

## Policy on Protection from Sexual Exploitation, Abuse and Harassment (PSEAH)

### 1. Introduction

The KIOS Foundation provides technical and financial support for civil society organisations working in the field of human rights in East Africa and South Asia. Respect and commitment to the principles of the United Nations (UN) Declaration of Human Rights are at the core of KIOS programming and operations. KIOS respects all human rights, and promotes any person's dignity regardless of age, gender, ethnicity, religion, class, sexual orientation, disability or any other difference and denounces all forms of violence, abuse, and exploitation.

KIOS does not carry out activities in its programme countries but provides funding for local civil society organisations to support their human rights initiatives that focus on advancing the rights of marginalised groups, such as women, youth, and those in vulnerable positions. The root causes of sexual exploitation, abuse and harassment (SEAH) stem from an imbalance and abuse of power, which can create an environment where those in positions of power feel entitled to exploit, abuse, or harass those with less power. Persons who experience marginalisation based on multiple factors (for example gender, age, ethnicity, descent, religion, sexual orientation, or disability) have an increased risk of being targeted with SEAH. In this regard, the ultimate beneficiaries of the human rights work KIOS funds are especially at risk of becoming victims of SEAH.

KIOS is committed to a **zero-tolerance policy on sexual exploitation, abuse and harassment**. The purpose of this policy is to establish clear procedures and standards to protect individuals from abuse, exploitation, and harm, ensuring a safe and respectful environment that upholds and promotes human rights in all its work, including but not limited to office settings, partnerships, and grant-supported activities.

This policy applies to all individuals who are contracted by KIOS in some manner. This includes, but is not limited to, KIOS staff, partner organisations (including grantees), consultants, members of the Board and any other contractually associated person(s).

Principles that underpin KIOS approach to PSEAH are a victim/survivor-centred approach, Human Rights-Based Approach, do no harm and confidentiality.

This policy complements KIOS's Child Safeguarding policy and Human Resources Policy.

### 2. SEAH terminology

The following definitions have been adopted by the UN System and are commonly used across UN organisations and other actors operating in the development cooperation field.

**Sexual exploitation:** Any actual or attempted abuse of a position of vulnerability, differential power, or trust for sexual purposes. It includes profiting monetarily, socially, or politically from sexual

exploitation of another.<sup>1</sup> Examples of sexual exploitation include requiring sexual favours as a condition for giving assistance to a person.

**Sexual abuse:** The actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.<sup>2</sup> Examples of sexual abuse include attempted rape, forcing someone to perform oral sex or sexual touching, and rape.

**Sexual harassment:** Any unwelcome conduct of a sexual nature that might reasonably be expected or be perceived to cause offense or humiliation, when such conduct interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment. Sexual harassment may occur in the workplace or in connection with work. While typically involving a pattern of conduct, sexual harassment may take the form of a single incident. In assessing the reasonableness of expectations or perceptions, the perspective of the person who is the target of the conduct shall be considered.<sup>3</sup> Examples of sexual harassment include gestures and other non-verbal communication with sexual undertones, comments of sexual nature about individuals and/or their body, conduct, sex life or gender identity, pornographic material, and sexually suggestive letters, e-mails, text messages or phone calls.

### 3. Prevention

#### Prevention internally

As a preventive measure, KIOS communicates its commitment to a culture of zero tolerance to any form of sexual exploitation, abuse and sexual harassment clearly. KIOS staff and Board members are briefed on the policies and practices relating to SEAH and inappropriate behaviour as part of the onboarding process. To ensure that all KIOS staff members are aware of PSEAH, they are required to complete an online PSEAH training during the first week of joining the organisation.

All staff and Board members, and any other individuals contracted by KIOS are required to sign the Code of Conduct and abide by it. Signatories of the Code of Conduct commit not to sexually exploit, abuse or harass anyone in physical, verbal or non-verbal way.

The Risk Management System includes possible risks of SEAH internally and in operations, and it outlines the prevention and mitigation measures as well as the persons responsible for ensuring the measures are taken.

#### Prevention with partner organisations

KIOS's zero-tolerance policy is communicated to all partner organisations before a contract, or a Memorandum of Understanding is signed. They are required to sign the KIOS Code of Conduct and abide by it. KIOS partners commit to ensuring that measures are taken to prevent, respond to and report any form of SEAH under its operations, be it physical, verbal or non-verbal. Partner organisations are required to implement the Code of Conduct in their organisations and ensure their staff is aware of it.

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<sup>1</sup> 2003, Secretary-General's Bulletin, *Special measures for protection from sexual exploitation and sexual abuse*, ST/SGB/2003/13, 9 October, Page 1

<sup>2</sup> *Ibid.*

<sup>3</sup> 2018, UN System Chief Executives Board for Coordination, *CEB Model Policy on Sexual Harassment*, CEB/2018/HLCM/14/Add.1, Page 13

A clause of commitment to zero tolerance to any form of SEAH is included in all partner agreements of cooperation stating that the non-compliance may result in the termination of the agreement and partnership with KIOS.

