

# **Child Focus Organisation**



## **Prevention of Sexual Exploitation, Abuse and Harassment Policy (PSEAH POLICY)**

CHILD FOCUS PREVENTION OF SEXUAL EXPLOITATION, ABUSE AND HARASSMENT POLICY WAS DISCUSSED AND APPROVED BY THE BOARD OF TRUSTEES AT ITS MEETING HELD ON JULY 19, 2020

## Introduction

CHILD FOCUS is a youth organisation aimed at helping to improve the lives and futures of communities. Sexual exploitation, abuse and harassment by NGO workers (within the office, outside of the office, in beneficiary communities and at all times), partners and all stakeholders represents a catastrophic failure of protection of the most vulnerable and the group that CHILD FOCUS exist for. CHILD FOCUS has a zero-tolerance policy on sexual exploitation, abuse and harassment which alongside CHILD FOCUS's Code of Conduct is intended to support the building of a positive, respectful and motivating environments.

### Definition:

This policy specifically refers to four key areas; sexual exploitation, abuse of authority, sexual abuse and sexual harassment. Each is defined below.

#### **Sexual Exploitation:**

Sexual exploitation means any actual or attempted abuse of 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. This includes acts such as transactional sex, solicitation of transactional sex, and exploitative relationships. Sexual exploitation can occur in any environment in which activities are carried out by Child Focus personnel (staff, board members, partners and volunteers.)

#### **Abuse of Authority:**

The improper use of a position of influence, power or authority by an individual against a stakeholder, beneficiary or community member. This is particularly serious when an individual misuses his/her influence, power or authority to negatively impact vulnerable people from locations where the core project activities of Child Focus are carried out. It can include a one-off incident or a series of incidents. Abuse of authority may also include misuse of power that creates a hostile or offensive environment, which includes - but is not limited to - the use of intimidation, threats, blackmail or coercion.

#### **Sexual Abuse:**

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

#### **Sexual Harassment:**

Sexual harassment occurs when a person makes an unwelcome sexual advance, or an unwelcome request for sexual favours to another person, or engages in any other unwelcome conduct of a sexual nature in relation to another person. Sexual harassment

has nothing to do with mutual attraction or consenting friendships, whether sexual or otherwise. Sexual harassment is unlawful in pre-employment activities and in the workplace. The workplace includes any place a person goes for the purpose of carrying out any function in relation to his/her employment and can also extend to social functions. Sexual harassment includes: any unwelcome sexual advance, request for sexual favour, verbal or physical conduct or gesture of a sexual nature, or any other behaviour of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation to another. Sexual harassment may occur when it interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive environment. It can include a one-off incident or a series of incidents. Sexual harassment may be deliberate, unsolicited and coercive. Both male and female colleagues can either be the victim or offender. Sexual harassment may also occur outside the workplace and/or outside working hours.

**Child Exploitation and Abuse (involves one or more of the following):**

**a. Physical abuse:**

Physical abuse occurs when a person purposefully injures or threatens to injure a child or young person. This may take the form of slapping, punching, shaking, kicking, burning, shoving or grabbing. The injury may take the form of bruises, cuts, burns or fractures.

**b. Emotional abuse**

Emotional abuse is inappropriate verbal or symbolic acts toward a child or a pattern of failure over time to provide a child with adequate non-physical nurture and emotional availability. Such acts have a high probability of damaging a child's self-esteem or social competence.

**c. Neglect:**

Neglect is the failure to provide a child (where they are in a position to do so) with the conditions that are culturally accepted as being essential for their physical and emotional development and well-being.

**d. Child Sexual Abuse:**

Child sexual abuse is the involvement of a child in sexual activity that s/he does not fully comprehend, give informed consent to, or for which s/he is not developmentally prepared and cannot give consent (less than 18 years) or that violates laws or social taboos of society. It is evidenced by an activity between a child and an adult or another child who by age or development is in a relationship of responsibility, trust or power, the activity being intended to gratify or satisfy the needs of the other person. It may include, but is not limited to, the inducement or coercion of a child to engage in any unlawful sexual activity, the exploitative use of

a child in prostitution or other lawful sexual practices or the exploitative use of pornographic performances and materials.

