

HARP-Facility Myanmar Policy

Protection from sexual exploitation and abuse (PSEA)ⁱ

September 2019

1. Purpose of the sexual exploitation and abuse policy

The purpose of this policy is to protect aid beneficiaries and the communities we serve from sexual exploitation and abuse by humanitarian workers, namely staff or associated personnel of HARP-Facility Myanmar (HARP-F).

HARP-F is committed to preventing and responding to sexual exploitation and abuse arising from:

- The conduct of its staff and / or associated personnel
- The design and implementation of the programme and its operations

This policy lays out the commitments made by HARP-F and informs staff and associated personnel of their responsibilities in relation to upholding it.

This policy does not cover:

- Sexual harassment in the workplace – this is dealt with under Crown Agents Anti-harassment policy.
- Sexual exploitation and abuse perpetrated in the wider community not committed by staff and / or associated personnel

2. Definitions

HARP-F has based the following definitions on those of the United Nations:

Sexual abuse

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

Sexual exploitation

The term '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. This definition includes human trafficking and modern slavery.

3. Policy statement

HARP-F believes that our beneficiaries and the communities we serve have the right to be protected from sexual exploitation and abuse and takes a zero tolerance approach to any breach of this policy by staff or associated personnel. HARP-F commits to put into practice this policy, throughout its work, through prevention, reporting and response mechanisms. All possible steps to prevent harm from potential, actual or attempted abuse of power, authority, trust or vulnerability by staff or associated personnel will be taken. Clear mechanisms for all stakeholders and staff to report instances of abuse directly and confidentially will be maintained. Our systems of response will be robust, fair and confidential. Victims will be put at the front and centre of our work and we will learn and develop from our experiences.

4. Scope of the policy

The policy applies:

- To all staff contracted by HARP-F Myanmar
- To all associated personnel including but not limited to contractors, subcontractors, suppliers, consultants and volunteers
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5. Principlesⁱⁱ

- 1) Sexual exploitation and all forms of abuse by workers providing humanitarian and other assistance constitute acts of gross misconduct and are therefore grounds for termination of employment.ⁱⁱⁱ
- 2) Sexual activity with children (persons under the age of 18 years) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief regarding the age of a child is not a defense.
- 3) Exchange of money, employment, goods, services or any type of assistance for sexual favours is prohibited.

- 4) Sexual relationships between HARP-F staff and beneficiaries are prohibited since they are based on inherently unequal power dynamics. Such relationships undermine the credibility and integrity of humanitarian aid work.
- 5) Where a HARP-F staff member develops concerns or suspicions with regard to possible sexual exploitation or sexual abuse by a fellow worker, whether the individual works for HARP-F or for another agency, he or she must report such concerns via established reporting mechanisms.
- 6) All HARP-F staff are obliged to create and maintain an environment that prevents sexual exploitation and all forms of abuse. Managers at all levels have particular responsibility to support and develop systems, which maintain this environment.

The principles set forth in this policy apply to all staff and associated personnel both during and outside of office hours.

6. Breaches of the policy by staff

Failure to comply with the principles or failing to meet the requirements of this policy by HARP-F staff, maybe grounds for termination of employment, disciplinary action and / or legal action.

7. Application of policy to partners

Sexual exploitation and abuse by staff of our partner organisations' is prohibited under his policy. All organisations' are accountable to have internal policies and reporting mechanisms and to ensure that appropriate and independent investigations of complaints of sexual exploitation and abuse of beneficiaries and the communities we serve, can be managed by the organisation.

8. Safety of those who file a complaint and victims

HARP-F undertakes to provide assistance to any individual who files a complaint with the organisation under this policy and to ensure specific assistance and support for victims of sexual exploitation and abuse by staff. The safety, protection and well being of survivors of sexual exploitation and abuse, will be paramount to any intervention.

Policy date: September 2019

Review date: September 2020

Associated policies: -

HARP-F has adopted in full Crown Agents 'Our Approach to Safeguarding' (January 2019) and the four institutional safeguarding policies of CA. The PSEA Policy has been written to compliment HARP-F's existing safeguarding approach and policies and to enable us to further fulfil our duty of care within the humanitarian context in Myanmar. The other safeguarding policies of HARP-F include: -

- Our Approach to Safeguarding (2019)
- Child Protection Policy (2018)
- Diversity Policy (May 2019)
- Anti-harassment Policy (CA 2018, HARP-F adapted Oct 2019)
- Modern day slavery statement
- Whistle – blowing Policy (2012)

Endnote

i Protection from sexual exploitation and abuse (PSEA)

The term is used by the humanitarian and development community to refer to the prevention of sexual exploitation and abuse of affected populations by staff or associated personnel. It derives from the United Nations Secretary General's Bulletin on Special Measures for PSEA (ST/SGB/2003/13).

ii Principles

Under principles, the term staff applies to all staff and associated personnel as detailed in section 4 – scope of the policy.

iii The principles correspond with the IASC six core principles relating to sexual exploitation and abuse. They are aligned with the Inter-Agency Standing Committee (IASC) secretariat (revision of 12.09.2019)