts of sexual, physical or psychological abuse or exploitation of the local population, including African Union Commission staff (local and international).
- 5.** The following acts must be punished:
  - Any exchange of money, employment, goods or services for sex
  - Any type of sexual activities with children
  - Any form of humiliation, degrading or exploitative behavior
  - Any sexual favour in exchange for assistance
  - Any type of sexual misconduct that damages the image, credibility, impartiality or integrity of the force that deployed you
  - Any form of sexual exploitation of subordinates by Commanders or Superior Officers

- 6.** Immoral and sexual relationships among troops should be discouraged.
- 7.** Adhere to the commitment of the AU Peace and Security Council on the reporting of sexual based violence by the Head of AU Liaison Offices
- 8.** Respect and regard the human rights of all. Support and aid the infirm, sick and weak. Do not act in revenge or with malice, in particular when dealing with prisoners, detainees or people in your custody.
- 9.** Properly care for and account for all African Union Commission, equipment and property assigned to you and do not trade or barter it.
- 10.** Show courtesy and pay appropriate compliments to all members of the mission, including other African Union contingents regardless of their creed, gender, rank, origin or religion.
- 11.** Show respect for and promote the environment, including the flora and fauna, of the host country.
- 12.** Personnel are prohibited from engaging in any commercial activities and natural resource exploitation.
- 13.** Do not engage in consumption of alcohol or any consumption or trafficking of drugs.
- 14.** Exercise the utmost discretion in handling confidential information and matters of official business which can put lives into danger or damage the image of the African Union Commission.

## Annexe 2 :

### From Allegation to Investigation : Steps to Ensuring an Appropriate Initial Response

#### Step 1: Receiving the Allegations

**1.** Making contact with the complainant: The initial complaint to the organization may be made in writing or in person. In either case, it should give basic information about who the complainant is and what they allege, i.e. what happened (roughly), who did it, when, where, who else was there and how the complainant can be contacted again.

**2.** Identifying and responding to immediate safety risks: At the initial contact, the investigator should find out whether the complainant or anyone else is immediately at risk. S/he should then prioritize those risks and refer any security concerns to a competent colleague.

**3.** Securing the evidence

#### **A. How can evidence be preserved pending the investigation?**

- i.** Witness testimony: interview witnesses as soon as possible / check if necessary to protect witnesses from intimidation or interference by the SOC.
- ii.** Physical evidence: should be collected, photographed, photocopied and/or described in detail.
- iii.** Medical evidence

**4.** Confidentiality – who should and who should not know about the complaint?: Once the participants in the investigation are safe and the evidence secure, the issue of confidentiality will become a primary focus for the investigation team.

## 5. When is disclosure allowed?

### A. Generally, disclosure is allowed when:

- i. it is required or permitted by law or an organization's policy or procedures
- ii. it is required by management in the best interests of the organization and the parties
- iii. it is needed to obtain specialist help for the survivor or advice on the evidence

## 6. Give the complainant a formal confirmation: Once the right people know about the complaint, the final step is to get back to the complainant with a formal confirmation.

a. What is confirmation? - is generally a letter to the complainant telling her/him that the organisation has received the complaint and is taking action.

## 7. As there enough information to investigate, let's see how to carry out the Investigation

8. Appointing the Investigation Team: senior management (Head of Mission / The Minister / SRCC) will need to appoint an investigation team. The investigation team generally comprises managers and investigators and, in some cases, observers, interpreters and outside experts. Consider the size of the team, their qualifications, and Terms of Reference (TORs) and the budget for the investigation.

## 9. Preliminary Considerations for an Investigation: Goal, Constraint and Questions.

**10.** The stage between appointing the team and starting the investigation is dedicated to planning. It is an opportunity to refocus on the purpose the investigation, its constraints and the questions under investigation.

### **A. What are the goals of the investigation?**

The main goal of the investigation is to gather information that proves or disproves the allegation. Investigators are not prosecutors. Their job is not to look solely for information that will ‘convict’ the SOC but to gather all relevant evidence so as to determine objectively whether the exploitation or abuse occurred.

### **B. What are the constraints on the investigation?**

#### **i. Legal constraints – authority**

Organizations should give investigators a mandate to initiate and conduct investigations on the organization’s behalf. Usually, TORs empower investigators to collect evidence without hindrance or prior clearance, to access staff promptly and to require the full cooperation of anyone working for the organization. However before commencing an investigation, investigators should review their TORs to identify the extent of their authority to investigate in this case.

#### **ii. Legal constraints – procedural rules**

Provisions in national employment laws, the organization’s policies and the SOC’s contract will at least influence (possibly determine) how the investigation is conducted.

Consider i. National employment laws, ii. National criminal law, iii. Organizational policies and procedures, iv. Contracts.

#### **ii. Practical constraints – team capacity**



**11.** Investigators and investigation managers need to consider together the resources available for this investigation. Resources do not determine whether they should investigate, but will shape the investigation priorities.

