

	Transparency International Indonesia (TI - Indonesia)				
	POLICY ON SEXUAL EXPLOITATION , ABUSE OF AUTHORITY, HARASSMENT , AND BULLYING AND DISCRIMINATION				
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I. Introduction

- a) Transparency International Indonesia berkomitmen untuk menyediakan lingkungan yang aman bagi seluruh anggota dewan, staff, mitra, kontraktor, relawan dan masyarakat umum dari diskriminasi dalam bentuk apapun dan kekerasan di ruang kerja termasuk kekerasan seksual, perundungan dan diskriminasi. TII tidak akan mentolerir segala bentuk kekerasan seksual, perundungan dan diskriminasi di ruang kerja, dan akan melakukan investigasi secara tepat dengan serius terhadap segala insiden dan tuduhan kekerasan seksual.
- b) Tindakan disipliner, termasuk pemecatan dari pekerjaan akan diberlakukan bagi siapapun yang Siapa saja yang melakukan kekerasan seksual, perundungan dan diskriminasi.
- c) Kebijakan ini disusun berdasarkan Undang - undang, kebijakan dan peraturan yang dimiliki oleh Indonesia dan yang diakui oleh Negara Republik Indonesia antara lain:
 - UU no 7 tahun 1984 terkait Pengesahan Konvensi Mengenai Penghapusan Segala Bentuk Diskriminasi terhadap Perempuan (Convention on Elimination of All Forms Discrimination Against Women);
 - Kitab Undang-Undang Hukum Pidana, Indonesia's Penal Code Law;
 - Undang - Undang no 23 tahun 2004 tentang Penghapusan Kekerasan Dalam Rumah Tangga;
 - Undang-Undang no 21 tahun 2007 tentang Perdagangan Manusia;
 - Undang-Undang no 35 tahun 2014 merubah Undang -Undang no 23 tahun 2002 tentang Perlindungan anak,

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- Undang - Undang no 13 tahun 2016 tentang Perlindungan Saksi dan Korban; dan
- Undang -Undang no 19 tahun 2016 tentang Informasi dan Transaksi Elektronik.

II. Tujuan

- a) Melindungi anggota dewan pengawas, staff, mitra, kontraktor, relawan dan masyarakat umum dari eksploitasi, penyalahgunaan otoritas, dan pelecehan seksual;
- b) Menegaskan komitmen TII dalam melindungi dan merespon isu kekerasan seksual, perundungan dan diskriminasi dalam pembangunan dan kerja kemanusiaan, dan segala bentuk kebijakan, prosedur dan kegiatan internal;
- c) Memastikan bahwa unsur pimpinan dan dewan pengawas TII memiliki jiwa kepemimpinan, sikap dan perilaku yang menjunjung tinggi kebijakan pencegahan eksploitasi, penyalahgunaan otoritas, dan kekerasan seksual;
- d) Meningkatkan kesadaran segala pihak melalui implementasi kebijakan.

III. Ruang Lingkup

- a) Ruang lingkup kebijakan ini meliputi semua lingkungan kerja (NAMA ORGANISASI) baik dalam melakukan kerja-kerja harian di dalam lembaga maupun di luar lembaga;

IV. Principal

- a) Lembaga wajib menjamin dan menjaga hak atas privasi serta kerahasiaan yang berkaitan dengan korban kekerasan seksual;

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- b) Penanganan kasus kekerasan seksual harus dilandaskan pada sikap percaya dan berpihak pada korban. Pengaduan korban sudah harus dianggap sebagai bukti awal terjadinya kekerasan seksual. Sikap ini harus ditunjukkan sepanjang tidak ada bukti sebaliknya.;
- c) Penanganan kasus kekerasan seksual harus dilakukan secara adil tanpa membedakan bentuk penanganan berdasarkan suku, agama, ras, etnis, kepercayaan, identitas gender, orientasi seksual, kewarganegaraan, status sosial dan ekonomi serta status kesehatan seseorang;
- d) Penanganan kasus kekerasan seksual tidak boleh mengandung unsur yang menyalahkan korban;
- e) Penanganan kasus kekerasan seksual harus didasarkan pada persetujuan dan pelibatan korban dalam pengambilan keputusan.;
- f) Penanganan kekerasan seksual harus dilakukan secara akuntabel dan terbuka dengan tetap mengedepankan kepentingan terbaik dan privasi bagi korban;
- g) Penanganan kasus harus memperhatikan kebutuhan khusus korban berdasarkan usia, suku, agama, ras, etnis, kepercayaan, identitas gender, orientasi seksual, kewarganegaraan, status sosial dan ekonomi serta status kesehatan seseorang;
- h) Penanganan kasus yang terhambat proses pembuktiannya dapat dibuka kembali pelaporannya tanpa batas waktu tertentu.

