



## **Protection from Sexual Exploitation and Abuse (PSEA) Policy**

The purpose of this Policy is to ensure that all The Healing Balm Foundation employees, our beneficiaries and the communities that we serve, are protected from Sexual Exploitation and Abuse.

This Policy applies to The Healing Balm Foundation Board, employees, including affiliate organizations, and to all paid and unpaid consultants, contractors, interns, secondees and volunteers that provide supplies, services or support, THBF or promote its work at any location of its operation. All such parties are referred to as “*employee*” in this document. This Policy also applies to THBF’s partners, vendors and other third parties, where it is included or referenced in relevant bid or tender documents, agreements, memorandums, purchase orders or contracts.

### **INTRODUCTION**

The Healing Balm Foundation takes a Zero tolerance approach to sexual exploitation and abuse (SEA). It can occur when people in power exploit or abuse vulnerable people/populations for sexual purposes. Often there can be unequal power dynamics/relations across an organization, in relation to beneficiaries and communities we work with, and as such we face a risk that some staff may exploit their position of power for personal gain. The Healing Balm Foundation will not tolerate any form of sexual harassment, sexual abuse or sexual exploitation and considers such acts as serious misconduct, which constitutes grounds for disciplinary measures. This extends to all employees, partners or any other representatives associated with the delivery of our work. The Healing Balm Foundation takes seriously its duty and acknowledges the particular vulnerability of women, girls, at risk adults and boys to sexual exploitation and abuse. The Healing Balm Foundation undertakes an obligation not to put women, girls and boys at risk by ensuring that all efforts are made to prevent sexual exploitation and abuse to beneficiaries, the communities we serve and our employees. This policy builds on The Healing Balm Foundation’s Code of Conduct and other associated policies and procedures.

### **PURPOSE**

The Healing Balm Foundation Protection from Sexual Exploitation and Abuse Policy has been developed to ensure all THBF employees make ethical decisions to ensure the maximum protection of our beneficiaries, our communities, our employees and our organization from exploitation and abuse. We have developed our policy in accordance with the six core principles adopted by the Inter Agency Standing Committee Task Force on Prevention and Response to Sexual Exploitation, the principles of the United Nations Secretary General’s Bulletin on Special

Measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13) and the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). The Healing Balm Foundation believes all people have a right to live their lives free from fear and any form of abuse of power regardless of age, gender, sexuality, disability, religion or ethnic origin.

## **DEFINITIONS**

### **• Child**

A child is any individual under the age of 18, irrespective of local country definitions of when a child reaches adulthood.

### **• Sexual exploitation**

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. The use of the term “Sexual exploitation and abuse” throughout this policy refers to children as well as vulnerable adults.

### **• Sexual abuse**

Sexual abuse means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. The use of the term “Sexual exploitation and abuse” throughout this policy refers to children as well as vulnerable adults.

Definition of child from the Inter-Agency Standing Committee (IASC) Guidelines to implement Minimum Operating Standards for Protection from Sexual Exploitation and Abuse by UN and non-UN Personnel, March 2013.

Definitions of “sexual exploitation” and “sexual abuse” from the United Nations Secretary General’s Bulletin: Special measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13).

### **• Vulnerable adults** – are defined as:

- Those aged over 18 years and who identify themselves as unable to take care of themselves/ protect themselves from harm or exploitation; or
- Who, due to their gender, mental or physical health, disability, ethnicity, religious identity, sexual orientation, economic or social status, or because of disasters and conflicts, are deemed to be at risk.

### **• Abuse**

Any action that intentionally harms or injures another person. In many cases, it is characterized by unbalanced power dynamics between stakeholders (the abuser and the victim).

- **Survivor**

The person who has been abused or exploited. The term ‘survivor’ is often used in preference to ‘victim’ as it implies strength, resilience and the capacity to survive, however it is the individual’s choice how they wish to identify themselves.

- **Beneficiary**

Someone who directly receives goods or services from The Healing Balm Foundation’s programme. Note that misuse of power can also apply to the wider community that the NGO serves, and can include exploitation by giving the perception of being in a position of power.

- **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, for which s/he is not developmentally prepared and cannot give consent, or that violates the 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 unlawful sexual practices or the exploitative use of pornographic performances and materials.

- e. **Grooming**

Generally refers to behavior 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 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.

