



# **CONSTITUTION OF THE FIGHT AGAINST SEXUAL ABUSE IN ADOLESCENTS (FASAA)**

## **Official Constitution**

**Governed by the Laws of the Republic of Malawi and International Conventions and frameworks: The United Nations Convention on the Rights of the Child (CRC), The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol), The African Charter on the Rights and Welfare of the Child (ACRWC), The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), The UN Sustainable Development Goals (SDGs), particularly Goals 5 and 16, The International Labour Organization (ILO) Conventions, including Convention No. 182 and The Universal Declaration of Human Rights (UDHR) Convention.**

**Version: 1.0**

**Adopted on: 16, January 2025**

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## **PREAMBLE**

We, the founding members of the Fight Against Sexual Abuse in Adolescents (FASAA), recognizing the profound and devastating impact that sexual abuse has on adolescents, and driven by a commitment to provide comprehensive support, policy advocacy, and services that empower, protect, and heal adolescents, hereby establish this Constitution. Our mission is to serve as a voice for adolescents affected by sexual abuse, ensuring justice, healing, and a brighter future.

## **ARTICLE I: NAME**

1.1. The name of the organization shall be "Fight Against Sexual Abuse in Adolescents" (hereinafter referred to as "FASAA").

## **ARTICLE II: REGISTERED OFFICE AND LEGAL STATUS**

### **2.1. Registered Office:**

The registered office of FASAA shall be situated in Lilongwe, Malawi, with the ability to establish branches, offices, or affiliations in other countries as deemed necessary by the Board of Trustees.

### **2.2. Legal Status:**

FASAA is a non-governmental, non-profit organization, established and registered under the NGO Act of Malawi. Recognized as a charitable organization under the 'Child and Youth Service Activities' sector, FASAA operates in compliance with Malawian laws and international standards, focusing on empowering adolescents and addressing issues of sexual abuse through advocacy, counseling, and legal support.

FASAA is a non-governmental, non-profit organization, established and registered in accordance with the laws of the Republic of Malawi. FASAA shall operate as an international NGO with the ability to engage in activities globally.

## **ARTICLE III: VISION, MISSION, AND OBJECTIVES**

### **3.1. Vision:**

To create a world where every adolescent is safe, empowered, and free from the threat of sexual abuse, with access to justice, protection, and comprehensive support services.

### **3.2. Mission:**

FASAA is dedicated to providing comprehensive support to adolescent survivors of sexual abuse, advocating for their rights, and ensuring that justice is served. We strive to facilitate healing, empowerment, and the reintegration of survivors into society.

### **3.3. Objectives:**

#### **3.3.1. Policy Advocacy and Awareness:**

- To advocate for adolescent-friendly policies and legal protections.
- To raise awareness about the rights, safety, and well-being of adolescents.
- To collaborate with stakeholders for the implementation of effective child protection measures.

#### **3.3.2. Counseling and Rehabilitation:**

- To provide adolescent-focused psychological and therapeutic services.
- To establish safe spaces and shelters for survivors of sexual abuse.
- To empower survivors through educational and vocational training programs.

#### **3.3.3. Legal Aid and Justice:**

- To ensure access to justice through free legal aid and representation.
- To collaborate with law enforcement to hold perpetrators accountable.
- To push for legislative reforms to protect adolescents from abuse.

#### **3.3.4. Research and Advocacy:**

- To conduct research to understand challenges faced by adolescents.
- To develop evidence-based advocacy materials.
- To publish resources to inform and influence policy changes.

#### **3.3.1. Advocacy and Awareness:**

- To raise public awareness on the prevalence and impact of sexual abuse in adolescents.
- To advocate for stronger legal protections and policies that safeguard the rights of adolescents.
- To engage with the Government of Malawi, international organizations, and other stakeholders to promote the implementation of effective measures against sexual abuse.

#### **3.3.2. Support and Rehabilitation:**

- To provide psychological, medical, and legal support to survivors of sexual abuse.

- To establish safe spaces and shelters where victims can receive holistic care.
- To offer educational and vocational training programs that empower survivors to rebuild their lives.

#### 3.3.3. Justice and Legal Aid:

- To provide legal assistance and representation to survivors of sexual abuse in pursuing justice.
- To collaborate with law enforcement agencies to ensure that perpetrators of sexual abuse are held accountable.
- To advocate for legal reforms that enhance the protection of adolescent rights.

#### 3.3.4. Research and Documentation:

- To conduct research on the causes, effects, and prevalence of sexual abuse in adolescents.
- To document cases and create a repository of data that informs policy and advocacy work.
- To publish reports and other materials that contribute to global understanding and action against sexual abuse.

## **ARTICLE IV: MEMBERSHIP**

### **4.1. Eligibility:**

Membership is open to any individual or organization that shares the vision, mission, and objectives of FASAA, and is committed to upholding the values and principles enshrined in this Constitution.