V. Definition

- a) **Kekerasan seksual** adalah setiap perbuatan yang merendahkan, menghina, menyerang dan/atau perbuatan lainnya terhadap tubuh, seksualitas, dan/atau fungsi reproduksi seseorang secara paksa, bertentangan dengan kehendak seseorang, yang menyebabkan seseorang tersebut tidak mampu memberikan persetujuan dalam keadaan bebas karena adanya ketimpangan relasi kuasa dan/atau relasi gender yang dapat berakibat pada

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penderitaan atau kesengsaraan secara fisik, psikis, seksual, dan kerugian secara ekonomi, sosial, budaya dan politik;

- b) **Pelecehan seksual** adalah kekerasan seksual yang dilakukan dalam bentuk tindakan fisik atau non fisik kepada orang lain yang berhubungan dengan bagian tubuh, seksualitas, dan terkait hasrat seksual sehingga mengakibatkan orang lain terintimidasi, terhina, dan terlecehkan dan merasa direndahkan serta dipermalukan. Pelecehan seksual dapat muncul dalam berbagai bentuk termasuk dan tidak terbatas pada:
- Sentuhan dengan hasrat seksual pada bagian tubuh yang tidak diinginkan oleh seseorang.
 - Lelucon seks yang bertujuan untuk menggoda, merendahkan, atau mengobjektifikasi seseorang.
 - Penyebaran rumor aktivitas seksual orang lain.
- c) **Kekerasan seksual online** adalah kekerasan seksual yang dilakukan dengan menggunakan media online. Kekerasan online dapat muncul dalam berbagai bentuk termasuk dan tidak terbatas pada:
- **Penyebaran atau ancaman penyebaran konten intim tanpa persetujuan** yang dimaksudkan untuk mengancam, mengintimidasi, atau memaksa seseorang untuk melakukan atau tidak melakukan sesuatu.
 - **Sextortion** adalah penyebaran atau ancaman penyebaran konten intim tanpa persetujuan yang dimaksudkan untuk memeras seseorang untuk membayar sejumlah uang, berhubungan seksual, atau menyerahkan konten intim secara berulang.
 - Unsolicited intimate and/or sexual content
- d) **Perkosaan** adalah Kekerasan Seksual yang dilakukan dalam bentuk kekerasan, ancaman kekerasan, atau tipu muslihat, atau menggunakan kondisi seseorang yang tidak mampu memberikan persetujuan untuk melakukan hubungan seksual.
- e) **Eksplorasi seksual** adalah Kekerasan Seksual yang dilakukan dalam bentuk kekerasan, ancaman kekerasan, tipu daya, rangkaian kebohongan, nama atau identitas atau martabat palsu, atau penyalahgunaan kepercayaan, agar seseorang melakukan hubungan

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seksual dengannya atau orang lain dan/atau perbuatan yang memanfaatkan tubuh orang tersebut yang terkait hasrat seksual, dengan maksud menguntungkan diri sendiri atau orang lain.

- f) **Pemaksaan kontrasepsi** adalah Kekerasan Seksual yang dilakukan dalam bentuk mengatur, menghentikan dan/atau merusak organ, fungsi dan/atau sistem reproduksi biologis orang lain, dengan kekerasan, ancaman kekerasan, tipu muslihat, rangkaian kebohongan, atau penyalahgunaan kekuasaan, sehingga orang tersebut kehilangan kontrol terhadap organ, fungsi dan/atau sistem reproduksinya yang mengakibatkan Korban tidak dapat memiliki keturunan.
- g) **Pemaksaan aborsi** adalah Kekerasan Seksual yang dilakukan dalam bentuk memaksa orang lain untuk melakukan aborsi dengan kekerasan, ancaman kekerasan, tipu muslihat, rangkaian kebohongan, penyalahgunaan kekuasaan, atau menggunakan kondisi seseorang yang tidak mampu memberikan persetujuan.
- h) **Pemaksaan perkawinan** adalah Kekerasan Seksual yang dilakukan dalam bentuk menyalahgunakan kekuasaan dengan kekerasan, ancaman kekerasan, tipu muslihat, rangkaian kebohongan, atau tekanan psikis lainnya sehingga seseorang tidak dapat memberikan persetujuan yang sesungguhnya untuk melakukan perkawinan
- i) **Pemaksaan pelacuran** adalah Kekerasan Seksual yang dilakukan dalam bentuk kekerasan, ancaman kekerasan, rangkaian kebohongan, nama, identitas, atau martabat palsu, atau penyalahgunaan kepercayaan, melacurkan seseorang dengan maksud menguntungkan diri sendiri dan/atau orang lain.
- j) **Perbudakan seksual** adalah Kekerasan Seksual yang dilakukan dalam bentuk membatasi ruang gerak atau mencabut kebebasan seseorang, dengan tujuan menempatkan orang tersebut melayani kebutuhan seksual dirinya sendiri atau orang lain dalam jangka waktu tertentu.
- k) **Penyiksaan seksual** adalah kekerasan seksual yang dilakukan oleh aparat negara dengan tujuan untuk memberikan atau tidak memberikan keterangan, menghakimi atau memberikan penghukuman atas suatu perbuatan yang diduga dilakukan oleh seseorang untuk mempermalukan atau merendahkan martabatnya maupun tujuan lain yang didasarkan pada diskriminasi.

