



**AFRICAN UNION
POLICY
ON PREVENTION AND RESPONSE
TO
SEXUAL EXPLOITATION AND
ABUSE
FOR
PEACE SUPPORT OPERATIONS**

Abbreviations and Acronyms

AMISOM	African Union Mission in Somalia
ASF	African Standby Force
AU	African Union
AUC	African Union Commission
CC	Contingent Commander
CDU	Conduct and Discipline Unit
HOM	Head of Mission
IHRL	International Human Rights Law
IHL	International Humanitarian Law
MOU	Memorandum of Understanding
NGO	Non-Governmental Organization
PCC	Police Contributing Country
PSC	Peace and Security Council
PSD	Peace and Security Department
PSOD	Peace Support Operations Division
PSO	Peace Support Operation
SDGEA	Solemn Declaration on Gender Equality in Africa
SEA	Sexual Exploitation and Abuse
SGBV	Sexual and Gender-based Violence
SOFA	Status of Forces Agreement
SOMA	Status of Mission Agreement
TCC	Troops Contributing Country
T/PCC	Troop and Police Contributing Countries
UN	United Nations
UNSCR	United Nations Security Council Resolution
WGDD	Women, Gender and Development Directorate

Definitions

For the purpose of the present Policy, the following definitions shall apply:

1. **“Accountability”** refers to measures taken to acknowledge, assume responsibility for, and remedy violations of international humanitarian and human rights law, AU policies, rules and regulations, mission-specific regulations. This includes set-up of systems aimed at ensuring that AU PSO personnel act in accordance with their international and internal obligations and duties.
2. **“Chairperson”** means the Head of the African Union Commission.
3. **“Child”** means every human being below the age of 18 years.
4. **“Children born out of sexual exploitation and abuse”** refers to children who are found by the judicial and investigative processes (including by medical proof/DNA testing) of relevant AU and national authorities or through admission of guilt to have been born as a result of the sexual exploitation and abuse by AU staff or mission personnel in an AU PSO.
5. **“Civilian Personnel”** comprises of all individuals in the service of the PSO, regardless of their contractual arrangement, who are not members of the police or military component and includes staff members of the African Union Commission when deployed to the mission area.
6. **“Complainant”** is a person who brings an allegation of misconduct committed by mission personnel or other AU staff to the attention of the AU in accordance with established procedures, but whose claims have not yet been established by the relevant AU administrative, investigative and judicial processes. A Complainant may be a victim, witness or any other person who is aware of the misconduct.
7. **“Constitutive Act”** means the Treaty establishing the African Union.
8. **“Consultant”** means any person/firm recruited/appointed for the purpose of providing services on a pre-determined timeframe and upon specific terms and conditions of service for a period not exceeding three months.
9. **“Good governance”** refers to the processes of making and implementing decisions. It is not necessarily about making ‘correct’ decisions, but about the best possible process for making those decisions. It would generally have the following major characteristics: It is participatory, consensus oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive and follows the rule of law. It assures that corruption is minimized, the views of minorities are taken into account and that the voices of the most vulnerable in society are heard in decision-making. It is also responsive to the present and future needs of society.
10. **“Impunity”** means the unwillingness, *de facto* or *de jure* (in practice or in law), of bringing the perpetrators of violations to account – whether in criminal, civil, administrative or disciplinary proceedings and/or refusal to comply with compensatory obligations as determined as appropriate body.
11. **“Member State”** means a Member State of the AU.

