



**FAWS WOMEN ORG**

*Our Health Is Wealth*

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# **FAWS PROTECTION FROM SEXUAL EXPLOITATION, ABUSE AND HARASSMENT (PSEAH) POLICY**

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## **1. INTRODUCTION**

### **1.1 BACKGROUND**

Faith, Action and work Silc (FAWS) is a non-profit making organization that is for and led by Women. FAWS serves Women, Girls and Children infected and affected by HIV and their caregivers. FAWS brings support groups led and for PLHIVS together to capacity build, mentor and to help in advocacy using practical approach and leveraging on experience FAWS was formed in the year 2007 and registered by the department of Social Services in the Ministry of Gender and Children and issued with registration No. NCC/SD/CBO/087. Over the last 15 years FAWS has earned remarkable experience and a growing reputation as a leading local organization representing PLHIVs in Advocacy and Human rights issues.

#### **VISION**

Healthy communities

#### **MISSION**

To empower women living with HIV and vulnerable communities through inclusive sustainable development initiatives, strategic partnerships, advocacy, and capacity strengthening and improve quality of life.

#### **Core values**

Quality –we are committed to advocate for quality services for PLHIVs at all levels

Team work -we value and build strong teams that generate synergy and commitment

Integrity -we uphold openness transparency and mutual accountability

## **2 DEFINITIONS**

### **2.1 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”.

### **2.2 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”.

### **2.3 Sexual Harassment**

“Sexual harassment” in the workplace is defined as any behavior by a staff member with a sexual aspect within the workplace environment that is unwanted and humiliating towards another colleague working for FAWS or its partner organizations. This includes any “unwelcome sexual advances, requests for sexual favours, and other verbal or physical conduct of a sexual nature”, from the perspective of the person being harassed. It can be

directed towards one person, groups of people or towards everyone and can occur as a one-off incident or be a pattern of harmful behavior. The effect of sexual harassment usually leads to violation of the dignity of another person, and/or creates an intimidating, hostile, degrading, humiliating or offensive environment for them. Both men and women may be victims of sexual harassment.

Sexual harassment at the workplace also covers harassment at official (or staff casual) events such as annual dinners, seminars, staff retreats, etc. If the harassment occurs outside work, it is still workplace-related if it impacts the working relationship. Sexual harassment can take many forms, which include but may not be limited to the following:

- Intimidating and suggestive remarks about the appearance of staff;
- Sexist comments or jokes about sexual behavior or the sexual orientation of colleagues;
- Displaying, posting, publishing or distributing pornographic or sexist material, whether physically or electronically;
- Unwanted invitations with unmistakable intent;
- unwanted bodily contact;
- Stalking of employees either at work or outside work;
- Attempts to make a pass at another person (including written or electronic messages) accompanied by the promise of certain advantages or threat of certain disadvantages; Sexual assault, coercion or rape.

Severe verbal sexual harassment is also punishable by law. In case of any PSEAH situations, FAWS is concerned with the impact of behaviors on the complainant. An action or behavior can still be considered sexual harassment even if the alleged harasser did not intend for it to be harmful. Communication and explanation from both sides are important in this context

### 3.0 GUIDING PRINCIPLES

Clear values, shared and reflected consistently in our practice, provide the cornerstones for inspiring confidence. In addition to the foregoing values, we anticipate behavior supported by the context of our unique environment and shaped by the following guiding principles:

1. **Promoting community participation and ownership:** Community initiatives and programmes are more successful when the community members are involved in their planning and implementation. Increased participation also promotes sustainability through commitment and ownership by the community.
2. **Enhancing strategic partnerships:** Formation of networks is at the core of FAWS's partnership building. Strategic partnerships support communities to achieve much more than they would on their own.
3. **Promoting human rights and diversity:** FAWS believes that health is a basic Human right and adheres to rights based approaches (RBAs) in its work and operations.

Respect to human rights and non-discrimination based on status, gender, tribe or any other basis are crucial for healthy and positive living.

4. **Accountability and transparency:** FAWS believes in honest communication, Openness and transparent use of resources. Programmes and costs are planned and reviewed carefully to ensure efficient and effective use of resources and the highest return to those served. Members and staff will remain accountable in all their activities and will operate in a transparent manner

#### **4.0 PURPOSE, SCOPE AND APPROVAL OF PSEAH**

The purpose of this policy is to elaborate FAWS's approach to Protection from Sexual Exploitation, Abuse and Harassment (PSEAH). This policy is aligned with common PPSEAH standards in international cooperation. It outlines the following:

- The principles upon which FAWS will base its decision in case of PSEAH situations;
- FAWS's expectations of all its staff, including staff of partner organizations;
- FAWS procedures to ensure effective action is taken when PSEAH cases occur.

The policy applies to all FAWS staff and staff of FAWS partners during their service with FAWS. "Staff" in this policy refers to FAWS and its partners' employees, interns, volunteers and consultants. This PSEAH policy is an addendum Document to the already existing Human Resource Manual and other policies of FAWS, which clarifies in more detail the principles of discrimination, sexual harassment and trafficking already contained in these policies. The HR Manual and policies is an integral part of FAWS staff contracts and partner contracts.