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- l) **Kekerasan di lingkungan kerja** is any type of violence and abuse that is conducted in a workplace that includes online working space. Types of workplace violence and abuse includes:
- Physical attacks : involving contact intended to cause feelings of intimidation, pain, injury, or other physical suffering or bodily harm
 - Threatening behavior: intentionally putting another person in fear of imminent bodily injury.
 - Verbal or written threat/abuse any expression with an intent to inflict harm or a form of emotional abuse involving the use of threatening language.
 - Emotional/psychological abuse: any deliberate behavior to make the individual feel diminished or embarrassed, privately or publicly humiliating, implicitly blackmailing, withholding information, controlling, and suppression of the access or other basic resources and necessities.
- m) **Kekerasan di lingkungan kerja** can also looks like any conducts that includes:
- Such conduct is made either implicitly or explicitly a term or condition of an individual's continued employment, career advancement or promotion
 - Submission to or rejection of such conduct by an individual is used as the basis for employment or career decisions affecting such individual; orThe conduct has the purpose or effect of unreasonably interfering with an individual's work or job performance or creating an intimidating, hostile, or offensive working environment.
- n) **Saksi** adalah individu atau kelompok yang menyaksikan, mengalami, melihat dan mendengar langsung kekerasan seksual
- o) **Pelapor** adalah individu atau kelompok yang melaporkan atau mengadukan kekerasan seksual yang mereka alami langsung atau mereka saksikan.
- p) **Terlapor** adalah individu atau kelompok yang mendapatkan tuduhan kekerasan seksual.
- q) **Korban** adalah setiap orang yang mengalami kekerasan seksual.

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- r) **Penyintas** adalah korban kekerasan seksual yang telah mendapatkan pemulihan dan memiliki kemampuan untuk pulih dari trauma kekerasan seksual yang dialami.
- s) **Pelaku** adalah individu atau kelompok yang terbukti melakukan kekerasan seksual berdasarkan laporan korban dan hasil investigasi internal maupun independen
- t) **PSEAH Gugus Tugas** adalah satuan tugas yang berfungsi sebagai pelaksana SoP yang mencakup pencegahan dan penanganan kasus kekerasan seksual mulai dari penerimaan laporan, pemeriksaan dan pengumpulan bukti, verifikasi bukti, dan pengambilan keputusan dan/atau rekomendasi.
- u) **Investigasi Independen** adalah proses penanganan kasus yang melibatkan individu, kolektif, atau lembaga di luar untuk melakukan penanganan kasus yang meliputi pengumpulan bukti, verifikasi bukti dan penyusunan rekomendasi
- v) **Unsur Pimpinan Lembaga** adalah terdiri dari(susunan organisasi)

VI. Larangan

- a) Anggota Dewan Pengawas, staff, mitra, kontraktor, relawan, pendukung dan calon pendukung TII dilarang melontarkan candaan bernuansa seksis, homofobik, transfobik, dan mempromosikan budaya perkosaan kepada sesama badan pekerja, relawan, pegiat mitra, komunitas, jaringan dan/atau individu baik di ranah privat dan/atau publik.;
- b) Anggota Dewan Pengawas, staff, mitra, kontraktor, relawan, pendukung dan calon pendukung TII dilarang keras melakukan kekerasan seksual dalam bentuk apapun sebagaimana tercantum pada bab V abjad a) hingga n);
- c) Serangan balik dalam bentuk pelecehan, penyalahgunaan kekuasaan, dan kekerasan terhadap pelapor, saksi, dan/atau korban dan/atau siapapun yang terlibat dalam investigasi tidak akan ditolerir. Siapapun yang didapatkan melakukan hal tersebut akan diberikan sanksi dan tindakan disipliner sesuai dengan yang tertera pada Bab XI kebijakan ini.

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VII. Pencegahan

- a) Anggota Dewan Pengawas, staff, mitra, kontraktor, relawan, pendukung dan calon pendukung TII wajib menghormati dan menghargai sesama Anggota Dewan Pengawas, staff, mitra, kontraktor, relawan, pendukung dan calon pendukung TII;
- b) Anggota Dewan Pengawas dan staff wajib mengikuti pelatihan atau lokakarya internal dan/atau eksternal berkaitan dengan gender, hak kesehatan seksual dan reproduksi, kekerasan berbasis gender, kekerasan seksual, dan keberagaman gender dan seksualitas minimal 1 kali dalam setahun;
- c) Anggota Dewan Pengawas dan staff wajib memberikan dan/atau memastikan bahwa karyawan magang mendapatkan pelatihan atau lokakarya internal dan/atau eksternal berkaitan dengan kekerasan berbasis gender dan kekerasan seksual selama mereka berada dalam lingkup kerja lembaga;
- d) Lembaga wajib memberikan informasi atau notifikasi kepada mitra lembaga terkait ketentuan anti kekerasan seksual;
- e) Anggota Dewan Pengawas, staff, mitra, kontraktor, relawan, pendukung dan calon pendukung TII memiliki hak untuk menolak untuk bekerja dan/atau bermitra dalam sebuah kegiatan yang melibatkan terduga pelaku kekerasan seksual;
- f) TII wajib memberikan informasi secara internal kepada Dewan Pengawas, staff, mitra, kontraktor, relawan, pendukung dan calon pendukung TII apabila terdapat kegiatan dan/atau kemitraan yang melibatkan terduga pelaku kekerasan seksual;
- g) TII dilarang dengan sengaja merekrut individu yang memiliki sejarah sebagai pelaku kekerasan seksual sebagai pekerja, dan/atau relawan, dan/atau mitra;
- h) TII wajib memiliki setidaknya 2 referensi secara lisan dan/atau tertulis dari mantan pemberi kerja / kolega. Referensi tidak dapat diberikan oleh pasangan, dan/atau keluarga, dan/atau sanak saudara. Pemberi referensi akan diberikan pertanyaan terkait apakah mereka memiliki kekhawatiran terhadap pelamar kerja, atau apakah pernah ada tuduhan

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yang mereka ketahui terkait eksploitasi, penyalahgunaan kekuasaan, dan kekerasan seksual;

- i) TII wajib mensosialisasikan komitmen anti eksploitasi, penyalahgunaan kekuasaan, dan kekerasan seksual kepada publik dalam setiap kegiatan yang dihadiri oleh publik.

