

Regulations on Prevention of sexual exploitation, abuse and harassment (PSEAH)

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1 Introduction

FAIRMED is an international non-governmental organisation in development cooperation which is characterised by humanity, independence, neutrality and impartiality in its actions and behaviour. On the basis of our mission statement, FAIRMED wants ALL people to have equal access to prevention alongside adequate as well as affordable medical treatment, and for ALL people to be able to live in a healthy environment that is characterised by equity. All of our staff are expected to act in accordance to FAIRMED's Code of Conduct and to be advocates and champions of vulnerable people everywhere, in keeping with the ethical principles, attitudes and behaviours that FAIRMED stands for.

FAIRMED is continuously committed to gender equality and to ending gender discrimination within the organisation and at the same time in the community. FAIRMED regards this as an overarching theme in every programme and project. One of the main objectives of the organisation is to ensure the equal rights and sustainable development of marginalised people. FAIRMED has therefore committed itself to the development of a gender-equitable and women-friendly environment in all areas where it operates, in order to end all forms of gender-specific violence and ensure the empowerment of women.

Combating the sexual exploitation, abuse and harassment (SEAH) of the people we support and sexual harassment in the workplace is an important part of FAIRMED's organizational development worldwide to protect vulnerable populations and employees.

Sexual exploitation and abuse of the people FAIRMED aims to support is one of the most serious forms in which FAIRMED can fail in its mission. Despite decades of attention in the humanitarian sector, new cases continue to be reported and many remain unreported for fear of retribution. It is therefore crucial that FAIRMED takes every step to prevent any such cases arising and to respond adequately to those that nevertheless do occur.

FAIRMED provides a trustworthy, respectful and inclusive environment in which the people we serve and those who work for the organisation feel safe, heard, and empowered to speak up for themselves and others and, where appropriate, take effective and visible measures to eliminate sexual exploitation, abuse and harassment.

FAIRMED has adopted the present policy for all of its employees in Switzerland and in the project countries and is mandatory for everyone. This policy based on other policies, handbooks, websites or additional information on the prevention of sexual exploitation, abuse and harassment (PSEAH) of IASC Task Force on PSEA, IFRC, SAID, UN-HCR and CHS Alliance.

2 Purpose and scope of application

2.1 Purpose

The purpose of this policy is to ensure that FAIRMED takes all necessary steps to prevent sexual exploitation, abuse and harassment by FAIRMED personnel and to respond appropriately to incidents it cannot prevent. Ensuring the well-being of the victim and the accountability and integrity of our engagement with members of local communi-

ties is inherent in this goal. Ensuring fair treatment of personnel accused of the sexual exploitation, abuse and harassment in accordance with the FAIRMED internal rules is part of this policy.

This policy and its processes are intended to enhance existing documents such as code of conduct and personnel regulations and to define the internal reporting, investigation and follow-up system for potential violations related to SEAH.

The implementation of this policy seeks to further address awareness raising and training to be provided that will increase the capacity to handle cases in line with international standards.

This policy strengthens and develops accountability mechanisms so that survivors of sexual exploitation, abuse and harassment feel safe when they report and are protected from retaliation.

Engaging with local communities, promoting community-based complaint mechanisms and supporting survivors are important components of the core values to which FAIRMED is committed. The principles defined in the code of conduct and the applicable legal requirements form the basis for these regulations.

2.2 Scope of application

This Policy defines the extended ethical principles, attitudes and practices of the Code of Conduct that are binding for all FAIRMED employees worldwide as well as persons working under the name and legal status of FAIRMED (interns, volunteers, Members of the Honorary Foundation Board, consultants. Employees are also expected to behave according to these principles even outside working hours and beyond their place of work.

For Third-Party-Personnel, a standard PSEAH clause is to be included in the relevant agreements between FAIRMED and the third-party. A similar clause is to be included in FAIRMED's grant agreements with implementing partners.

This policy does not apply to cases of harassment and sexual misconduct between FAIRMED Personnel. Such cases are addressed separately in the Regulations on Sexual Harassment in the Workplace.

3 Sexual exploitation, abuse and harassment

3.1 Definition and distinction

The terms sexual exploitation, abuse and harassment are often confused or mingled. The main difference is who the victim/survivor¹ is.

Sexual exploitation and sexual abuse affect people, who seek or benefit from the FAIRMED protection or assistance. This may include any person in the country or local community where FAIRMED is operating.

¹ Both terms can be used interchangeably; the term "survivor" includes somehow resilience and is considered more positive.