### **4.2. Categories of Membership:**

4.2.1. Individual Membership: Open to individuals aged 18 and above and with a minimum qualification of MSCE.

4.2.2. Organizational Membership: Open to NGOs, CBOs, and other entities that are duly registered and that support FASAA's mission.

4.2.3. Honorary Membership: May be conferred by the Board of Trustees upon individuals or organizations in recognition of outstanding contributions to FASAA's mission.

#### 4.3. Membership Rights and Obligations:

##### 4.3.1. Rights:

- To attend and vote at General Meetings.
- To stand for election to any office within FASAA.
- To participate in FASAA's activities and programs.
- To receive regular updates and publications from FASAA.

##### 4.3.2. Obligations:

- To uphold the Constitution and abide by the rules and regulations of FASAA.
- To actively participate in FASAA's programs and activities.
- To contribute to the sustainability and growth of FASAA.

#### 4.4. Termination of Membership:

Membership may be terminated by resignation, death, or expulsion. Expulsion may occur if a member violates the Constitution, engages in conduct detrimental to FASAA, or fails to meet their obligations as a member. The decision to expel a member shall be made by the Board of Trustees.

### **ARTICLE V: GOVERNANCE AND STRUCTURE**

#### 5.1. The General Assembly:

##### 5.1.1. Composition:

The General Assembly shall comprise all members of FASAA and shall be the supreme decision-making body.

##### 5.1.2. Powers and Functions:

- To elect the Board of Trustees.
- To approve the annual budget and financial reports.
- To amend the Constitution, subject to the provisions of Article X.
- To review and approve policies and strategic plans.

#### 5.1.3. Meetings:

The General Assembly shall meet at least once a year. Special meetings may be convened by the Board of Trustees or upon the request of at least one-third of the members.

### 5.2. The Board of Trustees:

#### 5.2.1. Composition:

The Board of Trustees shall consist of at least seven (7) members, including the Chairperson, Vice-Chairperson, Secretary, Treasurer, and other Trustees as necessary.

#### 5.2.2. Election and Tenure:

Trustees shall be elected by the General Assembly for a term of three (3) years, renewable once. Elections shall be conducted in accordance with the procedures set out in the by-laws.

#### 5.2.3. Powers and Functions:

- To provide strategic leadership and oversight of FASAA's activities.
- To appoint and supervise the Executive Director.
- To approve policies, programs, and budgets.
- To ensure the financial sustainability and integrity of FASAA.
- To represent FASAA in external relations.

#### 5.2.4. Meetings:

The Board of Trustees shall meet at least quarterly. Decisions shall be made by a majority vote. In the event of a tie, the Chairperson shall have a casting vote.

### 5.3. The Executive Director:

#### 5.3.1. Appointment:

The Executive Director shall be appointed by the Board of Trustees based on merit and relevant experience.

#### 5.3.2. Powers and Functions:

- To manage the day-to-day operations of FASAA.
- To implement the decisions and policies of the Board of Trustees.
- To hire, supervise, and manage staff.
- To represent FASAA in its dealings with partners, donors, and other stakeholders.
- To report regularly to the Board of Trustees on the activities and performance of FASAA.

#### 5.4. Advisory Council:

##### 5.4.1. Composition and Role:

The Advisory Council shall consist of experts, professionals, and individuals with significant experience in fields relevant to FASAA's mission. The Council shall provide guidance and advice to the Board of Trustees and the Executive Director.

##### 5.4.2. Appointment:

Members of the Advisory Council shall be appointed by the Board of Trustees and shall serve for a term of two (2) years, renewable.

### **ARTICLE VI: FINANCES**

#### 6.1. Sources of Funding:

FASAA may receive funds from the following sources:

- Donations, grants, and contributions from individuals, organizations, and governments.
- Income from fundraising activities.
- Membership fees, if applicable.
- Any other lawful sources as approved by the Board of Trustees.

#### 6.2. Financial Management:

##### 6.2.1. Budget:

The Board of Trustees shall approve an annual budget, which shall guide FASAA's financial operations.

##### 6.2.2. Accounts:

FASAA shall maintain accurate and up-to-date financial records. The accounts shall be audited annually by an independent auditor appointed by the Board of Trustees.

#### 6.2.3. Banking:

All funds of FASAA shall be deposited in a bank account in the name of FASAA. Withdrawals from the account shall require the signatures of at least two (2) authorized signatories.

#### 6.2.4. Financial Reporting:

The Treasurer shall prepare and present financial reports to the Board of Trustees and the General Assembly.

#### 6.3. Use of Funds:

All funds shall be used solely for the advancement of FASAA's mission and objectives, in accordance with the approved budget.

### **ARTICLE VII: AMENDMENTS TO THE CONSTITUTION**

#### 7.1. Procedure for Amendment:

- Proposal: Amendments to this Constitution may be proposed by either the Board of Trustees or by a written petition signed by at least one-third (1/3) of the members of the General Assembly.

- Notice: Notice of the proposed amendment(s) shall be circulated to all members of FASAA at least sixty (60) days before the General Assembly meeting at which the amendment(s) will be considered.