VIII. Hak Korban dan Saksi

a) Hak korban, saksi dan pelapor adalah:

- Menyampaikan identitas selama proses pelaporan dan penanganan kasus berlangsung.;
- Memutuskan untuk bertemu atau tidak bertemu dengan terlapor;
- Memilih dan menentukan bentuk penanganan, pemulihan, dan penyelesaian kasus;
- Mendapatkan informasi dan dokumen yang berkaitan dengan perkembangan kasusnya;
- Mengajukan cuti berbayar atau bekerja secara remote untuk pemulihan dan menghindari trauma selama proses penanganan kasus;
- Mendapatkan penerjemah bahasa dan bahasa isyarat jika dibutuhkan;
- Mendapatkan pendampingan berupa bantuan hukum dan pendampingan psiko-sosial selama proses penanganan kasus baik dari internal lembaga maupun dari pihak lain di luar lembaga;
- Penggantian biaya visum, akomodasi, layanan medis, layanan psikologis dan rumah aman selama proses penanganan kasus.

IX. Gugus Tugas

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- a) Gugus Tugas Anti Kekerasan Seksual bertugas untuk melaksanakan SoP Kekerasan Seksual yang mencakup tugas pencegahan dan penanganan kasus kekerasan seksual yang terdiri dari:
- Melakukan sosialisasi terkait kebijakan pencegahan eksploitasi, penyalahgunaan kekuasaan dan kekerasan seksual;
 - Memberikan pelatihan terkait pencegahan eksploitasi, penyalahgunaan kekuasaan dan kekerasan seksual;
 - Menerima laporan atau aduan dugaan kekerasan seksual;
 - Mengumpulkan dan melakukan pemeriksaan terhadap bukti-bukti dugaan kekerasan seksual;
 - Melakukan pemeriksaan terhadap pelapor, saksi, dan terlapor untuk memverifikasi bukti;
 - Memberikan rekomendasi tindak lanjut atas dugaan kekerasan seksual kepada Sekretaris Jenderal dan/atau Dewan Pengurus.
- b) Anggota Gugus Tugas Anti Kekerasan Seksual terdiri dari perwakilan dari unsur sekretariat, manajer, dan officer;
- c) Anggota Gugus Tugas Anti Kekerasan Seksual yang dimaksud pada poin c) harus berjumlah ganjil dengan minimal 3 orang dan maksimal 5 orang dengan struktur sebagai berikut::
- Ketua, merangkap anggota
 - Sekretaris, merangkap anggota
 - Anggota
- d) Pemilihan anggota Gugus Tugas Anti Kekerasan Seksual harus mempertimbangkan kriteria sebagai berikut:
- Komposisi gender secara proporsional;
 - Pernah mendapatkan pendidikan dan/atau pelatihan berkaitan dengan kekerasan berbasis gender;

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- Tidak pernah terbukti melakukan kekerasan, terutama kekerasan seksual.
- e) Pemilihan Gugus Tugas Anti Kekerasan Seksual dilakukan melalui mekanisme sebagai berikut:
 - Pencalonan calon anggota Gugus Tugas Anti Kekerasan Seksual;
 - Pemilihan anggota Gugus Tugas secara voting oleh seluruh unsur lembaga.
- f) Gugus Tugas Anti Kekerasan Seksual dibentuk setiap 2 tahun. Anggota harus berganti antar pekerja tanpa adanya diskriminasi berdasarkan jenis kelamin, gender, ras, suku, agama, status ekonomi dan/atau status sosial, dan status kesehatan.

X. Mekanisme Penyelesaian Kasus

- a) Penanganan kasus kekerasan seksual dimulai dengan adanya laporan atau pengaduan secara tertulis maupun tidak tertulis atas dugaan kekerasan seksual atau jika terdapat dugaan kekerasan seksual.
- b) Investigasi harus dilakukan segera dan menyeluruh setelah menerima pengaduan;
- c) Saksi, Pelapor, Korban, dan Terlapor akan diberikan informasi dan perkembangan terkait hasil investigasi;
- d) Senioritas dan/atau status jabatan di TII tidak memiliki pengaruh atau tidak akan mempengaruhi keputusan terkait sanksi yang sesuai dalam situasi tersebut.
- e) Laporan atau pengaduan kekerasan seksual dapat dilakukan dengan cara:
 - Pengaduan langsung maupun tertulis pada Gugus Tugas Anti Kekerasan Seksual;
 - Pengaduan melalui teman sejawat yang dipercaya;
 - Pengaduan melalui surat kaleng melalui media komunikasi yang disediakan oleh lembaga.
- f) Gugus Tugas Anti Kekerasan Seksual wajib menindaklanjuti laporan maupun informasi yang beredar terkait dugaan kekerasan seksual dengan melakukan investigasi untuk mengumpulkan bukti dan informasi selambat-lambatnya 3 (tiga) hari setelah penerimaan laporan atau informasi diterima;

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- g) Apabila dugaan kekerasan seksual yang dilakukan terlapor melanggar peraturan perundang-undangan maka Gugus Tugas wajib memfasilitasi pelaporan kasus pada pihak penegak hukum dengan tetap memperhatikan keputusan korban;
- h) TII wajib mendokumentasikan secara tertulis setiap laporan dan/atau tuduhan, jalannya investigasi, dan hasil penyelesaian kasus. Dokumentasi bersifat rahasia;
- i) Apabila dalam proses penanganan kasus Gugus Tugas mengalami kendala dan membutuhkan bantuan maka Gugus Tugas dapat membentuk tim investigasi independen yang melibatkan ahli dalam bidang kekerasan seksual, pendamping korban kekerasan seksual, dan/atau lembaga layanan yang terdapat di Indonesia.

