



INSTITUTE OF HUMAN VIROLOGY, NIGERIA

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IHVN'S POLICY ON SEXUAL EXPLOITATION, ABUSE AND HARASSMENT

Policy objective:

The objective of this policy is to define workplace sexual exploitation, abuse, harassment, and discrimination outline procedures for reporting and investigating such allegations and enforce appropriate disciplinary actions in established cases of violations. It is also to create and maintain a work environment that is free from all forms of harassment and discrimination, and to articulate IHVN's approach to addressing them both at the organizational level and among external customers/clients of IHVN.

Scope

This policy applies to all employees of IHVN under all employment classifications at all locations including its outsourced staff, key population and community members, partners, suppliers, and service providers. All employees, at every level, will be subject to discipline, up to and including dismissal and criminal proceedings, for any violation of this policy. Similarly, any act of Sexual Exploitation, Abuse, and Harassment committed by any partner, supplier, service provider, or other external stakeholders shall constitute an act of gross misconduct, and a breach of this policy which can lead to disciplinary action including criminal proceedings. Employees are prohibited from harassing others both on and off the IHVN premises or the facilities where IHVN provides program services both during and outside of work hours.

Guiding Principles

As an equal opportunity employer, with zero tolerance for SEAH and other discriminatory conducts, the Institute will treat all employees and prospective employees, consultants, and service providers fairly, and based on their merit. The Institute will also follow a victim/survivor-centered approach in handling such cases.

All IHVN employees have the right to a workplace that is free from any type of harassment (sexual or nonsexual), discrimination (verbal or nonverbal), violence, or threats of violence resulting in fear, pressure, or discomfort that is caused by another employee. Therefore, IHVN has a duty of care to ensure we respond appropriately to concerns of actual or suspected abuse/harm both internally and externally. The policy applies to the employees of the Institute as well as service providers to the Institute who interface with the employees of the Institute or beneficiaries at the community level. The disciplinary actions also cover both and will be exercised following the laws of the Federal Republic of Nigeria.

Irrespective of the role, all employees of IHVN are obligated to report any allegations or concerns confidentially. It is not for staff to decide whether abuse has taken place. No staff member can agree to keep

information relating to safeguarding in confidence. This is also in keeping with the ‘**Do No Harm**’ principle of safe programming.

Definition of terms:

Harassment is generally defined as a course of conduct that threatens, intimidates, alarms, or puts a person in fear for their safety. Harassment is unwanted, unwelcome, and uninvited behavior that demeans, threatens, or offends the victim and results in a hostile environment for the victim. Harassment may include but is not limited to epithets, derogatory comments or slurs, lewd propositions, assault, impeding or blocking movements, offensive touching or any physical interference with normal work or movement, and visual insults such as derogatory posters or cartoons.

Sexual Exploitation is 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.

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

Sexual Harassment is any unwelcome conduct of a sexual nature that might reasonably be expected or be perceived to cause offense or humiliation. Sexual harassment can be defined to include but is not limited to unwelcome or unwanted behavior of an implicit or explicit sexual nature by an individual or group that the victim reasonably experiences as offensive and distressing, which leads to the emotional, physical, or social discomfort of the victim, or interferes with the victim’s work performance, or creates an intimidating, hostile or defensive working or social environment. Sexual harassment includes:

- Requests for sexual favors including implied or overt promises of preferential treatment or threats concerning present or future employment status.
- Offensive gestures or comments.
- Sexually oriented jibes, innuendo, or jokes.
- Unwanted physical contact; and
- The display of sexually offensive visual material such as calendars, photographs, books, or videos.

Racial or Sectarian Harassment may take the form of actual or threatened physical abuse or it may involve offensive jokes, verbal abuse, language, pictures or paintings, or literature of a racist or sectarian nature or offensive remarks about a person’s physical characteristics or religion. It may also include repeated exclusion of a person from an ethnic or religious minority from conversations, patronizing remarks, unfair allocation of work, or pressure about the speed and/or quality of their work in a way that differs from the treatment of other employees.

Bullying is an act of intimidating or belittling a person through misuse of power or position leaving the affected person hurt, upset, vulnerable, or helpless. It is often inextricably linked to harassment.

Discrimination is an unfavorable, inequitable, or adverse treatment of individuals or groups of individuals, because of their age, gender, race, religion, disability, pregnancy, marital status, or other defining characteristics.

Though sexual exploitation, abuse, and harassment encompasses a wide range of conduct, some examples of specifically prohibited conduct include the following:

- Physical assaults of a sexual nature, such as rape, sexual battery, molestation, or attempts to commit these assaults, and intentional physical conduct that is sexual, such as touching, fondling, patting, grabbing, brushing against another employee's body, or poking another employee's body.
- Unwelcome sexual advances, propositions, or other sexual comments, such as sexually oriented gestures, noises, remarks, jokes, or comments about a person's sexuality or sexual experience.
- Preferential treatment or promises of preferential treatment to an employee for submitting to sexual conduct, including soliciting, or attempting to solicit any employee to engage in sexual activity for compensation or reward.
- Subjecting, or threats of subjecting, an employee to unwelcome sexual attention or conduct or intentionally making the performance of the employee's job more difficult because of that employee's sex.
- Demand of sex from a recipient or beneficiary by an IHVN employee in exchange for resources such as drugs, access to care, or any other services.
- Sexual or discriminatory displays or publications anywhere in IHVN's workplace by its employees, service providers, or clients.
- Retaliation for sexual exploitation, abuse, and any form of harassment complaints.