Sexual exploitation is the actual or attempted abuse of the situation of a vulnerable person (e.g. a person who is dependent on you to survive, to obtain medicine, food rations, transportation or other services). Power and trust are abused to obtain sexual favours, including, but not limited to, offering money or other social, economic or political benefits. This includes human trafficking and prostitution.

Sexual abuse is the actual or threatened physical assault of a sexual nature, whether through violence or under unequal or forced conditions. These include sexual slavery, pornography, child abuse and sexual assault.

Sexual harassment includes any sexual or gender-related behaviour that is unwanted on one side and which violates a person's dignity. These are any unwanted sexual advances, requests for sexual favours, verbal or physical acts or gestures of a sexual nature, or any other conduct of a sexual nature that may result in or be viewed as insulting or abusive to another. Sexual harassment is also extremely serious as it can interfere with work, be made a condition of employment or create an intimidating, hostile or negative atmosphere.

Sexual harassment can take the form of words, gestures or deeds. It can be perpetrated by individuals or groups. More specifically, this refers among others to:

- Verbal comments of a sexual nature, such as suggestive and/or lewd remarks about the appearance of employees, sexist comments, jokes or questions about the sexual characteristics, sexual behaviour, sexual orientation of women or men.
- Non-verbal such pornographic material or explicit images being shown, hung up or distributed in the workplace, staring, sexual gestures or written comments of a sexual nature.
- Physical such as unwanted physical contact, touching, stalking, and assault, coercion or rape (this includes attempts and threats to do these things).

The deciding factor is not the intention of the person doing the harassing, but how their behaviour affects the person concerned and whether they feel it is wanted or unwanted.

An action or behaviour can still be considered sexual harassment even if the alleged harasser did not intend for it to be harmful. Communication and explanation from both sides are important in this context.

4 Key principles

The policy is underpinned by the following principles. The principles reflect FAIRMED's commitments to address SEAH.

4.1 Zero tolerance policy

FAIRMED pursues a zero tolerance policy towards sexual exploitation and abuse. This means that all perpetrators must be held accountable. Sexual exploitation and abuse by employees in development cooperation are never acceptable, constitute gross misconduct and are therefore grounds for termination of employment.

4.2 Strong leadership set organisational culture

Leaders set organisational culture. FAIRMED expects its leaders in Switzerland as well as the leaders in the project countries to set clear expectations and model respectful behaviour in their interactions at work. This will support communities, survivors and whistleblowers to feel safe, report concerns and be assured their allegations are taken seriously.

Strong leaders address SEAH by taking measures to improve diversity and inclusion. Leaders should encourage scrutiny of their own behaviour and that of senior management.

4.3 Survivor-centred approach and access to justice

FAIRMED prioritise the rights, needs, and wishes of the survivor and ensure procedural fairness to all parties. We never encourage survivors to take a particular course of action. It is crucial that we listen to those who seek help and ask every survivor what they feel is the best option, and not just do what we think is best. The approach means:

- **Do no harm:** no action should be taken that would worsen the situation of a survivor of sexual exploitation or abuse.
- **Respect:** all actions taken are guided by respect for the choices, wishes, rights and dignity of the survivor.
- **Information and decision making:** the survivor should be involved in decision making and adequate comprehensive information should be provided.
- **Safety:** the safety and security of the survivor is the number one priority for all actors.
- **Confidentiality:** There must be strict adherence to confidentiality regarding the survivor's identity and other identifying information in every aspect of case handling. All actions are to be taken to ensure that any matter is handled in full confidentiality.
- **Non-discrimination:** FAIRMED provides equal and fair treatment to anyone in need of help due to an SEAH incident involving FAIRMED Personnel.
- **Counselling and health services:** consider the need to assist the survivor with their recovery.

4.4 PSEAH is a shared responsibility

Preventing sexual exploitation, abuse and harassment is everyone's responsibility. Every sector plays a role to reduce SEAH – government, business, non-government organisations, institution, communities and individuals. All FAIRMED country offices have a responsibility to build their capacity to deal sensitively and effectively with SEAH that occurs in the course of their work. FAIRMED requires also the commitment, support and investment of its partners for this policy to be effective.