XI. Sanksi

- a) Dengan mempertimbangkan rekomendasi Gugus Tugas Anti Kekerasan Seksual dan/atau tim investigasi serta kepentingan korban, pelaku kekerasan seksual wajib:
 - Membayarkan biaya pemulihan korban;
 - Menjauhi lingkungan korban;
 - Melakukan konseling perubahan pelaku; dan
 - Melakukan permintaan khusus lainnya dari korban.
- b) Dengan mempertimbangkan kepentingan korban, sanksi atau tindakan disiplin yang dapat dilakukan terhadap pelaku akan didasarkan pada faktor-faktor di bawah ini:
 - Tingkat keseriusan dan frekuensi kekerasan seksual yang dialami korban;
 - Ada atau tidaknya keberulangan kekerasan seksual yang dilakukan pelaku;
 - Tingkat tanggung jawab dan penyesalan pelaku; dan
 - Keinginan dan pertimbangan dari korban.
- c) Dengan tetap mempertimbangkan prosedur kode etik yang berlaku, sanksi yang dapat diterapkan pada pelaku dapat berupa:
 - Peringatan tertulis atau teguran;
 - Pencopotan dari tugas-tugas tertentu;
 - Pemotongan upah sebagai kompensasi untuk pemulihan korban;

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- Skorsing; dan
- Pemberhentian secara tidak hormat.

XII. Kewajiban Lembaga

- a) Dalam proses pelaporan kasus kekerasan seksual lembaga wajib untuk:
 - Menerima laporan dugaan kekerasan seksual;
 - Menindaklanjuti informasi yang beredar yang berkaitan dengan dugaan kekerasan seksual yang melibatkan pihak-pihak dalam lingkup kerja lembaga;
 - Menjaga kerahasiaan dan melindungi informasi pribadi korban, saksi dan/atau pelapor dalam tiap proses penanganan;
 - Memfasilitasi pelaporan kasus pada pihak kepolisian sesuai dengan keputusan korban; dan
 - Menawarkan dan memberikan cuti pada korban, saksi dan/atau pelapor saat proses pelaporan berlangsung.
- b) Dalam proses penanganan kasus kekerasan seksual lembaga wajib untuk:
 - Memenuhi hak korban untuk mendapatkan cuti dan/atau bekerja secara remote selama proses penanganan kasus berlangsung;
 - Memenuhi hak korban atas informasi terkait perkembangan kasusnya;
 - Menyediakan penerjemah bagi korban, saksi dan/atau pelapor jika dibutuhkan;
 - Menyediakan anggaran pembayaran visum, layanan medis, psikologis dan akomodasi bagi korban;
 - Memfasilitasi dan/atau mencarikan rumah aman bagi korban;
 - Memastikan korban mendapatkan layanan pemulihan;
 - Memberikan perlindungan hukum bagi korban, saksi dan/atau pelapor jika terdapat ancaman selama proses penanganan berlangsung;
 - Memberikan rekomendasi sanksi bagi terlapor kepada lembaga tempat terlapor bekerja; dan
 - Mengeluarkan surat pemberitahuan kepada inspektorat jenderal XXX di Jakarta dan/atau lembaga pemerintahan di Korea Selatan terkait hasil investigasi atau

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penanganan kekerasan seksual sebagai bentuk pertanggungjawaban lembaga dan upaya untuk mencegah keberulangan kekerasan seksual.

XII. Penutup

- a) Merupakan kewajiban dan tanggung jawab bersama semua staff untuk mematuhi dan mencegah penyalahgunaan kebijakan ini;
- b) Kebijakan ini mulai berlaku pada tanggal disahkan.

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I. Introduction

- a) Transparency International Indonesia is committed to provide a safe environment for all its board members, staff, partners, contractors, volunteers and public from discrimination on any ground and from harassment at work including sexual harassment, bullying, and discrimination. Transparency International Indonesia will operate a zero tolerance policy for any form of sexual harassment, bullying, and discrimination in the workplace, treat all incidents seriously and promptly investigate all allegations of sexual harassment.
- b) Any person found to have sexually harassed, bullied, and discriminated against another will face disciplinary action, up to and including dismissal from employment.
- c) This policy refers and in compliance to the law, policy and regulation that applies in Indonesia, such as:
 - Law number 7 year 1984 on the ratification of Convention on Elimination of All Forms Discrimination Against Women;
 - Indonesia's Penal Code Law;
 - Law number 23 year 2004 on Elimination of Domestic Violence;
 - Law number 21 year 2007 on Human Trafficking.
 - Law number 35 year 2014 on the revision of Law 23 year 2002 on Child's Protection;
 - Law number 13 year 2016 on Witness and complainant's Protection;
 - Law number 19 year 2016 on the revision of Law number 11 year 2008 on Information and Technology;

II. Objectives

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- a) Protect Board members, staff, partners, contractors, volunteers and public from sexual exploitation, abuse and harassment;
- b) State and affirm TII's commitment to protect and respond to sexual harassment, bullying, and discrimination through development and humanitarian work and all internal policies, procedures and operations;
- c) Ensure TII's Board and senior leaders lead by example, driving behaviours and attitudes that enhance safeguarding this prevention of sexual exploitation, abuse and harassment.
- d) Increase awareness of the members through compliance with the policy.

