



Institutional Policy

Protection of beneficiaries from sexual exploitation, abuse and harassment

Operations Division 2011 –
Updated August 2021

IP 103





On 24 January 2018, Handicap International’s global movement became Humanity & Inclusion. The Federation, which runs projects in around sixty countries, is now working under the operating names of “Humanity & Inclusion”, “Handicap International” or “Atlas Logistique”. Any document with the letterhead “Humanity & Inclusion” applies de facto to Atlas Logistique and Handicap International team



Protection of beneficiaries from Sexual Exploitation, Abuses and Harassment

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1.

Introduction

1.1 Why this policy on Protection of beneficiaries from Sexual Exploitation, Abuse and Harassment (PSEAH) ?

Through this policy, Humanity & Inclusion (HI) expresses its determination to:

- Combat the sexual exploitation, abuse and harassment of children and vulnerable adults benefiting from or impacted by HI's intervention.
- Implement measures to reduce risks on its programmes, whatever the context.

HI reaffirms its policy of zero tolerance of any form of sexual exploitation, abuse or harassment. HI also encourages its staff to consider their actions and the potential consequences of these actions.

This is a revised version of the PSEAH policy, replacing the version published in 2011 then 2019. It was approved by the Directorate in June 2021.

1.2 Scope of application

This policy applies to HI as an institution and to all those collaborating with HI, notably people having signed a permanent or fixed-term employment contract with HI, family members accompanying international staff, trustees, consultants, interns, voluntary workers or international volunteers and people invited onto HI's premises or programs, service providers and partners. For all those under HI's responsibility, this PSEAH policy applies to all situations, professional or otherwise, during and outside working hours. It is HI's responsibility to ensure that everyone is informed of the existence and content of this policy.

2.

Definitions

Sexist Behavior

No one shall be subjected to sexist behavior, defined as any behavior related to a person's sex, which has the purpose or effect of violating their dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. (Ref : LAW n°2015-994 of 17 August 2015 - art. 20)

Sexual Abuse

Sexual abuse refers to actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

Sexual Exploitation

Sexual exploitation is any actual or attempted abuse of a position of vulnerability, differential power or trust for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another. Any form of intense pressure, even if not repeated, with the actual or perceived goal of obtaining sexual favours, whether for the offender or for a third party, is also considered to be sexual harassment.

3.

Policy Statement: preventing sexual exploitation, abuse and harassment

3.1 Article 1

Sexual exploitation, abuse or harassment of children and vulnerable adults benefiting from or impacted by HI's intervention constitutes inappropriate behavior and shall lead to disciplinary action. Our Code of Conduct sets forth the "expected behaviors and practices constituting the organization's minimum standards and actions to be avoided".



See Code of Conduct: Integrity Prevention of abuses and Safeguarding

3.2 Article 2

Recognising the existence of factors of exclusion and inequality that are more marked in certain population groups, HI is

committed, in the context of the application of this policy, to paying particular attention to the risks of abuse of children, men and women with disabilities, the elderly or victims of racism.

3.3 Article 3

Sexual activity with persons under the age of 18 is prohibited regardless of the age of majority or age of consent locally⁴. Mistaken belief in the age of a person is not considered a defense.

3.4 Article 4

Exchange of money, employment, goods, services or any type of assistance for sexual favors are prohibited

3.5 Article 5

The relationship between a person collaborating with HI, as defined in point 1 of this policy, and the beneficiary of assistance is based, by definition, on an unequal power relationship. Thus, sexual relations between the above-mentioned persons and adult beneficiaries are formally forbidden, as they are likely to undermine the credibility and integrity of the action carried out by HI.

3.6 Article 6

HI undertakes to ensure that all its collaborators as defined in point 1 of this policy understand the principles and provisions of this policy, as well as its whistleblowing and monitoring procedures with regard to given activities and contexts. Risk reduction strategy must be a matter of constant concern.

3.7 Article 7

All persons working with HI, as defined in point 1 of this policy, and in particular managers at all levels, have an obligation to create and maintain an environment free of gender-based violence. These managers are responsible for preventing sexual exploitation, abuse or harassment.

The fight against the culture of complacency and impunity requires a constant effort. Managers, in particular, must be aware of, and enforce this protection policy and be proactive in supervising their teams.

All persons working with HI, as defined in point 1 of this policy, must consider the risks of gender-based violence, sexual

exploitation, abuse and harassment in the given activities and context.

3.8 Article 8

HI is committed to providing assistance to whistleblowers who report conduct contrary to this policy, as well as specific assistance and support to victims of sexual exploitation, abuse or harassment perpetrated by a person working with HI, as defined in point 1 of this policy.

Victims will be informed of that those responsible for acts of exploitation, abuse or harassment remain fully responsible for their acts, even if assisted by HI on the grounds of the presumption of innocence.

When a conflict of interest exists between the victim and another involved person, the desires of the victim shall take priority when handling the case, especially where there is a risk of further physical and/or emotional ill-treatment.

