

# The Global Fund's Operational Framework on the Protection from Sexual Exploitation and Abuse, Sexual Harassment, and Related Abuse of Power

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## I. Introduction

### 1. Message from the Executive Director

The Global Fund recognizes that the eradication of AIDS, tuberculosis and malaria depends upon the successful delivery of services to some of the world’s most vulnerable populations. These populations are also amongst the most vulnerable to sexual exploitation and abuse and sexual harassment (SEAH), unacceptable behaviors rooted in abuses of positions of power. As human beings, we cannot stand by and allow such human rights abuses and offensive acts of misconduct to go unanswered. And as the Global Fund, we cannot afford to let exploitation, abuse, and harassment derail our attempts to reach those most in need of the Global Fund’s support.

Similarly, we know that our ability to deliver on our core mission is only as strong as the people who design and implement Global Fund-financed programs, so ensuring safe spaces free of sexual exploitation and abuse, sexual harassment, bullying, and other forms of harassment is essential. Since the protection against SEAH and related abuse of power such as bullying and harassment across the Global Fund partnership is mission critical for the success of the Global Fund, we must embrace an “all hands on deck” approach to acting on the priorities captured in this Framework.

We recognize that the violation of another person’s rights and dignity caused by sexual exploitation and abuse and sexual harassment is completely contrary to the Global Fund’s values and antithetical to achievement of our core mission. We also recognize, sadly, that our extended partnership is not immune to such behaviors. However, the Global Fund is fully committed to our values and to delivering on our mission. We understand that our goal of eliminating the three diseases depends on the delivery of people-centered services that are freely available to all, without fear or favor, and that the workplaces across our extended partnership are safe spaces where all can thrive.

While the Global Fund has long declared our zero tolerance for sexual exploitation and abuse and sexual harassment in our programs and at home in Geneva, we recognize that we have much more to do to mitigate the risk of SEAH and related abuse of power both at home and abroad. This Framework is the design blueprint for the Global Fund’s evolving approach to the protection against SEAH and related abuse of power across the partnership. With the creation of the Protection from Sexual Exploitation, Abuse, and Harassment Coordination Unit (PCU), the Global Fund will proactively engage in the critical work of prevention, detection, and partnership. With the accountability and commitment of all our staff, the PCU will work to coordinate a wide range of stakeholders in implementing and operationalizing the Global Fund’s approach to SEAH and related abuse of power.

Our first and ongoing concern will always be for survivors and victims of SEAH. We respect the courage it takes to speak up against these kinds of violations, and we will work tirelessly to help those affected access support throughout the process of recovery, with the rights, wishes, safety and interests of the victim-survivors at the center of our work.

As Executive Director of The Global Fund, I am committed to ensuring we move swiftly to reinforce protection against SEAH across the partnership. We cannot remove the risk of such abuses, but we can do better: to mitigate the risks, identify such violations when they occur, and take action to support victims and ensure accountability. If acts of SEAH, bullying, or harassment go unanswered, at home or abroad, we will fall short of our values and fail in our mission. In setting out this Framework and committing to its implementation, we make our promise to do better.

Sincerely,



Peter Sands

## 2. Framework Approach and Overarching Principles

In recognition of the spectrum of sexual and behavioral misconduct that poses a material risk to achieving programmatic goals, from the erosion of emotional safety and dignity to the violation of basic human rights, this Framework addresses the organization’s approach to SEAH and related abuse of power such as bullying and other forms of harassment.<sup>1</sup> The Framework explains the principles and architecture supporting the implementation of the Global Fund’s holistic approach to protection from these abuses of power as well as the accountabilities and expectations to which our stakeholders are held.<sup>2</sup> As the Global Fund’s approach to the protection against SEAH is substantially similar to the approach we take to the protection against related abuse of power, for the sake of brevity, this Framework will only specifically highlight the approach to related abuse of power where different from the organization’s approach to SEAH. Where not specified, the term “PSEAH” is used to capture the organization’s approach to the protection against SEAH and related abuse of power.

Two principles underpin the Global Fund’s approach to PSEAH: (1) a victim/survivor-centered approach and (2) international coordination.

The Global Fund is guided by a victim/survivor-centered, trauma-informed approach to each aspect of its work related to PSEAH, whether in the formulation of its governing policies, the design of its structures and programs, or the commitment to international coordination. This means that the Global Fund seeks to maintain a victim/survivor’s dignity, safety, experiences, rights, needs, and wants at the center of the PSEAH process from end-to-end: in risk assessment and program design (prevention); education and reporting channels (detection); support services and investigations (response); and international engagement (partnership). In embedding trauma-informed response mechanisms, the Global Fund deliberately seeks to minimize the risk of a victim/survivor’s re-traumatization, equip responders with the tools to recognize and work through the debilitating effects of trauma, and disrupt the cycle of traumatization that risks derailing our ability to deliver on our mission.

When responding to complaints and allegations of SEAH and related abuse of power and throughout investigations, experienced, trauma-sensitive practitioners engage with survivors and victims in a manner that prioritizes listening to them, avoids re-traumatization, and systematically focuses on their safety, rights, well-being, expressed needs, and choices. This victim/survivor-centered, trauma-informed approach seeks to empower the victim/survivor, giving them back as much control as possible, and ensuring an empathetic, respectful, and individualized response in a nonjudgmental manner.

An internal multi-disciplinary approach and external cooperation with a wide variety of stakeholders are also vital for the protection from SEAH. Internally, the Global Fund adopts a cross-cutting philosophy to the staffing of prevention, detection, and response activities. Externally, the Global Fund recognizes that coordination, collaboration, harmonized approaches, and lesson learning among multilateral organizations, non-governmental organizations, governments, and other stakeholders, are crucial for the success of PSEAH. The Global Fund is a member of the Inter-Agency Standing Committee (IASC)<sup>3</sup> Thematic Experts Group on PSEAH,<sup>4</sup> which works to standardize best practices across the sector, including through the aggregation of SEAH indicators, support to in-country networks, data collection for progress-tracking, knowledge and resource-sharing, and general promotion of accountability, inclusion, and the victim/survivor-centered approach.

As we have evolved as an organization, we have increasingly recognized that SEAH and related abuse of power must be addressed at the local level, consistent with the need to engage with victim/survivors and their communities to prevent,

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<sup>1</sup> Other abuses of power such as corruption, coercion, collusion, fraud, and abuse are subject to the Global Fund Policy to Combat Fraud and Corruption, *available at* [https://www.theglobalfund.org/media/6960/core\\_combatfraudcorruption\\_policy\\_en.pdf](https://www.theglobalfund.org/media/6960/core_combatfraudcorruption_policy_en.pdf).

<sup>2</sup> The Framework is an operational document and is intended to guide implementation. It has no legal effect; in case of conflict between this Framework and the policies, rules and procedures of the Global Fund, such policies, rules and procedures shall prevail.

<sup>3</sup> The IASC is an inter-agency forum of UN and non-UN humanitarian and development partners founded in 1992, to strengthen humanitarian assistance. Members include partners such as WHO, UNDP, UNICEF, UNHCR, UNFPA.

<sup>4</sup> *Available at* <https://psea.interagencystandingcommittee.org/about-thematic-experts-group>.

detect, and respond to SEAH and related abuse of power. Not coincidentally, the need to act and react locally in PSEAH is in harmony with the Global Fund’s principle of country-ownership, and the Country Coordinating Mechanisms (CCM) are the appropriate vehicle to facilitate in-country PSEAH efforts. In recognition of the need to act and react locally, the United Nations organizations have helped create PSEA networks comprising representatives from international organizations and NGOs in most countries where there are Global Fund-supported programs; the Global Fund may make use of these or similar networks wherever available.