III. Scope of the Policy

- a) Policy applies to board members, staff, partners, contractors, volunteers, supporters and prospective supporters of TII programs;

IV. Principal

- a) Complainant and victim rights of privacy and anonymity must be upheld all the time;
- b) Sexual exploitation, abuse and harassment case handling must uphold the principle of believing and for the best interest of the victim. Complainant's report will always be considered as initial evidence that sexual exploitation and/or abuse and/or harassment has happened. This principle must always be shown until it's proven otherwise;
- c) Sexual exploitation and/or abuse and/or harassment case handling must be conducted equal and fair without discriminating against religion, race, ethnicity, gender identity, sexual orientation, nationality, social and economy status, and health status;
- d) There must be NO victim blaming in responding and handling sexual exploitation and/or abuse and/or harassment report at any level;

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- e) Sexual exploitation and/or abuse and/or harassment case handling must be based on victim's consent and their involvement in decision making process;
- f) Sexual exploitation and/or abuse and/or harassment case handling must be done through accountable and transparent with always putting victim's privacy and anonymity first;
- g) Sexual exploitation and/or abuse and/or harassment case handling must consider and fulfill specific needs of the victim based on their age, religion, race, ethnicity, beliefs, gender identity, sexual orientation, nationality, social and economy status, and health status;
- h) Sexual exploitation and/or abuse and/or harassment case handling processes that are delayed due to the lack of evidence can be reopened at any time without a time limit.

V. Definition

- a) **Sexual Violence** is every action and/or behavior that demeans, insults, attacks and/or other actions and/or behavior against a person's body, sexuality, and/or reproductive function by force, contrary to the will of a person, which causes the person to be unable to give consent in a free state due to inequality in power relations and / or gender relations that can result in physical, psychological, sexual suffering or misery, and economic, social, cultural and political harm;
- b) **Sexual Harassment** is sexual violence that is carried out in the form of physical or non-physical actions against other people's body parts, sexuality, and related to sexual desires that cause other people to be insulted, humiliated, and harassed and feel degraded and humiliated. Sexual harassment can take many forms included but not limited to:
 - Unsolicited sexual touch;
 - Sexist jokes that means to flirt, demean, degrade, and objectify someone;
 - Spreading rumours of other people's sexual activity.
- c) **Online sexual violence** is sexual violence committed using online media. Online violence can take many forms including and not limited to:

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- **Non-consensual distribution of intimate image (NCII)** intended to threaten, intimidate, or force someone to do or not do something;
 - **Sextortion** is the dissemination or threat of sharing intimate content without consent intended to extort someone into paying money, have sexual intercourse, or submit intimate content repeatedly;
 - Unsolicited intimate and/or sexual content
- d) **Rape** is sexual violence that carried out in the form of violence, threats of violence, or deception, or using the condition of a person who is unable to give consent to have sexual relations.
- e) **Sexual exploitation** is sexual violence committed in the form of violence, threats of violence, deceit, a series of lies, a false name or identity or dignity, or abuse of trust, in order for someone to has sexual relations with another person and/or acts that take advantage of that person's body related to sexual desire, with the intention of benefiting oneself or others.
- f) **Forced contraception** is sexual violence that is carried out in the form of regulating, stopping and/or damaging another person's biological reproductive organs, functions and/or systems, with violence, threats of violence, trickery, a series of lies, or abuse of power, so that the person loses control of the organs, function and/or reproductive system which causes the victim to be unable to have children.
- g) **Forced abortion** is sexual violence committed in the form of forcing another person to have an abortion with violence, threats of violence, trickery, a series of lies, abuse of power, or using the condition of someone who is unable to give consent.
- h) **Forced marriage** is sexual violence that is carried out in the form of abusing power with violence, threats of violence, deception, a series of lies, or other psychological pressure so that a person cannot give real consent to marriage.
- i) **Forced prostitution** is sexual violence committed in the form of violence, threats of violence, a series of lies, false names, identities, or dignity, or abuse of trust, prostitution of someone with the intention of benefiting themselves and/or others.
- j) **Sexual slavery** is sexual violence that is carried out in the form of limiting the space of movement or depriving a person of their freedom, with the aim of placing that person to oblige the sexual needs of themselves or others within a certain period of time.

