Prevention of Sexual Exploitation, 

Abuse and Harassment Policy

| Document Title: | Prevention on Sexual Exploitation, Abuse and Harassment | Version number: | I |
| --- | --- | --- | --- |
| Responsible position: | Child Safeguarding Coordinator | Department: | Child Protection |
| Authorized by: |  | Effective Date: | 17/03/2021 |
| Approval date: |  | Scheduled review date: | 17/03/2023 |

Prevention of Sexual Exploitation, 

Abuse and Harassment Policy

## Purpose and scope

This Policy has been developed to uphold **Help Without Frontiers’** commitment to the prevention of sexual exploitation, abuse and harassment (PSEAH) from adults with whom it works, regardless of age, disability, gender, racial or ethnic origin, religious belief and sexual identity. The policy outlines expectations and requirements for all **Help Without Frontiers** personnel (as defined below) to prevent sexual exploitation, abuse and harassment (SEAH) incidents, and manage those that may occur.

This policy applies to all persons collaborating or working under Help Without Frontiers or on our behalf in any capacity:

Employees at all levels, directors, officers, agency workers, seconded workers, volunteers, interns, agents, contractors, external consultants, third-party representatives, suppliers and business partners, those who are employed on short- term or long-term contracts, paid or unpaid.

Active members, volunteers, and board members at local association or international association.

Staff and representatives of partner organizations, and individuals, groups and organizations with a formal/contractual relationship with Help Without Frontiers that involves contact with children direct or indirect – unless it has been agreed that the partner organization may apply its own child safeguarding policy.

Donors, journalists, politicians, photographers and other people who visit the organization’s offices or programs (Migrant Learning Centers (MLC)).

Anyone representing our network must declare they have read, understood and will adhere to our PSEAH policy at all times, both in their private and professional lives, to ensure the highest standards of behavior towards children, young people and their families.

This Policy should be read in conjunction with **Help Without Frontiers’** Child Safeguarding Policy, Recruitment and Selection Policy and Code of Conduct.

## Key definitions

| SEXUAL ABUSE | The actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. It covers sexual offences including but not limited to: attempted rape (which includes attempts to force someone to perform oral sex); and sexual assault (which includes non-consensual kissing and touching). All sexual activity with someone under the age of consent[[1]](#footnote-0) is considered to be sexual abuse.  |
| --- | --- |
| SEXUAL EXPLOITATION | Any actual or attempted abuse of a position of vulnerability, differential power, or trust for sexual purposes. It includes profiting monetarily, socially, or politically from sexual exploitation of another. |
| SEXUAL HARASSMENT | A person sexually harasses another person if the person makes an unwelcome sexual advance or an unwelcome request for sexual favours, or engages in other unwelcome conduct of a sexual nature, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated. Sexual harassment can take various forms. It can be obvious or indirect, physical or verbal, repeated or one-off and perpetrated by any person of any gender towards any person of any gender. Sexual harassment can be perpetrated against beneficiaries, community members, citizens, as well as staff and personnel.Some examples of behaviour that may be sexual harassment include:* staring or leering;
* unnecessary familiarity, such as unwelcome affection or touching;
* suggestive comments or jokes;
* insults or taunts of a sexual nature;
* intrusive questions or statements about your private life;
* displaying posters magazines or screensavers of a sexual nature;
* sending sexually explicit emails or text messages;
* inappropriate advances on social networking sites;
* accessing sexually explicit internet sites;
* requests for sex or repeated unwanted requests to go out on dates; and
* behaviour that may also be considered to be an offence under criminal law such as physical assault, indecent exposure, sexual assault , stalking or obscene communications.
 |
| GROOMING | The cultivation of emotional relationships with those in positions of vulnerability or inequitable power, with the intention of manipulating these relationships into sexualised dynamics in the future. |

*All these definitions refer to not only physical actions but also online or verbal actions.*

*Sexual exploitation and abuse are a violation of fundamental human rights. It can also be a criminal act*

## Policy Principles

Zero tolerance of inaction of incidents of SEAH

The SEAH of adults is never acceptable and **Help Without Frontiers** recognises that achieving a culture that prevents and reduces incidences of SEAH is at the core of all good practice. **Help Without Frontiers** has a zero tolerance to inaction where incidents (suspected or actual) have or are at risk of occurring.