This policy will be used in conjunction with relevant employment/labor laws and relevant criminal laws in the context of the country of operations to make decisions about how to respond to any allegations, complaints and concerns received in PSEAH situations.

This policy is approved by the FAWS Board. The effective date is presented on the cover sheet. This document replaces all previous versions of PPSEAH policies.

## **5 . PRINCIPLES ON PSEAH**

The PSEAH policy is based on six key principles outlined below, which reflects FAWS's commitments to address SEAH.

### **5.1 Principle 1:**

#### **5.1.1 Zero tolerance and zero tolerance of inaction.**

Sexual exploitation, abuse and harassment are never acceptable. In this policy, FAWS defines zero tolerance of inaction as acting on every allegation fairly and reasonably with due regard for procedural fairness. Reports of incidents may increase as organizations improve safeguards. Increasing reports may indicate growing awareness of SEAH and changing attitudes, with victims/survivors feeling more comfortable to report and organizations more likely to take action. Reporting of incidents can be considered as an indicator that the risk of SEAH is being managed appropriately.

### **5.2 Principle 2:**

#### **5.2.1 Strong leadership and respectful behavior.**

Strong leadership is essential for accelerating the pace of further development in the work culture within the organization. Leaders set organizational culture. FAWS expects its leaders and senior management team members to set clear expectations and model respectful behavior in their interactions at work. This will support victims/survivors and whistle-blowers to feel safe, report concerns and be assured their allegations are taken seriously.

Strong leaders address PSEAH by taking measures to improve diversity and inclusion. Diverse and inclusive organizations have lower levels of harassment and discrimination. This includes strong, actionable human resource procedures that embed

Gender equality and PSEAH. FAWS's policies lay out procedures that are applicable for situations of SEAH. Other aspects of strong leadership with respect to SEAH include discussions of policy and policy reviews at board meetings, the inclusion of specific training on PSEAH topics, having specific Compliance Officers (Ombudsperson) within the organization who will act as PPSEAH focal points, and encouraging staff gender balance, particularly in senior roles. Leaders should encourage scrutiny of their own behavior and that of senior management.

### **5.3 Principle 3:**

#### **5.3.1 Victim/survivor needs are key.**

Before any actions are taken with an impact on the well-being or integrity of the victim/survivor, she or he must be asked for approval. FAWS will ensure that any action(s) to address PSEAH will be based on a "do no harm" approach ensuring the rights, needs, and wishes of the victim/survivor while also maintaining procedural fairness to all parties. This approach:

- treats the victim/survivor with dignity and respect;

- involves the victim/survivor in decision-making;
- provides the victim/survivor with comprehensive information;
- protects privacy and confidentiality;
- does not discriminate based on gender, age, race/ethnicity, ability, sexual orientation, or other characteristics;
- Considers the need for counselling and health services to assist the victim/survivor with their recovery.

#### **5.4 Principle 4:**

##### **5.4.1 Preventing Sexual Exploitation, Abuse and Harassment is a shared responsibility.**

Preventing Sexual Exploitation, Abuse and Harassment is everyone's responsibility. An effective change in reducing PSEAH will happen only when every sector plays a role including government, business, non-government organizations, communities and individuals. FAWS hence requires the commitment, support and investment of its partners to enforce this policy. All partners have a responsibility to build their capacity to deal sensitively and effectively with PSEAH that occurs in the course of their work with FAWS.

#### **5.5 Principle 5:**

##### **5.5.1 Gender inequality and other power imbalances are addressed.**

The principle acknowledges that power imbalances occur due to many reasons. The intersection of gender with other forms of inequality can further increase the likelihood of PSEAH occurring. Engagement with work colleagues and with other members of contracting partner organizations should be based on respect for diversity, promotion of gender equality and social inclusion, accountability, and a strong "do no harm" focus. Inequalities based on the distinctions of worker/beneficiary; male/female; ability/disability; ethnic and indigenous status; religion; gender identity and sexual orientation; age; health and poverty, can also result in SEAH.

