



Policy against sexual harassment, exploitation and abuse (PSEAH)

Approved by the Board on 15 May 2024

This policy replaces the policy approved in 2019 by the Board.

Table of contents

1	Preamble.....	3
2	Definitions and scope of application.....	3
	a. Definitions.....	3
	b. Scope of application.....	4
3	Principles and commitment of Fondation Hirondelle	5
	a. Principles.....	5
	b. Commitment of Fondation Hirondelle	5
	c. Responsibilities.....	6
	d. Rights and duties of persons involved in a SEAH process	7
4	Alert mechanisms.....	7
	a. Internal alert mechanism	8
	b. External alert mechanism	8
5.	Handling incidents	9

1 Preamble

This policy stems directly from Fondation Hironnelle's Code of Conduct, which defines the importance of and sets out the requirements for good conduct and the prevention of abuse of power by staff and other persons associated with our Foundation.

Fondation Hironnelle practises and defends rigorous and responsible journalism in conflict, post-conflict, humanitarian crisis and democratic transition contexts. Our information allows the public to better understand the context in which they live and the problems they face. It covers news from the countries and regions in which we operate, but not only.

As our work in fragile environments involves strong proximity with people in highly vulnerable situations, it is likely that any form of harassment, exploitation and abuse, especially sexual, is heightened due to increased vulnerability and low resistance of the people with whom we interact.

These situations are of great concern to Fondation Hironnelle, which has zero tolerance for acts of sexual exploitation, abuse and harassment (SEAH). They constitute breaches of universally recognised international standards and legal principles and are considered serious misconduct that is punishable by disciplinary action, including immediate dismissal, and criminal prosecution.

In order to define standards of professional conduct and endeavour to encourage action at organisational level to prevent any act of SEAH at head office and during the implementation of its various projects, Fondation Hironnelle has decided to adopt a policy to prevent and fight sexual harassment, exploitation and abuse. This policy follows the recommendations of the DAC¹ (OECD Development Assistance Committee) on the elimination of sexual exploitation, sexual abuse and sexual harassment in the context of development cooperation and humanitarian aid.

This policy is also based on the work of the Inter-Agency Standing Committee (IASC) Task Force on the fight against and prevention of SEAH acts² and the Swiss FDFA Code of Conduct³.

2 Definitions and scope of application

a. Definitions

Fondation Hironnelle relies on the following definitions throughout this policy⁴:

- **Sexual abuse:** Actual or threatened physical harm of a sexual nature, which may be inflicted by force, coercion or violence, or in situations of inequality, hierarchical relationships or abuse of trust.

This term includes, but is not limited to, acts constituting rape, harassment, coercion, child pornography, non-consensual sexual acts or any other offence against sexual integrity.

¹ <https://legalinstruments.oecd.org/fr/instruments/OECD-LEGAL-5020>

² <http://www.pseataskforce.org/>

³ https://www.eda.admin.ch/dam/eda/fr/documents/dienstleistungen-publicationen/code-conduct-partners_FR.pdf

⁴ Taken from the 2003 Bulletin of the Secretary-General of the United Nations ST/SGB/2003/13

This means that the use of physical force is not necessary for the act to be considered as sexual abuse. Such an act can also occur in situations where obvious consent has not been given, in situations of inequality, psychological pressure or coercion.

- **Sexual harassment:** sexual harassment means any verbal, non-verbal or physical behaviour with an unwelcome sexual connotation that has the purpose or effect of offending the dignity of a person, notably when it creates a climate of intimidation, hostility, humiliation or vexation.

. **Moral harassment:** moral harassment consists of repeated acts that may lead to a deterioration in the working conditions of the person subjected to them, resulting in: an infringement of their rights and dignity, or a deterioration in their physical or mental health, or a threat to their professional development.

. **Sexual exploitation:** Any actual abuse or attempted abuse of a person in a situation of vulnerability, of a difference of power, or of trust, to satisfy sexual purposes, including, among others, for the purpose of profiting financially, socially, or politically from the sexual exploitation of another. Prostitution, even when it is legal, is a form of sexual exploitation.