4.5 Gender inequality and other power imbalances are addressed

Power relations are crucial for inequalities based on differences between worker and beneficiary, men and women, ability and disability, ethnic and indigenous status, religion, gender identity and sexual orientation, age, health and poverty, which can also

lead to SEAH. The intersection of gender with other forms of inequality can further increase the likelihood of SEAH occurring. Engagement with intended beneficiaries should be based on respect for diversity, promotion of gender equality and social inclusion, accountability, and a strong “do no harm” focus. Children survivors are to benefit from a particular attention and their specific needs must be addressed. Children are at high risk of SEAH — particularly children with disability, children living in residential or institutional care, children who have experienced previous trauma or abuse, trafficked children, and gender diverse children and young people.

4.6 Reporting for enhance accountability and transparency

FAIRMED employees and partner organisations under contract are not only accountable to FAIRMED, but especially to communities and beneficiaries for whom the projects and programs are intended. Accurate reporting of eventual cases allows FAIRMED to better monitor SEAH, understand risks, improve security and work with organisations to improve systems and safeguards accordingly. SEAH-related reporting is also increasingly critical for the accountability and transparency for many stakeholders of FAIRMED, such as the public, donors, auditors, charity regulators like ZEW0 or international organisations. Reporting will also help to focus on the issue by providing a regular prompt that PSEAH is a core obligation of our work.

5 Rules of conduct in reference to Code of Conduct

As stated in the Code of Conduct (Chapter 5.6, following principles), FAIRMED Personnel shall:

- 16) Not commit any act of sexual exploitation, abuse or harassment. This prohibition extends to all forms of sexual abuse or exploitation and includes the failure to report concerns or suspicions regarding any violation by a co-worker (whether an employee of FAIRMED or of a partner organisation).
- 17) Not engage in any sexual activity with persons (adult or child) that look to or benefit from FAIRMED’s protection or assistance, regardless of the local age of majority or consent (mistaken belief in the age of a child is not a valid defense). Sexual activity includes all forms of activity and abuse of a sexual nature, with or without physical contact, and whether or not either party is aware of such abuse.
- 18) Not exchange money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour.
- 19) Not produce, procure, distribute or use pornographic material in FAIRMED offices or on FAIRMED equipment, including reading/surfing pornographic websites or message boards, or sending pornographic emails.

6 Prevention

6.1 Organisational culture

FAIRMED is committed to a mindful organisational culture that pursues mutual respect and trust, and which emphasises communication, openness and transparency. FAIRMED also promotes a set of organisational ethics that fosters integrity and honesty.

FAIRMED is continuously committed to gender equality and to ending gender discrimination within the organisation and at the same time in the community. Combating the sexual exploitation, abuse and harassment (SEAH) of the people we support and sexual harassment in the workplace is an important part of FAIRMED's organizational development worldwide. As such, the promotion of women at all levels is an integral part of Good Governance and the promotion of equal access of men and women to resources and positions of power is pivotal to the prevention of sexual exploitation, abuse and harassment.

Cases of sexual exploitation, abuse and harassment severely damage trust in an organisation and have a very negative impact on the relationship with beneficiaries, communities where we are operating, partner organisations, donors, public and our own staff. All FAIRMED employees, including the Honorary Foundation Board, must conduct themselves in such a way that no kinds of serious violation of the trust placed in us by our beneficiaries, the members of the communities in which we work, the donors and the public.

Leadership and management teams have a role model function and must conduct themselves in an ethical manner. They must live up to their role model function through honesty and fairness, which should be demonstrated on a daily basis. They must also publicly declare that they and FAIRMED will not tolerate any sexual violating behaviour. This also includes expressing criticism of sexual language and actions in the work context.

6.2 Roles and responsibilities

6.2.1 Responsibilities of management

People in management functions (director, management team, country coordinators) must ensure that employees know and comply with the relevant laws and regulations. They have the overall responsibility for implementation of the policy with regard to FAIRMED personnel under their supervision. The responsibilities include ensuring that all FAIRMED personnel are informed and regularly reminded of the content of the present policy.

As a role model they are also responsible for creating the conditions that prevent sexual exploitation, abuse and harassment.

Further important management responsibility is to take immediate and appropriate action in accordance with these regulations upon receipt of a report, complaint, allegation, concern, suspicion or retaliation related to SEAH.

The management will ensure that staff receives initial training course and regular refreshing updates of PSEAH.

6.2.2 Responsibilities of managers at the field level

The managers strive to address the issue of sexual exploitation and abuse, harassment into the project work with affected people, with particular attention given to vulnerable groups.

A further important task for managers at the field level is to establish a mechanism for reporting SEAH incidents as described in chapter 7.3.1.

