

## Prevention of Sexual Exploitation and Abuse (SEA) Policy

Audited By	Approved by
Compliance Manager	Board of Directors 16 / 05 / 2022
CROWE AS ITALY	

Review	Reason / Change of Review	Entry into force,
Rev. 1.0		01 / 06 / 2022

## Summary

1. Introduction .....	3
2. Scope of the policy .....	4
3. HELPCODE behaviour protocol .....	5
4. Strategic approach .....	6
5. Roles and responsibilities .....	7
6. Effective implementation of the PSEA Policy .....	8
7. Response commitment .....	8
8. Control Matrix .....	12

## 1. Introduction

In line with its Statute and Code of Conduct, HELPCODE is committed to actively prevent acts of Sexual Exploitation and Abuse (SEA) by its own personnel and associates, and respond to SEA incidents that are perpetrated against its beneficiaries or other members of the community, in compliance with the *Statement of Commitment on Eliminating Sexual Exploitation and Abuse* by UN and Non-UN Personnel<sup>1</sup>, the *Minimum Operating Standards for Protection from Sexual Exploitation and Abuse by own Personnel*,<sup>2</sup> and the United Nations Secretariat' Special Measures for Protection from Sexual Exploitation and Sexual Abuse<sup>3</sup>. Therefore, HELPCODE adopts the six core principles<sup>4</sup> relating to sexual exploitation and abuse approved by the IASC Member Agencies in 2002:

### **IASC Six Core Principles Relating to Sexual Exploitation and Abuse**

1. Sexual exploitation and abuse by humanitarian workers constitute acts of gross misconduct and are therefore grounds for termination of employment.
2. Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief regarding the age of a child is not a defence.
3. Exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour is prohibited. This includes exchange of assistance that is due to beneficiaries.
4. Sexual relationships between humanitarian workers and beneficiaries are strongly discouraged since they are based on inherently unequal power dynamics. Such relationships undermine the credibility and integrity of humanitarian aid work.
5. Where a humanitarian worker develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same agency or not, he or she must report such concerns via established agency reporting mechanisms.
6. Humanitarian workers are obliged to create and maintain an environment which prevents sexual exploitation and abuse and promotes the implementation of their code of conduct. Managers at all levels have particular responsibilities to support and develop systems which maintain this environment.

<sup>1</sup> <https://reliefweb.int/report/world/statement-commitment-eliminating-sexual-exploitation-and-abuse-un-and-non-un-personnel>

<sup>2</sup> [https://interagencystandingcommittee.org/system/files/3\\_minimum\\_operating\\_standards\\_mos-psea.pdf](https://interagencystandingcommittee.org/system/files/3_minimum_operating_standards_mos-psea.pdf)

<sup>3</sup> Special measures for protection from sexual exploitation and sexual abuse

<sup>4</sup> [https://interagencystandingcommittee.org/system/files/iasc\\_six\\_core\\_principles\\_relating\\_to\\_sexual\\_exploitation\\_and\\_abuse\\_2002.pdf](https://interagencystandingcommittee.org/system/files/iasc_six_core_principles_relating_to_sexual_exploitation_and_abuse_2002.pdf)

As defined by the UN Special measures mentioned above, “sexual exploitation” means 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. Similarly, the term “sexual abuse” means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions (*United Nations Secretariat 2003*).

With this policy, HELPCODE intends to contribute to the humanitarian community’s fight against sexual exploitation and abuse, and to fulfil this commitment in all its operations in order to strengthen its accountability towards affected populations. This policy builds on common values, principles and beliefs, and describes the steps that will be taken to ensure protection from sexual exploitation and abuse.

## 2. Scope of the policy

All HELPCODE employees and related personnel in the headquarters and in the offices abroad are required to behave irreproachably with all the project beneficiaries or members of the community. HELPCODE commits to create a **zero-tolerance** organizational culture against complacency and impunity. HELPCODE Management is expected to create and maintain an environment that prevents sexual exploitation and abuse and must therefore be familiar with and enforce this policy, being proactive in overseeing their team.

Through the Protection from Sexual Exploitation and Abuse Policy, HELPCODE clearly expresses its determination to prevent and combat sexual exploitation and abuse of beneficiaries and members of the community by its employees and all related personnel.

The policy is addressed to all HELPCODE employees and related personnel included in the following categories:

- Board of Directors and HELPCODE Management;
- All the employees and collaborators in all Helpcode structures and projects in Switzerland and abroad;
- External entities and their employees and individuals who have entered into partnership, sub-grant or sub-recipients agreement with HELPCODE, committees, associations of any sort – including their members and staff – supported, financially or otherwise, by HELPCODE in Switzerland and abroad;
- Consultants and other freelance persons who act on behalf of HELPCODE on the basis of service contracts (understood as consultants and providers of intellectual services);

- All persons acting voluntarily on behalf of HELPCODE;
- Suppliers of any sort of goods, services, or works, who have signed a contract with HELPCODE.
- All the other people not included in the above mentioned categories who have signed a contract with HELPCODE.