This means that exploitation can also occur when an individual acts as an intermediary for the commission of abuse.

Note: Sexual intercourse with a child, regardless of context, also involves sexual exploitation and abuse, with the child defined as a "human being under the age of eighteen".

- **Abuse of power:** in the professional world, abuse of power is when a hierarchical superior oversteps his or her duties and exerts excessive authority. Such excesses are reprehensible if they are unjust, unfounded and, above all, illegal and degrading to the employee. Abuse of power occurs when the superior abuses his/her authority and the position conferred by his/her hierarchical status.

. **Victim/survivor:** A person who is, or has been exploited, abused or sexually harassed. For the purposes of this policy, this means a person who has been sexually abused or exploited by someone connected with Fondation Hironnelle.

- **Zero tolerance:** the approach that consists of punishing any Fondation Hironnelle staff member who falls within the scope of this policy and who has committed a violation of the sexual integrity of colleagues, beneficiaries or members of intervention partners - whether the violation occurred within the framework of Fondation Hironnelle activities or in a private setting - with severity, taking into consideration the unacceptable nature of such an act.

b. Scope of application

This policy applies to all internal and external stakeholders with whom Fondation Hironnelle works: employees, members of the Foundation Board, volunteers, representatives and partners.

It also applies, as far as possible, to suppliers and other professionals with whom Fondation Hironnelle works, through the systematic introduction of standard contractual clauses.

This policy must be followed and applied in all the countries in which we operate, regardless of any less restrictive legislation.

3 Principles and commitment of Fondation Hironnelle

a. Principles

Fondation Hironnelle has zero tolerance regarding any act related to sexual harassment, exploitation and abuse.

Fondation Hironnelle is committed to upholding the six core principles of the Inter-Agency Standing Committee (IASC) on sexual exploitation and abuse. These principles are extended here to the notion of sexual harassment:

1. Sexual harassment, exploitation and abuse constitute acts of serious misconduct and, therefore, constitute grounds for dismissal.
2. Sexual activity with children (persons under the age of 18) is prohibited, regardless of the age of majority or the age of consent on the spot. A mistaken belief about a child's age is not a defence.
3. The exchange of money, employment, goods or services for sexual intercourse, including sexual favours or other forms of humiliating, degrading or exploitative behaviour, is prohibited. This includes the exchange of aid due to beneficiaries.
4. Sexual relationships between Foundation staff and beneficiaries are strongly discouraged as they are based on fundamentally unequal power dynamics. Such relationships undermine the credibility and integrity of the organisation.
5. Intimate relationships between colleagues of Fondation Hironnelle must not give rise to any conflict of interest between the persons concerned, for the smooth running or for the credibility and integrity of the organisation. The most senior person in the relationship is encouraged to report the relationship to the General Director if he/she is in Lausanne, or to the National Representative if he/she works in the field.
6. When a member of staff develops fears or suspicions of harassment, sexual abuse or sexual exploitation by a colleague, whether in the same organisation or not, he or she must report these fears through the reporting mechanisms established by the organisation.
7. Staff are responsible for creating and maintaining an environment that prevents sexual harassment, exploitation and abuse, and encourages the application of their code of conduct. Managers at all levels have a special responsibility to support and develop systems that maintain this environment.

NB: The term "personnel" here includes all persons whose status is set out in paragraph 2b Scope.

b. Commitment of Fondation Hironnelle

Fondation Hironnelle attaches particular importance to preventing and fighting acts of sexual harassment, exploitation and abuse, and has adopted a series of measures to ensure that its working environment, both internally and in relation to its direct beneficiaries, is non-conducive to the occurrence of inappropriate acts.

All of these measures have been designed taking into account the scope of action of Fondation Hironnelle, its size and the resources available.