12. **“Military Personnel”** means all members of the military component, including Military contingent members, Military Staff Officers, Individual Military Personnel and other members of armed forces deployed to a PSO.
13. **“Misconduct”** is any act, omission or negligence, including criminal acts, that is a violation of:
 - (i) the core AU principles and norms as elaborated upon in its Constitutive Act, protocols, policies, and directives as may be applicable in the Mission Area;
 - (ii) mission specific directives, Standard Operating Procedures (SOPs), Rules of Engagement (ROEs), Directives of the Use of Force, or applicable rules, regulations or administrative issuances;
 - (iii) SOFA/SOMA;
 - (iv) relevant and applicable local laws that are not contrary to human rights norms and standards; and
 - (v) international humanitarian law, international and regional human rights law and international refugee law.
14. **“Mission Area”** means the designated area of a PSO as described in the PSC mandate.
15. **“Mission Personnel”** consists of all individuals in the military, police and civilian components in a PSO.
16. **“Police Personnel”** means all members of Formed Police Units and Individual Police Officers in a PSO.
17. **“Remedy”** means a redress or relief provided to a victim or his/her next-of-kin who has sustained bodily or mental harm caused by acts or omissions attributable to members of mission personnel or AU staff. In the context of this Policy, a remedy includes legal remedies, reparations, compensation, restitution, damages or equitable relief.
18. **“Seconded staff”** means any person from a Member State or any organization transferred to the Union to hold a temporary assignment with an Organ of the Union upon an agreed terms and conditions by all the parties concerned.
19. **“Serious misconduct”** means any act, omission or negligence that results, or is likely to result, in serious damage or injury to, an individual or the mission and/or deliberate act or omission that might impact the performance of the mission tasks.
20. **“Sexual abuse”** refers to any action or behaviour of a sexual nature that coerces, threatens or forces a person to engage in a sexual activity (penetrative and non-penetrative), that they would not otherwise have engaged in, and often without being able to give their consent. Sexual abuse includes the actual or threatened physical intrusion of a sexual nature, and occurs under coercive conditions, which are often reflective of unequal power relations and harmful behaviour.
21. **“Sexual exploitation”** is defined as the inducement, incitement, coercion and compelling of another person to undertake a sexual activity through abuse of a position of vulnerability, differential power, dependency or trust. Sexual exploitation includes, but is not limited to, exploiting material, monetary, social, psychological and political advantages to induce a person to engage in a sexual activity. In this context, sexual exploitation applies not only to actual sexual activity but also to an attempt to

engage in such activity. An act of sexual exploitation occurs when the particular person would have had no substantial option, and no reasonable choice but to succumb to pressure to engage in a sexual activity. Sexual exploitation is harmful and exploitative behaviour which occurs in the context of hierarchical interactions and relationships.

22. **“Sexual violence”** includes acts of sexual nature against one or more persons or that cause such person or persons to engage in an act of a sexual nature by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, or by taking of advantage of coercion environment or such person’s or persons’ incapacity to give genuine consent. Forms of sexual violence include rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual aggression of comparable gravity.
23. **“Staff Member”** as defined in AU Staff Regulations and Rules (2010), means any person employed by the AU as continuing regular, fixed-term or short-term personnel on the basis of a daily wage or monthly salary as provided for in the AU Regulations and Rules.
24. **“Transactional sex”** means sexual relationships where the giving of gifts or services, such as rent, phones, clothes, drinks, drugs, grades, or education, support to the family and employment is an important factor. Transactional sex relationships are distinct from prostitution, in that the exchange of gifts for sex includes a broader set of (usually non-marital) obligations that do not necessarily involve a predetermined payment or gift, but where there is a definite motivation to benefit materially from the sexual exchange.
25. **“Victim of SEA”** is a person who is, or has been, sexually exploited and/or abused.
26. **“Whistleblower”** means any person who exposes any kind of information or activity that is deemed illegal, unethical, and/or evidence of past, current or prospective PSO misconduct or any other violation or act which jeopardizes the integrity and mandate of the PSO. It includes any individual(s) who may be applicants, current or former Staff Members of the AU Commission (irrespective of employment status and duration), personnel who are engaged in activities relevant to the PSOs or individuals who are adversely affected by the activities of the PSOs irrespective of their affiliation with the PSOs.

References

1. African Charter on Human and People's Rights, 1981
2. AU Charter on the Rights and Welfare of the Child, 1999
3. Constitutive Act of the African Union, 2000
4. United Nations Resolution on Women, Peace and Security 1325, 2000
5. Protocol Relating to the Establishment of the Peace and Security Council (PSC) of the African Union, 2002
6. Protocol to the African Charter on Human and People's Rights on the Rights in Africa, 2003
7. UN Secretary General Bulletin on Special Measures for Protection from Sexual Exploitation and Abuse (ST/SGB/2003/13), 2003
8. Solemn Declaration on Gender Equality in Africa (SDGEA), 2007
9. AU Gender Policy, 2009
10. AU Staff Regulations and Rules, 2010
11. PSC Communiqué PSC/PR/COMM.(CDLXI), 461st meeting of 14 October 2014
12. The AU Code of Ethics and Conduct, 2016
13. AUC Harassment Policy, 2016
14. PSC Communiqué PSC/PR/COMM. (DCLXXXIX), 689th meeting of 30 May 2017
15. AU Policy on Conduct and Discipline for PSOs, 2018

1. Background and Context

1.1 The African Union (AU) embodies the aspirations, togetherness, and determination of the African people, especially in relation to advancing peace, prosperity, human rights and freedoms for the inhabitants of the African continent. In this regard, an objective of the AU, articulated in its Constitutive Act is to “promote peace, security, and stability on the Continent.” In realising this objective, the AU established the Peace and Security Council (PSC) to, *inter alia*, promote peace, security and stability in Africa and undertake Peace Support Operations (PSOs)¹ in accordance with Article 4(h) and (j) of the AU Constitutive Act.²

