

Subject Line: Requirements on Protection from Sexual exploitation, abuse and sexual harassment (PSEAH)

Geneva, 10 May 2021

Dear Principal Recipient,

The Global Fund has zero tolerance for sexual exploitation and abuse, sexual harassment and child abuse. Such acts are an appalling violation of a person's rights and contrary to the Global Fund's values and mission.

The Code of Conduct for Recipients of Global Fund Resources and the Code of Conduct for Global Fund Suppliers have been strengthened to clarify protections against sexual exploitation and abuse, sexual harassment (PSEAH) as well as child protection. These provisions are in line with Global Fund principles of country ownership, transparency, accountability, integrity and respect for universal human rights.

Building on the Operational Update of 12 March 2021, we would like to provide further information on these updated provisions and what is required of Principal Recipients. We ask Principal Recipients to read the updated Codes of Conduct in depth, which are an integral part of any Principal Recipient's grant agreement with the Global Fund.

A summary of the updates to the Codes and reporting requirements is provided in the attached Annex I. Resources for understanding organizational PSEAH capacities are provided in the attached Annex II.

In line with the Code of Conduct for Recipients of Global Fund Activities, Principal Recipients must ensure that the provisions on PSEAH and child protection:

1. Have been communicated to all entities currently receiving Global Fund Resources, including your Sub-recipients and their Recipient Representatives. *
2. Have been integrated with any existing guidelines or codes of conduct so that each Recipient and its Recipient Representatives are bound by the principles and requirements expressed in such Code.
3. Will be included in any future contract with a Recipient Representative that relates to the receipt, disbursement, procurement or management of Global Fund Resources. *

In line with the Code of Conduct for Suppliers, Principal Recipients must ensure that the provisions on PSEAH and child protection:

4. Have been communicated to all current Suppliers, who will in turn communicate such Code to their Supplier Representatives*; and
5. Will be included in any future contract with a Supplier that relates to Global Fund Resources.*

*For each communication and contract referred to above, the Principal Recipient must receive (from the entity receiving Global Fund Resources, Recipient Representative, or Supplier, as relevant) an acknowledgement and agreement that they will comply with the applicable provisions on PSEAH

and child protection. Such acknowledgement shall be maintained with the Grant Agreement by the Principal Recipient, with a copy provided to the Global Fund, Ethics Office.

We are committed to working with our Principal Recipients to prevent and respond to sexual exploitation and abuse and to putting survivors first. **Therefore, please assign a PSEAH Focal Point in your organization and communicate their name(s) to the Global Fund Ethics Office (ethics@theglobalfund.org) by 31 May 2021. The PSEAH Focal Point will serve as:**

1. A point of contact for victims and reporters to submit complaints and reports of PSEAH in your organization and in Sub-recipients and suppliers;
2. The facilitator of support services to victims and survivors; and
3. The point of contact for the Global Fund on all issues related to PSEAH.

As soon as you have designated such person, please communicate the name, preferred method of contact, and purpose of this role within your organization and to all Sub-recipients and suppliers.

The Global Fund has established a working group dedicated to in-country engagement and support on PSEAH and will progressively reach out to you with further guidance and information related to the updated PSEAH requirements and expectations. We will regularly verify that the Principal Recipients are in compliance with the PSEAH requirements under the Codes of Conduct and specifically with points 1 – 5 above.

In the meantime, for questions, information or support related to the PSEAH protections under the Codes of Conduct, please contact the Ethics Office at ethics@theglobalfund.org.

Sincerely,

Nick Jackson
Ethics Officer, Ethics Office

Mark Eldon-Edington
Head, Grant Management Division

ANNEX I: SUMMARY OF THE UPDATES TO THE CODES AND REPORTING REQUIREMENTS FOR PRINCIPAL RECIPIENTS

I. Introduction

Principal Recipients are responsible for safeguarding and protecting individuals from sexual exploitation and abuse, and sexual harassment (PSEAH) by Recipient Representatives in Global Fund-financed activities. Accordingly, Principal Recipients must take:

1. Reasonable steps to **ensure compliance** by Recipient Representatives while performing their roles and responsibilities for activities and expenditures financed by Global Fund Resources and
2. Immediate action to **end and correct** behavior that is not compliant with the principles and provisions of the Code of Conduct for Recipients of Global Fund Resources.