The prevention of SEAH is discussed with partners as part of the due diligence process when starting new partnerships and regularly with existing grantees. In case the partner has any related policies or guidelines, they are requested to share them with KIOS. Partners are not required to have their own PSEAH policy, but it is recommended.

#### 4. Reporting of misconduct

KIOS has a **Whistleblowing Channel** that is available online for anyone to report discrimination, sexual exploitation, abuse, harassment, or any kind of misconduct. The mechanism can be accessed through the following link: <https://kios.fi/en/apply/reporting-fraud-and-abuse/>

The KIOS Code of Conduct for individuals **obliges its signatories to report any suspected or witnessed case of SEAH** within KIOS or in KIOS-funded activities to management (team leaders, Executive Director or the Board) without delay. If subjected to sexual harassment, KIOS staff may report misconduct also to the Occupational Safety Representative (or their deputy) or through the Whistleblowing Channel. They may also contact occupational health services for support.

The KIOS Code of Conduct for Organisations and Agreement of Cooperation, **obliges KIOS partner organisations to report any suspected or actual case of SEAH** through the Whistleblowing Channel or to any KIOS staff member.

#### 5. Response

KIOS is committed to ensuring that **all reported cases of sexual exploitation, abuse or harassment are properly investigated**, and it will do its best to ensure that the investigation is **timely, impartial, independent and fair**.

Reports made through the Whistleblowing Channel are monitored by KIOS staff, and each message is handled on a case-by-case basis. Messages that cannot be handled by staff, such as grievances about the management of KIOS, are addressed by KIOS Board. The Whistleblower is notified of the receipt of the report without delay.

Any investigation and response efforts will respect the principles of victim/survivor-centred approach, do no harm, non-discrimination and confidentiality. When the victim/survivor is known to KIOS, they are notified of progress throughout the response process from end to end. Their needs and preferences are actively sought in order to ensure that the response is needs-based and appropriate. The victim/survivor can withdraw their participation and cooperation at any point.

##### Cases concerning KIOS staff

- KIOS investigates all cases of reported misconduct in a confidential manner. When possible, the investigation will be conducted in collaboration with the victim and the suspected perpetrator. In the case of serious allegations of harassment or abuse, contact between the potential victim and the perpetrator will be cut off until the matter has been resolved.
- The employer has a duty to stop any harassment by any means at its disposal and to take any necessary follow-up action.

## Cases concerning partner organisations

- If KIOS receives a report on suspected or witnessed case of SEAH or other misconduct by a partner organisation, the management (Executive Director and/or Board of Directors) of the organisation is contacted with the consent of the person concerned. The respective organisation will be required to investigate the incident with the victim and the suspected perpetrator when possible and take any necessary follow-up action. Partners are encouraged to collaborate with relevant actors and stakeholders in a confidential manner when necessary and appropriate.

## 6. Accountability

In order to actualise the commitment to zero tolerance to sexual exploitation, abuse and harassment, there must be accountability when it does occur and when responsibilities to prevent and respond to cases have been neglected. This includes but is not limited to consequences for perpetrators of SEAH as well as those who neglect their duty to report such cases.

In all suspected cases, the matter will be reported to the relevant funder party as soon as possible as per funder requirements. They will be updated on the progress and outcome of the investigation.

In case an investigation finds sufficient evidence that SEAH has taken place or that the duty to report such cases has been neglected, the ramifications depend on the type and severity of infraction and the type of contract. Sufficient evidence is a situation in which it has been found that it is more likely than not that sexual exploitation, abuse or harassment has occurred.

- In case a **KIOS staff member** is deemed to have committed SEAH, either on- or off-duty, or is found to have neglected their duty to report such incidents in activities funded by KIOS, appropriate disciplinary measures will be taken against the staff member, which may include the immediate termination of the contract.
- In case a **KIOS Board member, consultant or another associated person who has signed the KIOS Code of Conduct** is deemed to have committed SEAH as part of their work for KIOS or is found to have neglected their duty to report such incidents in activities funded by KIOS, appropriate disciplinary measures will be taken, which may include immediate termination of the contract or official relationship .
- In case a **partner organisation** is found to have neglected its duty to report or respond to incidents or allegations of SEAH in activities or operations funded by KIOS, appropriate disciplinary measures will be taken, which may include immediate termination of the contract or official relationship.

In case a criminal offense is suspected to have taken place, KIOS will report the matter to the police, unless the victim/survivor prefers not to.

## 7. Support and Protection

KIOS is **committed to providing support to victims and survivors of sexual exploitation, abuse or harassment** which has taken place as part of KIOS's work, including grants funded by KIOS. This includes that KIOS seeks to maintain a victim/survivor's dignity, safety, rights, needs and wants at the centre of the PSEAH process. **Support for the victim/survivor is not dependent on whether an investigation has been completed or not.** Support will be guided by the principles of do no harm,

victim/survivor-centred response, confidentiality, non-discrimination, and respect for human rights. Support will be provided in a timely manner. If the victim/survivor is a child (under the age of 18), they are entitled to special safeguards and care, as per the UN Convention on the Rights of the Child. This entails increased attention to ensuring the best interest of the child.