1.2 The AU has progressively played an expanded role in African peace support efforts, especially following the establishment of the PSC.³ Since its establishment, the PSC has either mandated or authorised PSOs in a number of contexts on the continent, including Burundi, Comoros, Darfur (Sudan), Mali, Central African Republic, and Lord’s Resistance Army affected countries, Somalia, Sahel and the countries of Lake Chad Basin, to cite a few. Moreover, additional efforts have been put in place for the enhancement of the African Standby Force (ASF) in order to address conflict on the continent more swiftly, systematically and effectively. It is in this context, that the AUC is developing various doctrines, policies, guidelines and directives to guide its current and future PSOs.

1.3 As this process has been ongoing, one critical gap has emerged in relation to the need to be more cognizant of the role of women in peace processes and the need to address the specific vulnerabilities of women and children in conflict situations. While issues of SEA have been a constant feature of conflicts, it was in the early 1990s that the international community realised its magnitude and began to take collective decisions towards addressing it. Indeed, increased demands have been placed on PSOs to ensure that they are managed in a manner that promotes and protects human rights and empowers and protects women and girls in particular, as well as men and boys, against sexual and gender-based violence (SGBV). It has been recognized that the underlining causes of SEA have been based on gender inequality, discrimination and patterns of violence against women, men, boys and girls. These have particularly highlighted the need to ensure accountability and end impunity for all forms of SEA. This Policy fits into these ongoing efforts to prevent and address violations, and in particular SEA, committed by AU staff and mission personnel.

1.4 The AU is committed to eradicating SGBV in Africa. As part of this, the AU has developed a range of instruments that Member States have agreed to adhere to and promote, including the Solemn Declaration on Gender Equality in Africa which, *inter alia*,

¹ See Article 6 (a) and 9(d) of the PSC Protocol.

² Article 4(h): The right of the Union to intervene in a Member State pursuant to a decision for the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity; Article 4(j) the right of Member States to request intervention from the Union in order to restore peace and security.

³ The Protocol relating the establishment of the PSC of the AU was adopted in Durban on 9 July 2002.

committed to initiate, launch and engage sustained public campaigns against gender based violence. On this basis and also in recognition of UNSCR 1325 and the fact that all persons, and women in particular, are especially vulnerable to SGBV in conflict and post-conflict situations, the AU is determined to proactively strengthen measures in AU PSOs to prevent and respond to SEA.

1.5 The AU has focused on operationalizing its various instruments on SGBV and SEA through the work of the Women, Gender and Development Directorate (WGDD) and through the appointment of a Special Envoy on Women Peace and Security in February 2014. The AU has also created a specific capacity to address misconduct, including SEA in PSOs at both the AUC HQ and PSO level, including through the work of the Office of Ethics. Similarly, it has also established gender, human rights and child protection capacities and frameworks at the HQ and in PSOs. This Policy is therefore part of this broad effort.

1.6 Finally, while recognizing the need to adopt African solutions to African problems, this SEA Policy draws from numerous international instruments, including the AU and UN frameworks, such as the PSC Communiqué of 461th meeting on sexual violence in conflict situations in Africa and the UN Secretary General Bulletin (ST/SGB/2003/13) on Special Measures for Protection from SEA. It also seeks to develop a policy that is responsive to AU experiences in PSOs. In this regard, it has been informed by an assessment conducted in 2014 on SEA in the African Union Mission in Somalia (AMISOM), the AU's largest PSO to date.

2. Rationale

2.1 The AU considers SEA as serious misconduct and has a “zero tolerance” approach towards SEA. SEA could also have a particularly detrimental impact on the ability of a PSO to execute its mandate, especially in establishing trust and goodwill and winning the “hearts and minds” of the population. This, in turn, can lead to an erosion of credibility, which can have negative political, legal, military, humanitarian, and security implications for AU PSOs, and ultimately the AU.

2.2 The Policy sets the minimum standards to be followed by all AU PSOs. Indeed, each PSO is encouraged to strive for effective standards and to develop their own strategies and procedures to uphold the SEA Policy and the core principles upon which it is based.

3. Scope of the Policy

3.1 This Policy shall apply to all AU PSOs and their Mission Personnel for all cases of SEA committed in the PSO mission area whether the individual was on official duty at the time of the offence or not. It also applies to Mission Personnel outside of the mission area when and where they are on official duty and/or performing tasks in the name of the PSO and/or the AUC.

3.2 This Policy shall also apply to all personnel in the mission area that provide service(s) on behalf of or in the name of the AU (e.g. contractors and consultants) for all cases of SEA committed in the mission area.