Consistent with international best practices,<sup>5</sup> the Global Fund has adopted the following four categories to frame its approach to PSEAH:

- Policy, leadership and management
- Prevention
- Reporting and complaints
- Response, accountability and transparency

Through the lens of a four-tiered approach, the Framework documents the infrastructure currently in place, the roles and accountabilities, and the overarching principles that will guide us in the near and long-term work of operationalization and achieving maturity. The Framework is a “living document,” intended to be independently reviewed by subject matter experts and representatives from community victim/survivor networks and updated at regular intervals. The Framework is accompanied by an Annual Implementation Plan (AIP) that outlines the activities to be undertaken, matured, and embedded each year. The AIP will be the key to the iterative development, evolution, and eventual embedding of PSEAH practices into all of our work.

### 3. Global Fund Activities

This Framework aims to embed PSEAH across all Global Fund activities and describes accountability and ownership for each component of the organization’s approach. “Global Fund activities” include all activities that the Global Fund engages in or finances, directly or indirectly, in whole or in part, through grant programs or any other form of payment, worldwide.

### 4. Definitions and Use of Terms

#### Sexual Exploitation and Abuse, and Sexual Harassment (SEAH)

The Global Fund’s Codes of Conduct<sup>6</sup> prohibit all forms of SEAH:<sup>7</sup>

- **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 may involve any conduct of a verbal, nonverbal or

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<sup>5</sup> Adopted from the Multilateral Organization Performance Assessment Network (MOPAN) Good Practice Note, available at

<http://www.mopanonline.org/analysis/items/seahnoteforpractitionersmeasuringmultilateralperformance.htm>. The Global Fund’s PSEAH Framework is consistent with international best practices as they are relevant to the Global Fund’s operating model, notably the MOPAN Good Practice Note and the Organization for Economic Co-Operation and Development, Development Assistance Committee (OECD DAC) Recommendation on Ending Sexual Exploitation, Abuse and Harassment in Development Co-operation and Humanitarian Assistance, available at <https://www.oecd.org/dac/gender-development/dac-recommendation-on-ending-sexual-exploitation-abuse-and-harassment.htm>.

<sup>6</sup> Available at <https://www.theglobalfund.org/en/governance-policies/>.

<sup>7</sup> The scope of application for the respective prohibitions is defined in each of the Code of Conduct for Employees, the Code of Conduct for Governance Officials, the Code of Ethical Conduct for Members of Country Coordinating Mechanisms, the Code of Conduct for Recipients of Global Fund Resources, and the Code of Conduct for Suppliers.

physical nature, including written and electronic communications, and may occur between persons of the same or different genders.

### Sexual Activity with Children (SAWC)

The Global Fund's Codes of Conduct specifically prohibits all sexual activity with children:

- **Sexual activity with children** (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally (in the jurisdiction where such activity takes place). Mistaken belief regarding the age of a child is not a defense.

### Bullying and Harassment

The Global Fund's relevant Codes of Conduct prohibit abuse of power, including bullying and harassment by employees, governance officials, and members of the Country Coordinating Mechanisms (CCMs) in the context of their respective Global Fund activities. Within the Global Fund, prohibited practices are defined as follows:

- **Bullying** involves repeated or persistent use of force, coercion, aggression or other malicious treatment by one or more persons, whether verbal, psychological or physical, at the workplace or in connection with work, which has the effect of humiliating, belittling, offending, intimidating or discriminating against a person.
- **Harassment** refers to any act, conduct, statement or request, whether intentional or unintentional, verbal or written, which is unwelcome by another person or other persons and creates a hostile or intimidating work environment and which could, in all circumstances, reasonably be regarded as behavior of an inappropriate, discriminatory, offensive, humiliating, or intimidating nature, or as an intrusion of privacy.

### Use of terms and acronyms

This Framework deliberately uses the following terms<sup>8</sup> and acronyms, as different stakeholders have accountability for the various aspects of the PSEAH spectrum:

- SEAH: Sexual exploitation, abuse, and harassment
- SEA: Sexual exploitation and abuse
- SH: Sexual harassment
- SAWC: Sexual activity with children, a type and subset of SEA
- PSEAH: Protection against SEAH, encompassing prevention, detection, response, and partnership; in the context of this Framework, the term "PSEAH" encompasses the organization's approach to the protection against SEAH and related abuse of power
- PSEA: Protection against SEA, a term to distinguish between approaches to SEA and SH
- Related abuse of power: The spectrum of acts categorized as bullying and other forms of non-sexual harassment not rising to the level of coercion
- Global Fund partnership: Global Fund employees, governance officials, fund recipients, suppliers, and Country Coordinating Mechanisms
- Global Fund Officials: Global Fund employees and governance officials
- Implementers (grant recipients): Institutions and individuals who, directly or indirectly, (i) receive Global Fund financing through grants or (ii) are involved in the implementation or oversight of Global Fund grant programs (including members and employees of Country Coordinating Mechanisms); and the directors, officers, employees, affiliates and agents of the foregoing
- Counterparties (suppliers): Contractual counterparties to the Global Fund or to Implementers, on a commercial basis or otherwise (including, without limitation, vendors, consultants whether individuals or entities, Local Fund Agents, and other providers of goods and/or services) and the directors, officers, employees, affiliates, agents, contractors and subcontractors of the foregoing
- Downstream partners: Sub-recipients of funds and suppliers engaged in a Principal Recipient's implementation of grant activities

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<sup>8</sup> Some organizations use the umbrella term "safeguarding," which is generally understood to encompass PSEAH. However, it is also used in other contexts to encompass topics such as child protection and the safeguarding of assets, which the Global Fund addresses separately. To avoid any confusion, we have chosen not to use the term "safeguarding."

## II. Policy, Leadership & Management

### 1. International Coordination

The Global Fund recognizes that engaging with external partners is vital to a meaningful and effective PSEAH approach – to share information and best practices, to minimize the risk of re-traumatization to victim-survivors, to support our business model of country ownership, and to avoid the unnecessary duplication of efforts and resources. The Global Fund’s PSEAH Champion, our Chief of Staff, is responsible for acting as the Global Fund’s PSEAH liaison for interagency cooperation, and we support CCM engagement in PSEAH activities that are country-led and community-based, as set out in more detail below.

Consistent with our core mission and business model, and as set forth below, the Global Fund organization is aligned with the United Nations-created Inter-Agency Standing Committee’s (IASC)<sup>9</sup> Six Core Principles Relating to Sexual Exploitation and Abuse.<sup>10</sup>

The Global Fund is a member of the IASC Thematic Experts Group on PSEAH,<sup>11</sup> which supports the implementation of PSEAH best practices and standards, supports local PSEA networks, tracks country-level progress on PSEA, and facilitates locally based support systems for victim/survivors. PSEA networks have been established by the United Nations (UN) in most countries where the Global Fund is active. The networks are vital for international coordination and for addressing PSEA at the country-level. Typically, PSEA networks organize trainings, share information on good practices, and establish community-based complaints mechanisms and common referral pathways. The networks are open to the PSEA Focal Points from UN organizations, other international organizations, international non-governmental organizations (INGOs), international financial institutions (IFIs), local NGOs, and sometimes government officials.<sup>12</sup> Membership in the PSEA networks is decided at country level and encouraged for all Global Fund CCMs.

### 2. Global Fund Policies and Codes

Through its codes, policies, and procedures, the Global Fund articulates its position that:

1. Sexual exploitation and abuse by employees constitute acts of gross misconduct and may be subject to disciplinary measures. Sexual exploitation and abuse by implementers subject to our Codes of Conduct constitute breaches and may result in sanctions in our grant programs.
2. Sexual activity with children (persons under the age of 18) is prohibited in connection with covered activities regardless of the age of majority or age of consent locally, in accordance with Global Fund Codes of Conduct. Mistaken belief regarding the age of a child is not a defense.
3. Employees are prohibited from exchanging money, employment, goods or services for sex acts when representing the Global Fund.
4. Employees are prohibited from any misuse of their authority, both within the organization and externally.
5. Global Fund Employees are required to report all allegations of sexual exploitation and abuse, and sexual harassment through available channels, including to the Human Resources Department, Office of the Inspector General, and/or Ethics Office.
6. Each staff member has a responsibility to contribute to the creation of a positive, productive and motivating work environment. In relationships with colleagues, employees must not engage in or accept any form of harassment, bullying, discrimination, exploitation or abuse of any kind. This includes the responsibility to ensure a workplace free of sexual exploitation and abuse or sexual assault, and all forms of harassment, including sexual harassment and bullying. While integrity begins with each individual, managers have special responsibilities,

<sup>9</sup> The IASC is an inter-agency forum of UN and non-UN humanitarian and development partners founded in 1992, to strengthen humanitarian assistance. Membership includes the WHO, UNDP, UNICEF, UNHCR, UNFPA, and other multilateral and non-government organizations.