#### **5.6 Principle 6**

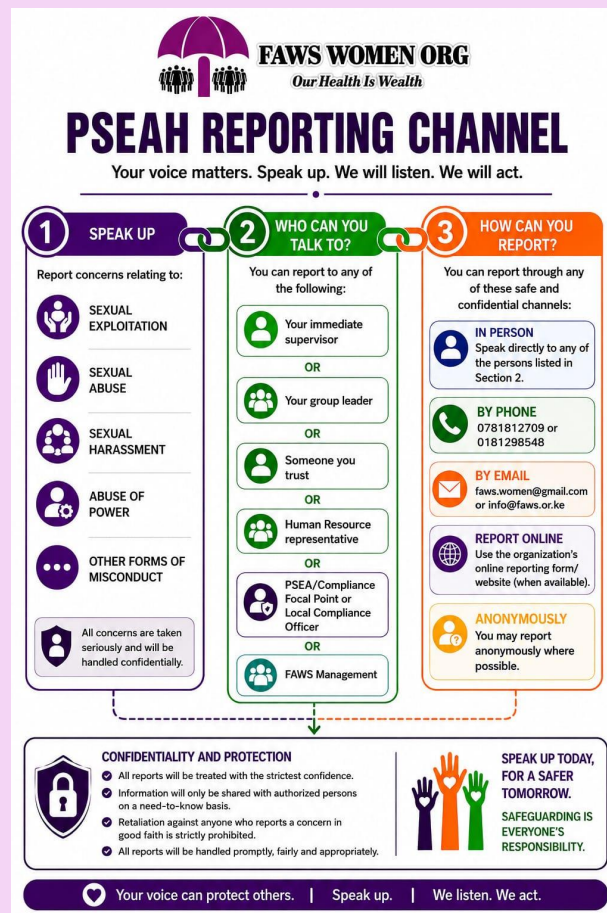
##### **5.6.1 Strong procedures and reporting enhance accountability and transparency.**

Sexual exploitation, abuse and harassment is a failure of responsibility. All processes of FAWS such as staff recruitment procedures, appraisals, or career progression processes, etc. should integrate aspects that avoid potential PSEAH on new/existing staff of FAWS. Strong reporting leads to better monitoring of SEAH, understanding risks, improves systems and safeguards accordingly.

## 6 REPORTING AND SAFEGUARDING MECHANISMS

### 6.1 Complaint Mechanism

Staff who feel or are aware of a SEAH situation are entitled to report and/or use the Complaints Procedure as already described in the Whistle blowing Policy. The following figure presents FAWS's overall complaint mechanism in situations relating to misconduct that includes SEAH. Please note that FAWS Compliance Officers also assume the role of SEAH Focal points.



## 6.2 Complaints about FAWS's Partners

If a partner organization receives a complaint about the conduct of their own staff, volunteers, consultants or other representatives, FAWS expects the partner to respond quickly and appropriately, and to inform the FAWS PSEAH Compliance Officer (Ombudsperson), the coordinator about the case and how it will be addressed. FAWS will support the partners in dealing with PSEAH when requested. If there is a reason to believe that an allegation has been dealt with inappropriately by a partner, then the latter risks withdrawal of funding or ending of the relationship.

## 6.3 Overarching Guidance

Abuse may be current, recent, or historical. There are no time limitations for reporting and taking action within the remit of this policy, although FAWS encourages that reports are made as soon as knowledge, or suspicion, of an act of harassment, exploitation or abuse occurs. The following points present guidance in case of PSEAH situations:

- a. *Anonymous complaints may be made by the victim but are discouraged as it will make it challenging*** to address and follow up the issue.
- b. *Affected individuals*** may address the contact person to receive support and counselling as needed. All support will be carried out with the highest confidentiality and will prioritize the rights, needs, and wishes of the victim/survivor while ensuring procedural fairness to all parties. A direct conversation between the affected person and the accused person only takes place if the affected person has given her or his explicit consent.
- c. *Confidentiality*** will be maintained throughout the complaints process by all staff and witnesses. Staff members who breach confidentiality are subject to disciplinary action up to and including termination of employment.
- d. *All involved parties*** will not experience any professional disadvantages as long as the presumption of innocence applies. For precautionary measures, affected staff can be transferred to other departments or teams, or can go on a paid leave.
- e. *Depending on the circumstances and the persons*** involved, a decision to seek a qualified internal or external specialist to act as a mediator in the PSEAH case may be taken.

## 6.4 Support for Survivors and Victims

FAWS will make necessary arrangements for support to be offered to survivors/victims of SEAH. Support can include specialist psycho-social counselling, and/or access to other specialists (e.g. medical and/or legal aid) and appropriate support as needed. Survivors and victims have the right to choose if and when, they would like to take up the support options available to them.

## **6.5 Prevention of Retaliation Against Complainants, Victims and Witnesses**

FAWS will take action against any staff whether they are the subject of a complaint or not, who carry out retaliatory action against complainants, victims or other witnesses. Staff who are found to do this are subject to disciplinary action, up to and including termination of employment.

## **6.6 False Allegations**

Defamation, slander, and false accusation are classified as criminal offences under the sexual offences act 2006. FAWS reserves the right to impose the following sanction on a staff member if s/he is found to have made a false allegation:

- Written apology to the person concerned;
- Arrangement of a binding and controllable behavior modification procedure with set appointments and deadlines;
- Written reprimand with a threat to terminate the contract;
- Organizational measures (e.g. transfer);
- Leave of absence;
- Oral reprimand;
- Notice of termination;
- Termination without notice;
- Report the offender to the police;
- Take legal action and contact the lawyer etc.

**This policy was developed in 2021 and reviewed in 2026**

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