3.3 All Mission Personnel are to be made aware of the provisions of this Policy and are expected to comply with the same. This Policy complements the AU Gender Policy (2009), the AU Harassment Policy (2016), the AU Code of Ethics and Conduct (2016) and other documents and guidelines aiming to protect victims and whistleblowers. In addition, it should be read in conjunction with the 2018 draft AU Policy on Conduct and Discipline for PSO, which provides for detailed procedures for addressing acts of misconduct for different categories of mission personnel.

3.4 This Policy prescribes what constitutes SEA and what the expected behaviour of AU Mission Personnel entails.

3.5 PSOs, mandated and authorized by the AU PSC, are expected to apply and integrate these standards of conduct into their mission documents and processes.

4. Purpose of the Policy

4.1 The purpose of the present Policy is to strengthen the AU's prevention and response efforts to SEA and to establish minimum requirements for all AU PSOs in this regard. This Policy therefore seeks to achieve the following four objectives:

- a. Enforcement of the AU zero stance on SEA;
- b. Strengthen leadership and management engagement, roles and response to SEA;
- c. Reinforce mechanisms and measures for preventing and responding to allegations of SEA and to ensure that AU personnel involved in SEA are held accountable; and
- d. Specify the manner and type of assistance, as well as redress that is to be provided to victims and families of SEA by AU PSO Mission Personnel.

5. Guiding Values and Core Principles

5.1 This Policy will be guided by the values and principles stipulated in the Constitutive Act of the AU (2000), the Protocol Relating to the Establishment of the Peace and Security Council of the AU (PSC Protocol, 2002) and the commitments of the AU Heads of State, AU Organs, and Regional Economic Communities (RECs) and Regional Mechanisms for Conflict Prevention, Management and Resolution (RMs), including:

- a. The promotion and protection of all human rights, including women's rights.
- b. The promotion of women empowerment, gender equality and gender mainstreaming.
- c. The condemnation of sexual violence in all its forms and elimination of impunity for sexual violence.

- d. The principles of impartiality, dignity, integrity and mutual respect for others, especially in PSO contexts.
- e. The promotion of good governance, accountability, inclusiveness and meaningful engagement of key stakeholders in AU institutions, including civil society organizations and other non-governmental actors. The promotion of the rule of law, holistic justice and primacy of due process and timely and effective administration of justice.
- f. The application of the principle of subsidiarity to ensure the efficient and effective implementation of the policy at all levels.

6. Acts that constitute SEA and prohibited behaviour

6.1 Sexual abuse refers to any action or behaviour of a sexual nature that coerces, threatens or forces a person to engage in a sexual activity (penetrative and non-penetrative), that they would not otherwise have engaged in, and often without being able to give their consent. Sexual abuse includes the actual or threatened physical intrusion of a sexual nature, and occurs under coercive conditions, which are often reflective of unequal power relations and harmful behaviour.

6.2 Sexual exploitation is the inducement, incitement, coercion and compelling of another person to undertake a sexual activity through abuse of a position of vulnerability, differential power, dependency or trust. Sexual exploitation includes, but is not limited to, exploiting material, monetary, social, psychological and political advantages to induce a person to engage in a sexual activity. In this context, sexual exploitation applies not only to actual sexual activity but also to an attempt to engage in such activity. An act of sexual exploitation occurs when the particular person would have had no substantial option, and no reasonable choice but to succumb to pressure to engage in a sexual activity. Sexual exploitation is harmful and exploitative behaviour which occurs in the context of hierarchical interactions and relationships.

6.3 Acts that constitute SEA are prohibited behaviour and include acts outlined in paras (a) to (d). Some of the acts outlined can be overlapping (e.g. exchange of money, employment, goods and services for sex, and transactional sex):

- a. Exchange of money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour is considered to be **sexual exploitation** and is therefore prohibited. This includes any exchange of assistance that is due to the local population, participants and/or beneficiaries of assistance, for sex.
- b. Any action or behaviour of a sexual nature that coerces, threatens or forces a person to engage in a sexual activity (penetrative and non-penetrative) is considered to be **sexual abuse**. Sexual abuse of the local population, participants and/or beneficiaries of assistance is prohibited.

- c. Sexual activity involving children of the local population, participants and/or beneficiaries of assistance is prohibited, regardless of the age of majority or age of consent locally. Mistaken belief as to the age of a child is not a defence.
- d. Transactional sex is prohibited, since it is based on inherently unequal power dynamics. Such relationships undermine the integrity and credibility of Mission Personnel, PSOs and the AU at large.