To help Principal Recipients understand their obligations, provisions of the Code of Conduct for Recipients of Global Fund Resources and the Code of Conduct for Suppliers are summarized here. Definitions of terms used in this summary are given in the Codes.

II. Code of Conduct for Recipients of Global Fund Resources

The [Code of Conduct for Recipients of Global Fund Resources](#)¹ includes provisions on protection from sexual exploitation and abuse and sexual harassment (PSEAH) and child protection, including prohibiting the worst forms of child labour and on upholding minimum age standards consistent with relevant International Labour Organization (ILO) conventions.

The protections include:

- **Section 3.5.1: Global Fund Human Rights Standards**
 - Reinforces the existing human rights standards for Global Fund-supported programs.
- **Section 3.5.2: Child Protection**
 - Sets expectations for protecting children against all forms of abuse, including physical, sexual and emotional abuse, as well as neglect, consistent with the [UN Convention on the Rights of the Child](#), a summary of which can be found [here](#);
 - Requires Recipients to prohibit the worst forms of child labour and to uphold minimum age standards, consistent with certain ILO conventions.
- **Section 3.5.3: Protection from Sexual Exploitation and Abuse, and Sexual Harassment**
 - Defines and prohibits Recipients and Recipient Representatives from engaging in sexual exploitation and abuse and sexual harassment, as well as prohibits Recipient Representatives from engaging in sexual activity with children (persons under the age of 18);
 - Sets expectations for Recipients to have policies and measures in place to prevent and respond to sexual exploitation and abuse and sexual harassment, and to facilitate or provide assistance to victims and survivors.

¹ https://www.theglobalfund.org/media/6011/corporate_codeofconductforrecipients_policy_en.pdf

III. **Code of Conduct for Suppliers**

The [Code of Conduct for Suppliers](#)² includes similar provisions on PSEAH and child protection with the additional recommendation that Suppliers align with the [Children's Rights and Business Principles](#)³. There is also an expectation that all Suppliers adhere to the principles set out in the [UN Global Compact](#)⁴.

The protections include:

- **Section H: Expectations for Suppliers**
 - Sets forth the expectation to adhere to the ten principles outlined in the [UN Global Compact](#).
- **Section I - Child Protection**
 - Requires Suppliers to prohibit the worst forms of child labor and to uphold minimum age standards (ILO conventions);
 - Recommends that Suppliers align with the [Children's Rights and Business Principles](#).
- **Section J - Protection from Sexual Exploitation and Abuse, and Sexual Harassment**
 - Defines and prohibits sexual exploitation and abuse and sexual harassment, as well as sexual activity with children.

IV. **Guidance for reporting allegations of child abuse, sexual exploitation and abuse, and sexual harassment**

Recipients and Recipient Representatives must notify the Global Fund as soon as they have knowledge of allegations of sexual exploitation and abuse, and sexual harassment.

- **Who should report and what should be reported?** Principal Recipients are required to notify the Global Fund as soon as they have knowledge of allegations of SEAH and knowledge of any integrity concern, including child abuse, in connection with Global Fund-financed activities. Although any person can and should report, your designated PSEAH Focal Point should ensure that all such reports are made to the Global Fund in a timely manner.
- **Helpful details when reporting:** A brief summary of the nature of the concern; when the incident took place; where the incident took place; status of the victim/survivor/complainant (e.g., junior staff, beneficiary of Global Fund funding, etc.); whether the victim/survivor/complainant is under 18 years old or whether they are an adult; employment status of the subject of the complaint (e.g., senior staff); what action has been taken to ensure the safety of the victim and others who may be at risk; any further actions that are planned with estimated timelines for action.
- **How to report?** There are several available reporting channels, including the following:
 - The Office of the Inspector General hotline@theglobalfund.org
 - The Ethics Office ethics@theglobalfund.org
 - The relevant Global Fund Country Team
 - <https://www.ispeakoutnow.org/report-now-en/> -- easy-to-use reporting channels online or via email, telephone, or letter.