- Approval: An amendment to the Constitution shall be adopted if it receives a two-thirds (2/3) majority vote of the members present and voting at a duly convened General Assembly meeting.

- Registration: Any amendment adopted by the General Assembly shall be registered with the relevant authorities in Malawi, in accordance with the legal requirements.

### **ARTICLE VIII: DISSOLUTION**

#### 8.1. Procedure for Dissolution:

- Proposal: The dissolution of FASAA may be proposed by the Board of Trustees or by a petition signed by at least two-thirds (2/3) of the members of the General Assembly.



- Notice: Notice of the proposed dissolution shall be circulated to all members at least ninety (90) days before the General Assembly meeting at which the dissolution will be considered.

- Approval: FASAA may be dissolved if the proposal receives a three-quarters (3/4) majority vote of the members present and voting at a duly convened General Assembly meeting.

## 8.2. Disposal of Assets:

- In the event of dissolution, the Board of Trustees shall oversee the winding up of the affairs of FASAA.

- Any remaining assets, after all liabilities have been settled, shall be donated to other organizations with similar objectives, as determined by the Board of Trustees and approved by the General Assembly.

- The distribution of assets shall comply with the legal requirements of Malawi and any other relevant jurisdictions.

## **ARTICLE IX: ETHICAL STANDARDS AND PRINCIPLES**

### 9.1. Core Values:

FASAA shall adhere to the following core values in all its operations:

- Integrity: We commit to transparency, honesty, and ethical conduct in all our actions.

- Respect: We value the dignity and rights of every individual, especially those we serve.

- Compassion: We approach our work with empathy and a deep sense of responsibility toward survivors of sexual abuse.

- Accountability: We hold ourselves accountable to our beneficiaries, partners, donors, and the communities we serve.

### 9.2. Code of Conduct:

- All members, staff, volunteers, and partners of FASAA shall adhere to a strict Code of Conduct that prohibits any form of exploitation, abuse, discrimination, or corruption.

- The Code of Conduct shall be developed, reviewed, and enforced by the Board of Trustees, and shall be binding on all members.

- Breaches of the Code of Conduct shall result in disciplinary action, which may include termination of membership or employment, and/or legal action where appropriate.

### 9.3. Confidentiality:

- FASAA shall maintain strict confidentiality in handling information related to survivors of sexual abuse and other sensitive matters.
- All members, staff, and volunteers shall sign a confidentiality agreement upon joining FASAA.
- Breaches of confidentiality shall be treated as a serious violation and shall result in disciplinary action.

### 9.4. Non-Discrimination:

- FASAA shall operate on a non-discriminatory basis, ensuring equal treatment and opportunities for all, regardless of race, gender, age, religion, ethnicity, disability, or any other status.
- We shall actively promote diversity and inclusion within our organization and in all our programs.

## **ARTICLE X: PROGRAMS AND ACTIVITIES**

### 10.1. Survivor Support Services:

- Counseling and Therapy: Providing trauma-informed care and adolescent-focused counseling services.
- Legal Aid: Offering representation in courts and assistance with filing reports for adolescent survivors.
- Safe Housing: Partnering with shelters that provide protection and temporary housing to at-risk adolescents.
- Advocacy and Awareness: Educating communities on preventing sexual abuse and available resources.
- Counseling and Therapy: FASAA shall provide counseling and therapeutic services to survivors of sexual abuse, including trauma-informed care, individual and group therapy sessions, and crisis intervention.
- Medical Assistance: FASAA shall facilitate access to medical care for survivors, including forensic examinations, sexual and reproductive health services, and ongoing medical support.
- Legal Aid: FASAA shall offer legal aid to survivors, including representation in court, assistance with filing police reports, and advocacy in legal proceedings.
- Shelter and Safe Housing: FASAA shall establish or partner with shelters that offer temporary housing and safety for survivors in need.

### 10.2. Prevention and Education:

- Awareness Campaigns: FASAA shall conduct public awareness campaigns to educate communities about the dangers of sexual abuse, ways to prevent it, and available resources for survivors.

- School Programs: FASAA shall implement educational programs in schools to teach adolescents about their rights, personal safety, and how to seek help if they are at risk of or have experienced sexual abuse.

- Community Outreach: FASAA shall engage with community leaders, parents, and youth groups to promote a culture of protection and support for adolescents.

- Training and Capacity Building: FASAA shall offer training programs for teachers, healthcare providers, law enforcement, and other professionals on how to recognize, respond to, and prevent sexual abuse.

### 10.3. Advocacy and Policy Work:

- Legal Reform: FASAA shall advocate for reforms in national laws and policies to strengthen protections for adolescents and improve the response to sexual abuse cases.

- International Advocacy: FASAA shall engage with international bodies, such as the United Nations and regional organizations, to promote global standards for the protection of adolescents from sexual abuse.

- Partnerships: FASAA shall collaborate with other NGOs, governmental agencies, and international organizations to advance its advocacy agenda and expand its impact.