6.4 Additionally, sexual relationships between any member of Mission Personnel (military, police or civilian) and members of the local population are strongly discouraged since they are based on inherently unequal power dynamics. Such relationships may undermine the credibility and integrity of the mission. A PSO might make a mission specific determination to prohibit sexual relationships with local population entirely, as deemed necessary.

7. Duty of personnel to prevent and report SEA

7.1 All mission personnel are obliged to create and maintain an environment that prevents SEA and have the duty to promote the implementation of the present Policy. Mission leadership at all levels have particular responsibilities to support and develop systems that maintain this environment.

7.2 When Mission Personnel observe suspicious conduct or when they become aware through other means of suspicious conduct occurring regarding SEA by other Mission Personnel, they have a duty to report such concerns via the existing reporting procedures established in the PSO.

8. Consequences of SEA

8.1 Consequences of committing SEA are as follows:

- a. SEA by Mission Personnel are acts of serious misconduct and are therefore grounds for disciplinary action, including termination of employment, contracts and other engagements with the AU, as well as criminal prosecution, depending on the circumstance of the SEA. SEA could also constitute violations of norms of International Humanitarian Law and International and Regional Human Rights Law.
- b. Any Mission Personnel found to have committed SEA will no longer be eligible to serve as personnel for the AU or AU PSOs in any capacity.
- c. Companies that have knowledge that their personnel and/or agents have been/are engaged in SEA and take no measures to prevent and respond to SEA, will be ineligible for any contract with the AU or AU PSOs.

- d. Any Mission Personnel found to have committed SEA shall be required to provide assistance and/or to pay redress to the victim(s) and their families in accordance with the provisions outlined in Section 10.
- e. The PSO, T/PCCs, countries sending civilian personnel and the AUC are all expected to facilitate the provision of support to children born as a consequence of SEA and shall put in place mechanisms to support and facilitate this process, taking into account the provisions set out in Para. 10.24, below.

9. Overall approach and considerations

9.1 This Policy shall be implemented in all AU PSOs with guidance and support from the appropriate Departments and Offices within the AUC, including PSD, especially PSOD, the WGDD and the Office of the Special Envoy for Women Peace and Security. The AUC, through PSOD, will work in consultation with these Departments and Offices, as well as PSOs, to develop further operational guidelines and procedures as may be necessary.

9.2 At the PSO level, the Head of Mission (HOM) is expected to provide leadership and ensure that this Policy is implemented. In this role, the HOM will be supported by the Conduct and Discipline Unit or focal point, as well as the security, legal, police, human rights, gender and other relevant civilian capacities in the PSO. S/he may also call on any other capacities that s/he deems appropriate. In this regard, it may be prudent for the HOM to constitute a multifaceted working group to support him/her in this role.

10. Key Actions to be taken in respect of PSOs on SEA

10.1 The following are the key actions that each PSO is required to take, structured around four interlocking areas:

- a. Leadership engagement and responsibilities
- b. Prevention efforts
- c. Complaint and response mechanisms
- d. Victim assistance and redress

Leadership engagement and responsibilities

AUC

10.2 The AUC shall ensure that a Conduct and Discipline Office/Unit or focal point is established in the PSO at its inception.

The Head of Mission

10.3 The HOM shall ensure proper functioning of the Conduct and Discipline Office or Unit. In addition, s/he is required to ensure that this capacity is accessible to local

communities in the host nation. In this regard, s/he might consider designating focal points dealing with SEA in the regions and sectors, as may be appropriate, to support the implementation of this Policy.

10.4 The HOM is responsible for creating and maintaining an environment that prevents SEA, and shall take appropriate measures for this purpose. In particular, the HOM shall ensure that all Mission Personnel are made aware of this Policy and informed of the AUC's approach and response to SEA. In this regard, the HOM shall ensure the development of a mission-specific work plan to prevent and respond to SEA.

10.5 The HOM shall ensure that at the Mission level, all components (military, police and civilian) consistently and regularly incorporate reports on SEA in their progress reports.

10.6 The HOM shall ensure that at the Mission Level, this policy is disseminated and reflected in, Terms of Reference and contracts, as appropriate.

10.7 The HOM shall be responsible for providing periodic reports to the AUC on SEA, as specified in the monitoring and reporting section of this Policy.

Senior Mission Leadership Team

10.8 The Senior Leadership Team, officers and supervisors are required to support the HOM in his/her role, and to ensure that all Mission Personnel comply with this Policy.

Prevention Efforts

AUC

10.9 The AUC shall establish a mechanism to verify prior perpetrators of SEA are not deployed or redeployed to AU PSOs, in compliance with applicable laws and to the best of the AU's abilities. This should include engaging with AU Member States to ensure that they perform thorough vetting and screening as well as background and criminal reference checks of military and police personnel during pre-deployment verifications and of civilian personnel upon a request from the AUC.

