

Protecting Those We Serve: Safeguarding Children and Protection from Sexual Exploitation, Abuse and Trafficking in Persons Policy

While fulfilling its charitable and humanitarian Mission, Project HOPE often interacts and provides services to the most vulnerable members of the community. It is imperative that all individuals working with Project HOPE are actively engaged in protecting children and vulnerable populations, and preventing sexual exploitation, abuse, and preventing trafficking in persons.

The following policy and country/program level compliance plan templates will assist Project HOPE with ensuring its work environments and programmatic activities are free from sexual exploitation and abuse, and promoting a culture where reporting misconduct is seen as an explicit duty in order to protect those we serve.

- I. Safeguarding Children**
- II. Protection from Sexual Exploitation and Abuse (PSEA) Policy
Country/Program Compliance Plan Template**
- III. Anti-Trafficking Policy
Country/Program Compliance Plan Template**
- IV. Accountability**

Reinforcing a culture of respect, integrity, accountability and transparency.

I. Safeguarding Children¹

Because many of Project HOPE's programs and response activities involve children, or personnel engaged in the implementation of a program or response may come into contact with children, Project HOPE and all personnel engaged in a Program HOPE program or response activity agree to abide by, the following principles for safeguarding children:

- (1) Ensure compliance with country and local child welfare and protection legislation or international standards, whichever gives greater protection, and with U.S. law where applicable;
- (2) Prohibit all personnel from engaging in child abuse, exploitation, or neglect and to follow IASC core principles set forth below in Section II;
- (3) Plan for child safeguarding in project planning and during implementation to determine potential risks to children that are associated with program or response;

¹ Based on the requirements of 48 CFR § 752.7037 - Child safeguarding standards (July 26, 2016)

- (4) Apply appropriate measures to reduce the risk of child abuse, exploitation, or neglect, including, but not limited to, limiting unsupervised interactions with children; prohibiting exposure to pornography; and complying with applicable laws, regulations, or customs regarding the photographing, filming, or other image-generating activities of children;
- (5) Promote child-safe screening procedures for personnel, particularly personnel whose work brings them in direct contact with children; and
- (6) Have a procedure for ensuring that personnel and others recognize child abuse, exploitation, or neglect; mandating that personnel and others report allegations; investigating and managing allegations; and taking appropriate action in response to such allegations, including, but not limited to, dismissal of personnel.

Definitions

- (1) **Child:** A child or children are defined as persons who have not attained 18 years of age.
- (2) **Child abuse, exploitation, or neglect:** Constitutes any form of physical abuse; emotional ill-treatment; sexual abuse; neglect or insufficient supervision; trafficking; or commercial, transactional, labor, or other exploitation resulting in actual or potential harm to the child's health, well-being, survival, development, or dignity. It includes, but is not limited to: any act or failure to act which results in death, serious physical or emotional harm to a child, or an act or failure to act which presents an imminent risk of serious harm to a child.
- (3) **Physical abuse:** Constitutes acts or failures to act resulting in injury (not necessarily visible), unnecessary or unjustified pain or suffering without causing injury, harm or risk of harm to a child's health or welfare, or death. Such acts may include, but are not limited to: punching, beating, kicking, biting, shaking, throwing, stabbing, choking, or hitting (regardless of object used), or burning. These acts are considered abuse regardless of whether they were intended to hurt the child.
- (4) **Sexual Abuse:** Constitutes fondling a child's genitals, penetration, incest, rape, sodomy, indecent exposure, and exploitation through prostitution or the production of pornographic materials.
- (5) **Emotional abuse or ill treatment:** Constitutes injury to the psychological capacity or emotional stability of the child caused by acts, threats of acts, or coercive tactics. Emotional abuse may include, but is not limited to humiliation, control, isolation, withholding of information, or any other deliberate activity that makes the child feel diminished or embarrassed.
- (6) **Exploitation:** Constitutes the abuse of a child where some form of remuneration is involved or whereby the perpetrators benefit in some manner. Exploitation represents a form of coercion and violence that is detrimental to the child's physical or mental health, development, education, or well-being.
- (7) **Neglect:** Constitutes failure to provide for a child's basic needs within Project HOPE-funded activities wherein it is responsible for the care of a child in the absence of the child's parent or guardian.

Procedures

Project HOPE Staff must adhere to the Safeguarding Children policy, and all contractors and implementing partners must contractually commit to comply when applicable. Each country office and/or program will maintain an ongoing risk assessment to ensure it incorporates appropriate measures to protect children in the local communities it serves.