PROCEDURES	Measures to prevent and fight sexual harassment, exploitation and abuse (SEAH)
Recruitment	<ul style="list-style-type: none"> • Period without activity questioned during the interview. • Questions relating to the field asked during the interview. • At least two references from previous employers that include questions about the candidate's conduct and behaviour. • Where possible, a criminal records check is carried out. • Employees sign contracts that explicitly mention the Code of Conduct and related policies.
Briefing/Training	<ul style="list-style-type: none"> • The briefing includes a session on the presentation of PSEAH (policy and warning mechanisms) • Wherever possible and whenever the opportunity arises, staff receive training in the basic principles of PSEAH.
Management	<ul style="list-style-type: none"> • Thematic discussions are held between managers on PSEAH. • During annual performance reviews, the PSEAH is discussed and the fundamental principles are reiterated.
Disciplinary measures	<ul style="list-style-type: none"> • Sexual harassment, exploitation and abuse are explicitly stated as grounds for disciplinary action that may result in termination of contract.
Working with partners	<ul style="list-style-type: none"> • All contracts with partners / suppliers / contractors include PSEAH clauses indicating breach of contract in the event of infringement or violation in these areas. • When carrying out due diligence, as far as possible, find out about cases of SEAH reported by the partner and ensure that the partner's principles in this area are in line with those of Fondation Hironnelle. • Our implementing partners are aware of the escalation mechanisms and have access to them.
Warning mechanism	<ul style="list-style-type: none"> • A mechanism for reporting cases to SEAH is in place to ensure confidentiality and transparency in the handling of reported cases. • Internal and external focal points have been set up to promote the policy and ensure that the alert mechanism operates smoothly. • Information on the existence and operation of the alert mechanism is widely disseminated.

Source: Table taken from the CHS ALLIANCE / PSEA IMPLEMENTATION QUICK REFERENCE HANDBOOK, for more information refer to the following link <http://www.pseataskforce.org/uploads/tools/1499958998.pdf>

c. Responsibilities

Compliance with the principles of this policy is everyone's business, and everyone to whom this policy is addressed must feel involved in its implementation and observance.

Everyone in the organisation, depending on their position or experience, may have specific responsibilities related to this policy. These responsibilities will be reflected in job descriptions (senior management, PSEAH focal points, project staff in direct contact with beneficiaries, etc.).

In addition to these "operational" responsibilities, the General Director and the Foundation Board will have institutional responsibilities:

- Promote and ensure a strong commitment to the fight against SEAH.
- Contribute to the fight against the culture of silence, taboos and abuse of power.
- Establish a culture of transparency and respect for oneself and one's limits.

Each member of the Foundation Board and the Senior Management (Codir) is expected to set an example through irreproachable behaviour and to fulfil his or her obligations to staff regarding the prevention, instruction and supervision of the rules set out, in the most appropriate manner possible.

d. Rights and duties of persons involved in a SEAH process

1. The whistleblower (victim, representative or whistleblower) has the right to be protected from a confrontation with the accused person. It is the whistleblower's duty to present precise, concrete and factual information. The accused person has the right to respond only to precise, concrete and factual accusations.
2. The person who raised the alarm is informed of what is happening, unless the decisions and measures taken fall within the scope of the protection of the private sphere to which the employer is subject (dismissals, warnings, etc.). In this case, the person is simply informed that their complaint has been taken into account and that action has been taken. The person is also informed if the case is closed without further action.

4 Alert mechanisms

In light of our domain of activity involving information and support to the media, and because of our organisation (headquarters and field offices), two alert mechanisms are set up in order to have a pragmatic approach suited to the needs of our contexts of intervention. These are an internal mechanism and an external mechanism.

Whatever the mechanism :

- We attach great importance to supporting and caring for the victim.
- We remind everyone of the presumption of innocence and the right to be heard.
- The right to confidentiality will be guaranteed to the victim, his/her family and his/her community, as well as to the person presumed guilty, his/her family and his/her working environment, and to witnesses. To this end, information enabling identification relating to the SEAH allegations and investigations must be treated as strictly confidential by the authorised persons of the entities concerned. In addition, all elements relating to SEAH cases, in whatever form, must also be kept in a safe and confidential place.
- Victims must be protected and supported, including the protection of their dignity, safety, security and rights. All of the above must be carried out in accordance with the principles of "do no harm", the best interests of victims or witnesses, confidentiality and respect for informed consent. In the case of a victim who is a minor, a child-centred approach will be followed, bearing in mind the best interests of the child and in accordance with the fundamental principles set out in the Convention on the Rights of the Child.
- If the alert is not given directly by the victim, the same rights and protections apply to the person who gives the alert.