10.10 The AUC shall ensure that the provisions of this Policy are included in the guidelines and other issuances provided to countries sending personnel to a PSO prior to the deployment.

10.11 The AUC shall ensure the MoU it enters with T/PCC contain clauses on what needs to be done in cases of SEA.

10.12 During Pre-Deployment Verification (PDV) visits, the AUC shall make sure that training on matters relating to SEA are included and conducted prior to deployment to the mission area.

10.13 The AUC in collaboration with PSOs shall incorporate SEA in all induction material and other relevant codes of behaviour for Mission Personnel.

10.14 The AUC shall ensure that when entering into agreement with other actors and partners, the agreements:

- a. Incorporate the present Policy as an Annex;
- b. Include a commitment by such actors to comply with this Policy;
- c. Expressly state that failure by partners to adhere to this policy shall constitute grounds for termination of such agreements or contracts; and
- d. Institute some mechanisms which would allow for the compliance of such contractual obligations.

AU PSOs

10.15 PSOs shall be required to have in place concerted campaigns against SEA throughout the life of the mission. These campaigns shall be both internal and external, and shall clearly enunciate the position of the specific PSO and the AU on SEA. Information Education Communication (IEC) materials such as videos, brochures, posters, pamphlets, T-Shirts, billboards, and jingles shall include contact information of designated officials and offices for receiving complaints, whenever appropriate. The external campaign shall especially endeavour to use platforms and mediums accessible to the most vulnerable members of the population, such as NGOs' fora, radio, community theatres, cinemas, religious institutions, community fora, billboards, amongst others.

10.16 PSOs shall engage and consult with host communities and governments in determining and implementing measures for preventing SEA.

10.17 Mission leadership, including Contingent Commanders, Battalion Commanders and Unit Commanders, as well as Managers and Supervisors at all levels, have a particular responsibility to support, implement and develop systems that maintain an environment that prevents SEA, based on the overall leadership of the HOM and guidance from the AUC.

Mission Personnel

10.18 All Mission Personnel are obliged to create and maintain an environment that prevents SEA.

Troop and Police Contributing Countries

10.19 It is the responsibility of T/PCCs to inform and keep the AUC updated on actions they have taken in respect of SEA.

10.20 T/PCCs are expected to integrate training/sensitization sessions on prevention and response to SEA as part of compulsory pre-deployment training prior to deployment of any contingent/unit to an AU PSO. Training on SEA will be a pre-condition for individual deployments as well.

Complaint and Response Mechanisms

10.21 The HOM shall ensure that the proper procedures are in place in PSOs for the Conduct and Discipline Office/Unit or focal point, serve to receive complaints and coordinate all the other mechanisms established for receiving complaints. The Conduct and Discipline Office/Unit or focal point or any other mechanism established to receive complaints shall ensure:

- a. Accessibility to the community, especially women and children;
- b. Security of the mechanism (this does not preclude non-physical mechanisms, including via email, mobile communications, amongst others);
- c. Confidence of the community in the mechanism;
- d. Confidentiality of the mechanism; and
- e. Respect for the culture and practices of the host community, provided that such culture and practices are not contrary to human rights norms and standards.

10.22 AU PSOs shall take appropriate measures to preserve the confidentiality and anonymity of victims and complainants in order to protect them against stigmatization, backlash and other negative implications for having reported SEA. Any action in the interest of the victim shall be guided by his/her informed consent.

10.23 In consultation with the AUC, and in strict adherence with the relevant provisions of the AU Whistleblower Policy (once adopted), the PSOs shall take appropriate action, using the resources and means at their disposal, to protect these persons from discrimination, retribution or retaliation when allegations of SEA are made.

10.24 The process to be followed in order to address allegation of SEA in respect of each of the categories of PSO Mission Personnel (military, police, civilian) is outlined in the AU Policy on Conduct and Discipline for PSO.

10.25 The HOM, in consultation with the Conduct and Discipline Office/Unit or focal point, shall ensure that investigations of allegations of SEA are timely, sensitive, confidential and impartial, and carried out in a professional manner. Where there are any concerns about

the manner in which the investigation is being carried out, such concerns shall be brought to the attention of the AUC, through the appropriate channel. .

10.26 While investigations are still being conducted, and if necessary, the HOM, in consultation with the Conduct and Discipline Office/Unit or focal point or other designated office/focal point, may implement interim measures if this is in the best interests of and for the safety of the victim, the PSO and/or the integrity of the investigation process.