**A. Key questions include:**

- i.** How much time and money can they spend on the investigation?
- ii.** Who (from the organisation) will be contributing to the investigation?
- iii.** What are their skills? Is the team able to access outside experts to supplement their skills?
- iv.** What facilities are available for ensuring the participants' safety (e.g. safe houses, security etc)?

**12.** What are the substantive questions for the investigation?

To conduct the investigation itself, investigators need to be absolutely clear about the substantive rules allegedly breached and the composite elements of those rules. They then need to identify the evidence that is relevant to the elements and to consider how they can gather that evidence safely and efficiently.

**A. What substantive rules have allegedly been breached?**

Substantive rules are rules that tell staff what they may (and may not) do as employees of your organisation. They are standards of conduct and are found in national employment laws, the SOC's employment contract and the agency's Code of Conduct. If the agency is an implementing partner of the UN, those codes will generally incorporate all or part of the SG's Bulletin. (In this case we will have to consider how the United Nations are affiliated to AMISOM).

## B. What are the elements of each rule?

The elements of each rule are the individual facts that have to be proved to show that there was a breach of a standard of conduct. For example, the elements of sexual abuse of a child under the SG's Bulletin12, sections 1 and 3.2(b), are:

- i. actual or threatened
- ii. physical intrusion
- iii. of a sexual nature
- iv. by force or under unequal or coercive conditions
- v. with a person under 18 years of age.

## C. What evidence is relevant to that breach?

Evidence is information that is relevant to deciding if an allegation is true or not i.e. information that makes an element more or less likely. It comes in a number of forms, the most common being:

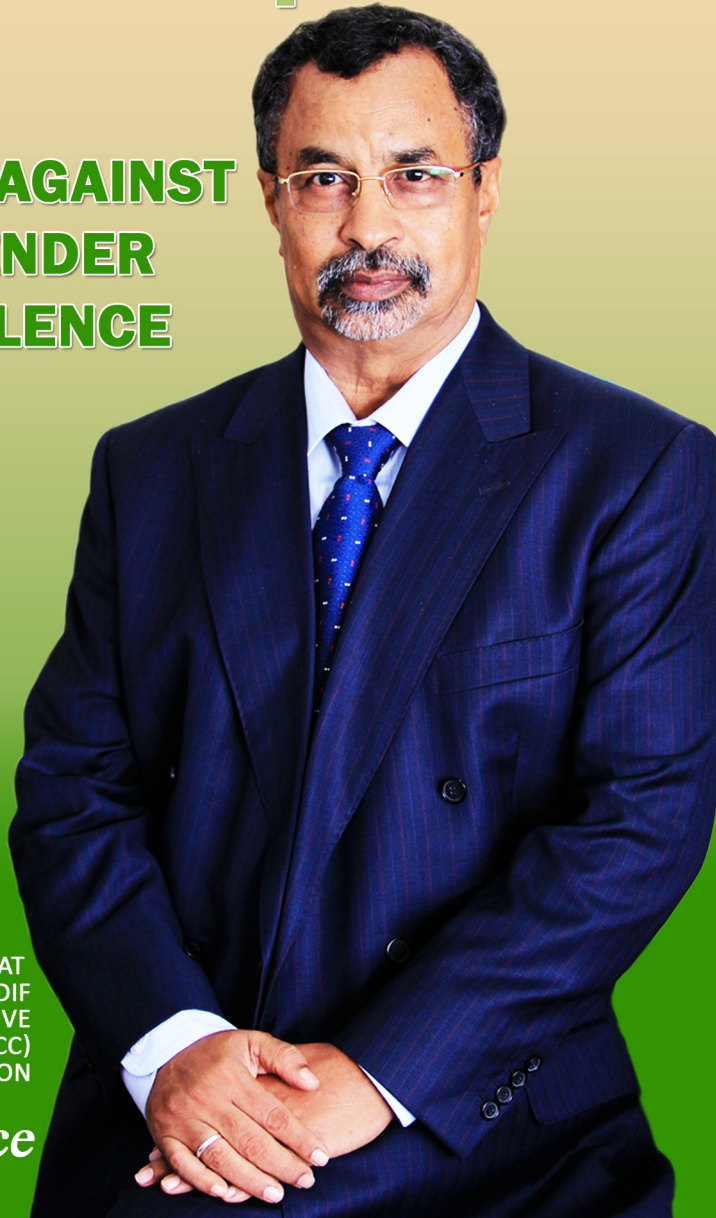
- i. witness testimony (e.g. statement about what someone saw, heard, smelt, etc)
- ii. documentary evidence (e.g. forms, photographs, videotapes, computer files)
- iii. physical evidence (e.g. examinations of the site of the alleged abuse)
- iv. expert evidence (authoritative opinions about whether something is likely to have occurred).

**13.** To complete the investigation, it is necessary to gather evidence on each of the elements. We recommend that the investigators begin by making a checklist of the elements, the type of evidence that could be relevant to each element, where and from whom they may find it.

# AMISOM



## LEADING THE FIGHT AGAINST SEXUAL GENDER BASED VIOLENCE



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*“Zero-Tolerance  
Policy”*



AFRICAN UNION MISSION IN SOMALIA



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