<sup>10</sup> Original text available at <https://interagencystandingcommittee.org/inter-agency-standing-committee/iasc-six-core-principles-relating-sexual-exploitation-and-abuse>.

<sup>11</sup> More information is available at <https://psea.interagencystandingcommittee.org/about-thematic-experts-group>.

<sup>12</sup> More information is available at

[https://www.un.org/preventing-sexual-exploitation-and-abuse/sites/www.un.org.preventing-sexual-exploitation-and-abuse/files/deployment\\_package\\_for\\_psea\\_coordinators\\_-\\_september\\_2020.pdf](https://www.un.org/preventing-sexual-exploitation-and-abuse/sites/www.un.org.preventing-sexual-exploitation-and-abuse/files/deployment_package_for_psea_coordinators_-_september_2020.pdf).

including the responsibility to never treat employees in a manner that is offensive, humiliating, embarrassing or intimidating.

### Sexual Exploitation and Abuse, and Sexual Harassment

The Codes of Conduct for Recipients of Global Fund Resources<sup>13</sup> and Global Fund Suppliers<sup>14</sup> include additional expectations that recipients and suppliers have policies and measures in place to prevent and respond to SEAH, including the facilitation or provision of assistance to victim/survivors related to their safety and protection, medical care, psychosocial support, legal services, and access to a remedy.

In addition, the Code of Ethical Conduct for CCM Members<sup>15</sup> defines CCM Members' particular accountability for prohibiting, preventing, and responding to SEAH, including SAWC in the context of Global Fund programs.

### Bullying and Harassment

The Ethics and Integrity Framework<sup>16</sup> names the principles of dignity and respect as two of the core ethical values of the Global Fund. These core ethical values are relevant to any person involved in activities financed by the Global Fund, whether staff, implementer, or supplier.

The values and principles set out in the Ethics and Integrity Framework, including the requirements of dignity and respect, should guide the implementation of grant programs. The Global Fund specifically works to uphold the dignity of beneficiaries of its funding and must use its best efforts to ensure such funding does not contribute to discriminatory treatment or violation of human rights. The values of dignity and respect also apply to behavior within the Global Fund. In their interactions with each other, all Global Fund Officials have a responsibility to maintain an enabling environment guided by mutual respect, with an open flow of viewpoints and information.

Further, in accordance with the Code of Conduct for Employees<sup>17</sup> and the Employee Handbook, the Global Fund prohibits all forms of harassment and bullying by or against any of its employees (regardless of the type or duration of contract), consultants, secondees or interns during Global Fund work-related and sponsored (including social) events, whether on or off the organization's premises. In relations with colleagues, employees must never engage in or accept any form of harassment, bullying, discrimination, exploitation or abuse of any kind.

In addition, the Code of Conduct for Governance Officials<sup>18</sup> notes the Global Fund's zero tolerance for discrimination, bullying and harassment. To this end, governance officials should use their monitoring, evaluation and oversight roles to ensure programs financed by the Global Fund do not contribute to discriminatory treatment or the violation of human rights. Governance officials must therefore always consider the dignity, respect and self-empowerment of those affected by the three diseases.

The Code of Conduct for Recipients of Global Fund Resources and the Code of Conduct for Suppliers are an integral part of the Global Fund's Grant Regulations.<sup>19</sup> The Codes require covered parties to adhere to the highest ethical standards in the conduct of Global Fund-funded activities and further require that they comply with all applicable laws and regulations in countries where they do business. The Code of Conduct for Recipients also requires compliance with the publicized rules, regulations and policies of the Global Fund that apply to their areas of work.

The Code of Ethical Conduct for CCM Members explains that CCM members share accountability for prohibiting, preventing, and responding to harassment and abuses of power. CCM Members are additionally required to abstain from bullying, harassment, discrimination, and other abuses of their power.

<sup>13</sup> Available at [https://www.theglobalfund.org/media/6011/corporate\\_codeofconductforrecipients\\_policy\\_en.pdf](https://www.theglobalfund.org/media/6011/corporate_codeofconductforrecipients_policy_en.pdf).

<sup>14</sup> Available at [https://www.theglobalfund.org/media/3275/corporate\\_codeofconductforsuppliers\\_policy\\_en.pdf](https://www.theglobalfund.org/media/3275/corporate_codeofconductforsuppliers_policy_en.pdf).

<sup>15</sup> Available at [https://www.theglobalfund.org/media/8234/core\\_codeofethicalconductforccmmembers\\_policy\\_en.pdf](https://www.theglobalfund.org/media/8234/core_codeofethicalconductforccmmembers_policy_en.pdf).

<sup>16</sup> Available at [https://www.theglobalfund.org/media/6817/core\\_ethicsintegrityframework\\_framework\\_en.pdf](https://www.theglobalfund.org/media/6817/core_ethicsintegrityframework_framework_en.pdf).

<sup>17</sup> Available at [https://www.theglobalfund.org/media/10663/core\\_employeecodeofconduct\\_policy\\_en.pdf](https://www.theglobalfund.org/media/10663/core_employeecodeofconduct_policy_en.pdf).

<sup>18</sup> Available at

[https://www.theglobalfund.org/media/4293/core\\_codeofethicalconductforgovernanceofficials\\_policy\\_en.pdf](https://www.theglobalfund.org/media/4293/core_codeofethicalconductforgovernanceofficials_policy_en.pdf).

<sup>19</sup> Available at [https://www.theglobalfund.org/media/5682/core\\_grant\\_regulations\\_en.pdf](https://www.theglobalfund.org/media/5682/core_grant_regulations_en.pdf).



## 3. Management structures, roles & accountabilities

### Global Fund Governance and Oversight

- **The Board:** The Global Fund Board is the supreme governing body of the Global Fund, having oversight of governance, including PSEAH among governance officials. It oversees the organization's overall strategy for identifying and addressing risks to the Global Fund, including SEAH risks. The Secretariat's reporting activities to the appropriate Committees include reporting on the organization's approach to PSEAH and the implementation of this Framework through the associated Implementation Plan. The Office of the Inspector General (OIG) reports the status of PSEAH-related matters under the OIG's purview as part of their regular reporting to the Board and Committees.
  - **The Ethics and Governance Committee** has specific oversight responsibility for PSEAH issues within the remit of the Secretariat and Ethics Office.
  - **The Audit and Finance Committee** has specific oversight responsibility for PSEAH issues within the remit of the OIG.
- **Executive Director:** The Executive Director has overall accountability for ensuring an efficient and effective execution of the PSEAH approach as described in this Framework, excluding aspects within the remit of the OIG.
- **Office of the Inspector General:** The OIG has an independent yet synergistic role in the prevention, detection, response, and partnership approach to PSEAH, with overall accountability for the investigation of human rights abuses such as SEA, SEA-related counter-fraud activities, and independent and objective assurance over the Secretariat's design and effectiveness of PSEAH controls or processes in place to manage key risks.