**e. Grooming:**

Grooming generally refers to behaviour that makes it easier for an offender to procure a child for sexual activity. It often involves the act of building the trust of children and/or their carers to gain access to children in order to sexually abuse them. For example, grooming includes encouraging romantic feelings or exposing the child to sexual concepts through pornography.

**f. Online grooming**

Online grooming is the act of sending an electronic message with indecent content to a recipient who the sender believes to be less than 18 years of age, with the intention of procuring the recipient to engage in or submit to sexual activity with another person, including but not necessarily the sender.

**POLICY/PRINCIPLES:**

In order to protect the most vulnerable populations, particularly vulnerable adults and children, and to ensure the integrity of Child Focus's international activities, the following principles must be adhered to:

1. Sexual exploitation, abuse, harassment and child abuse by Child Focus Employees, Partners and Related Personnel 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 the majority or age of consent locally. Mistaken belief in the age of the 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 by Child Focus Employees and Related Personnel is prohibited. This includes the exchange of assistance that is due to programme participants.
4. Sexual relationships between Child Focus Employees/Related Personnel and programme participants/beneficiaries are strongly discouraged since they are based on inherently unequal power dynamics. Such relationships undermine the credibility and integrity of Child Focus's development work.
5. Where a Child Focus Employee, Partner or Related Personnel develops concerns or suspicions regarding sexual abuse, exploitation, harassment or child abuse by a fellow worker or stakeholder, whether within Child Focus or not, he or she must immediately report such concerns via Child Focus's reporting mechanisms
6. Child Focus Employees and Related Personnel are obliged to create and maintain an environment that prevents sexual exploitation, abuse, harassment and child abuse and promotes the implementation of this Policy. CHILD FOCUS senior management have particular responsibilities to support and develop systems, which maintain this environment.

7. Child Focus has a zero tolerance stance on breaches of this PSEAH policy. Should any Child Focus Employees, Volunteers, Board Members, Partners, Stakeholders, Related Personnel and Program Participants commit any act of sexual exploitation, abuse, child abuse and/or harassment, appropriate procedures will be followed including but not limited to immediate suspension pending an investigation, termination of employment, termination of agreement, removal from the project (as an employee, partner, stakeholder or beneficiary), reported to authorities (including police, local government and the Malawi Government).

## PROCEDURES

1. Develop organization-specific strategies to prevent and respond to sexual exploitation, abuse, harassment and child abuse, including incorporating appropriate job responsibilities (such as staff training, complaints and response mechanisms, and coordinating high-level oversight and progress reports by directors) in specific staff positions to support and ensure effective implementation of organisation strategies to prevent and respond to sexual exploitation, abuse and harassment. All staff are to attend mandatory PSEAH training and refresher training at least every three years.
2. Undertake risk assessments to identify areas of risks and document steps that are being taken to remove or reduce these risks.
3. Incorporate this policy on PSEAH in Child Focus's codes of conduct and in induction materials and training courses for Child Focus Employees and Related Personnel, including specific provisions for child sexual exploitation and abuse. Staff and partners to attend refresher training at least every three years.
4. Ensure that when engaging in partnerships that agreements
  - a) incorporate this Policy as an attachment;
  - b) include the appropriate language requiring such contracting entities and individuals, and their employees and volunteers to abide with a Code of Conduct that is pursuant to the standards of this Policy; and
  - c) expressly state that the failure of those entities or individuals, as appropriate, to take preventive measures against sexual exploitation, abuse, harassment and child abuse, to investigate and report allegations thereof, or to take corrective actions when sexual exploitation, abuse, harassment or child abuse has occurred, shall constitute grounds for Child Focus to terminate such agreements and follow SEAH reporting processes.
5. Regularly inform Child Focus Employees and Related Personnel and communities on measures taken to prevent and respond to sexual exploitation, abuse, harassment and child abuse. Such information should be developed and disseminated in-country in cooperation with other relevant agencies and should include details on complaint mechanisms, the status and outcome of investigations in general terms, feedback on actions taken against perpetrators, and follow-up measures taken as well as assistance available to complainants and survivors. Any information that is not of a general nature and concerns specific cases must respect confidentiality for all parties involved, including the survivor and family, employee or related personnel, and the ongoing investigation process, particularly where there are legal implications.