II. Protection from Sexual Exploitation and Abuse (PSEA) Policy

Project HOPE is cognizant of the heightened vulnerability to and dire effects of sexual exploitation and abuse (SEA) on the populations that we serve. Project HOPE understands that active protection from sexual exploitation and abuse links directly to organizational accountability to affected populations and requires a strong commitment from the Organization, its employees, volunteers and partners to ensure the well-being of beneficiaries and those served through our programs and responses.

Project HOPE is committed to preventing sexual exploitation and abuse by and of Project HOPE Staff and implementing partners.

In order to protect our own and those we, we seek continual improvements to establish work environments and programmatic activities free from sexual exploitation and abuse and to promote a culture where reporting misconduct is seen as an explicit duty.

Project HOPE explicitly adopts the Inter-Agency Standing Committee (IASC) 23 September 2019 Six Core Principles²:

1. Sexual exploitation and abuse by a Staff member constitutes an act of gross misconduct and grounds for termination of employment/relationship with Project HOPE.
2. Sexual activity with children (persons under the age of 18) 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, or services for sex, including sexual favors or other forms of humiliating, degrading or exploitative behavior is prohibited. This includes the exchange of assistance that is due to beneficiaries.
4. Any sexual relationship between Staff and beneficiaries that involves improper use of rank or position is prohibited. Such relationships undermine the credibility and integrity of humanitarian aid work.
5. Where a Staff member develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same agency or not, he or she must report such concerns via the established Project HOPE reporting mechanisms.
6. Project HOPE Staff are obliged to create and maintain an environment that prevents sexual exploitation and abuse and promotes the implementation of this policy. Staff at

² <https://interagencystandingcommittee.org/inter-agency-standing-committee/iasc-six-core-principles-relating-sexual-exploitation-and-abuse>

all levels have particular responsibilities to support and develop systems that maintain this environment.

Project HOPE is a signatory to and an active member of the task force working to implement the InterAction ***CEO Pledge on Preventing Sexual Abuse, Exploitation, and Harassment*** and a member of the International Development Ethics Professionals (INDEP) Working Group in Washington, DC.

Definitions³

Sexual Misconduct: Is an umbrella term that encompasses any inappropriate behavior of a sexual nature or that is sex-based, including sexual abuse, sexual assault, sexual exploitation, sexual harassment⁴, stalking, voyeurism, and any other such conduct that is nonconsensual or has the purpose or effect of threatening, intimidating, denigrating, or coercing a person. The misconduct need not rise to the level of civil or criminal illegality to warrant corrective or disciplinary action.

Whether an action constitutes sexual misconduct does not depend on the intent of the alleged perpetrator, but rather, is evaluated from the objective standpoint of a reasonable person. Actions that constitute sexual misconduct include, but are not limited to physical, verbal, non-verbal, and/or written acts, including comments, jokes, gestures, the posting of images, sexual advances, the offering of sexual incentives, and the threat of consequences for the refusal of sexual advances. Categories of sexual misconduct include, but are not limited to:

Inappropriate Sexual Conduct: Any behavior that is (1) inappropriate and (2) either sexual in nature or sex-based.

Sexual Abuse: An actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

Sexual Assault: Any non-consensual sexual act proscribed by federal, tribal, or state law, including when the victim lacks capacity to consent.

Sexual Exploitation: Any actual or attempted abuse by Staff 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.

Procedures

Each Staff member must adhere to this policy and participate in annual training.

³ USAID: https://www.usaid.gov/sites/default/files/documents/1868/PSEA_Policy_Digital.pdf; United Nations Secretariat. 9 October 2003. *Secretary General's Bulletin on Special Measures for Protection from Sexual Abuse and Sexual Exploitation, 2003/13 (ST/SGB/2003/13)*.

⁴ It is noted that sexual harassment by and of Project HOPE Staff is prohibited under *the Code of Ethics, Policy Module 2: Respectful Workplace and Prohibition of Harassment, Discrimination and Retaliation Section III*.

Each country office and/or program will maintain an ongoing risk assessment to ensure it incorporates appropriate measures to prevent sexual abuse and exploitation, including when applicable, creating a PSEA Compliance Plan. The PSEA Compliance Plan will be specific to the program/country and include, at minimum, translated policies, partner compliance plan, training plan, a local point of contact for beneficiaries and local staff to utilize as a reporting mechanism, and a compliance monitoring plan. See PSEA Compliance Plan Template.

III. Anti-Trafficking Policy⁵

Trafficking in persons is a global problem and millions of men, women, and children around the world are trafficked due to the rising demand for cheap labor and prostitution. Project HOPE does not condone, participate, or engage in any form of human trafficking. Project HOPE is responsible for promoting respect for fundamental human rights, social justice, human dignity, and the rights of all people to exist free from fear and stigma and to avoid, prevent and detect any trafficking in persons. Project HOPE works with and supports vulnerable populations and as such, has implemented this policy for identifying, reporting and preventing Trafficking in Persons.