### Internal Coordination:<sup>20</sup>

- **PSEAH Task Force:** Chaired by the PSEAH Champion. Comprises the PSEAH Steering Committee, SEAH Case Review Panel, and PSEAH Working Group. The PSEAH Task Force is the umbrella group of key Global Fund stakeholders that convenes as a group once annually to review the progress of the previous year and endorse the following year's Annual Implementation Plan (AIP).
  - **PSEAH Steering Committee:** Chaired by the PSEAH Champion and facilitated by the Manager, PSEAH Coordination Unit (PCU). The PSEAH Steering Committee maintains the organization's holistic focus on PSEAH, facilitates appropriate resource and capacity allocation across the partnership, and steers the overall approach through the management, development, and implementation of the Framework and AIP. Membership of the Steering Committee may include the Office of the Executive Director through the Chief of Staff, Chief Risk Officer, Head of Grant Management Division (GMD), Deputy General Counsel (Institutional Matters), Chief Financial Officer, Head of Human Resources Department (HRD), Strategy, Investment and Impact Department through Community Rights and Gender (CRG) and Access to Funding (A2F), Head of External Relations and Communications Division (ERCD), and the Ethics Officer. The OIG participates as a permanent guest, and the Staff Council may nominate a representative to participate in discussions related to employee policy matters. The Steering Committee meets at least quarterly and more frequently as needed to manage evolving PSEAH activities. Each member is accountable to the Steering Committee for the delivery of PSEAH activities within their department or division, as set out below. Each member is responsible for nominating the appropriate staff member(s) to serve as the Member's representative(s) to the PSEAH Working Group and SEAH Case Review Panel, as appropriate.
  - **SEAH Case Review Panel:** Chaired by the OIG with support from the Specialist, PSEAH, the SEAH Case Review Panel is a cross-cutting group of practitioners designed to ensure communication between the OIG and the Secretariat, both of which are responsible for investigating allegations of SEAH, bullying and harassment cases within their respective mandates, as well as communication on the same to a

<sup>20</sup> The membership of these internal bodies is subject to change as needed.

broader stakeholder group. The SEAH Case Review Panel facilitates standardized case management, notification, and reporting of external SEAH cases within the organization and is convened at least quarterly and more frequently as needed to convey high-level briefing of new cases and allegations within Global Fund activities. The SEAH Case Review Panel is not a decision-making body and is purely a vehicle for information sharing. The SEAH Case Review Panel includes relevant staff from the OIG, PCU, GMD, and CRG, as required.

- **PSEAH Working Group:** The PSEAH Working Group is co-chaired by the Manager, PSEAH Coordination Unit and Specialist, PSEAH, and includes stakeholders across the Secretariat and the OIG. The Working Group supports or advises the Ethics Office and/or PCU in the development and implementation of the evolving PSEAH Framework and AIP, in accordance with the respective mandates of the teams represented. The PSEAH Working Group members report and relay to their respective Steering Committee members the work produced by the Ethics Office and/or PCU and facilitated by the Working Group. Workstreams include:
  - Framework, codes of conduct & policies
  - Training and awareness
  - Victim/survivor support and case management
  - In-country PSEAH risk assessment and capacity-building
  - Preventive program design, integration, and oversight
- **Multi-disciplinary Teams (MDT):** Chaired by the OIG lead investigator for each OIG SEA investigation. A MDT serves as a team of Global Fund and external professionals from a variety of disciplines and backgrounds who work together for the common purpose of supporting a SEA victim through the OIG’s investigative process and maintaining a victim/survivor-centered and trauma-informed approach throughout the course of an investigation. The MDT is comprised of the OIG investigative team, the PCU PSEAH Specialist, key Global Fund staff, and appropriate service providers and members of law enforcement. The members of the MDT change from case-to-case and are tailored to meet the individual needs of each specific victim/survivor. The MDT approach is used only in support of beneficiary victim/survivors and does not apply to other OIG investigative activities such as non-victim or subject interviews, even if part of the SEA investigation.

### Main Implementation Accountabilities within the Organization

- **Office of the Executive Director:** The Executive Director has overall accountability for the efficient and effective execution of the PSEAH policies, rules, and procedures described in this Framework, excluding aspects within the remit of the OIG.
- **PSEAH Champion:** The PSEAH Champion is accountable for maintaining relationships and an open dialogue with external partners (multilaterals such as UN agencies and INGOs) on issues related to PSEAH. The PSEAH Champion chairs the PSEAH Task Force and Steering Committee and serves as the liaison for interagency cooperation and internal alignment on PSEAH. Since 2018, the PSEAH Champion has been the Global Fund’s Chief of Staff.
- **Ethics Officer:** The Ethics Officer is accountable for providing assurance on the extent to which the Global Fund has fully and effectively implemented its ethics and integrity-related policies, codes, and requirements related to PSEAH. The Ethics Officer is responsible for all PSEAH activities consistent with their Terms of Reference, including:
  - Annual reporting to the Board on quality and compliance of PSEAH controls and requirements
  - Oversight of the Protection from Sexual Exploitation, Abuse, and Harassment Coordination Unit (PCU)
  - Maintaining an official reporting channel for SEAH Code violations
  - Implementation of the Integrity Due Diligence Framework
  - Updating Codes of Conduct and related policies, rules, and procedures as needed
  - Training and awareness of PSEAH ethical expectations across the Global Fund partnership
  - Ensuring that all PSEAH activities are conducted in a victim/survivor-centered, trauma-informed manner, including:

- Victim/survivor support and case management
    - In-country PSEAH risk assessment and capacity-building
  - Addressing SEAH and abuse of power in support, oversight and/or management of investigations into SEAH and related abuse of power within the remit of the Ethics Office, as described in more detail below.
- **Protection from Sexual Exploitation, Abuse, and Harassment Coordination Unit (PCU):** The PCU is a second line function, sitting within the Ethics Office. The remit of the PCU is to develop, as a matter of urgency, a structure, strategy, and annual implementation plan to achieve measurable improvement in the Global Fund’s approach to PSEAH. Through stakeholder coordination and engagement, the PCU will lead the organization’s overall approach to PSEAH, oversee implementation, and ensure that a victim/survivor-centered, trauma-informed, holistic approach is embedded in the work of prevention, detection, response, and partnership.
  - **Manager, PSEAH Coordination Unit:** Responsible for the coordination of all stakeholders across the Global Fund partnership to execute the AIP. Leads design, development, and ongoing implementation of the Framework and AIP. Working with external partners, governance bodies, the OIG, the Secretariat, fund recipients and suppliers, CCMs, and the communities we serve, the Manager, PCU promotes and coordinates a holistic approach to prevention, detection, response, and partnership and works to embed a victim/survivor-centered and trauma-informed approach across all relevant Global Fund activities. Provides subject matter expert advice and support on PSEAH to the PSEAH Champion, Executive Director, and other stakeholders. Supports the Ethics Officer in SEAH investigations of Governance.
  - **PSEAH Specialist:** Responsible for leading the facilitation of appropriately tailored SEAH victim/survivor support, particularly during OIG investigations. Supports the Manager, PSEAH Coordination Unit, in coordination of stakeholders working to execute the AIP. Supports the OIG in facilitating the SEAH Case Review Panel.
- **Grant Management Division (GMD):** With support from the PCU, the Head of GMD is accountable for ensuring victim/survivor-centered, trauma-informed programmatic implementation of the Framework and AIP in relation to Global Fund financed grant programs. The Head of GMD is responsible for reporting on programmatic implementation to the PSEAH Steering Committee and for ensuring appropriate GMD staff engagement in the SEAH Case Review Panel and PSEAH Working Group. The PCU, through the Country Teams, will offer support to Principal Recipients in the Principal Recipient’s management of allegations related to abuse of power, including bullying and harassment not rising to the level of coercion within their organizations and their downstream partners.
- **Risk Management Department (Risk):** With support from the PCU and the Ethics Office, the Chief Risk Officer (CRO) is accountable for ensuring the integration of SEAH risk management into the wider Risk Management framework of the Global Fund.
- **Human Resources Department (HRD):** With support from the PCU, the Head, HRD, is accountable for the integration of appropriate PSEAH safeguards within the legal framework of the Organization relating to Global Fund employees, including in recruitment, onboarding, training and development, and investigation and disciplinary proceedings. HRD maintains one of the official reporting channel for SEAH Code violations. HRD is responsible for PSEAH-related training and awareness for staff and for managing and/or conducting investigations into allegations of SEAH and abuse of power by staff. The Head, HRD is responsible for reporting on HR PSEAH matters to the PSEAH Steering Committee and for ensuring appropriate HRD staff engagement in the PSEAH Working Group.
- **Community Rights and Gender Department (CRG):** CRG is responsible for advising the PCU, the PSEAH Steering Committee, and other relevant stakeholders on coordination and alignment of PSEAH activities with the Global Fund’s wider programmatic work on human rights, gender-based violence, and community-level engagement. CRG is responsible for the specific elements of PSEAH-related training and awareness that relate to human rights, gender, and community-level engagement, complementing the efforts of other departments and units.