### **3. HELPCODE behaviour protocol**

The following specific standards of behaviour apply at all times, during and outside working hours, with no exceptions.

1. HELPCODE personnel (as defined above) must not request any service or sexual favour from beneficiaries of HELPCODE programmes or other members of the communities in which HELPCODE works in return for protection or humanitarian assistance, and must not engage in sexually exploitative relationships.
2. HELPCODE personnel must not exchange money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour. This prohibition against exchange of money for sex means that HELPCODE personnel must not engage the services of sex workers while on HELPCODE assignment, including in HELPCODE premises or accommodations, and while travelling to/from or attending meetings, workshops and trainings, regardless of the local or national law concerning sex work or prostitution in the country in which they work.
3. HELPCODE personnel must refrain from having sex or engaging in sexual activity with beneficiaries because there is an inherent conflict of interest and potential for abuse of power in such a relationship. If a personnel member has sex or engages in sexual activities with a beneficiary, he/she must disclose this conduct to his/her supervisor. Failure to report such a conduct will lead to disciplinary action.
4. HELPCODE personnel must refrain from sexual activity with any person under the age of 18, regardless of the age of majority or age of consent locally, i.e. the local or national law of the country in which they work. Ignorance or mistaken belief of the child's age is not a defence. Failure to report such a conduct will lead to disciplinary action.
5. HELPCODE personnel must not support or take part in any form of sexual exploitative or abusive activity, including, for example, pornography or trafficking of human beings.
6. HELPCODE personnel must report in a timely manner any concern or suspicion they have

regarding possible violations of the PSEA Policy and related standards of behaviour via HELPCODE established reporting procedures (see *Whistleblow Policy*), even when the alleged perpetrator is another aid worker. Information related to SEA incidents involving HELPCODE personnel or associates, or other aid workers, must be shared only with the in-country PSEA Focal Point or his/her alternate who will take over the case and inform immediately the in-country PSEA Referent to discuss the way forward.

7. HELPCODE personnel must create and maintain a living and working environment which prevents sexual exploitation and abuse, and promotes the implementation of the PSEA Policy.
8. HELPCODE personnel must challenge poor practices, and report potential risks which might lead to sexual exploitation or abuse.

All HELPCODE personnel are obliged to adhere to these standards of behaviour. Any violation of these standards constitutes serious misconduct. Failure to comply with these standards or failure to report sexual exploitation or abuse is grounds for disciplinary action. This action may include termination of contract or summary dismissal, and may result in the case being forwarded to the local authorities for criminal prosecution where appropriate and in accordance with applicable national laws. The standards set out above are not intended to be an exhaustive list. Other types of sexually exploitive or abusive behaviour may be grounds for disciplinary action pursuant to the HELPCODE statute and code of conduct.

#### 4. Strategic approach

HELPCODE intends to fulfil its commitment to protection from sexual exploitation and abuse through the following approach:

- **Awareness:** Ensuring that all HELPCODE personnel and associates, as well as beneficiaries and target communities, are aware of what SEA is, the risks and consequences related to SEA, and HELPCODE zero tolerance towards SEA.
- **Prevention:** Ensuring prevention of SEA by HELPCODE personnel and associates through adequate recruitment, programming and communication practices (as defined in the “effective implementation” section), and by promoting an environment where all HELPCODE personnel and associates work to minimise the risks of SEA.
- **Reporting:** Ensuring that complaint mechanisms for reporting SEA are in place and accessible, particularly to beneficiaries of HELPCODE programmes, and that all HELPCODE personnel and associates are clear what procedures to follow where concerns or suspicions arise regarding a SEA incident.

All complaints are reported by the Ombudsman in the “*Registry of Safeguarding*” (See Annex 1 – *Registry of Safeguarding*).

- **Response:** Ensuring that appropriate measures are taken to protect and support survivors where concerns arise regarding a SEA incident, and that commensurate actions are taken where suspicions of SEA are validated.
- **Promoting culture of openness, sensitivity and support:** Ensuring that HELPCODE management favours open lines of communication and dialogue, and an atmosphere of support in order to implement and improve HELPCODE SEA prevention practices and response procedures.
- **Principle of "need to know":** in order to guarantee the data confidentiality, information must be disclosed exclusively on the basis of an effective need to learn about it with regard to the protection of the victim or participation in any related process.