- Except in situations requiring immediate protective measures as a precautionary measure, those responsible for investigating a SEAH case will promptly inform the person who alerted of the timing and the steps planned for resolution.
- Not every alert triggers the opening of a case and an investigation. Only an analysis of the data, a discussion between the person in charge (focal point or external lawyer) and the appropriate hierarchical level will officially decide whether to conduct an investigation (see point 5 below).
- Any slanderous report may be subject to sanctions and prosecution by Fondation Hironnelle.

a. Internal alert mechanism

- 1) Any employee at headquarters or in the field (nationals or expatriates) who is the victim of an act covered by this policy, who represents a victim or who is a direct witness to acts in breach of this policy, may inform the relevant focal point or his or her N+1 if the context allows.
- 2) One or two focal points for the prevention of abuse of authority are appointed from among trusted members of the team. In each project and at head office, these members are irreproachable with regard to the issues covered by this policy. Their names are communicated to colleagues. Any one of them may be called upon to report a problem. With the agreement of the person concerned, the focal point will inform his/her counterpart of the reports received and the follow-up of the case. The focal point will be able to receive alerts and direct the person concerned either to the Fondation Hironnelle's management bodies or to external resources capable of providing the person with psychological or even medical support in the event of severe sexual abuse, and/or administrative and legal support from the judicial authorities in the country concerned.
- 3) Persons involved in the procedure, particularly those with hierarchical responsibilities, spontaneously declare to the focal point any conflicts of interest, professional or personal, with regard to the persons involved (victim, accused, whistleblower, witness). In the interests of impartial proceedings, persons exposed to a conflict of interest are not involved in the conduct or investigation of the case. They may be heard as witnesses.

b. External alert mechanism

In order to have a whistleblowing mechanism adapted to situations where speaking internally is not possible or desirable, and to offer victims or whistleblowers as much choice as possible, anyone can contact the Geneva-based law firm Walder Wyss by sending an email to vincent.pfamatter@walderwyss.com. The email will be dealt with directly by one of the firm's lawyers.

The firm's mandate is defined as follows:

- 1) Acknowledge receipt of the alert and any evidence provided.
- 2) Within two days, a summary assessment of the elements reported and referral of the request to the competent persons designated below. The person who issued the alert is informed of the persons to whom the request has been forwarded for processing.
- 3) At the request of the Foundation Board or Senior Management (Codir), support for Fondation Hironnelle in the professional handling of serious or complex cases, particularly when they involve the overall responsibility of the organisation.

- 4) Within two months, a report on the decisions taken and any measures decided upon, including support for victims.
- 5) Annual report to the Foundation Board on cases referred to it.

5. Handling incidents

Incidents are recorded and reported so that they can be analysed and used by the General Director within a reasonable timeframe, and also, in a generally anonymised form, by the bodies responsible for risk management, in particular the Foundation Board.

Fondation Hironnelle will ensure that investigations are followed by clear decisions, taken according to sound principles, and result in appropriate action (disciplinary action, termination of contract) against those guilty of a breach of this policy if necessary.

Depending on the seriousness of the incident and the need for follow-up, Senior Management may decide to form a crisis management committee, the composition of which will depend on the location of the incident, and to seek advice, while ensuring that confidentiality is maintained:

- Legal advice: to ensure that Fondation Hironnelle cannot be prosecuted for unjust sanctions, or to find out about local legislation and practices relating to acts of SEAH.
- Victim support advice: to ensure that people who have suffered physical and/or mental harm are properly looked after.

Any measures taken against a person guilty of a breach of this policy will be proposed by the crisis management committee to the General Director, who will be responsible for applying them and ensuring that the case is properly documented.

The General Director will also ensure that appropriate communication is made to donors and institutional partners where necessary.