Strong leadership accelerates culture change

PSEAH is the responsibility of personnel at all levels of the organisation. Leaders are responsible for setting cultural standards and are expected to set and model clear standards of behaviour in their interactions at work.

Victim/survivor needs are prioritised

**Help Without Frontiers** is committed to prioritising the rights, needs and wishes of the victim and survivor while ensuring procedural fairness. **Help Without Frontiers** is committed to involving victims/survivors in decision making, ensuring they are provided with comprehensive information and treated at all times with dignity and respect.

Preventing Sexual Exploitation, Abuse and Harassment is a shared responsibility

**Help Without Frontiers** recognises it is everyone’s responsibility to prevent incidences of SEAH. Our organisation leaders and personnel set and strive to live up to expectations of ethical and professional standards of behaviour that prioritise the prevention of SEAH and uphold the rights of all parties with whom we engage. Help Without Frontiers emphasises and encourages feedback from all stakeholders as to our practice standards and is committed continuously improving our practice.

Gender inequality and other power imbalances are addressed

All **Help Without Frontiers** personnel, particularly leaders, are responsible for working to embed gender equality and an overarching awareness of the importance of preventing SEAH. A culture of respect for all beneficiaries is at the heart of **Help Without Frontiers’** work. **Help Without Frontiers** recognises that power imbalances, including gender inequality, are central to SEAH and consequently recognises the importance of an inclusive and diverse culture in preventing harassment and discrimination.

Stronger reporting will enhance accountability and transparency

Sexual exploitation, abuse and harassment is a failure of responsibility and reporting these incidents is at the core of **Help Without Frontiers’** work. **Help Without Frontiers** is accountable to funding organisations, but also to the communities, customers and clients for whom we work. Stronger reporting allows better monitoring of SEAH, understanding risks, improving assurance and improving systems and safeguards accordingly.

## Legislative Context

Relevant legislation

**National legislation**

The national legislation that this policy adheres to is the Child Protection Act, B.E. 2546. Also, from the Thai Criminal Code, Title IX Offense Relating to Sexuality.

**International legislation**

The international standards with regard to PSEAH that this policy complies with are the Core Humanitarian Standard and the Inter-Agency Standing Committee (IASC) Minimum Operating Standards for Protection from Sexual Exploitation and Abuse for UN and non-UN staff. UN General Assembly, Convention on the Elimination of All Forms of Discrimination Against Women. And the UN Convention of the Human Rights

Compliance with HWF PSEAH Policy

**Help Without Frontiers** is committed to ensuring the PSEAH policy is communicated to all stakeholders including the communities in which we work. The PSEAH policy is easily accessible to all organisational personnel and via the organisation’s website. **Help Without Frontiers** is committed to communicating key aspects of the policy including standards of behaviour and reporting mechanisms appropriate to age, language and capacity.

HWF partners must comply with the HWF requirements outlined in the HWF PSEAH Policy.

Definitions

Key policy definitions can be found in the table above and in Annex 1 of this Policy.

## Roles and responsibilities

All personnel must:

* Act in accordance with the PSEAH Policy at all times
* Ensure that all training requirements are complied with as outlined in the PSEAH Policy and related documents
* Immediately report all concerns, suspicions and incidents in accordance with reporting requirements as outlined in the policies and related documents.
* Demonstrate the highest professional and ethical standards in their day-to-day conduct.

Program Managers must:

* ensure that every program has a risk assessment that identifies and mitigates risks to SEAH.
* ensure all DFAT funded partners have appropriate agreements in place, and PSEAH capabilities are assessed as suitable.