### 10.4. Research and Documentation:

- Research Initiatives: FASAA shall conduct and support research on the prevalence, causes, and effects of sexual abuse in adolescents, as well as the effectiveness of interventions.

- Case Documentation: FASAA shall document cases of sexual abuse, maintaining a confidential database that informs its advocacy, program development, and research.

- Publications: FASAA shall produce and disseminate reports, policy briefs, and other publications that contribute to knowledge and advocacy on sexual abuse in adolescents.

### 10.5. Capacity Building and Training:

- Staff Development: FASAA shall invest in the professional development of its staff through training, mentorship, and continuous learning opportunities.

- Volunteer Engagement: FASAA shall recruit, train, and support volunteers to assist in its programs and activities, ensuring they are equipped to work effectively with survivors and in advocacy roles.

- Leadership Training: FASAA shall offer leadership development programs for adolescents, particularly survivors, to empower them to become advocates for change within their communities.

## **ARTICLE XI: PARTNERSHIPS AND COLLABORATION**

### **11.1. Strategic Partnerships:**

- FASAA shall seek to establish and maintain strategic partnerships with organizations, institutions, and networks that share its mission and objectives.

- These partnerships may include collaborations with NGOs, government agencies, international organizations, academic institutions, and private sector entities.

### **11.2. Collaboration with Government:**

- FASAA shall work closely with the Government of Malawi and other national governments to align its programs with national strategies and policies on child protection and sexual abuse prevention.

- FASAA shall seek to influence government policies and practices through advocacy, research, and direct collaboration in program implementation.

### **11.3. International Cooperation:**

- FASAA shall engage in international cooperation to share knowledge, resources, and best practices with other organizations working to combat sexual abuse in adolescents globally.

- FASAA shall participate in international forums, conferences, and networks to advocate for the rights of adolescent survivors and contribute to global efforts to end sexual abuse.

## **ARTICLE XII: COMMUNICATION AND PUBLIC RELATIONS**

### **12.1. Public Awareness:**

- FASAA shall implement a robust communication strategy to raise public awareness about its mission, programs, and the issues surrounding sexual abuse in adolescents.

- FASAA shall utilize various media platforms, including social media, to reach a broad audience and engage the public in its advocacy and educational campaigns.

#### 12.2. Media Relations:

- FASAA shall maintain positive relationships with the media to ensure accurate and responsible coverage of its work and the issues it addresses.
- FASAA shall provide media training to its staff and representatives to enhance their ability to effectively communicate with the press.

#### 12.3. Internal Communication:

- FASAA shall establish clear channels of communication within the organization to ensure that information flows effectively between the Board of Trustees, staff, volunteers, and members.
- Regular meetings, newsletters, and internal bulletins shall be used to keep all members informed of FASAA's activities and developments.

#### 12.4. Crisis Communication:

- In the event of a crisis or emergency situation, FASAA shall implement a crisis communication plan to manage information, protect its reputation, and maintain public trust.
- The Executive Director, in consultation with the Board of Trustees, shall lead the crisis communication efforts, ensuring that all statements and actions are consistent with FASAA's values and mission.

### **ARTICLE XIII: MONITORING AND EVALUATION**

#### 13.1. Monitoring Framework:

- FASAA shall establish a comprehensive monitoring framework to assess the progress and impact of its programs and activities.
- The monitoring framework shall include specific indicators aligned with FASAA's objectives, allowing for regular tracking of outputs, outcomes, and long-term impact.
- Monitoring activities shall be conducted on an ongoing basis by designated staff or external evaluators to ensure objectivity and accuracy.

#### 13.2. Evaluation Process:

- FASAA shall conduct periodic evaluations of its programs and operations to assess effectiveness, efficiency, relevance, and sustainability.

- Evaluations shall be both formative (ongoing assessments to inform program improvements) and summative (final assessments to evaluate overall impact).
- External evaluators may be engaged to provide independent assessments and recommendations.

#### 13.3. Reporting and Feedback:

- The results of monitoring and evaluation activities shall be documented in detailed reports that include findings, lessons learned, and recommendations for improvement.
- These reports shall be shared with the Board of Trustees, donors, partners, and relevant stakeholders, ensuring transparency and accountability.
- FASAA shall also seek feedback from beneficiaries, partners, and the communities it serves to continuously improve its programs and address any emerging needs.

#### 13.4. Learning and Adaptation:

- FASAA shall prioritize organizational learning by systematically analyzing monitoring and evaluation data to inform decision-making and program design.
- The organization shall be flexible and adaptive, making necessary adjustments to its strategies and activities based on evidence and feedback.
- FASAA shall document and share its learning with other organizations and stakeholders to contribute to the broader field of child protection and sexual abuse prevention.

### **ARTICLE XIV: HUMAN RESOURCES AND STAFF WELFARE**

#### 14.1. Staff Recruitment and Selection:

- FASAA shall adhere to a fair and transparent recruitment process, ensuring that all staff members are selected based on merit, qualifications, and alignment with the organization's values.
- Recruitment procedures shall comply with all relevant labor laws in Malawi and international standards for fair employment practices.