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- k) **Sexual torture** is sexual violence carried out by state officials with the aim of providing or not providing information, judging or punishing an act allegedly committed by a person to humiliate or demean his or her dignity or other purposes based on discrimination.
- l) **Workplace violence and abuse** is any type of violence and abuse that is conducted in a workplace that includes online working space. Types of workplace violence and abuse includes:
- Physical attacks : involving contact intended to cause feelings of intimidation, pain, injury, or other physical suffering or bodily harm
 - Threatening behavior: intentionally putting another person in fear of imminent bodily injury.
 - Verbal or written threat/abuse any expression with an intent to inflict harm or a form of emotional abuse involving the use of threatening language.
 - Emotional/psychological abuse: any deliberate behavior to make the individual feel diminished or embarrassed, privately or publicly humiliating, implicitly blackmailing, withholding information, controlling, and suppression of the access or other basic resources and necessities.
- m) **Workplace violence and abuse** can also looks like any conducts that includes:
- Such conduct is made either implicitly or explicitly a term or condition of an individual's continued employment, career advancement or promotion
 - Submission to or rejection of such conduct by an individual is used as the basis for employment or career decisions affecting such individual; orThe conduct has the purpose or effect of unreasonably interfering with an individual's work or job performance or creating an intimidating, hostile, or offensive working environment.
- n) **Witness** are individuals or groups who witness, experience, see and hear firsthand sexual violence.
- o) **Whistleblower** are individuals or groups who report or complain of sexual violence that they have experienced or witnessed.

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- p) **Alleged harasser** are individuals or groups who have been accused of sexual assault.
- q) **Victim** anyone who has experienced sexual violence.
- r) **Survivor** are victims of sexual violence who have recovered and have the ability to recover from the trauma of sexual violence experienced.
- s) **Harasser** are individuals or groups who are proven to have committed sexual violence based on victim reports and the results of internal and independent investigations
- t) **PSEAH Task Force** is a task force that functions as the executor of the SoP which includes the prevention and handling of cases of sexual violence starting from receiving reports, examining and collecting evidence, verifying evidence, and making decisions and/or recommendations.
- u) **Independent Investigation** is the process of handling cases involving individuals, collectives, or outside institutions to handle cases which include collecting evidence, verifying evidence and compiling recommendations.

VI. Prohibitions

- a) Board members, staff, partners, contractors, volunteers, supporters and prospective supporters of TII programs are prohibited to make remarks and/or joke that is sexist, homophobic, transphobic, and promoting rape culture to fellow board members, staff, partners, contractors, volunteers, supporters and prospective supporters of TII programs, and public within professional or personal scope;
- b) Board members, staff, partners, contractors, volunteers, supporters and prospective supporters of TII programs are prohibited to conduct any types of sexual exploitation and/or abuse and/or harassment that is written on chapter V from point a) to n).
- c) Further harassment, violence and abuse, against complainant, witness, and/or victim or retaliation against complainant, witness and/or victim or others who participate in the investigation process of a complaint will not be tolerated. Appropriate disciplinary and/or remedial actions written in paragraph XI on this policy will be taken against individuals found to engage in such misconduct.

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VII. Prevention

- a) Board members, staff, partners, contractors, volunteers, supporters and prospective supporters of TII programs must respect others including fellow board members, staff, partners, contractors, volunteers, supporters and prospective supporters of TII programs and public;
- b) Board members and staff must attend training and/or workshops on gender, sexual and reproductive rights, prevention on sexual exploitation, abuse and harassment, and SOGIESC at least once in a year. Training and/or workshop can be conducted by TII or external party;
- c) Board members and staff must ensure that contractors, volunteers, supporters and prospective supporters of TII programs receive training and/or workshop on gender based violence during their time working/partnering with TII;
- d) TII must inform and notify all board members, staff, partners, contractors, volunteers, supporters and prospective supporters of TII programs on TII's policy on sexual exploitation, abuse and harassment;
- e) Board members, staff, partners, contractors, volunteers, supporters and prospective supporters of TII programs have rights to refuse working and/or partnering with activities that involved alleged harasser;
- f) TII must internally inform and notify board members, staff, partners, contractors, volunteers, supporters and prospective supporters of TII programs if there is activity and/or projects and/or partnership that involves alleged harassers.
- g) TII will not knowingly permit any person to be employed or engaged as a volunteer if they have proven history of sexual exploitation, abuse of authority, and/or harassment;
- h) TII will require at least two verbal reference checks with former employers / referees will be conducted. Verbal referees cannot include partners, spouse and/or other relatives.

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Referees will be asked whether they hold any concerns about the applicant, or if complaints were made about the applicant, in connection with sexual exploitation, abuse of authority and/or harassment;

- i) TII must inform partners, contractors, volunteers, supporters and prospective supporters, and public on TII's commitment of zero tolerance on sexual exploitation, abuse and harassment;

VIII. Victim and Witness Rights

- a) Victim, complainant, witness, and whistleblower have rights:
 - Remain anonymous during reporting and case handling process;
 - Decide whether they want to meet or not meet the alleged harasser;
 - Choose and decide case handling mechanism, solution, and trauma healing methodology;
 - Access any documents related to the development of the case;
 - Access paid leave and/or work remotely for trauma healing purposes during case handling process;
 - Access language and sign language interpreter services if needed;
 - Receive aids and assistance such as legal aid and psycho-social assistance during the case handling process. Aids and assistance can be provided internally by TII or partnering with external party;
 - Receive cost retribution for visum, accommodation, medical assistance, psychological assistance, and safe house during case handling process.