6. Engage the support of communities and governments to prevent and respond to sexual exploitation, abuse, harassment and child abuse by Child Focus Employees and Related Personnel.
7. Ensure that complaint mechanisms for reporting sexual exploitation, abuse, harassment and child abuse are accessible and that Child Focus focal points for receiving complaints understand how to discharge their duties. This should include a documented reporting procedure in a relevant local language for sexual exploitation, abuse, harassment and child abuse allegations and policy for non-compliance in, including available sanctions for breaches
8. Provide support and assistance to complainants of sexual exploitation, abuse, harassment or child abuse. This may include medical treatment, legal assistance and psychosocial support as appropriate and according to the wants and needs of the survivor whilst also taking account of confidentiality, cultural sensitivities and survivor safety.
9. In compliance with applicable laws, prevent perpetrators of sexual exploitation, abuse, harassment and child abuse from being (re)hired or (re)deployed. Senior management must ensure robust recruitment screening processes for all personnel, particularly for personnel who will have any direct or indirect contact with children. This includes use of background and criminal reference/ record checks, verbal referee checks, and interview plans that incorporate behavioural-based interview questions.
10. Investigate allegations of sexual exploitation, abuse, harassment and child abuse in a timely and professional manner. This includes the use of appropriate interviewing practices with complainants and witnesses, particularly with children. Engage professional investigators or secure investigative expertise as appropriate.
11. Take swift and appropriate action, including legal action when required, against Child Focus Employees and Related Personnel who commit sexual exploitation, abuse, harassment and child abuse. This may include administrative or disciplinary action, and/or referral to the relevant authorities for appropriate action, including criminal prosecution, in the abuser's country of origin as well as the host country.
12. Take appropriate actions to the best of Child Focus's abilities to protect persons from retaliation where allegations of sexual exploitation, abuse, harassment or child abuse are reported involving Child Focus Employees or Related Personnel.
13. Ensure high-level oversight and information systems on sexual exploitation, abuse, harassment and child abuse reports received and actions taken, in order to monitor effectiveness, report progress and improve efforts to prevent and respond to sexual exploitation and abuse and child abuse.

### **EMPLOYEE, PARTNERS & RELATED PERSONNEL STANDARDS:**

Child Focus Employees, Partners and Related Personnel must uphold and promote the highest standards of ethical and professional conduct and abide by Child Focus's policies. These Standards apply to all child focus Employees, Partners and Related Personnel and are intended to provide an illustrative guide for Employees, Partners and Related Personnel to make decisions that exemplify Child Focus's Code of Conduct and core

values in their professional and personal lives. Any violation of these Standards is a serious concern and may result in disciplinary action, up to and including dismissal, in accordance with applicable laws:

1. Child Focus Employees, Partners and Related Personnel will not request any service or sexual favour from participants or beneficiaries of Child Focus programs, children or others in the communities in which Child Focus works, in return for protection or assistance, and will not engage in sexually exploitative or abusive relationships.
2. Child Focus Employees, Partners and Related Personnel will not engage in any sexual activity with any program participant or beneficiary.
3. Child Focus Employees, Partners and Related Personnel will 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 Child Focus Employees and Related Personnel may not engage the services of sex workers in the field.
4. Child Focus Employees, Partners and Related Personnel are prohibited from transactional sex in the field while engaged in the delivery of Child Focus business. Transactional sex refers to a sexual exchange of a non-marital, non-commercial nature, motivated by an implicit assumption that sex will be exchanged for material support or other benefits.
5. Child Focus Employees, Partners and Related Personnel are prohibited from participating in sex of any nature whilst on duty travel in the field and, or representing Child Focus in the field - consensual or otherwise. This clause does not extend to a de-facto couple posted to a community in the field together for a period of more than 10 days, whereby their relationships was preestablished prior to the duty travel or field posting.
6. Child Focus's Employees, Partners and Related Personnel must refrain from sexual activity with any person under the age of 18, regardless of the local age of consent, i.e. the local or national laws of the country in which the employee works. Ignorance or mistaken belief of the child's age is not a defence. Failure to report such a relationship will lead to disciplinary action pursuant to Child Focus's Child Protection Policy.
7. Child Focus Employees, Partners and Related Personnel will not support or take part in any form of sexual exploitative, abusive and, or harassment activities, including, for example, child pornography or trafficking of human beings.
8. Child Focus Employees, Partners and Related Personnel will treat all children with respect and not use language or behaviour towards children that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate. Child Focus Employees, Partners and Related Personnel will adhere to Child Focus's Child Protection Policy and Photography Guidelines when photographing or filming a child for work-related purposes.
9. Child Focus Employees, Partners and Related Personnel will not hire children for domestic or other labour which is inappropriate given their age or developmental stage, which interferes with their time available for education and recreational activities or which places them at significant risk of injury.
10. Child Focus non-national Employees, Partners and Related Personnel are prohibited from engaging in fraternisation when working in-country and in the field. Fraternisation refers to any relationship occurring in the course of conducting