4.

Implementation & Procedures

4.1 Recruitment, selection, induction period

HI implements secure recruitment for its employees; this includes information on values and safeguarding principles in job advertisements; specific questions during interviews; reference checks with previous employers; and a request for criminal records for the most sensitive positions.

Before starting work for HI, each candidate must pass all stages of this secure recruitment process.

All persons holding an employment contract with HI (temporary or permanent), HI board members, consultants, interns, volunteers or volunteers engaged by HI are informed of this PEASHS policy. HI's code of conduct and internal rules also contain clauses regarding protection from sexual exploitation, abuse and harassment.

The employment contracts contain a clause stipulating that the employees commit themselves to respect the PEASHS policy in particular.

4.2 Alert procedure in case of non – compliance with the policy (whistleblowing mechanism)

When suspicions or reports of gender-based conduct, sexual exploitation, abuse or harassment are made, the procedure is as follows.

The person who initially became aware of the sexual exploitation, abuse or harassment shall:

- either inform the on-site Safeguarding Policies Officer,
- or the [regional] program director or the country manager,
- or use the professional alert mechanism (whistleblowing), details of which are available on the HI internet and intranet sites.

If the sexual exploitation, abuse or harassment has been committed by a [Regional] Program Director / Country Manager, the person concerned shall:

- either inform the Operations Division Director,
- or use the whistleblowing mechanism consultable on HI's internet and intranet sites.

In concrete term, any concerns or suspicions should be reported in good faith, but no attempts should be made to investigate further in order to obtain proof or establish a report. It is prohibited to take sanctions against anyone reporting an incident in accordance with adapted procedures.

If the person accused is an employee, he or she shall be immediately suspended until the allegations have been investigated and appropriate measures taken. In other cases, HI shall immediately prohibit access to its premises, materials and activities until the allegations have been investigated and appropriate measures taken. HI shall, if necessary, ask its partners to suspend or remove the suspected person until the allegations have been investigated and appropriate measures taken.

Disciplinary measures shall be taken against the HI employee in accordance with the gravity of the misconduct and applicable provisions, notably the law applicable to the contract and internal rules of procedure.

For the same reasons, HI shall officially request the partner's organization to take appropriate measures with the accused

person.

In any case, should a member of its local or international staff be accused, HI shall not obstruct local legislation and shall take all necessary steps to ensure fair judicial proceedings.

Any false, malicious or contemptuous statements made against a person having signed (a permanent or fixed-term contract) with HI, or against accompanying family members, trustees, consultants, interns, international volunteers or voluntary workers engaged by HI, shall be investigated and the appropriate measures taken, including disciplinary measures.

4.3 Confidentiality

In all matters relating to this policy, the obligation of confidentiality must be respected. Therefore no information provided by children and/or other individuals about any form of sexual exploitation, abuse or harassment shall be made public without the prior consent of the child / his or her parents / his or her legal guardian and/ or the person reporting the incident.

Victims / Survivors and whistle-blowers must be kept fully informed at all times of the process underway for handling the incident and of its outcome.

All concerns, allegations or disclosures shall be reported in writing. Reports shall be as precise as possible, giving an exact account of what happened, how it happened etc. and including the sequence of events and all subsequent actions taken. All reports shall be kept under lock and key and access to them shall be restricted to the [Regional] Programme Manager / Director / Country Manager, under HQ supervision (Geographical Division Directors and Human Resources Director / Manager). Any transfer of information (either verbal or electronic) shall be done in such a way as to guarantee its confidentiality.

Should the allegation concern staff from another organisation, the [Regional] Programme Director / Country Manager shall decide how to approach the issue with the organisation concerned before reporting it to a third party, and with due regard to local legislation.

4.4 Procedures with partners

HI shall not enter into a partnership agreement with organisations

whose staff or members are liable to commit acts of sexual exploitation, abuse or harassment against beneficiaries, as described in section 2 of this policy.

Any proven allegations of such practices shall result in HI's termination of the partnership agreement unless the partner commits to and effectively ensures a radical change in behaviour.

5

Monitoring / evaluation

Policy and practices are monitored permanently.

The [Regional] Programme Director / Country Manager is responsible for information on policy and practice, as well as for monitoring all matters relating to abuse within the HI network and for reporting them to the Safeguarding Policies Officer, Operations Director / Managers and Human Resources Director at HQ.

Documents related to protection

HI. Safeguarding Framework. Lyon - HI, 2020

HI. Code of conduct: Integrity, Prevention of abuse and Safeguarding. Lyon: HI 2019, updated 2021.

HI Child Protection Policy. Lyon: HI, 2011, 2019, update 2021 HI.
Fraud & Corruption Policy. HI 2021

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**Protection of
beneficiaries
from sexual
exploitation,
abuse and
harassment**

This paper
presents the
policy and
measures
adopted by HI to
prevent and
combat the
sexual
exploitation,
abuse and
harassment of
beneficiary
populations by
humanitarian workers.

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