IX. Task Force

- a) PSEAH Task Force is responsible in implementing PSEAH policy, including:
 - Conducting PSEAH Policy socialization;

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- Conducting training related to PSEAH;
 - Receiving reports and/or complaints related to sexual exploitation and/or abuse and/or harassment;
 - Conducting investigation that includes investigating evidence related to alleged sexual exploitation and/or abuse and/or harassment;
 - Conducting examination to whistleblower, witnesses and alleged harasser to verify evidence;
 - Issuing recommendations of actions to be taken by the Secretary General and/or Board Member to the sexual exploitation and/or abuse and/or harassment case.
- b) PSEAH Task Force member consist of representative of Secretariat, Managerial, and Officer level;
- c) PSEAH Task Force member mentioned in point c) must have odd number of people with minimum 3 people and maximum 5 people as member with structure as below:
- Chairperson, concurrently as member
 - Secretary, concurrently as member
 - Member(s)
- d) Selection of PSEAH Task Force must consider these following criterias:
- Proportional gender composition;
 - Have received training and/or workshop related to gender based violence;
 - No history of being accused/proven conducting violence and/or abuse and/or harassment especially sexual exploitation and/or abuse and/ or harassment.
- e) Selection of PSEAH Task Force shall be conducted through this following mechanism:
- Nomination of PSEAH Task Force member;
 - Selection of PSEAH Task Force member
- f) PSEAH Task Force is established in every 2 year. Member shall be rotated between employees with no discrimination based on sex, gender, race, ethnicity, religion, economic and/or social status, and health status;

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X. Case Handling Mechanism

- a) Case handling of sexual exploitation and/or abuse and/or harassment begin immediately once written or non-written report and/or complaint is received or if there is alleged misconduct;
- b) Investigations must be conducted promptly and thoroughly upon receiving the complaint;
- c) Victim, complainant, whistleblower and the alleged harasser will be informed of the findings and notified of the outcome of the complaint as soon as the investigation is concluded.
- d) Seniority and/or status in Transparency International Indonesia have no bearing on or will not affect the decisions as to the appropriate sanctions in the circumstances.
- e) Report and/or complaint of sexual exploitation and/or abuse and/or harassment can be done by:
 - Complaints directly or in writing to PSEAH Task Force;
 - Complaints through trusted colleagues;
 - Complaints through anonymous letters through the communication platform provided by the institution.
- f) PSEAH Task Force MUST follow up with the report and/or complaint and/or circulation information related to sexual exploitation and/or abuse and/or harassment by conducting investigation to gather information and evidence at the latest 3 days after receiving the report and/or information;
- g) If the report and/or complaint against alleged harasser is against the law, PSEAH Task Force has the responsibility to facilitate in case reporting to the law enforcement with still paying attention to the victim's need and decision;
- h) TII shall maintain a written record of each complaint and how it was investigated and resolved. Records will be maintained in a confidential manner.

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- i) If during the case handling process PSEAH Task Force faces obstacle and require assistance, PSEAH Task Force shall immediately create Independent Investigation team that consist of gender based violence expert, pshyco-social counsellor, and/or sexual violence aid services institution in Indonesia.

XI. Sanction

- a) In consideration to the recommendation from PSEAH Task Force and/or investigation team and with the best interest of the victim, harasser must:
- Pay the victim's recovery costs;
 - Stay away from the victim's environment;
 - Conducting actor change counseling; and
 - Perform other special requests from the victim
- b) With remain in consideration to the best interest of the victim, sanction or disciplinary action that can be imposed to the harasser shall be based on this following factors:
- The seriousness and frequency of sexual violence experienced by the victim;
 - Whether or not there is a repeat of sexual violence by the perpetrator;
 - The perpetrator's degree of responsibility and remorse; and
 - The wishes and considerations of the victim.
- c) With remain compliance to the TII's ethical code, sanction or disciplinary action that can be imposed to the harasser includes:
- Verbal or written warning;
 - Dismissal from certain duty and/or position;
 - Salary deduction to compensate trauma healing process;
 - Scorsing; and
 - Dishonorable termination of employment.

XII. Institution Obligation

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a) During reporting process, TII has obligation to:

- Receive complaint and/or report of alleged sexual exploitation and/or abuse and/or harassment;
- Follow up circulating information related to sexual exploitation and/or abuse and/or harassment that involves board members, staff, partners, contractors, volunteers, supporters and prospective supporters of TII programs;
- Maintain privacy and protecting personal information of victim, complainant, whistleblower, and witness in every step of case handling process;
- Facilitate case reporting process to law enforcer based on victim 's request, and
- Offer and provide paid leave to victim, complainant, whistleblower, and witness during the reporting and/or case handling process.

b) During case handling process, TII has obligation to:

- Fulfill rights to paid leave and/or work remotely to victim, complainant, whistleblower, and witness during reporting and case handling process;
- Fulfill rights to information related to the development of case handling process;
- Provide language and sign language interpretation to victim, complainant, whistleblower, and witness if needed;
- Allocate budget for visum, medical and psychological assistance, and accommodation for victim;
- Facilitate and provide safe house for victim;
- Ensure that victim receive trauma healing process;
- Provide legal protection to victim, complainant, whistleblower, and witness in case they were exposed to threat during case handling process;
- Provide recommendation of sanction based on the investigation and case handling process as form of TII's accountability and a measure to prevent the recurrence of sexual exploitation and/or abuse and/or harassment.

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XII. Provisions

- a) It is the obligation and shared responsibility of all staffs to adhere to this policy and prevent its misuse;
- b) This policy is immediately in place once it is signed by the institution.