They address the issue in the work with local groups such as women's associations and those representing marginalised people with the aim of awareness raising on zero tolerance for SEAH and, where appropriate, working jointly to set up gender-sensitive community-based complaint mechanisms that put the rights, capacities and needs of survivors at the centre.

Country coordinators should encourage and support partner organisations to develop their own PSEAH policies according to their needs and in cooperation with PSEAH Headquarters.

6.2.3 Responsibilities of all Personnel

FAIRMED staff have the following responsibilities:

- Read and understand this policy
- Join PSEAH trainings
- Report any SEAH incidents that are witnessed, heard about or suspect
- Cooperate fully with those responsible for investigation
- Ensure the confidentiality of any reported incident

6.3 Contact/Trust Person

An internal contact person/trusted person must be designated, such as the country coordinator or a person of the human resources. Affected persons, complainants, witnesses or other informants may address an allegation regarding SEAH to a trusted person of their choice. That could be following persons: immediate supervisor, responsible person of human resources, country coordinator, and senior management in Switzerland (director, Head of Finance, HR & Administration, and Head of Programme Unit). According to an existing level of trust, hierarchical levels can be skipped.

External contact: Depending on the case, FAIRMED might decide to involve an external consulting firm.

6.4 Risk Analysis

Despite decades of attention in the humanitarian sector, new cases continue to be reported and many remain unreported for fear of retribution. It is therefore crucial that FAIRMED takes every step to prevent any such cases arising and to respond adequately to those that nevertheless do occur. For FAIRMED, which is headquartered in Switzerland and maintains country offices in its project countries, it is predominantly local laws that apply. In that sense, it is important to be aware of and familiar with these laws.

In order to identify the various risks for sexual exploitation, abuse and harassment, risk analyses are carried out regularly, both in the organization and in the projects. On the occasion of CC meetings, risks will be discussed in detail at all levels towards the subsequent development or adaptation a plan of action to minimise the likelihood of occurrence. Existing measures must be evaluated regularly. The country coordinator is assigned to be the focal person of PSEAH.

6.5 Sensitization & Training

Awareness-raising about what is acceptable behaviour by FAIRMED personnel and how to report wrongdoing through the existing mechanisms is conducted by FAIRMED management or designated responsible persons regularly.

In every country where FAIRMED operates, a safe, accessible and confidential mechanism for affected persons to report SEAH by FAIRMED personnel shall be developed and information about it effectively disseminated. These may include creation of a community-based complaint mechanism in collaboration with the community, use of the internal report hotline.

Management personnel must attach the highest priority to the prevention of exploitation, abuse and harassment, and to ensuring that all employees are acquainted with the policy. FAIRMED supports the professional training and education of its employees and provides regular information on the risks and effects of SEAH. Targeted information on SEAH risks supports appropriate responses to the vulnerable people, improves conduct and ultimately assists in the application of the policy in practice.

7 Detection

7.1 Encouragement to report

Creating a safe working environment is everyone's responsibility. The senior management of FAIRMED encourages employees to point out actual or suspected incidents of SEAH affecting the organisation or its co-operating partners as soon as possible, and if possible to identify those responsible. Thereby, it is important to respect the local laws and regulations. Exploitation and abuse may be current, recent or historical. There are no time limitations for reporting and taking action within the remit of this policy.

7.2 Recognizing signs

According to the target group the signs can be different. However, above all, there are visible signs that may indicate sexual exploitation, abuse or harassment. Employees who interact with the target groups need to be familiar with the visible signs and remain attentive. Such indications are listed below:

- changes in temperament such as mood swings or changes in emotional wellbeing
- self-harming
- becoming aggressive and disruptive or very quiet and withdrawn
- sudden offending behaviour or increase in offending behaviour
- Inappropriate or suddenly changing sexualised behaviours like promiscuity, overfamiliarity with strangers, sending sexualised images via computer or phones
- Unexplained items, money, substances
- Appearing under influence of drugs, intoxicated or beginning to drink excessively

7.3 Complaints Mechanisms

All allegations, regardless of their communication channel, should be reported without delay to the **immediate supervisor**. The immediate supervisor then informs the country coordinator or the senior management in Switzerland. If it is not possible to inform the immediate supervisor, the **internal reporting hotline** should be contacted. At FAIRMED, this is the Director, the Head of Finance, Human Resources & Administration, or the Head of the Program Division.

7.3.1 *Complaints mechanisms at the field*

Depending on the situation and target group, appropriate complaints mechanisms for SEAH must be created in the field. The best results in developing a complaints mechanism for SEAH are achieved when the target group is involved (e.g. sensitization through community meetings, regular women's meetings, discussions about consequences for perpetrators, etc.). There are several complaints systems, such as appointing a trustworthy person, implementing a feedback box or a web platform, which can be used according to suitability.