² https://www.theglobalfund.org/media/3275/corporate_codeofconductforsuppliers_policy_en.pdf

³ <http://childrenandbusiness.org/>

⁴ <https://www.unglobalcompact.org/>

Annex II: RESOURCES FOR UNDERSTANDING ORGANIZATIONAL PSEAH CAPACITIES

The Code of Conduct notes, “*Recipients are expected to have **policies and measures** in place to prevent and respond to sexual exploitation and abuse and sexual harassment.*” Furthermore, Recipients are also “... expected to **facilitate or provide assistance** to victims and survivors related to their **safety and protection, medical care, psychosocial support and legal services**, as well as to facilitate survivor and victims’ timely, safe and confidential **access to a remedy**”.

To foster understanding of PSEAH, we encourage Principal Recipients to refer to existing tools that may be helpful, such as, for example, the UN Implementing Partner PSEA Capacity Assessment⁵. The below may be helpful to assess and build organizational PSEAH capacity:

- i. **Organizational policies**
 - The organization should have a policy document on PSEAH including definitions and prohibitions of SEAH (please see the Global Fund Code of Conduct definitions and prohibitions for an example).
 - This can include: Code of Conduct, PSEAH policy, standard procedures for all personnel to receive/sign PSEAH policy and/or Code of Conduct, etc.
- ii. **Operational management and contracts**
 - The organization should assign a Focal Point for PSEAH; the Focal Point will serve as the point of contact for victims and reporters to submit complaints and reports of PSEAH in your organization and any Sub-recipients and suppliers, the facilitator of support services to all survivors and victims, as well as the point of contact for the Global Fund on all issues related to PSEAH. The organization should communicate the Focal Point’s name, contact information, and purpose to all staff, Sub-recipients, and suppliers.
 - The organization’s contracts and partnership agreements should include a standard clause requiring sub-contractors/suppliers and sub-recipients to adopt policies that prohibit SEAH and to take measures to prevent and respond to SEAH.
- iii. **Human Resource Systems**
 - The organization should have a systematic vetting procedure in place for job candidates through appropriate screening including, at minimum: reference checks for sexual misconduct; and a self-declaration by the job candidate confirming that they have never been subject to disciplinary, administrative or criminal sanctions arising from an investigation in relation to SEAH, or left employment pending investigation and refused to cooperate in such an investigation.
- iv. **PSEAH training**
 - The organization should hold mandatory trainings (online or in- person) for all personnel on PSEAH. Training should include at a minimum: a definition of SEAH (that is aligned with the Global Fund/UN definition); explanation on prohibition of SEAH; and actions that personnel are required to take (prompt reporting of allegations and referral of victims).
- v. **Reporting**
 - The organization should set up and maintain mechanisms and procedures for personnel, beneficiaries and communities, including children, to report SEAH allegations that comply with standards for reporting (*i.e.*, safety, confidentiality, transparency, and accessibility).
 - This can include: an internal complaints mechanism; participation in joint reporting mechanisms; a whistle-blower policy; communication and awareness raising on PSEAH and reporting; etc.

⁵ <https://interagencystandingcommittee.org/system/files/2020-09/UN%20IP%20PSEA%20Common%20Assessment%20-%20Final.pdf>

- vi. **Survivor/victim assistance and referrals**
 - The organization should institute and maintain a system to refer SEAH survivors/victims to support services available locally, based on the survivor/victim's needs and consent. The PSEAH Focal Point should work to assemble a referral list for key members of law enforcement, civil society, and NGO advocacy to address and respond to the support areas set out in the Codes of Conduct: *safety and protection, medical care, psychosocial support, and legal services*. The Global Fund encourages your active contribution to in-country PSEAH networks and/or Gender Based Violence (GBV) systems, and/or referral pathways at an inter-agency level.
 - The organization should create a standard operating procedure for such support referrals; and ensure training and education for the Focal Point on victim-centered approach to assistance and case management, as well as a basic training on GBV.
- vii. **Investigations**
 - The organization should have a process addressing survivor/victim-centered investigation of allegations of SEAH. This may include a referral system for investigations where internal capacity does not exist.
- viii. **Corrective actions**
 - The organization should adopt a policy setting forth its intended corrective actions in response to SEAH allegations.
 - This can include capacity strengthening for staff, specific measures to identify and reduce risks of SEAH in program delivery, and appropriate disciplinary measures.