10.27 The HOM shall inform the AUC of any allegation of SEA in a timely manner. It is the AUC's responsibility to follow-up with T/PCCs for military or police personnel and with relevant Member States for civilian personnel implicated in, or accused of perpetrating SEA. The objective is to ensure that necessary and appropriate action against alleged perpetrators of SEA is taken and that victims and families of SEA are supported and/or compensated.

10.28 Frequent feedback and communication with complainants and victims on the progress of their cases against alleged perpetrators of SEA is vital. Regular feedback and communication not only assure the complainants, victims, local populations and host communities that the AU PSO, and by extension the AU, take the allegations of SEA seriously, but also facilitates trust-building, healing and closure. The involvement of victims and complainants may include their participation in proceedings, in case they wish so. At the conclusion of the investigation, the complainant and victims should be informed about the outcome and the steps that have been taken towards redress.

10.29 When SEA has generated community, public or media interest, the PSO shall adopt, as appropriate, the measures described in the Policy on Conduct and Discipline for PSOs on engagement with the public and media.

Victim Assistance and Redress

Considerations in providing redress

10.30 In cases of SEA, victims have the right to remedy for harm suffered, which entails access to justice, reparations and being informed about the process that concerns them. Comprehensive, timely and responsive assistance and/or redress shall be provided to complainants, victims as well as children born as a result of SEA. The main principles that should guide any assistance to be provided to victims and complainants are outlined in paragraph 10.34, below. However, the three overriding considerations when providing assistance are:

- a. The best interests of the victims and any children born as a result of SEA, including the need to ensure that assistance and/or redress does not do any harm, such as causing stigmatization or increasing the trauma suffered by victim(s);
- b. The resources available and accessible to the PSO; and

- c. The need to provide assistance and/or redress in such a manner as to minimize disparities amongst similar or comparable cases, taking into consideration the context of the PSO and the specific circumstances of each case.

10.31 The AUC shall ensure that resources for provision of assistance and redress to complainants and victims are specifically designated for this purpose in the budget of the PSO.

10.32 Victims should also be entitled to obtain assistance and/or redress from the perpetrator(s), country of origin of the perpetrator(s), and from other sources that the PSO may identify and deem appropriate. The AUC shall support the victims with such claims.

Mechanism for providing assistance and redress

10.33 While underlying the primary responsibility of T/PCCs to assist and compensate victims of SEA committed by their personnel, the AUC shall also establish a mechanism to support the provision of victim assistance and/or redress for SEA victims and their families, in consultations with a PSO. Such a mechanism shall be supported by the Conduct and Discipline Office/Unit or focal point and/or the gender, civil affairs, political or human rights offices/units, Ethics Office or any other relevant unit. This mechanism should have its own working procedures and shall consider various ways and means for assisting victims and ensuring that victims and their families receive redress for SEA.

10.34 In reviewing cases and requests for assistance and/or redress, the established mechanism in the AU PSOs shall consult with local NGOs, community based organizations, community leaders and any other relevant individuals in order to make informed and prudent decisions.

10.35 Victims should receive individually tailored assistance and support in accordance with their individual needs directly arising from the SEA. This assistance and support can comprise logistical support (travel, accommodation, & interpretation), medical care, legal services, psycho-social support, immediate material care, such as food, clothing, emergency medical care, as well as emergency and safe shelter, as necessary. This can also include a referral to another organization, NGO or other body that is capable to provide an adequate assistance to the victim, when available. The redress may also consist of a monetary or material redress as well as other forms of redress such as public apologies, acceptance of responsibility for the action and the harm suffered, among others.

10.36 Upon determination of the type of assistance and/or redress to be provided to the victim, the PSO shall designate an official and/or office to facilitate the provision of assistance and redress. The mechanism established for this purpose shall follow-up on a regular basis to ensure that the assistance and/or redress is provided and may call on the HOM or any other Office in the PSO for assistance, if required. The case will be considered

closed once the victim has been fully assisted and can meet the needs arising from the SEA independently. In cases where redress is to be provided, the case will be considered closed once the redress to be provided has been received and acknowledged by the victim.

10.37 The mechanism established for victim assistance shall keep proper and secure records of its communications and deliberations with the victims, their families and non-governmental actors and prepare an annual report of all victims assisted. Such report shall include all relevant information, including the type of assistance provided, the cost of the assistance provided, and the current circumstances of the victims, to the best of the PSO's knowledge. The report shall also indicate whether the matter is closed or ongoing, and highlight any aspects that require additional follow-up with national authorities. This report shall be forwarded to the AUC, through PSOD, for review, consideration and further action, as appropriate. Where the interest of the victim so requires, the reporting procedure shall ensure confidentiality in reporting on victim assistance or identity of victims and incidents.