## **THE HEALING BALM FOUNDATION'S SIX CORE PRINCIPLES.**

In order to protect the most vulnerable populations, particularly vulnerable adults and children, and to ensure the integrity of The Healing Balm Foundation's activities, the following six Core Principles must be adhered to:

1. **Sexual exploitation** and abuse and child abuse by The Healing Balm Foundation Employees 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 defense.*
3. **Exchange of money**, employment, goods, or services for sex, including sexual favors or other forms of humiliating, degrading or exploitative behaviour by The Healing Balm Foundation Employees is prohibited. This includes the exchange of assistance that is due to our beneficiaries.
4. **Sexual relationships** between The Healing Balm Foundation and beneficiaries are not allowed. They are based on inherently unequal power dynamics.
5. Where a Healing Balm Foundation Employee develops concerns or suspicions regarding sexual abuse or exploitation and child abuse by a fellow worker, whether within the organization itself or not, he or she must immediately report such concerns using the established reporting mechanisms.
6. The Healing Balm Foundation Employees are obliged to create and maintain an environment that prevents sexual exploitation and abuse and child abuse and promotes the implementation of this Policy. THBF Managers at all levels have particular responsibilities to support and develop systems, which maintain this environment.

## **COMMITMENT**

The Healing Balm Foundation is committed to fulfilling the six Core Principles through implementation of the following Commitments. This includes time-bound, measurable indicators of progress to enable all entities of The Healing Balm Foundation's, and others, to monitor its performance.

1. Develop organization-specific strategies to prevent and respond to sexual exploitation and abuse 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 organization strategies to prevent and respond to sexual exploitation and abuse.

2. The six Core Principles are from the UN Secretary-General's Bulletin on Special Measures for Protection from Sexual Exploitation and Abuse (ST/SGB/2003/13). They have been modified by The Healing Balm Foundation.
3. The established complaints mechanism may at times be an internal THBF mechanism however THBF is also committed to participating in inter-agency *community based complaints* mechanisms in humanitarian contexts and therefore inter-agency complaints mechanisms may be the established system in some contexts
4. The Commitments are based on the Statement of Commitment Relating to Sexual Exploitation and Abuse by UN and non-UN Personnel, August 2008.
5. Undertake risk assessments to identify areas of risks and document steps that are being taken to remove or reduce these risks.
6. Incorporate The Healing Balm Foundation's standards on sexual exploitation and abuse and child protection in relevant codes of conduct and in induction materials and training courses for The Healing Balm Foundation Employees, including specific provisions for child sexual exploitation and abuse.
7. Ensure that when engaging in partnerships, consortia, sub-grant or sub-recipient agreements, these 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 and abuse and child abuse, to investigate and report allegations thereof, or to take corrective actions when sexual exploitation or abuse or child abuse has occurred, shall constitute grounds for The Healing Balm Foundation to terminate such agreements.
- 8. Regularly inform The Healing Balm Foundation Employees, beneficiaries and communities on measures taken to prevent and respond to sexual exploitation and abuse and child abuse. Such information should be developed and disseminated 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 and the ongoing investigation process, particularly where there are legal implications.**
9. Engage the support of communities and governments to prevent and respond to sexual exploitation and abuse and child abuse by The Healing Balm Foundation Employees.
10. Ensure that complaint mechanisms for reporting sexual exploitation and abuse and child abuse are accessible and that The Healing Balm Foundation focal points for receiving complaints understand how to discharge their duties (e.g **Traditional leaders committees in rural areas**). This should include a documented reporting procedure in a relevant local

language for sexual exploitation and abuse and child abuse allegations and policy for noncompliance, including available sanctions for breaches.

11. Provide support and assistance to complainants of sexual exploitation and abuse 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.
12. In compliance with applicable laws, prevent perpetrators of sexual exploitation and abuse and child abuse from being (re)hired or (re)deployed. Managers and Human Resource teams must ensure robust recruitment screening processes for all personnel, particularly for personnel who will have any direct or indirect contact with children. This could include use of background and criminal reference/ record checks, verbal referee checks, and interview plans that incorporate behavioral-based interview questions.
13. Investigate allegations of sexual exploitation and abuse 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.
14. Take swift and appropriate action, including legal action when required, against The Healing Balm Foundation's Employee/s who commit sexual exploitation and abuse and child abuse. This may include administrative or disciplinary action, and/or referral to the relevant authorities (e.g Victim support unit under police, National legal clinic for women etc.) for appropriate action, including criminal prosecution, in the abuser's country of origin as well as the host country.
15. Take appropriate actions to the best of The Healing Balm Foundation's abilities to protect persons from retaliation where allegations of sexual exploitation and abuse or child abuse are reported involving The Healing Balm Foundation Employees.
16. Ensure high-level oversight and information systems on sexual exploitation, abuse, 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.

### **THE HEALING BALM FOUNDATION CODE OF CONDUCT**

To allow THBF to achieve its vision and mission depends upon the individual and collaborative efforts of all THBF Employees. All THBF Employees must uphold and promote the highest standards of ethical and professional conduct and abide by The Healing Balm Foundation's policies. This policy sets the minimum standards to be followed by all Employees to protect our beneficiaries, the communities we serve and our colleagues from sexual exploitation and abuse and child abuse by THBF Employees. To that end, our employees sign our Code of Conduct and agree that they must behave in a manner befitting THBF employee, associate or representative.