Once a complaints system has been established, the rules must be documented and communicated to all, target group and employees.

7.3.2 *Factors for a functioning complaints mechanisms*

Another factor for a functioning complaints mechanism is to protect the affected person (survivor), the complainants, the witnesses or other informants (whistleblower-protection).

Regular analysis and improvement of complaints mechanism is crucial. Employees and others can use the internal reporting hotline to seek advice or to propose improvements in efforts to combat and prevent SEAH.

7.4 Prevention of retaliation against complainants, survivors and witnesses

FAIRMED employees can report incidents without fear of retaliation and discrimination. Employees who fulfil their obligation to inform may not incur any disadvantage if they make a report in good faith. Disclosures are treated confidentially and anonymously upon request.

7.5 Recruitment process for new employees

The recruitment process for new employees must reveal any SEAH cases in the past. Therefore, the recruitment process must be optimized and the assessment must consist of the following requirements and documents:

- CV with complete copies of previous employment and education certificates
- Interviews
- obtaining references from former employers as per indication of the applicant
- certificate of service and work samples
- Certificates attesting to the lack of criminal records (from home country, country of residence, last duty station)
- Debt enforcement Register

For interviews and enquiries with former employers we use both standardised questions as well as specifically adapted questions. The former employer's statements must be documented and stored as accurately as possible.

For specific groups of staff with key sensitive functions for example staff dealing with children and other vulnerable groups, additional checks must be carried out.

8 Reaction

8.1 Support for survivors/people affected by sexual assault

Support will be offered to survivors. Support can include specialist psychosocial counselling, and/or access to other specialist (e.g. medical and/or legal aid) and appropriate support as needed. Survivors have the right to choose if and when they would like to take up the support options available to them.

8.2 Confidentiality

Confidentiality is maintained throughout the complaints process by all staff and witnesses. Employees who violate confidentiality will be subject to disciplinary action up to and including termination of employment.

Related to this, as much as possible, FAIRMED will comply with reporting obligations under local law, when we have the survivor's consent to do so. However, if someone's life is in danger or the matter relates in any way to a child, then independent decisions may have to be taken (for example, to contact the police). The decision about whether to refer to local police or statutory authorities in other cases is made by the person who it is alleged has been the subject of abuse.

8.3 Investigation

Based on the Principle 3 FAIRMED's first priority is to protect those affected. On the other side to ensure the procedural fairness to all parties we have also to protect the accused until proven guilty.

All cases of SEAH that are reported must be taken seriously. All allegations will be reported without delay to the **immediate supervisor**. The immediate supervisor informs the country coordinator or the senior management in Switzerland. If it is not possible to inform the immediate supervisor, the **internal reporting hotline** should be contacted. At FAIRMED, this is the Director, the Head of Finance, Human Resources & Administration, or the Head of the Program Division.

All information remains strictly confidential and any decisions on who is fully informed will remain dependent on the case. In any case, the internal reporting hotline is trustworthy, credible and independent.

Upon receipt of an allegation, a preliminary assessment of the allegation will be performed by FAIRMED. If the preliminary assessment of the allegation shows that there are legitimate grounds to believe that possible sexual exploitation and abuse has occurred, an administrative investigation shall be opened in line with FAIRMED investigation procedures and applicable staff rules and regulations.

FAIRMED decide whether the assessment and/or investigation can be processed internally or outsourced to experts according to the required resources and capabilities.

Once the investigation is concluded, the reporting hotline also has the task of systematically recording and analysing all incidents of SEAH for the purposes of further preventive measures and recommendations.

8.4 Punishment of perpetrators

Based on the Principle 1 “Zero tolerance policy” staff who are found to contravene FAIRMED’s expectations of their sexual and personal conduct will be subject to disciplinary action depending on the case and may result in dismissal and referral to law enforcement. Volunteers, contractors and other representatives may have their relationship with FAIRMED terminated.

In any case there must be a note in personal dossier in HR file (warning) to termination of employment.

Based on the nature and gravity of the allegation and if desired by survivor and local law permits, FAIRMED may decide further handling by law and will refer the case to the local authorities.

8.5 False accusations

If a member of staff from FAIRMED or one of a cooperating partner organisation is found to have made an allegation that they knew to be false they will be subject to disciplinary action, up to and including termination of employment.