10.38 In carrying out this role, the mechanism of assistance established in a PSO shall develop a secure system for tracking and following up on all cases of assistance and redress.

10.39 The AUC, through PSO, should equally be kept informed of all cases of assistance and redress provided by T/PCCs by their own means and through their own mechanisms.

Guiding principles in providing assistance and redress

10.40 The AUC, PSOs, P/TCCs and countries sending civilian personnel to PSOs shall consider all cases that require assistance and/or redress as a result of SEA and determine the nature of the assistance and/or redress in each case. In so doing they shall be guided by the following principles:

- a. Victims, especially victims of SEA, are generally vulnerable, disadvantaged, and have minimal or no education and resources. They are often ostracized and shunned by their communities. Consequently, in order for them to relay and follow through with a complaint, they may require help from another person in whom they have confidence and who can represent their interests, serve as a facilitator and act as their "voice" in the process. Accordingly, the mechanism should consider appointing a Victim Advocate/Facilitator for all cases of SEA in the PSO. The Victim Advocate/Facilitator need not be Mission Personnel, but could be from within the community or from various non-governmental actors. The critical considerations should be that the victim has confidence in the Victim Advocate/Facilitator and s/he is willing and able to act as Victim Advocate/Facilitator.
- b. The acceptance of assistance and/or redress is voluntary. Consequently, the victim should not be forced or coerced into accepting assistance and/or redress. Accordingly, the rights of the complainants, the victim and of any child born as a

result of SEA, is to be respected. This includes the right to refuse certain assistance or to refrain or withdraw from participating in an assistance program. Therefore, it is good practice to obtain the consent of the victim that s/he accepts the assistance and/or being provided in a verifiable form.

- c. The provision of assistance to victims or complainants should be treated separately from the allegation and investigation processes. Assistance must not be made contingent on the complainant's cooperation in an investigation process.
- d. Assistance should complement, rather than duplicate existing support to survivors of abuse and violence and, to the greatest extent possible should be integrated into existing programmes. Consequently, the AUC should consider entering into arrangements with NGOs to provide assistance directly to the victims and in turn either reimburse the NGOs directly or provide support to the NGOs.
- e. Assistance and/or redress provided to complainants, victims and children born out of SEA should not discriminate on the basis of any social category, including gender, age, ethnicity and educational background, among others.
- f. The provision of any assistance and support by the PSO is not an acknowledgement that the claims of SEA have any validity.

Specific requirements in providing redress

10.41 Children born out of SEA by Mission Personnel are to be assisted in obtaining child support from their parents, including through legal, diplomatic and other appropriate means required to ensure that they obtain the support expediently and consistently.

10.42 The duration of the provision of assistance should be set in accordance with individual needs directly arising out of the SEA. The aim is to enable, in the most expedient and efficient way, the person receiving assistance to address such needs independently.

11. Reporting and Monitoring

11.1 The Mission shall maintain a secure up-to-date record of all cases under this Policy, both as standalone records and as part of the overall recording of misconduct cases in the misconduct database tracking system, once established.

11.2 AU PSOs shall report to the AUC regularly, at least once a month, on all allegations of SEA, including the actions that the PSO is taking or has taken. The report shall also indicate any support or guidance that the PSO may require from the AUC. Such internal reports shall maintain confidentiality of the identity of the victim and the incidents and sharing of information shall be made on a need-to-know basis.

11.3 AU PSOs shall provide annual reports on SEA that include the following:

- a. A comprehensive list and analysis on all allegations of SEA in their respective PSOs and the actions taken or required to be taken by the AU and national authorities, with due regard to confidentiality and integrity of evidence.
- b. A comprehensive analysis on the state of play in relation to SEA in the PSO, including an analysis on trends, patterns and nature of SEA, if it is occurring.
- c. A description and analysis of the actions and major gaps, under the four broad themes of:
 - i) leadership engagement;
 - ii) prevention;
 - iii) complaint mechanisms; and
 - iv) response and victim assistance, taken by the mission to address SEA
- d. Identification and analysis of the bottlenecks and actions taken or planned to be taken to address and mitigate against the impact of SEA.
- e. Best practices and lessons learned that have emerged with respect to the implementation of the SEA Policy.
- f. Concrete recommendations on this Policy, including its effectiveness, applicability and areas where the Policy could be further strengthened.

11.4 The AUC shall compile this information from all AU PSOs and prepare a comprehensive report for submission to the PSC regularly, taking into account confidentiality and sensitivity of the information provided by PSOs.

12. Entry into Force

12.1 This Policy will take effect following the endorsement by the Specialized Technical Committee on Defence, Safety and Security.

12.2 This Policy can be amended and revised periodically, as and when necessary.