**They accept the following as minimum standards of behaviour:**

1. The Healing Balm Foundation Employee will commit to the promotion of and respect for human rights and will always treat people with respect and courtesy. The Healing Balm Foundation Employee will obey local laws and respect local customs.
2. The Healing Balm Foundation Employee will uphold the reputation of the organization and in their professional and personal conduct act in a manner, which is consistent with the values of the organization.
3. The Healing Balm Foundation Employee will safeguard and treat responsibly all information, assets and resources to which they have access because of their work/working with THBF.
4. The Healing Balm Foundation Employee will avoid/declare conflicts of interest and will not engage in corruption or any criminal activities.
5. The Healing Balm Foundation Employee will not engage in bullying or harassment, including sexual harassment, and will not engage in discrimination of any kind.
6. The HBF Employee will not be under the influence of alcohol or drugs while engaged in THBF duties.
7. The HBF Employee will maintain professional relationships with beneficiaries, respecting their privacy and dignity and will not use their position to form an inappropriate or exploitative relationship with a beneficiary.
8. The HBF Employee will maintain professional relationships with their colleagues, respecting their privacy and dignity and will not use their position to form an inappropriate or exploitative relationship with a colleague.
9. The HBF Employee will not commit any act that could result in physical, sexual or psychological harm or suffering to another person.
10. The Healing Balm Foundation Employee will not engage in any sexual activity with a child under the age of 18 regardless of the age of consent or majority in the country where they are working. Mistaken belief regarding the age of the child is not a defense.
11. The Healing Balm Foundation Employee will not engage in sexual activity with a beneficiary.
12. The Healing Balm Foundation Employee will not exchange money, offers of money, employment, goods or services in return for sex or sexual activity.
13. The Healing Balm Foundation Employee will immediately report any breaches or suspected breaches of this code of conduct to their line manager or a more senior manager as appropriate, up to board level.

## **REPORTING**

It is the obligation of all The Healing Balm Foundation Staff to raise concerns or suspicions they have whether they be actual or perceived. There are several options open in The Healing Balm Foundation for facilitating the reporting of a concern.

1. The Healing Balm Foundation's internal and external mechanism as laid out in the Whistleblowing Policy
2. Concerns may be raised internally by an employee to a senior manager with whom they feel comfortable.

3. The Safeguarding Focal point person who is identified as responsible for receiving SEA complaints and the Director.
4. When made aware of a possible breach of The Healing Balm Foundation PSEA Policy,

**The Healing Balm Foundation will:**

- Take action to the best of their ability, to protect complainants from retaliation - Provide the necessary supports to the victim (counselling, medical support as appropriate). Support can include psychosocial counselling and access to other specialist and appropriate support as needed. Survivors and victims can choose when they would like to take up the support options available to them.
- Respect confidentiality at all times - Investigate allegations in a timely manner and engage the services of experienced investigators at the appropriate stage in the investigation
- Take swift and appropriate action, including suspension, legal action when required against employees who commit sexual exploitation or abuse.
- Any staff member implicated in an investigation shall be suspended on full pay and without prejudice pending the results of the investigation. It should be made clear that suspension does not imply guilt but rather protects all parties whilst an investigation is undertaken.
- Take swift and appropriate action, including suspension, legal action when required against employees who were aware of such abuse but did not report it.
- Report to appropriate donors, charity regulators/commissioners.

**RESPONSIBILITIES**

The Healing Balm Foundation Employees share an obligation to prevent and respond to sexual exploitation and abuse and child abuse. It is the responsibility of all Healing Balm Foundation Employees to uphold the Core Principles and Commitments of this policy along with the Code of Conduct for THBF Employees. All THBF Employees must sign the Code of Conduct. The Healing Balm Foundation Employees, who work with communities concerned, will also contribute to regular monitoring by seeking feedback from beneficiaries. Heads of Finance and Administration, Heads of Programmes, Programme Managers and Human Resource Managers must ensure that all Self Help Africa Employees understand and comply with this policy and sign the Code of Conduct for The Healing Balm Foundation Employees.

Heads of Finance and Administration and Human Resource Managers are also responsible for robust recruitment, induction and training, whilst Senior Managers and Supervisors are responsible for performance management to prevent sexual exploitation and abuse and child abuse. Directors/Heads of Region or The Healing Balm Foundation senior leadership or representatives must provide clear guidance and demonstrate how the organisation, across its operations, will ensure that vulnerable adults and children are protected from sexual exploitation and abuse in the delivery of projects and programmes in its areas of operation. Country Directors must ensure that culturally appropriate community-



based(Local context) complaint mechanisms are developed, implemented, and monitored and reviewed for effectiveness. This includes awareness-raising with beneficiaries and The Healing Balm Foundation Employees about protection from sexual exploitation and abuse and child abuse and how to use the complaints mechanism. Directors/senior managers will also ensure that complaints handling and investigation procedures are enacted, along with appropriate employee disciplinary procedures as necessary.