All Project HOPE Staff, and implementing partners through contractual commitment, are prohibited from

- Trafficking in persons;
- Procuring a commercial sex act;
- Using forced labor in the performance of this award;
- Engaging in acts that directly support or advance trafficking in persons.

Definitions:

Child means any person under eighteen years of age (regardless of age of consent).

Trafficking in persons: the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs; the consent of a victim of trafficking in persons to the intended exploitation set forth is irrelevant.

The recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in the definition above.

⁵ Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention against Transnational Organized Crime).

Acts that directly support or advance trafficking in persons:

- Destroying, concealing, confiscating, or otherwise denying an employee access to that employee's identity or immigration documents;
- Failing to provide return transportation or pay for return transportation costs to an employee from a country outside the United States to the country from which the employee was recruited upon the end of employment if requested by the employee, unless:
 - exempted from the requirement to provide or pay for such return transportation explicitly by the donor; or
 - the employee is a victim of human trafficking seeking victim services or legal redress in the country of employment or a witness in a human trafficking enforcement action;
- Soliciting a person for the purpose of employment, or offering employment, by means of materially false or fraudulent pretenses, representations, or promises regarding that employment;
- Charging employees recruitment fees; or
- Providing or arranging housing that fails to meet the host country housing and safety standards.

Procedures

Each country office and/or program will maintain an ongoing risk assessment to ensure it incorporates appropriate measures to Prevent Trafficking in Persons, including when applicable creating a specific Anti-Trafficking Compliance Plan specific to the program/country that includes, at minimum, translated policies, partner compliance plan, training plan, a local point of contact for beneficiaries and local staff to utilize as a reporting mechanism, and a compliance monitoring plan. See Anti-Trafficking Compliance Plan Template.

Disregarding or failing to comply with this policy will lead to disciplinary action, including termination, and appropriate legal action.

IV. Accountability

Project HOPE Staff have an obligation and duty to report and or disclose, in good faith, any alleged violations of this policy. All implementing partners, and contractors when applicable, must contractually agree to disclose in good faith any violations of this policy.

Project HOPE Staff, beneficiaries, and others may in good faith report, without fear of retaliation, activity inconsistent with this policy by contacting:

- General Counsel & Chief Compliance Officer: jsoyars@projecthope.org. Skype (julia.soyars) Phone/ WhatsApp: +1 540-429-178;
- Project HOPE Speak Up line: online reporting at: <https://app.mycomplianceport.com/report?cid=PHOPE>

- Supervisor or Local point of contact for the program as identified in a Compliance Plan⁶.

Project HOPE will not tolerate retaliatory actions for good faith compliance with the reporting requirements of this policy.

Investigations

If anyone at Project HOPE receives credible information alleging a violation of this policy, Project HOPE's General Counsel & Chief Compliance Officer must be notified immediately. The General Counsel & Chief Compliance Officer will coordinate with the Chief Executive Officer and Audit Committee of the Board of Directors to conduct an investigation, if determined appropriate, in accordance with this policy and applicable laws and regulations, and report its findings and determine what, if any, remedial action is appropriate.

In the event of any suspected violations of this Policy, Project HOPE, as necessary, will notify the proper donor agency, and, if necessary, the applicable law enforcement personnel.

If the event an investigation involves a project funded by the U.S. Government, the Project HOPE senior leadership will be responsible for promptly notifying the responsible U.S. Government agency or contracting officer and the appropriate agency Inspector General of the allegation and investigation plan.

Project HOPE Staff will cooperate with any law enforcement personnel or government agency responsible for any investigations, audits or corrective actions relating to a violation of this policy, including, but not limited to, providing timely and complete responses to document requests, and providing reasonable access to Project HOPE facilities and staff.

Project HOPE will protect and interview all individuals identified as victims of or witnesses to prohibited activities in a safe and confidential manner. Project HOPE will protect all employees suspected of being victims of or witnesses to prohibited activities by ensuring suspected victims are not dismissed without cause, by working with the relevant in-country authorities to ensure the application of the relevant laws, prior to returning to the country from which the employee was recruited, and will not prevent or hinder these employees from cooperating with U.S. government authorities. Project HOPE will not prevent or hinder employees from cooperating fully with government authorities or law enforcement personnel.

Project HOPE prohibits taking any retaliatory action against individuals who make a good-faith disclosure of suspected wrongful conduct. Individuals are protected from acts of retaliation for reporting concerns or suspected wrongful conduct in good faith, consistent with applicable federal and state laws and Project HOPE policy and procedures.

⁶ In both instances there is a duty to promptly notify the General Counsel & Chief Compliance Officer.