Reporting SEAH/Safeguarding issues

The Institute has a SEAH Reporting Mechanism which is comprised of staff from the Finance and Administration Department, Prevention Care & Treatment Department, Legal, and the Internal Audit and Compliance Department. The SEAH Focal Point for the Institute and coordinator of this Reporting Mechanism is the Assistant Director – HR.

They are staff with relevant background skills and competencies to handle and effectively manage cases of SEAH reported. This Reporting Mechanism is accessible to all staff of the Institute and the communities we serve. The Reporting Mechanism also avails staff of different routes through which reports of cases of SEAH can be made. The following are the approved channels for reporting cases of SEAH in the Institute:

1. Via a direct email to the SEAH Focal Point (ADHR) detailing when, where, how, and who the perpetrator is.
2. Via email to the SEAH Focal Point at reporting.pseah@ihvnigeria.org or the community-level representative of the Reporting Mechanism.
3. Via a direct phone call through the dedicated toll-free number (this will be recorded for evidence) to the SEAH Focal Point or the community-level representative of the Reporting Mechanism (**+234 – 9138892868**).
4. Physical one-on-one meeting with the SEAH Focal Point or the community-level representative of the Reporting Mechanism.
5. Via a protected online form that is accessible to staff at all levels.

The process for this reporting is as listed:

1. An employee who perceives or experiences any form of harassment (sexual exploitation, abuse, or otherwise), by another employee or service provider, can employ any of the channels of reporting provided above to lodge a formal complaint.

2. This complaint should be directed to the SEAH Focal Point of the Institute and must be reported immediately and not later than 1 week from the date of occurrence. This report should be strictly with the victim/survivor's consent. In instances where the victim/survivor does not consent, the report should be anonymous, or the personal data of the victim/survivor left out of the report.
3. For staff at the community level, the report should be to the Reporting Mechanism representative at the community level, and this will be communicated to the central Reporting Mechanism.

Information gathering

The ideal situation is for the victim(s)/survivor(s) or the complainant(s) to provide the following information as a part of the details of the case in the report, but in cases where the identity of the perpetrator is not known, an exception can be made for the under-listed number 1:

1. The name, department, and position of the person or persons allegedly committing harassment.
2. A description of the incident(s), including the date(s), location(s) and the presence of any witnesses.
3. The effect of the incident(s) on the complainant's ability to perform his or her job, or on other terms or conditions of his or her employment.
4. The names of other individuals who might have been subject to the same or similar harassment.
5. What, if any, steps the complainant has taken to try to stop the harassment?
6. Any other information the complainant believes to be relevant to the harassment complaint.

Disciplinary actions list

The disciplinary actions taken against the perpetrators of SEAH include the listed in the table below following the conditions listed:

1. If the perpetrator is a first-time offender
2. If the case is an established case of sexual abuse.
3. If the perpetrator is established to have a history of SEAH.
4. If the complainant is found guilty of false reporting.
5. If the perpetrator is a service provider or an outsourced community-based worker

S/No	Condition	Category	Disciplinary action
1	If the perpetrator is a first-time offender	Sexual Abuse	6 months suspension without pay
		Sexual Exploitation	1-month suspension without pay
		Sexual Harassment	Written warning
		All	Termination of employment
2	If the perpetrator has a history/documented record of SEAH	Sexual Abuse	Termination of employment
		Sexual Exploitation	Termination of employment
		Sexual Harassment	Termination of employment
		All	Termination of employment

3	If the complainant is found guilty of false reporting of any of the cases	First false report	Written warning
		Second false report	1-month Suspension without pay
		Third false report	6 months suspension without pay
		Fourth false report	Termination of employment
4	If the perpetrator is a service provider or an outsourced community-based worker	All cases of SEAH	Termination of service contract if an individual and, a request for replacement of the staff if outsourced.

Note:

This Protection from SEAH specifically prohibits all sexual activity with children (persons under the age of 18), regardless of the age of majority or age of consent locally. Child protection is an integral component of the Protection from SEAH with specific details in the IHVN's Child Protection Policy.

It is important to emphasize that these prohibitions are designed to ensure the safety of employees, beneficiaries, and service providers following the principle of "Do No Harm".

Enabling Legislation

1. Criminal Code Act; S214, 357.
2. Violence Against Persons (Prohibition) Act 2015:
3. Child Rights Act S21.
4. Trafficking in Persons (Prohibition) Enforcement and Administration Act 2015
5. Sexual Offences Act.
6. Employee's Compensation Act 2010
7. Labor Act.
8. National Gender Policy (NGP).