The Head, CRG is responsible for providing subject matter expertise and guidance on gender-based violence and human right abuses to the PSEAH Steering Committee and for ensuring appropriate CRG staff engagement in the SEAH Case Review Panel and PSEAH Working Group.

- **Office of the Inspector General (OIG):** The OIG is responsible for providing assurance over the design and effectiveness of PSEAH controls or processes in place to manage the key risks impacting the Global Fund’s programs and operations, including the quality of such controls and processes. The OIG is encouraged through its participation in the PSEAH Steering Committee to provide ongoing feedback to the Secretariat in relation to the management of controls and processes designed to manage risks of SEAH and related abuse of power. The OIG is responsible for all PSEAH activities consistent with its Charter, including:
  - Assessing and investigating allegations of SEA against implementers where the alleged victim/survivor is one or more specific beneficiaries of such programs<sup>21</sup>
  - Conducting all OIG SEA investigations in a victim/survivor-centered, trauma-informed manner
  - Coordinating with the PSEAH Specialist to ensure that appropriate support services are available throughout the OIG investigative process
  - Consideration of PSEAH risks in development of its assurance workplan and subsequent reporting to the Board
  - Leading case-specific MDTs in all SEA investigations
  - SEA-related counter-fraud activities, including training and awareness through the “I Speak Out Now” platform
  - Maintaining an official reporting channel for SEAH allegations
  - Chairing the SEAH Case Review Panel

### Other Implementation Accountabilities

In keeping with their respective remits, the following departments, divisions, and roles may advise the various stakeholders coordinated by the PCU on matters relating to PSEAH, in the regular course of their business:

- Access to Funding: support in preventive program design
- Strategy and Policy Hub: support in preventive program design
- Country Coordinating Mechanism Hub (CCM Hub): facilitation of communication with CCMs, support in preventive program design
- Technical Advice and Partnerships (TAP): support in preventive program design
- Legal and Governance Department (LGD): legal advice regarding PSEAH policy and procedure
- External Relations and Communications Division (ERCD): support with awareness-raising and messaging campaigns
- Grant Financial Management: support with external resourcing
- Supply Operations: support with oversight and compliance of suppliers and preventive program design
- Information Technology: facilitation of awareness-raising and training campaigns
- Staff Counselor: support to staff affected by SEAH and related abuse of power
- Staff Council: support to staff affected by SEAH and related abuse of power
- Ombuds: support to staff affected by SEAH and related abuse of power
- Technical Review Panel (TRP): independent reviews of PSEAH funding proposals
- Technical Evaluation Reference Group (TERG): ad hoc evaluation and assessment of PSEAH approach

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<sup>21</sup> The OIG will also consider for assessment SEA allegations against implementers where the conduct negatively impacts the Global Fund’s overall ability to serve its beneficiaries but where the victim of the exploitation or abuse is not a beneficiary of such program. In this circumstance, the OIG will assess such cases for coercion, corruption, fraud, collusion, obstruction, retaliation, and abuses of the Global Fund’s human rights standards.

### III. Prevention

#### 1. Inside the Global Fund

First line	Head, Human Resources Department (staff) Head, Supply Operations (consultants) Nominating constituencies (governance officials) OIG, GMD, and Ethics (awareness raising)
Second line	Manager, PSEAH Coordination Unit (staff) Ethics Officer (governance officials)
Third line	Inspector General

Designing and embedding an effective PSEAH approach inside the Global Fund requires the cross-cutting engagement of Global Fund governance officials, senior management, and employees. Led by the Human Resources Department with support from the PCU and the Ethics Office, the organization recognizes that it must continually strive to achieve an increasingly safe working environment for its staff. We know that safety takes many forms -- emotional, psychological, and physical -- and that the ability to speak up and against SEAH and related abuse of power is a critical component of any safe space. We are therefore committed to an internal PSEAH effort on all four fronts: evolving our prevention activities designed to reduce the incidence of SEAH and related abuse of power in the workplace, ensuring our in-house detection efforts are robust and effective, prioritizing our response support for impacted staff, and engaging all necessary stakeholders in this critical work.

#### Recruitment and screening process

The Human Resources Department (HRD) is responsible for screening for SEAH and related abuse of power in the recruitment of employees, and the Ethics Office (EO) is responsible for screening for SEAH and related abuse of power in the selection of governance officials. Upon request from the EO or HRD, the OIG screens candidates through its intelligence database. The PCU provides subject matter advice and support to the HRD and EO for recruitment, and the EO screens both prospective employees and governance officials in accordance with the application of the Integrity Due Diligence (IDD) Framework.<sup>22</sup> Screening for prior SEAH and related abuse of power is integrated into the IDD Framework and occurs through:

- Vetting against internal and external databases
- Obtaining references or opinions from human sources
- Enhanced due diligence conducted on a custom scope

#### *Global Fund Employees*

During recruitment and thereafter as appropriate, the Human Resources Department and/or Ethics Office will implement the following prevention measures:

1. Notice of the prohibition against SEAH and related abuse of power in job vacancy announcements (e.g., “The Global Fund has zero-tolerance for sexual exploitation and abuse, sexual harassment, and related abuse of power. All selected candidates will be expected to adhere to the highest ethical standards and will undergo rigorous reference and background checks.”)
2. Prior to offering a candidate a job, the HRD engages in the following prevention activities that ultimately form part of a successful candidate’s employee file:
  - a. Probes the existence of prior incidents of SEAH and related abuse of power in reference checks
  - b. Ensures all candidates complete a self-declaration confirming that they have never been subject to disciplinary, administrative or criminal sanctions arising from an investigation in relation to SEAH and related abuse of power, or left employment pending investigation and refused to cooperate in such an investigation
  - c. Conducts criminal background checks for all successful candidates

<sup>22</sup> The Integrity Due Diligence Framework comprises standard operating procedures applicable to the Ethics Office.

3. In onboarding and every year thereafter, all Global Fund staff sign and indicate their understanding of and compliance with the Employee Code of Conduct
4. In onboarding and every year thereafter, OIG staff sign and indicate their understanding of and compliance with an additional Code of Ethics and Professional Conduct for Employees in the Office of the Inspector General

#### *Governance Officials*

The Ethics Office (EO), with support from the PCU, is responsible for screening prospective governance officials for SEAH and related abuse of power. Screening is undertaken in accordance with the IDD Framework. The Ethics Officer advises the Board through the Ethics and Governance Committee (EGC) of potential misconduct involving prospective Governance Officials. In addition to the IDD preventive measures, the Ethics Officer will implement measures for prospective Governance Officials as follows:

- Board Leadership
  - Notice of the prohibition against SEAH and related abuse of power in announcements relating to nomination and/or selection, as appropriate (*e.g.*, “The Global Fund has zero-tolerance for sexual exploitation and abuse, sexual harassment, and related abuse of power. All selected candidates will be expected to adhere to the highest ethical standards and will undergo rigorous reference and background checks.”)
  - Open-source screening for SEAH and related abuse of power
  - Compliance certification with the Code of Conduct for Governance Officials
- Other Governance Officials
  - Open-source checks for SEAH and related abuse of power
  - Compliance certification with the Code of Conduct for Governance Officials

#### *Consultants*

The hiring recruiting division or department, with support from Human Resources Department and/or Supply Operations as appropriate, is responsible for ensuring the following preventive measures are in place:

- Hired through an agency:
  - Notice of the prohibition against SEAH and related abuse of power in procurement documents as appropriate (*e.g.*, “The Global Fund has zero-tolerance for sexual exploitation and abuse, sexual harassment, and related abuse of power. All selected candidates will be expected to adhere to the highest ethical standards and will undergo rigorous reference and background checks.”)
  - Screening by the agency in accordance with its own procedures approved by Supply Operations and/or HRD, as appropriate.
  - Reference checks, if not otherwise captured by the screening process
  - Completion of a self-declaration confirming the candidate has never been subject to disciplinary, administrative or criminal sanctions arising from an investigation in relation to SEAH or related abuse of power, or left employment pending investigation and refused to cooperate in such an investigation.
- Hired directly:
  - Notice of the prohibition against SEAH and related abuse of power in procurement documents as appropriate (*e.g.*, “The Global Fund has zero-tolerance for sexual exploitation and abuse, sexual harassment, and related abuse of power. All selected candidates will be expected to adhere to the highest ethical standards and will undergo rigorous reference and background checks.”)
  - IDD is conducted through an external provider
  - Reference checks, if not otherwise captured by the screening process
  - Completion of a self-declaration confirming the candidate has never been subject to disciplinary, administrative or criminal sanctions arising from an investigation in relation to SEAH or related abuse of power, or left employment pending investigation and refused to cooperate in such an investigation.