People Managers must:

* adopt a Survivor-Centred Approach to safeguarding, which places the victim/survivor’s experiences, considerations, needs at the centre of our processes, elevates the voice of victim/survivors and places their wishes, rights, dignity, safety, and well-being at the forefront of efforts to prevent and respond - from initial reporting, through investigation and follow up actions.
* ensure appropriate checks and monitoring are used to identify suitable representatives and deter unsuitable candidates and provide adequate professional supervision and development for all staff and volunteers.
* manage and maintain robust and accountable reporting and case management systems of all SEAH allegations made against representatives and partner staff engaged in its activities. All relevant laws related to the protection of adults must be applied.

## Behaviour (Code of Conduct)

 **Help Without Frontiers’** Code of Conduct sets standards of behaviour in relation to the prevention of SEAH. All personnel are required to comply with the Code of Conduct including:

* The prohibition of any form of sexual SEAH
* The requirement to report any concerns related to SEAH including suspected or alleged cases by anyone referenced in the scope of this policy
* The prohibition of transactional sex for all personnel
* The prohibition of fraternisation for all non-national personnel while engaged in service delivery
* Communicating standards of behaviour with all stakeholders and raising awareness for reporting or complaints pathways

## Reporting

**Who can report?**

All personnel, including partners, staff and individuals, are required to report suspected or actual SEAH incidents, policy or code of conduct breaches via the Help Without Frontiers’ reporting process.

**What to report?**

Disclosures or complaints of SEAH:

* Breaches of policy and/or code of conduct
* Concerns, allegations, suspicions or observations by inappropriate behaviour by personnel
* Any additional information relating to an incident that has already been reported.

**How to report?**

Reports can be made to the Safeguarding Focal Point via **ivet@helpwithoutfrontiers.org** **immediately or as soon as it is practically possible.**

It is mandatory for all Help Without Frontiers participants to confidentially report all concerns, suspicions or allegations of sexual exploitation, abuse or harassment and/or breaches of this policy

Note: **Help Without Frontiers** must report all incidents to the TaskFORCE working group, if the report constitutes a criminal offence, this will be reported to the relevant authorities, taking into account the wishes of the victim/survivor and the safety of all parties. This informs the reporting process undertaken by the Safeguarding Focal Point.

Procedural fairness will be applied when responding to incidents, concerns or allegations of child exploitation of abuse.

## Risk management

Risk management means identifying the potential for an incident or harm to occur and taking steps to reduce the likelihood or severity of its occurrence. Implementing risk management processes that actively anticipate, respond to and prevent SEAH risks is paramount in **Help Without Frontiers’** practice.

Monitoring and reviewing risks regularly (including after incidents, near misses and complaints) is vital to ensuring the ongoing learning and improvement. We are committed to reviewing any systemic issues which may be contributing or hindering the organisation from being safe.

**Help Without Frontiers** recognises that all partners must assess the level of risk for SEAH occurring and apply minimum standards accordingly.

## Recruitment and selection

**Help Without Frontiers** is committed to ensuring robust recruitment and selection processes that signal the organisation’s commitment to safeguarding at all stages of engagement. All personnel undergo rigorous selection processes to identify suitable personnel and deter unsuitable personnel. All contracts for engagement with **Help Without Frontiers** include provisions for suspension or transfer of duties for any personnel under investigation and provisions for dismissal at the conclusion of an investigation.

There is a focus on emphasising appropriate standards of behaviour at every stage of engagement through:

* All prospective positions are risk assessed and appropriately screened
* **Help Without Frontiers’** commitment to preventing sexual exploitation, abuse and harassment is included on all advertisements, position descriptions and contracts
* A request that any prospective personnel discloses being charged with any SEAH offences
* A requirement for verbal referee checks
* A requirement for police checks and working with vulnerable people checks, when applicable
* A requirement for all prospective candidates working with children to undergo interviews incorporating behavioural based questions

All personnel are required to:

* Provide a current criminal record check (or equivalent) and references during recruitment
* Disclose whether or not they have been charged with any SEAH related offences (via Code of Conduct)
* Inform the organisation of any changes to their circumstances in regards to SEAH offence during their engagement with the organisation.