#### 14.2. Staff Development and Training:

- FASAA is committed to the continuous professional development of its staff, offering regular training and capacity-building opportunities to enhance their skills and knowledge.

- The organization shall provide orientation programs for new staff members to ensure they are well-informed about FASAA's mission, objectives, and code of conduct.

#### 14.3. Staff Welfare and Well-being:

- FASAA shall prioritize the welfare and well-being of its staff by offering a supportive and inclusive work environment.

- The organization shall provide access to health services, including mental health support, and implement policies that promote work-life balance.

- FASAA shall maintain a zero-tolerance policy towards any form of harassment, abuse, or discrimination within the workplace.

#### 14.4. Remuneration and Benefits:

- FASAA shall offer competitive remuneration and benefits packages in line with industry standards, ensuring that staff are fairly compensated for their work.

- The organization shall regularly review its compensation policies to ensure they remain equitable and attractive to current and potential employees.

#### 14.5. Performance Management:

- FASAA shall implement a performance management system to regularly assess and support the performance of its staff members.

- Performance appraisals shall be conducted annually, with clear criteria for evaluation and opportunities for staff to set professional development goals.

#### 14.6. Disciplinary Procedures:

- FASAA shall establish and enforce clear disciplinary procedures to address any misconduct or violations of the organization's code of conduct.

- Disciplinary actions may range from warnings to termination of employment, depending on the severity of the violation.

- All disciplinary actions shall be conducted fairly, transparently, and in accordance with the principles of natural justice.

### **ARTICLE XV: VOLUNTEER ENGAGEMENT**

#### 15.1. Role of Volunteers:

- Volunteers shall play a vital role in supporting FASAA's programs and operations, contributing their time, skills, and expertise to further the organization's mission.
- FASAA shall actively recruit, train, and engage volunteers in a wide range of activities, including outreach, advocacy, and direct support to survivors.

#### 15.2. Volunteer Recruitment and Selection:

- Volunteers shall be selected through a transparent recruitment process, with criteria based on the needs of the organization and the suitability of the candidates.
- FASAA shall ensure that all volunteers understand and commit to the organization's values, mission, and code of conduct before beginning their service.

#### 15.3. Volunteer Training and Support:

- FASAA shall provide comprehensive training to volunteers to equip them with the necessary knowledge and skills for their roles.
- Ongoing support and supervision shall be offered to ensure that volunteers are effective in their work and receive guidance as needed.

#### 15.4. Recognition and Incentives:

- FASAA shall recognize and celebrate the contributions of its volunteers through various means, including awards, certificates, and public acknowledgment.
- While volunteers are not paid for their services, FASAA may provide stipends, reimbursements, or other incentives to support their involvement.

#### 15.5. Volunteer Code of Conduct:

- Volunteers shall be required to adhere to FASAA's code of conduct, which includes ethical guidelines, confidentiality obligations, and standards of behavior.
- Any breaches of the code of conduct by volunteers shall be addressed through disciplinary measures, up to and including termination of volunteer service.

### **ARTICLE XVI: MEMBERSHIP ENGAGEMENT AND RIGHTS**

#### 16.1. Membership Involvement:



- FASAA shall actively involve its members in the organization's activities, encouraging their participation in programs, decision-making, and advocacy efforts.
- Members shall have opportunities to contribute their ideas, expertise, and resources to further FASAA's mission.

#### 16.2. Member Meetings:

- Regular meetings of the General Assembly shall be held to provide members with updates on FASAA's activities, finances, and strategic direction.
- Special meetings may be convened as necessary to address urgent matters or make significant decisions, such as amendments to the Constitution or dissolution.

#### 16.3. Voting Rights:

- All members in good standing shall have the right to vote at General Assembly meetings, with each member entitled to one vote.
- Voting may be conducted by show of hands, secret ballot, or electronic means, as determined by the Board of Trustees.

#### 16.4. Membership Fees:

- If applicable, FASAA may institute membership fees to support the organization's operations. The amount and payment schedule of such fees shall be determined by the Board of Trustees and approved by the General Assembly.
- Membership fees shall be used solely for the purpose of advancing FASAA's mission and objectives.

#### 16.5. Termination of Membership:

- Membership may be terminated for reasons including non-payment of fees, breach of the Constitution or code of conduct, or voluntary resignation.
- The process for termination shall be fair and transparent, with the member given an opportunity to be heard before a final decision is made.

#### 16.6. Membership Grievances and Disputes:

- FASAA shall establish a grievance and dispute resolution mechanism to address any concerns or conflicts among members.
- Members shall have the right to raise grievances and seek resolution through a fair and impartial process overseen by the Board of Trustees or a designated committee.