## Training and Education

The Global Fund has a PSEAH awareness-raising and training plan that is updated annually. An update on training and awareness activities is to be included in the annual PSEAH report to the Board. Beginning in 2021, the Global Fund Secretariat has committed to annual cycles of PSEAH trainings for relevant Global Fund staff, tailored to their specific roles.

All Global Fund Officials (including interns, secondees, and loanees) are required to undergo PSEAH training upon joining the organization and at regular intervals depending on their role and functions. Additional and specialized training is provided to key Global Fund staff and stakeholders (e.g., Board Members, PSEAH Task Force members, EO staff, OIG staff) who have a direct responsibility for PSEAH. In addition, all employees are required to undergo training sessions on *Dignity and Respect at Work* and *Unconscious Bias*, trainings that address themes of harassment and bullying.

All Global Fund Officials (governance officials and employees) are required to certify annually that they have read, understood and will comply with the pertinent Code of Conduct that includes specific provisions on SEAH and related abuse of power.

## 2. Outside the Global Fund

First line	Grant Management Division: Country Teams & CCM Hub (implementers, suppliers to programs) Supply Operations (corporate suppliers) ERCD/Private Sector Engagement (high net worth individuals)
Second line	PSEAH Coordination Unit (content advice)
Third line	Office of the Inspector General

As a matter of urgency, the in-country roll-out of this Framework will prioritize facilitating the delivery of support to victim/survivors by focusing on in-country reporting and response readiness closest to point of contact. In practice, the Global Fund will achieve “Priority Actions” and then move to near and longer-term interventions, as set forth in the Annual Implementation Plan (AIP). See the AIP for the list of the current year’s “Priority Actions.”

Concurrently, in the immediate to near term, the approach will initiate an iterative, inclusive process of learning from risk and in-country capacity assessments to inform a comprehensive roll-out approach operationalized in the AIP that promotes embedding PSEAH in our programs, work culture, and practice. This process will focus on appropriate capacity and risk assessment tools and capacity-building measures (formal and informal) at implementer level that will inform the corporate Global Fund risk mitigation approach. Armed with the results of the risk and capacity assessments, the Global Fund aims to identify Principal Recipients and downstream partners in greatest need of support and populations at greatest risk of SEAH. An iterative approach will allow the Global Fund to help build preventive and responsive capacity where needed, including in our downstream partners.

Together, our in-country approach will focus on the following basic principles:

- ✓ Maintain the people and communities we serve at the center of our work
- ✓ Do no (further) harm
- ✓ Build into what already exists
- ✓ Be guided by experience
- ✓ Tailor appropriately; one size does not fit all
- ✓ Be transparent that we are learning and will use an iterative approach

The in-country prevention approach will be developed in the following categories: Assurance of Obligations and Expectations, Capacity Assessment and Risk Mitigation, Guidance and Capacity Building, and Oversight and Compliance.

## Local Coordination for the Assurance of Obligations and Expectations

Consistent with our principle of people-centered, in-country ownership, the Global Fund recognizes the importance of taking a localized approach to preventing SEAH and related abuse of power, and to working with partners in-country to ensure that effective coordination, education, communication, and program design are in place. The Global Fund encourages and facilitates the use of local networks wherever appropriate to guide community-led implementation of prevention activities.

### *Engagement through Country Coordination Mechanisms*

The Global Fund has no “in-country” presence, staff, or offices. It finances programs that reflect national ownership and respect country-led formulation and implementation processes. CCMs are the mechanisms for public/private/community collaboration in the governance of HIV, tuberculosis, and malaria national disease programs. As a result, CCM members/persons affected - infected share accountability for prohibiting, preventing and responding to SEAH and related abuse of power in the context of Global Fund programs. Guided by the above, the Global Fund has asked CCMs to appoint Global Fund-supported PSEAH Focal Points to engage in their local PSEA networks, consistent with the approach adopted by other international organizations,

In keeping with applicable CCM and country contexts, and with the support of the CCM Hub and PCU, CCM PSEAH Focal Points are encouraged to:

- Provide expertise on PSEAH to the CCM, including guidance to the Chair of the CCM
- Join and participate actively in the in-country PSEA network
- Organize PSEAH training for CCM members and regular awareness raising
- Maintain up-to-date referral pathways for survivor and victim referral
- Keep abreast of PSEAH developments in the country
- Undertake awareness-raising activities and identify PSEAH training opportunities for Principal Recipients, Sub-recipients and other stakeholders
- Support the CCM in its shared responsibility for preventing and responding to SEAH, including by designing and developing proposals to submit to the Global Fund
- Engage with PSEAH Focal Points appointed by Principal Recipients
- Develop an annual work plan for the CCM’s PSEAH activities
- Coordinate with the Global Fund PCU and CCM Hub
- Escalate any information to the OIG regarding potential instances of SEAH

### *Principal Recipients of Global Fund Resources overseen by CCMs*

In March 2021, the Global Fund informed all Principal Recipients of SEAH updates to the Codes of Conduct, including obligations and expectations related to prevention, response, and detection of SEAH (detailed in the paragraphs below). In April 2021, the Global Fund sent an operational update to all Principal Recipients requesting that they identify a focal point through which the Global Fund will work to support implementation of the updated Codes of Conduct. The Global Fund will engage Local Fund Agents to confirm administrative compliance with the Codes of Conduct and Operational Update by each Principal Recipient in each portfolio.

With the support of the Country Team and the PCU, the PR PSEAH Focal Points are expected to:

- Serve as point of contact for victim/survivors and other reporters to submit complaints and reports of PSEAH in the Principal Recipient and any downstream partners;
- Facilitate all support services to victim/survivors by liaising with the CCM PSEAH Focal Point;
- Serve as point of contact for the Global Fund on all issues related to PSEAH;
- Serve as point of contact for CCM PSEAH Focal Points

The Global Fund works with a broad range of implementing partners, including governments, multilateral organizations, INGOs, local NGOs, community-based organizations, institutions, and other entities. Where these entities act as Principal Recipients for Global Fund grant programs, they are bound by the SEAH provisions contained within the Code of Conduct for Recipients of Global Fund Resources, the Global Fund Grant Regulations, and relevant grant agreements. These



provisions are designed to prevent and reduce the incidence of SEAH in connection with Global Fund activities. Oversight and compliance checks will be undertaken regularly and managed by the Country Teams, including by LFA spot check, and supported by the PCU.

Specifically, Principal Recipients are expected to:

- Have policies and measures in place to prevent and respond to SEAH; and
- 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.