## 5. Roles and responsibilities

The following outlines relevant management and technical support roles and responsibilities within the Organization:

- Executive Management: The HELPCODE Board of Directors and Director will have overall responsibility for the implementation of and adherence to the PSEA Policy, as well as for mobilizing the associated necessary resources.
- Senior Management: The HELPCODE Director of Programmes, Head of Admin Unit, Head of Communication and Fundraising Unit at HQ will be responsible for ensuring the implementation of and adherence to the PSEA Policy across the Organisation. The HELPCODE Desks Officer and Country Representative will be responsible for developing and regularly revising the country-specific PSEA strategies, as well as for ensuring the implementation of and adherence to the PSEA Policy within the country missions.
- PSEA Focal Point: responsible for coordinating, supporting and providing advice on the development and implementation of the Organization's policy and practices for protection from sexual exploitation and sexual abuse (PSEA) through awareness-raising, training and management of the various reports (see *Annex 2 - TOR PSEA Focal Point*).
- Local PSEA Focal Point: responsible for receiving and reporting on the spot the complaints mechanism at community level and forwards it to the PSEA Focal Point for its evaluation and case management.

It is the responsibility of all HELPCODE personnel and associates to create and maintain an environment which prevents sexual exploitation and abuse.

## 6. Effective implementation of the PSEA Policy

For effective implementation, HELPCODE commitment to protection from sexual exploitation and abuse needs to be understood clearly and accurately by all HELPCODE personnel and associates, as well as beneficiaries and target communities. Therefore, HELPCODE is committed to the following:

- Ensure robust recruitment screening process for all the personnel (see *Human Resources Manual*), particularly for person who will have any direct or indirect contact with children, women, vulnerable groups;
- Include in the induction process for all new staffs, volunteers, community committee members, interns and consultants - international and national – a module on what SEA is and the content of the PSEA Policy in order to ensure that all HELPCODE personnel is aware of the PSEA Policy guiding principles, the related standards of behaviour, the implications of breaching these standards and the incident reporting procedures;
- Conduct repeated refresher training for personnel at both field and HQ level on the content of the PSEA Policy and related standards of behaviour;
- Put in place, and make accessible, a *Compliant Handling Mechanism* (CHM) for reporting sexual exploitation and abuse (see *annex 2 - PSEA reporting format*), identifying various reporting methods in the different contexts (PSEA Network, Green Line, Compliant Box);
- Raise awareness widely amongst target communities on what SEA is, their right to be safe from SEA, HELPCODE zero tolerance towards SEA and options for reporting SEA incidents;
- Inform beneficiaries of HELPCODE programmes of the fact that assistance to them is never to be conditioned on sexual favours, HELPCODE zero tolerance towards SEA and options for reporting SEA incidents in a manner which is age, gender and diversity sensitive;
- Make the PSEA Policy summary available in local languages and develop a child-friendly version to be disseminated in target communities, with partners and other relevant stakeholders. Posters of the PSEA Policy commitments and related standards of behaviour must also be displayed in each country office/base;
- Monitor and regularly review the effectiveness of the PSEA training and awareness materials and programmes.

## 7. Response commitment

To identify and act upon potential or actual sexual exploitation and abuse by staff in a timely and systematic manner, HELPCODE:

- Ensures to set protocols to process complaints of sexual exploitation and abuse in a timely



manner, including the immediate suspension of the alleged perpetrator from all the activities with a direct impact on beneficiaries and communities until the investigation is ended;

- Ensures to set protocols (*Annex 3 - PSEA Reporting Form*) to properly inform the appropriate authority which is responsible for conducting investigations for sexual exploitation and abuse allegations in respect of national and foreign legislation;
- Ensures that beneficiaries and members of the community know to whom they should report and what sort of assistance they can expect to receive. All potential and actual victims of SEA must be fully informed about how the complaint mechanism works, including the reporting process;
- Provides feedback to complainants on the development and outcome of their case, and the CHM will make every effort to maintain lines of communication;
- Ensures to take appropriate disciplinary actions including immediate termination of employment and referral for criminal prosecution and legal action, where appropriate, against the person who committed sexual exploitation and abuse, in accordance with the national law reporting and responding system;
- Ensure the protection of the victim, the complainant and the whistle-blower of SEA after having verified and confirmed the reported facts either by internal investigation or by external investigation. HELPCODE undertakes to provide assistance, psychosocial counselling, medical treatment, legal assistance to any victims of sexual exploitation and abuse, if identified as not specious, unfounded or false, perpetrated by one of its staff members or related personnel;
- Is responsible to ensure that all the thirdly party, included partners and suppliers are committed to respect the principles included in the SEA Policy, in addition to those contained in the Code of Conduct. The acceptance of the SEA Policy by signature of a declaration form is a condition for undertaking any relation with HELPCODE. For Partners, in case of missing of its own Protection to Sexual Exploitation and Abuse Policy, the following Policy must be incorporated into the contract and accepted by the Partner.