Because KIOS only has offices in Finland, the type of support that KIOS is able to provide depends on the location of the victim/survivor.

- **In cases where the incident has taken place as part of a grant activities or operations**, a plan for support and protection will be made together with the grantee partner.
- **In cases where the incident has taken place in Finland or the victim/survivor resides in Finland**, KIOS will assist the victim/survivor to access support services, such as the police, healthcare, or psycho-social support. The needs for support will be mapped and decided on a case-by-case basis together with the victim/survivor.
- **In all other cases**, KIOS will support the victim/survivor either directly or through a trusted partner to access support services, such as the police, healthcare, or psycho-social support. The needs for support will be mapped and decided on a case-by-case basis together with the victim/survivor.

In cases of allegations of sexual harassment at the workplace where the investigation has not yet been completed, **the victim/survivor should not be required to work with the alleged perpetrator**. This must not have negative consequences on the victim/survivor, such as reduced compensation or responsibilities. If deemed appropriate, the alleged perpetrator can be mandated to work from home or be put on unpaid leave for the duration of the investigation.

KIOS has **zero tolerance for retaliation against victims/survivors or whistleblowers** for reporting allegations of SEAH in good faith. Incidents of retaliation can be reported through the same channels as cases of SEAH. All allegations of retaliation will be investigated. If the investigation finds that there is reasonable evidence that the allegation is true (i.e. it is more likely true than not), then disciplinary action will be taken against that person or partner organisation, depending on the contractual type, similarly as the measures described in section 'Accountability' of this Policy.

## 8. Monitoring, Reporting and Evaluation

KIOS is **committed to transparency and accountability regarding PSEAH**. It systematically records measures to prevent, mitigate and respond to sexual exploitation, abuse and harassment. It sets targets for its PSEAH efforts and regularly monitors progress towards these targets. The functioning and responsiveness of whistleblowing mechanisms are regularly monitored and assessed. This includes but is not limited to collecting feedback from its Board members, staff, partners, and (when possible) beneficiaries. KIOS leadership will make necessary adjustments to the organisation's PSEAH approach and mechanisms based on lessons learned and any emerging needs. In its periodic organisational reports, KIOS will describe its PSEAH efforts and progress against the set targets. All reporting will respect the principles of confidentiality and anonymity. PSEAH will be included as an area of assessment in internal and external evaluations regularly.

## 9. Responsibilities

**KIOS as an organisation** has an institutional responsibility to preventing and respond to sexual exploitation, abuse and harassment in its work and operations. The **Executive Director** is responsible

for providing leadership on the operationalisation of the PSEAH Policy. This includes but is not limited to ensuring that all Board members, staff, consultants and other relevant associated persons as well as KIOS partners are aware of the PSEAH Policy and their respective duties thereunder and sign the Code of Conduct; delegating responsibilities within KIOS; supervising the work of the PSEAH focal point; as well as leading investigations concerning PSEAH and protection efforts for victims/survivors (in case the perpetrator is or is claimed to be the Executive Director, this is the responsibility of the **Chair of the Board**). The **PSEAH focal point** is part of the team monitoring the Whistleblowing Channel and responsible for leading the following: inducting new employees on the PSEAH Policy; providing advice on PSEAH to staff; drafting and updating PSEAH targets as part of the KIOS Risk Management System and Risk Management Matrix; monitoring and reporting progress against targets; and developing the PSEAH system based on lessons learned. The **Occupational Safety Representative** is responsible for reporting allegations and incidents of sexual harassment at the workplace which have been flagged to them. If the victim/survivor requests support, they may help the victim/survivor to access support services. **KIOS advisers and programme officers** are responsible for ensuring that the prevention of SEAH is discussed with grantees as part of the due diligence process when starting new partnerships and regularly during the grant cycle. **Every KIOS staff member** is responsible for not committing SEAH on- and off-duty and for reporting allegations or incidents without delay. **Every KIOS Board Member, consultant and other relevant associated person who has signed KIOS's Code of Conduct**, is responsible for not committing SEAH in KIOS's work and for reporting allegations or incidents without delay.

**Partner organisations** are responsible for the following: ensuring that all of their staff members are aware of the importance of PSEAH and their responsibilities to report allegations and incidents of SEAH; informing their beneficiaries about their rights regarding PSEAH as well as whistleblowing mechanisms and for encouraging them to report any incidents via these mechanisms; informing KIOS without delay of any allegations or incidents of SEAH in the programming or operations funded or co-funded by KIOS; and investigating all reports and suspected or actual cases of SEAH which have occurred as part of their work, including by consultants or subcontractors.