## **ARTICLE XVII: ANTI-FRAUD AND CORRUPTION POLICY**

### **17.1. Commitment to Integrity:**

- FASAA is committed to maintaining the highest standards of integrity and shall not tolerate any form of fraud, corruption, or unethical conduct within the organization.
- All members, staff, volunteers, and partners shall adhere to FASAA's anti-fraud and corruption policy, which outlines prohibited practices and the procedures for reporting and addressing violations.

### **17.2. Reporting Mechanisms:**

- FASAA shall establish secure and confidential reporting mechanisms for individuals to report any suspected fraud, corruption, or unethical behavior.
- Reports may be made anonymously, and FASAA shall ensure that whistleblowers are protected from retaliation or harm.

### **17.3. Investigation and Disciplinary Action:**

- All reports of fraud or corruption shall be promptly investigated by a designated team or external investigators, depending on the severity and complexity of the case.
- If an investigation confirms wrongdoing, FASAA shall take appropriate disciplinary action, which may include termination of employment, legal action, or referral to law enforcement authorities.

### **17.4. Transparency and Accountability:**

- FASAA shall maintain transparency in its financial management and operations, with regular audits and public disclosure of financial reports.
- The organization shall foster a culture of accountability, where all members and stakeholders are encouraged to uphold ethical standards and report any concerns.

## **ARTICLE XVIII: DATA PROTECTION AND PRIVACY**

### **18.1. Commitment to Privacy:**

- FASAA is committed to protecting the privacy and personal data of all individuals it serves, as well as its members, staff, and partners.
- The organization shall comply with applicable data protection laws and regulations in Malawi and any other jurisdictions in which it operates.

### **18.2. Data Collection and Use:**

- FASAA shall collect and use personal data only for legitimate purposes related to its mission, such as providing support services to survivors, conducting research, and managing membership records.
- Personal data shall be collected with the informed consent of the individuals concerned, and FASAA shall ensure that data is collected, stored, and processed in a manner that is secure and respects the privacy of individuals.

### **18.3. Data Security:**

- FASAA shall implement appropriate technical and organizational measures to protect personal data from unauthorized access, disclosure, alteration, or destruction.
- Data security measures shall include encryption, access controls, secure storage systems, and regular security audits.

### **18.4. Data Access and Sharing:**

- Access to personal data shall be restricted to authorized personnel who need the information to perform their duties.
- FASAA shall not share personal data with third parties without the explicit consent of the individuals concerned, except where required by law or for the protection of the individuals or the organization.

### **18.5. Data Retention and Deletion:**

- Personal data shall be retained only for as long as necessary to fulfill the purposes for which it was collected, after which it shall be securely deleted or anonymized.

- FASAA shall establish clear data retention policies to ensure that data is not kept longer than needed and that it is disposed of in a secure manner.

#### 18.6. Rights of Data Subjects:

- Individuals whose personal data is collected and processed by FASAA shall have the right to access their data, request corrections, and withdraw their consent at any time.

- FASAA shall provide clear procedures for individuals to exercise their rights, and shall respond to such requests in a timely and transparent manner.

#### 18.7. Data Breach Notification:

- In the event of a data breach that poses a risk to the rights and freedoms of individuals, FASAA shall promptly notify the affected individuals and the relevant authorities within the stipulated period of 72 hours, in accordance with applicable laws.

- FASAA shall take immediate steps to mitigate the effects of the breach and prevent future occurrences.

### **ARTICLE XIX: FINANCIAL MANAGEMENT**

#### 19.1. Financial Accountability:

- FASAA is committed to maintaining the highest standards of financial accountability and transparency in all its operations.

- The organization shall adhere to generally accepted accounting principles and comply with all legal requirements in Malawi and other jurisdictions where it operates.

#### 19.2. Budgeting and Financial Planning:

- FASAA shall prepare an annual budget, which shall be approved by the Board of Trustees and the General Assembly.

- The budget shall align with FASAA's strategic priorities and ensure the efficient and effective use of resources to achieve its mission.

- Regular financial planning and forecasting shall be conducted to anticipate and address any potential financial challenges or opportunities.

#### 19.3. Financial Reporting:

- FASAA shall maintain accurate and up-to-date financial records, which shall be regularly reviewed and audited.

- The organization shall prepare and publish annual financial reports, which shall include detailed statements of income and expenditure, as well as an assessment of financial performance.

- Financial reports shall be made available to members, donors, partners, and other stakeholders to ensure transparency and build trust.

#### 19.4. Fundraising and Income Generation:

- FASAA shall engage in fundraising activities to secure the resources needed to support its programs and operations.

- Fundraising efforts shall be conducted ethically and in accordance with FASAA's values and mission.

- FASAA may also generate income through partnerships, grants, donations, and other means, provided that such activities are aligned with the organization's objectives and do not compromise its independence or integrity.

#### 19.5. Use of Funds:

- All funds received by FASAA shall be used exclusively to further the organization's mission and objectives, in accordance with the approved budget and any donor restrictions.

- The organization shall ensure that funds are allocated efficiently and effectively, with a focus on maximizing impact and minimizing overhead costs.

