



Prevention of Sexual Exploitation and Abuse Policy

November 2021

Policy approved by the Board of Trustees on November 29, 2021.

Next review date November 2023.

POLICY SUMMARY:

The vision of the Graça Machel Trust (the Trust) is to nurture caring societies that value social justice, promote, and protect the rights of women and children. This vision as well as the Trust's commitment to upholding human dignity and human rights anchors the organisation's work.

The Trust is committed to inculcating a nurturing culture that promotes the safety and human dignity. It has a zero-tolerance approach to exploitative and abusive behaviours and relationships.

The Prevention of Sexual Exploitation and Abuse (PSEA) Policy sets out the Trust's commitment to the prevention and management of sexual exploitation and abuse and reporting mechanisms within the Trust. It emphasises the importance of reporting actual or suspected inappropriate behaviour related to sexual exploitation, abuse and acts of misconduct. This is to ensure decisive action - including investigation of allegations and appropriate disciplinary and/or criminal prosecution- is taken.

The Trust affirms the Six Core Principles adopted by the United Nation's Inter- Agency Standing Committee Task Force on Prevention and Response to Sexual exploitation and Abuse which has informed the development of this Policy.

1. SCOPE

This Policy applies to Graça Machel Trust representatives. Namely, Trustees, management and staff, network members, service providers, contractors, consultants, interns, volunteers, or any other representative acting on behalf of the organisation. They must ensure that their conduct:

- Respects and never violates the rights of vulnerable people
- Does not give rise to suspicion of improper motives
- Is professional, ethical and in line with the Trust's Code of Conduct
- Is never influenced by personal gain or advantage that results in a risk or detriment to the Trust

2. DEFINITIONS

- **Sexual exploitation** - any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, threatening or profiting monetarily, socially or politically from the sexual exploitation of another.
- **Sexual abuse** - the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. Sexual exploitation and abuse also include sexual relations with a child, in any context, defined as: Child - a "human being below the age of eighteen years".¹
- **Graça Machel Trust representatives** – Trustees, management and staff, network members, service providers, contractors, consultants, interns, volunteers, or any other representative acting on behalf of the organisation.

¹ Adopted from World Health Organisation

3. KEY RESPONSIBILITIES

It is the responsibility of Graça Machel Trust representatives to report any person and to report incidences of sexual exploitation and abuse. Managers and others in leadership positions, in particular, are responsible for creating and maintaining an environment in which the Trust's representatives are aware of the organisation's expectations on prevention of sexual exploitation and abuse - either actual and/or suspected inappropriate behaviour.

4. POLICY ASPECTS

- Sexual exploitation and abuse by Graça Machel Trust representatives are acts of gross misconduct and are therefore grounds for termination.
- Graça Machel Trust representatives must refrain from sexual activity with any person under the age of 18 regardless of the local age of consent (national laws). Ignorance or mistaken belief of a child's age is not a defence. Failure to report such a relationship may lead to disciplinary action.
- Exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour by Graça Machel Trust representatives is strictly prohibited. This includes the exchange of assistance that is due to clients and programme participants in the work of the Trust.
- Graça Machel Trust representatives will not request any service or sexual favour from clients or participants of the Trust's programmes, children, or others in the communities where the Trust works in return for protection or assistance and will not engage in sexually exploitative relationships.
- Sexual relationships between Graça Machel Trust representatives and clients or participants in the Trust's programmes are strongly discouraged as they are based on inherently unequal power dynamics. Such relationships undermine the credibility and integrity of the Graça Machel Trust's work.
- Graça Machel Trust representatives will not support or take part in any form of sexual exploitative or abusive activities, including, for example, child pornography or trafficking of human beings.
- Graça Machel Trust representatives 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 Graça Machel Trust representatives may not engage the services of sex workers while on Trust business, regardless of the national laws concerning sex work or prostitution in the country of presence.
- Graça Machel Trust representatives must undertake to create and maintain an environment that promotes implementation of this Policy.
- Any partnerships the Graça Machel Trust representatives has is anchored on common values of protecting and promoting human dignity and our values as an organisation of integrity and accountability. Therefore, the tenets of this Policy cascade into our partnership approach and an expectation of partners.

5. PROCEDURES

The Graça Machel management and leadership have a duty to ensure that allegations of sexual exploitation and abuse are investigated and that appropriate disciplinary measures are

taken. The Trust also has a duty to provide appropriate assistance to any victims of sexual exploitation and abuse by Graça Machel Trust representatives.

The Trust shall ensure that reports are investigated and handled in a manner whereby the identities of the persons involved are kept confidential, if necessary and as far as reasonably possible.

5.1 Reporting: Anyone has the right to make a report about the behaviour of Graça Machel Trust representatives in line with our Code of Conduct and Whistle-blower Policy. Those who suspect inappropriate behaviour can report their concerns to the Human Resources Officer and Chief Executive Officer in person, via email, or telephone or through this email ethics@gracamacheltrust.org, which will be processed and accessed by the Human Resources Officer.

Please include as much information in your complaint, including:

- All facts describing the alleged event, issue, or matter
 - The name and title of each person involved
 - Dates, times, frequency, and locations
 - Facts relevant to urgency; and
 - Documentation, witnesses, or other evidence available to support the allegation, including any laws or policies believed to be breached.
-
- If a Graça Machel Trust representative engages in sexual activities with a client or programme participant, the representative must immediately disclose this conduct to their supervisor for appropriate guidance. Failure to report such conduct may lead to disciplinary action.
 - Graça Machel Trust representatives must report any concerns or suspicions regarding possible violations of this Policy.
 - The Human Resources Officer and Chief Executive Officer, together with the Chair of the Board of Trustees, will decide the appropriate steps which may include an investigation, disciplinary action, reporting to local authorities, supporting criminal prosecution; and referrals for support for victims/survivors.
 - Sensitive information related to incidents of sexual exploitation and abuse shall be shared only with law enforcement authorities, registered support service agents and relevant Graça Machel Trust representatives.

5.2 Investigations: The Graça Machel Trust will investigate allegations of sexual exploitation and abuse and will engage professional investigators as appropriate if needed. This may involve local authorities in the police and justice system. Investigations are key to inform appropriate action as well as to uphold the rights to justice for victims/survivors.

The safety, consent and protection of the rights of the victim will be central in all processes undertaken. This includes upholding the strictest confidentiality.

5.3 Victim Assistance: The Trust will ensure that victims are referred to and receive professional assistance informed by their consent and needs and in line with local regulations and guidelines.

5.4 Graça Machel Trust Representatives Training: The Trust will ensure the full dissemination of this Policy, as well as training of its staff on the key tenets of the Policy and procedures.

This will emphasise the Trust's zero tolerance approach as well as its Code of Conduct. The PSEA Policy will form part of all new staff orientations and annual policy refresher workshops will be conducted with all staff/as appropriate. The PSEA Policy orientation will also form part of partner orientations for partners.