business, 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 includes 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.

11. Child Focus Employees, Partners and Related Personnel must immediately report any concerns or suspicions they have regarding possible violations of this Policy by a Child Focus Employee, Partner or Related Personnel in line with Child Focus's complaints reporting and whistle-blower policies and procedures.
12. Child Focus Employees, Partners and Related Personnel will prevent, oppose and combat all exploitation, abuse and harassment of people, particularly incidents relating to women and children.
13. Sensitive information related to incidents of sexual exploitation, abuse, harassment or child abuse whether involving colleagues, program participants or others in the communities in which Child Focus works shall be shared only with enforcement authorities including Government agencies and Child Focus agents and employees of the appropriate seniority or function who have a need to know such information. Breach of this policy may put others at risk and will therefore result in disciplinary procedures.
14. Directors, managers and supervisors at all levels have particular responsibilities to support and develop systems that maintain an environment that facilitates implementation of this policy and which is free of sexual exploitation, abuse, harassment and child abuse.

#### **REPORTING / TREATMENT OF COMPLAINTS:**

Senior management will treat all concerns and complaints quickly, fairly and seriously. Treatment of complaints or reports will be undertaken in line with the Sexual Exploitation, Abuse and Harassment Complaint Resolution Procedures and Child Protection Policy & Procedures. This document also outlines the process in which employees may raise issues of concern. Employees will not be disadvantaged in their employment conditions or opportunities as a result of lodging a complaint. No employee will be penalised or disadvantaged as a result of raising legitimate concerns or complaints relating to sexual exploitation, abuse, harassment, child abuse or abuse of authority. Where a complaint is substantiated it may result in disciplinary action up to and including termination of employment and prosecution. If unsubstantiated or found to be vexatious it may also result in disciplinary action against the complainant.

#### **UPDATING DOCUMENTS AND PROCEDURES:**

Child Focus employees will periodically assess all Child Focus documentation, policies and procedures against these standards and accordingly, recommend and implement changes if necessary.

**STATEMENT BY ALL CHILD FOCUS PERSONNEL, ASSOCIATES & REPRESENTATIVES:**



I have read and understood Child Focus's:

- Prevention of Sexual Exploitation, Abuse and Harassment Policy

I have had the opportunity to ask child focus Management questions about the PSEAH policy and have had all questions answered appropriately. I agree to comply with the Policy. I understand that a breach of this Policy may provide grounds for my appointment or association with the organisation to be terminated. I also understand that a breach of the Policy could result in criminal prosecution. I understand that it is my responsibility, as a person associated with Child Focus, to use common sense and avoid actions or behaviours that would breach any part of this policy. I understand that it is my responsibility, as a person associated with Child Focus, to report any instances of sexual exploitation, abuse and harassment to senior management, the Executive Director or the Board Members. I authorise Child Focus to undertake any necessary inquiries, including criminal record checks and reference checks, as a part of my appointment by or association with the organisation.

Name	
Designation	
Sign	
Date	