## **7.1 Response management:**

In responding to the aforementioned reports involving beneficiaries, the staff follows this Policy and always proceeds taking into consideration the best practices in favor of the victims, witnesses and any other person involved in terms of their safety, their physical and mental well-being and their rights to privacy, equality and fair justice. Helpcode staff may be called upon to collaborate in any investigations and to maintain adequate levels of confidentiality.

After receiving the report, the team managing the case will consider the information in its possession

and the seriousness of the case, and may decide to:

- mitigate or minimize concerns when, for example, following an initial assessment, the relevant details of the case are not confirmed;
- decide to take disciplinary action against the person who is the subject of the report after communicating this decision to his / her direct manager and / or to the Head of his/her organizational area;
- decide whether the case should be referred, with the consensus of the victim where necessary, to the police and judicial authorities, as well as to an external social support network. Should this happen, the team will convene a Crisis Management Unit, composed of the Director, the Head of the Operational Unit subject of the complaint and the PSEA Focal Point. The Crisis Management Unit may request the opinion of one or more external experts previously identified (see *CHS Alliance Guidelines for Investigations*<sup>5</sup>).

#### **7.1.1. - Crisis Management Unit**

The Crisis Management Unit is under the direct responsibility of the Director and has the task of:

- first of all, ensure the safety of the beneficiary, deciding on specific measures and an action plan;
- discuss and determine the best way to guarantee initial psychological support or medical treatment;
- support the victim in receiving adequate legal support;
- decide to formulate an internal action plan to monitor the progress of the case (including a subdivision of roles, responsibilities and times) and close it;
- inform the Communications Manager confidentially, strictly following a "need to know" criterion, in order to prepare a possible communication strategy;
- inform the Board and Director of Human Resources of the decision to file an official report or complaint against the staff member or the Helpcode representative
- All records and documentation will be securely archived by the PSEA Focal Point for the duration of the case and shared, with the utmost confidentiality, strictly following a "need to know" criterion. Adequate feedback and support will be provided to all involved until the case is closed. Anonymous and general information on all reports received will be sent to the Board and the Supervisory Body on a half-yearly basis.
- Helpcode undertakes to provide assistance, psychological counseling, medical treatment, legal assistance to all victims who suffer sexual exploitation and abuse, if identified as unsuspecting, unfounded or false, perpetrated by one of the staff members or collaborators, possibly taking advantage of them on the person who committed the crime. To this end, it allocates a provisional fund in its annual budget for this purpose.

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<sup>5</sup> <https://www.chsalliance.org/get-support/resource/guidelines-for-investigations/>

## 7.2 - Reporting

To monitor and update on the PSEA policy implementation, the following reporting are foreseen:

- PSEA Focal Point collects reports from local focal points and send an internal report every 6 months to the Director;
- The Director sends at least every six months to the Board of Directors, a Report containing the status of any reports on Safeguarding with communication to the ODV.
- Helpcode undertakes to inform donors and stakeholders annually on the implementation of the PSEA policy (in particular CHS Alliance, SCHR Misconduct Scheme Mechanism<sup>6</sup>).

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<sup>6</sup> <https://misconduct-disclosure-scheme.org/home>

## 8. Control Matrix

The minimum controls to be ensured by the procedure.

Scope	Control	Description	Frequency	Owner
<b>Strategic approach</b>	<b>CTRL 1</b>	Verify that all staff, associates and target communities are aware of SEA.	To event	Board of Director Director
	<b>CTRL 2</b>	Verify the accessibility and efficiency of the reporting mechanisms of any SEA.	To event	Director Director of Programme PSEA Focal Point
<b>Effective implementation of the PSEA Policy</b>	<b>CTRL 3</b>	Verify that the PSEA policy is made available in local languages and that is developed a child-friendly version in the target communities.	To Event	Director of Programme PSEA Focal Point
	<b>CTRL 4</b>	Verify the presence of a Compliant Handling Mechanism – CHM in the countries of operations	To Event	Director of Programme PSEA Focal Point
	<b>CTRL 5</b>	Verify that PSEA training materials and programs are updated and monitored.	To event	Director of Programme PSEA Focal Point
<b>Response commitment</b>	<b>CTRL 6</b>	Verify that Director receives a report by Focal Point every 6 months	Half yearly	PSEA Focal Point
	<b>CTRL 7</b>	Verify that the Director sends to the Board of Directors, a Report containing the status of any reports on Safeguarding.	Half yearly	Director