#### *Downstream recipients overseen by Principal Recipients*

The Global Fund recognizes the paramount importance of reaching beyond our Principal Recipients to our downstream partners and beneficiaries in our prevention efforts and strives to meet this need consistently with a country ownership approach. As a result, the Code of Conduct for Recipients of Global Fund Resources outlines the responsibilities of Principal Recipients in relation to their organizations and their downstream partners. Principal Recipients are therefore required to:

- Communicate the Code of Conduct for Recipients of Global Fund Resources to all entities receiving Global Fund resources, including their Recipient Representatives;
- Integrate the principles of such Code 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;
- Take all reasonable steps to ensure compliance with the Code of Conduct for Recipients of Global Fund Resources by Recipient Representatives while performing their roles and responsibilities for activities and expenditures financed by Global Fund Resources;
- Take 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; and
- Include such Code in any contract with a Recipient Representative that relates to the receipt, disbursement, procurement or management of Global Fund Resources.

The Principal Recipient is responsible for the SEAH compliance of its Sub-recipients. Oversight and compliance checks will be undertaken regularly and managed by the Country Teams, including by LFA spot check. If any Sub-recipient is considered by the Global Fund to have violated the SEAH terms of the relevant grant agreement or code of conduct, the Principal Recipient is responsible for any such act or omission as if they were the act or omission of the Principal Recipient.

Bullying and harassment are also prohibited in Recipients; through the Code of Conduct and the Ethics and Integrity Framework, Recipients are expected to ensure that their programs and downstream partners adhere to the highest ethical standards, including those of dignity and respect; are transparent and accountable; maintain integrity and respect for universal human rights; adhere to local laws and regulations in countries where they do business; and operate in accordance with the applicable rules and regulations of the Global Fund.

Global Fund Secretariat screening of potential Principal Recipients is conducted prior to grant making and during grant implementation through several levels of assessments that can be tailored to specific risks, including assessment of PSEAH compliance.

#### *Counterparties (Suppliers) overseen by Principal Recipients*

The Global Fund recognizes the importance of accountability for suppliers and transparency and predictability in its operations. The Global Fund works with a wide range of suppliers for goods and/or services. Suppliers must observe the highest standard of ethics in Global Fund-funded activities regarding the supply of goods and/or services to the Global Fund or any recipient of Global Fund financing, including in relation to SEAH and related abuse of power.

Principal Recipients must ensure that the Code of Conduct for Suppliers, including its provisions on SEAH, is:

- Communicated to all current suppliers of the Principal Recipient and their Supplier Representatives; and

- Included in any future contract with a Supplier that relates to Global Fund resources.

The Code of Conduct for Suppliers outlines the responsibilities of suppliers in relation to prevention, detection, and response to SEAH. The Global Fund's Terms and Conditions of Purchase of Goods and of Services require suppliers to comply with the Global Fund Code of Conduct for Suppliers, including its prohibitions on SEAH and SAWC. Suppliers are additionally expected to:

- Have policies and measures in place to prevent and respond to SEAH;
- Facilitate or provide assistance to victims and survivors related to their safety, medical care, psychosocial support, and legal services, as well as to facilitate survivor and victims' timely, safe and confidential access to a remedy;
- Report all allegations of SEAH to the Global Fund.

Global Fund screening of all Suppliers is undertaken in accordance with the IDD Framework.

#### *Corporate Suppliers*

The Global Fund equally recognizes the importance of accountability for its corporate suppliers and transparency and predictability in their operations. The Global Fund works with a wide range of corporate suppliers for goods and/or services. Corporate suppliers must also observe the highest standard of ethics in Global Fund-funded activities regarding the supply of goods and/or services to the Global Fund, including in relation to SEAH and related abuse of power. The Code of Conduct for Suppliers applies to corporate suppliers, with PSEAH provisions as described above.

#### *Donors*

Funding from diverse sources is essential to scaling up and winning the fight against the three diseases. Private sector and non-governmental partners invest directly in the Global Fund or provide resources aligned with Global Fund efforts; these donors often have their own PSEAH policies and IDD process. Some of our resource mobilization partnerships include philanthropic investment platforms, pooled health funds, pooled private sector-led platforms, grassroots partnerships, and high-net-worth individuals. Screening for SEAH and related abuse of power risk is undertaken in accordance with the IDD contained within the Private Sector Engagement Framework, which covers human rights and related gender risks.

### **Capacity Assessment and Risk Mitigation**

The Global Fund recognizes that SEAH and related abuse of power pose a risk both to individuals and to the ability of the Global Fund to fulfill its mission. Our success in PSEAH efforts both depends on the quality and timeliness of our risk awareness and the capacity of our implementation arrangements, including internal compliance assessment protocols and response mechanisms designed to address reported instances of SEAH and related abuse of power appropriately. While we must target areas of higher risk for SEAH and related abuse of power, we must be prepared for it to occur in every place, at any time, for all who touch Global Fund resources. Hence, as described in the "Outside Global Fund" section, the Global Fund will implement the dual tracks of Priority Actions to support victim/survivors in their immediate needs and inclusive, iterative learning from risk and capacity assessments to inform a more comprehensive roll-out of the PSEAH Framework.

#### *Capacity Assessment*

The Global Fund will use or adapt existing tools and review processes for capacity and risk assessments at Principal Recipient and Portfolio levels to integrate PSEAH assessments.

The Global Fund PSEAH Coordination Unit, with support from the Country Teams and external partners as needed, has overall accountability for ensuring an appropriate PSEAH capacity assessment of the Principal Recipients. This capacity assessment helps inform the Global Fund's portfolio PSEAH risk assessment, led by Country Teams and supported by CRG.

To avoid unnecessarily duplicative Principal Recipient capacity assessment, the Global Fund works with IASC and other partners to share assessments where possible. The Global Fund recognizes, however, that one size does not fit all with

respect to capacity assessments and that the broad range of our in-country Principal Recipients might require a tailored approach to capacity assessment.

The Global Fund will adopt a prioritized approach to capacity assessment:

- ✓ **Non-Governmental Organizations**<sup>23</sup>
  - IASC-endorsed Implementing Partner PSEA Capacity Assessment.<sup>24</sup> This capacity assessment is undertaken every five years, or more frequently as needed. It evaluates our implementing partners' organizational capacities on PSEA, including monitoring and support activities, and serves as a baseline for tracking progress. The Implementing Partner Capacity Assessment consists of five components, subject to adaptation to the Global Fund risk management model and country context:
    1. Implementer self-assessment;
    2. Review and preliminary determination of implementer capacity;
    3. Documented capacity-strengthening implementation plan;
    4. Monitoring and support activities; and
    5. Determination of implementer capacity
- ✓ **Governments**<sup>25</sup>
- ✓ **United Nations Organizations**<sup>26</sup>

Where the capacity assessment identifies gaps, the Global Fund may request that the Principal Recipient develop an Action Plan to address PSEA capacity gaps with follow-up by the Global Fund within agreed timelines. The Global Fund PCU will advise and offer support to Country Teams in their development, monitoring, and evaluation of the implementation of any such Action Plan.

#### *Risk Assessment*

When appropriate, the PCU and the Ethics Office will recommend inclusion of SEAH risk to the CRO who will then clear it for presentation by PCU and the EO to the Management Executive Committee (MEC). The EO will own the content, and the MEC will own the decision consistent with the process for all risks in the Risk register. The risk assessment will be informed by:

1. Implementer capacity
2. Operating environment
3. Nature and structure of the program

Risk mitigation strategies will be developed according to the results of the capacity assessment.

The outcomes of initial capacity and risk assessments will inform implementation of prioritized PSEAH interventions and the development of a costed risk-based action plan of further interventions and the remainder of the allocation cycle. Any red-flags generated as a result of the capacity and risk assessment will be escalated to the OIG by the PCU.

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<sup>23</sup> The Global Fund recognizes the wide spectrum of NGO implementers in our portfolio and that capacities will vary accordingly.

<sup>24</sup> Available at <https://interagencystandingcommittee.org/iasc-task-team-accountability-affected-populations-and-protection-sexual-exploitation-and-abuse/un-implementing-partner-psea-capacity-assessment>. The Implementing Partner PSEA Capacity Assessment is modeled on the UNICEF capacity assessment, available at <https://sites.unicef.org/about/partnerships/files/Information-Brief-PSEA-Assessment-PSEA-Toolkit-for-CSO-Partners-24-Jan-2020.pdf>.