## Ongoing training

**Help Without Frontiers** is committed to ensuring that education on the PSEAH Policy is provided in order to build a culture of respect, accountability and equity. **Help Without Frontiers** seeks to ensure that all personnel, including external staff, are informed and understand the policy and all related obligations.

**Help Without Frontiers** provides training on PSEAH during the first month of personnel starting.

Refresher training is undertaken by all personnel once a year.

Upon engagement with **Help Without Frontiers** personnel are required to sign the PSEAH Policy to affirm their understanding of the policy and their obligations.

Supervision and performance appraisals also include a focus on adherence to the PSEAH Policy and related procedures.

## Policy non-compliance

Breaches in the policy can lead to disciplinary action including possible dismissal and criminal proceedings. For partners, breaches can lead to termination of agreement. Failure to meet training requirements leads to reassessment of duties and performance management until compulsory activities are complete.

## Policy review

This policy is reviewed at minimum every 2 years. The review process will seek contribution and feedback from personnel and external stakeholders. **Help Without Frontiers** is committed to reviewing the PSEAH Policy following significant incidents and related procedures once a year. Changes may also be made to the policy following legislative and sector changes or emerging best practice standards.

## Related procedures

* Child Safeguarding Policy
* Code of Conduct and Practice
* Reporting system mechanism
* Recruitment policy



I, …………………………………… **[insert name]** acknowledge that I have read, understand and agree to comply with **Help Without Frontiers’** Prevention of Sexual Exploitation, Abuse and Harassment (PSEAH) Policy and relevant associated guidelines. I understand and agree that it is my responsibility to use common sense and avoid actions that are abusive or exploitative of adults or could be construed as such. I know what to expect if a report is made by me or an allegation is made against me. I understand and agree that a breach of the Policy may provide grounds for my employment/engagement with **Help Without Frontiers** to be terminated. I also understand that a breach of the Policy could result in criminal prosecution.

I authorize **Help Without Frontiers** to undertake any necessary inquiries, including criminal record checks and reference checks, as part of my appointment or recruitment process.

Name: ……………………………………………………………………………………………..

Position: ……………………………………………………………………………………………

Signed: ……………………………………………………………………………………………..

Date: ………………………………………………………………………………………………

## Annex 1: Glossary

| AGREEMENT | A contract, grant agreement or other arrangement entered into by HWF and a partner, whether legally binding or not.  |
| --- | --- |
| CHILD/CHILDREN | In accordance with the United Nations Convention of the Rights of the Child, ‘child’ means every human being under the age of 18 unless under the law applicable to the child, majority is attained earlier. For the purposes of this Policy, DFAT considers a child to be a person under the age of 18 years. |
| CONTRACTOR(S) | A person or entity engaged pursuant to a contract for services. Includes:* specified personnel nominated in a head agreement with an intermediary company (the contractor) to which a payment is made (although the specified personnel may themselves be employees and not independent contractors): or
* If the person performing the service is the service provider; he/she is an independent contractor.
 |
| FRATERNISATION | Any relationship that involves, or appears to involve, partiality, preferential treatment or improper use of rank or position including but not limited to voluntary sexual behaviour. It could include sexual behaviour not amounting to intercourse, a close and emotional relationship involving public displays of affection or private intimacy and the public expression of intimate relations. |
| GRANT | an arrangement for the provision of financial assistance. |
| MULTILATERAL PARTNER | International intergovernmental institutions with governmental membership. They include multilateral development banks, United Nations agencies and regional groupings. |
| PERPETRATOR | A person (or group of persons) who commits an act of SEAH or other type of crime or offence. |
| TRANSACTIONAL SEX | The exchange of money, employment, goods or services for sex, including sexual favours. |
| VICTIM/SURVIVOR | A person who is, or has been, sexually exploited, harassed or abused.  |

1. Refers to age of consent requirements specified for sexual activity in the law of the host country or the age of consent under the law of the Australian Capital Territory (16 years), whichever sets the greatest age. [↑](#footnote-ref-0)