#### 19.6. Internal Controls and Audit:

- FASAA shall establish and maintain robust internal controls to safeguard its assets and ensure the integrity of its financial operations.

- Internal controls shall include regular audits, financial reviews, and oversight by the Board of Trustees and relevant committees.

- External audits shall be conducted annually by an independent auditor, with the results reported to the General Assembly and made available to stakeholders.

#### 19.7. Conflict of Interest:

- FASAA shall implement policies to prevent conflicts of interest in its financial management and decision-making processes.
- All members, staff, and volunteers shall disclose any potential conflicts of interest and recuse themselves from decisions where a conflict exists.
- The organization shall take appropriate measures to address and manage conflicts of interest to ensure that all decisions are made in the best interests of FASAA and its beneficiaries.

## **ARTICLE XX: GOVERNANCE AND OVERSIGHT**

### **20.1. Role of the Board of Trustees:**

- The Board of Trustees shall be the governing body of FASAA, responsible for providing strategic direction, oversight, and leadership to the organization.
- The Board shall ensure that FASAA's mission is fulfilled, its values are upheld, and its operations are conducted in a manner that is ethical, transparent, and accountable.
- The Board shall be responsible for approving the organization's strategic plans, budgets, policies, and major decisions, and for monitoring FASAA's performance.

### **20.2. Composition and Selection of the Board:**

- The Board of Trustees shall be composed of individuals with diverse skills, experiences, and perspectives, who are committed to FASAA's mission and values.
- Board members shall be selected through a transparent process, with nominations made by the General Assembly and appointments confirmed by a majority vote.
- The Board shall include representatives from key stakeholder groups, including survivors, experts in child protection, legal professionals, and community leaders.

### **20.3. Terms of Office:**

- Board members shall serve for a term of three (3) years, with the possibility of reappointment for a maximum of two consecutive terms.
- To ensure continuity and stability, the terms of office shall be staggered, with a portion of the Board members being elected or re-elected each year.

### **20.4. Board Meetings:**

- The Board of Trustees shall meet at least four (4) times per year, with additional meetings convened as necessary.
- Meetings shall be conducted in accordance with FASAA's governance policies, with agendas circulated in advance and minutes recorded.
- Quorum for Board meetings shall be defined as a majority of the Board members.

#### 20.5. Committees of the Board:

- The Board of Trustees may establish committees to support its work in specific areas, such as finance, governance, programs, and audit.
- Each committee shall be chaired by a Board member and composed of members with relevant expertise and experience.
- Committees shall report regularly to the Board and operate in accordance with their terms of reference.

#### 20.6. Executive Director and Senior Management:

- The Executive Director shall be the chief executive officer of FASAA, responsible for the day-to-day management and administration of the organization.
- The Executive Director shall be appointed by the Board of Trustees and shall report directly to the Board.
- The Executive Director shall lead a senior management team, which shall be responsible for implementing FASAA's programs, managing staff, and ensuring that the organization's goals are achieved.

#### 20.7. Governance Policies:

- FASAA shall establish and regularly review its governance policies, including policies on conflict of interest, whistleblowing, and risk management.
- Governance policies shall be designed to promote transparency, accountability, and ethical conduct at all levels of the organization.

#### 20.8. Accountability to Stakeholders:

- FASAA shall be accountable to its stakeholders, including beneficiaries, members, donors, partners, and the communities it serves.

- The organization shall actively seek stakeholder input and feedback, and shall report regularly on its activities, finances, and impact.
- FASAA shall engage in open dialogue with stakeholders and respond to their concerns in a timely and transparent manner.

## **ARTICLE XXI: FINAL PROVISIONS**

### **21.1. Interpretation of the Constitution:**

- The interpretation of this Constitution shall be the responsibility of the Board of Trustees, whose decision shall be final and binding.
- In the event of any ambiguity or conflict between provisions, the interpretation that best aligns with FASAA's mission and values shall prevail.

### **21.2. Legal Compliance:**

- FASAA shall comply with all applicable laws and regulations in Malawi and any other jurisdictions in which it operates.
- The organization shall ensure that its operations, programs, and activities are conducted in accordance with legal requirements and best practices for NGOs.

### **21.3. Supremacy of the Constitution:**

- This Constitution shall be the supreme governing document of FASAA, and all members, staff, and volunteers shall be bound by its provisions.
- In the event of any conflict between this Constitution and other organizational documents or policies, this Constitution shall take precedence.

### **21.4. Adoption and Ratification:**

- This Constitution shall be adopted by a majority vote of the members present and voting at a duly convened General Assembly meeting.
- Upon adoption, this Constitution shall be ratified by the Board of Trustees and shall take effect immediately.

### **21.5. Transitional Provisions:**



- Any existing governance structures, policies, or procedures that are inconsistent with this Constitution shall be amended or replaced within six (6) months of its adoption.

- The Board of Trustees shall oversee the transition process to ensure that FASAA's operations are fully aligned with the new constitutional framework.

#### 21.6. Dissolution of Preceding Documents:

- All previous constitutions, bylaws,

or governing documents of FASAA that conflict with this Constitution are hereby repealed and replaced by this document as the authoritative guide for the governance and operations of the organization.

#### 21.7. Amendment of the Constitution:

- This Constitution may be amended or revised by a two-thirds (2/3) majority vote of the members present and voting at a General Assembly meeting.

- Proposed amendments must be submitted to the Board of Trustees at least ninety (90) days prior to the General Assembly meeting, and must be reviewed and recommended by the Board before being presented to the membership for a vote.

- All amendments shall take effect immediately upon approval unless otherwise specified.

#### 21.8. Dissolution of the Organization:

- FASAA may be dissolved by a resolution passed by a three-fourths (3/4) majority vote of the members present and voting at a specially convened General Assembly meeting.

- In the event of dissolution, all debts and liabilities legally incurred on behalf of FASAA shall be fully discharged, and the remaining assets shall be distributed to other organizations with similar objectives, as determined by the General Assembly and in accordance with applicable law.

- A dissolution plan shall be prepared by the Board of Trustees, detailing the steps to be taken to wind down operations, settle obligations, and distribute assets.

#### 21.9. Continuity Clause:

- Notwithstanding the dissolution of FASAA, any actions, decisions, or agreements made by the organization prior to its dissolution shall remain in effect and shall be honored by all parties involved.

- The Board of Trustees shall ensure that any ongoing projects or commitments are responsibly concluded or transferred to appropriate entities.

#### 21.10. Dispute Resolution:

- Any disputes arising out of or in connection with the interpretation, implementation, or application of this Constitution shall be resolved amicably through dialogue and negotiation.

- If a dispute cannot be resolved through negotiation, it shall be referred to mediation or arbitration in accordance with applicable laws in Malawi.

- The decision of the mediator or arbitrator shall be final and binding on all parties involved.

#### 21.11. Compliance with International Standards:

- FASAA shall ensure that its operations, programs, and policies are in line with international standards and best practices for NGOs, particularly in the areas of child protection, human rights, and transparency.

- The organization shall regularly review and update its practices to remain in compliance with these standards and to reflect emerging trends and developments in the field of sexual abuse prevention and support for adolescents.

#### 21.12. Language of the Constitution:

- This Constitution shall be drafted and available in both English and Chichewa, with the English version being the authoritative text in the event of any discrepancies.

- Efforts shall be made to ensure that all members and stakeholders have access to the Constitution in a language they understand, and translations into other local languages may be provided as necessary.

### **ARTICLE XXII: MISCELLANEOUS PROVISIONS**

#### 22.1. Logo and Branding:

- The logo, name, and branding of FASAA shall be the exclusive property of the organization and shall be used only in accordance with its mission and values.

- Any use of the FASAA logo or branding by third parties must be approved by the Board of Trustees and must align with the organization's objectives and reputation.

#### 22.2. Intellectual Property:

- All intellectual property, including research, publications, training materials, and other outputs produced by or on behalf of FASAA, shall be the property of the organization.
- FASAA shall have the right to use, distribute, and license its intellectual property as it deems appropriate, provided that such use is consistent with its mission and values.

#### 22.3. Governing Law:

- This Constitution and any matters arising out of or related to it shall be governed by and construed in accordance with the laws of Malawi.
- FASAA shall operate in compliance with Malawian law, as well as any applicable international laws and treaties related to child protection, human rights, and non-governmental organizations.

#### 22.4. Severability Clause:

- If any provision of this Constitution is found to be invalid or unenforceable by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.
- The invalid or unenforceable provision shall be replaced with a valid and enforceable provision that best reflects the original intent of the parties.

#### 22.5. Headings and Titles:

- The headings and titles used in this Constitution are for reference purposes only and shall not affect the interpretation of the provisions contained herein.

### **ARTICLE XXIII: RATIFICATION AND SIGNATURES**

#### 23.1. Ratification:

- This Constitution shall be ratified by the General Assembly of FASAA by a majority vote of members present and voting.
- Upon ratification, this Constitution shall serve as the supreme governing document of FASAA, replacing any previous constitutions or bylaws.

#### 23.2. Signatures:

- This Constitution shall be signed by the Chairperson of the Board of Trustees, the Executive Director, and a representative of the General Assembly, signifying its adoption and the commitment of FASAA's leadership to uphold its principles.

- The original signed document shall be kept in the official records of FASAA, with copies made available to members, stakeholders, and relevant authorities.

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Adopted by the General Assembly of Fight Against Sexual Abuse in Adolescents (FASAA) on [Date].

Signed:

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[Chairperson of the Board of Trustees]

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[Executive Director]

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[Representative of the General Assembly]

This completes the Constitution of Fight Against Sexual Abuse in Adolescents (FASAA). This document shall guide the operations, governance, and activities of the organization as it works to support and advocate for the rights of adolescents affected by sexual abuse, ensuring their protection, healing, and access to justice.