<sup>25</sup> The Global Fund highlights that due to the wide variety of governmental implementers involved with our grants, this is a complex area to navigate that will require sensitive engagement with local partners. The Global Fund notes, though, that governmental Principal Recipients that have ratified relevant human rights treaties and passed appropriate national legislation are likely also have PSEAH frameworks in place consistent with applicable requirements. The Global Fund will therefore undertake the assessment of their capacity as a second priority.

<sup>26</sup> The Global Fund expects that as UN organizations bound by the UN Secretary General's bulletins that relate to this topic, these organizations will have PSEAH frameworks in place consistent with applicable requirements. The Global Fund will therefore undertake the assessment of their capacity as a third priority.

SEAH risk levels across portfolios and within country grants will be reviewed regularly through the Portfolio Performance Committee, with reporting requirements differentiated by Focus, Core and High Impact countries.

### Guidance and Capacity-Building

The Grant Management Division, with support from the PCU, will provide regular and ongoing support and guidance to Principal Recipients for implementation and to cascade to downstream partners. Through Operational Updates, training, earmarking of resources, or otherwise, GMD and the PCU will provide guidance, resources, and toolkits for understanding and implementing organizational PSEAH requirements. Such support will cover topics such as organizational policies and contracts, operational management, human resources systems, PSEAH training, reporting, victim/survivor assistance and referrals, investigations, and corrective actions.

The Global Fund recognizes that it is vital to reach the most vulnerable and at-risk populations to educate around PSEAH rights and prohibitions, reporting channels, and the provision of support services. The OIG engages in counter-fraud and awareness-raising measures through its “I Speak Out Now” platform. CRG engages in awareness raising on human rights and stigma with the “Know your rights” campaign. The PCU, with support from ERCD and GMD, is responsible for implementing a PSEAH communications campaign designed to reach beyond Principal Recipients to our most downstream partners.

## 3. PSEAH in Program Design

First line	Grant Management Division Community, Rights, and Gender Access to Funding Policy and Strategy Hub Supply Operations
Second line	PSEAH Coordination Unit
Third line	Office of the Inspector General

The Global Fund will support its implementing partners and the people touched by Global Fund resources to evolve our programs to prevent and promptly address SEAH in our programs. Although responsible programming is a priority for the Global Fund, PSEAH has not historically been considered as a specific feature of program design. The creation and launch of the PSEAH Coordination Unit, and its collaborative and enabling approach, strives to alter our course in this regard.

The Global Fund recognizes that one of the most effective means of addressing PSEAH is to design programs that incorporate PSEAH as a core element of program management so that the programs are as inherently “safe” as possible. We also recognize that consideration of PSEAH in program design must respect the CCM’s responsibility to prepare impactful Funding Requests, and oversee implementation, through country dialogue. Hence, the Global Fund will seek to prepare guidance to CCMs and PRs, and clear checkpoints, to ensure incorporation of PSEAH into program design throughout the grant lifecycle, from Allocation Letters to country dialogue to grant implementation. Among other strategies, the Global Fund -- through its Country Teams, A2F/TRP, Supply Operations, CRG, Policy and Strategy Hub, TAP, and PCU -- may engage with TERG, peer organizations, SEAH subject matter experts, beneficiaries, communities, CCMs, and others with relevant expertise to better understand where our programs could benefit from shaping to address PSEAH.

The Annual Implementation Plan will include action steps, resulting from internal consultations and decisions, to provide technical guidance, standard operating procedures, and other PSEAH-focused requirements to be implemented at different points in the grant lifecycle. The approach will be phased into components:

- ✓ Priority Actions – small changes that are easily incorporated into program design within a 3-6-month period
- ✓ Near-term milestones – mid-range programmatic interventions whose development and integration are contingent on the completion of preceding work
- ✓ Long-term goals – larger design blueprints that will require significant time, resources, and consultation

To promote a culture where PSEAH is truly embedded into Global Fund grant management, internal and external stakeholders must be involved in pathway design and afforded adequate resources to avoid the work becoming an onerous administrative burden and obligation. Top-down support, resources, and buy-in will be required in order to incorporate effective preventive program design into our work.

## 4. Oversight and Compliance

Implementation will be evaluated by the Global Fund’s existing Performance and Accountability framework, monitored on a quarterly basis by the PCU and reported to MEC. These metrics will be complemented by a consistent, iterative feedback loop on the implementation of the AIP and related SOPs, led by the PCU, with input from select Global Fund staff, CCMs, Principal Recipients, beneficiaries, peer institutions, and external advisory group to ensure we learn and adapt for a best fit for the Global Fund and in-country contexts.

Directly or through appropriate partners, the Global Fund will monitor Principal Recipient, Sub-recipient, and Supplier compliance with the Global Fund’s PSEAH requirements and expectations in the following ways:

1. Oversight and engagement by the PCU
2. Use of Local Fund Agents
3. Regular engagement among in-country implementers and CCMs and the Global Fund Secretariat
4. Regular engagement between Supply Operations and suppliers
5. OIG audit and investigations

## IV. Reports & Complaints

First line	OIG Ethics Office/PSEAH Coordination Unit Grant Management Division Human Resources Department Chief of Staff
Oversight	Audit and Finance Committee (OIG matters) Ethics and Governance Committee (Ethics Office matters)

### 1. Reporting mechanisms

The Global Fund ensures that anyone can report concerns and allegations of SEAH and related abuse of power to the Global Fund. Concerns and allegations can be reported confidentially or anonymously online, by email, by phone, or in person. The Global Fund may refer a report to a local entity or authority as appropriate.

The Global Fund, through its codes of conduct for recipients,<sup>27</sup> suppliers,<sup>28</sup> CCM Members,<sup>29</sup> Governance Officials,<sup>30</sup> and staff,<sup>31</sup> sets out its basic expectations regarding reporting of SEAH allegations to the Global Fund:

- ✓ Recipients and their representatives are required to report any allegations of SEAH *as soon as they have knowledge* of allegations of SEAH, and not after their own assessment or investigation
- ✓ CCM members are required to report *immediately* all SEAH allegations to the Global Fund

<sup>27</sup> Available at [https://www.theglobalfund.org/media/6011/corporate\\_codeofconductforrecipients\\_policy\\_en.pdf](https://www.theglobalfund.org/media/6011/corporate_codeofconductforrecipients_policy_en.pdf).

<sup>28</sup> Available at [https://www.theglobalfund.org/media/3275/corporate\\_codeofconductforsuppliers\\_policy\\_en.pdf](https://www.theglobalfund.org/media/3275/corporate_codeofconductforsuppliers_policy_en.pdf).

<sup>29</sup> Available at [https://www.theglobalfund.org/media/8234/core\\_codeofethicalconductforccmmembers\\_policy\\_en.pdf](https://www.theglobalfund.org/media/8234/core_codeofethicalconductforccmmembers_policy_en.pdf).

<sup>30</sup> Available at

[https://www.theglobalfund.org/media/4293/core\\_codeofethicalconductforgovernanceofficials\\_policy\\_en.pdf](https://www.theglobalfund.org/media/4293/core_codeofethicalconductforgovernanceofficials_policy_en.pdf).

<sup>31</sup> Available at [https://www.theglobalfund.org/media/10663/core\\_employeeofconduct\\_policy\\_en.pdf](https://www.theglobalfund.org/media/10663/core_employeeofconduct_policy_en.pdf).

- ✓ Suppliers and their representatives are required to report all *allegations* of SEAH, in contrast with substantiated cases
- ✓ Global Fund employees are duty-bound to report any *reasonable suspicion* of potential misconduct, including SEAH and related abuse of power

Governance Officials concerned by potential SEAH are directed to bring the matter to the attention of the Global Fund, either through the EGC, the Ethics Office, the OIG, or otherwise in accordance with the Whistleblowing Policy and Procedures of the Global Fund.<sup>32</sup>

The Global Fund Code of Conduct for Employees<sup>33</sup> establishes reporting channels for employees:

- For potential SEAH or related abuse of power by staff, employees should report to the Global Fund’s Ethics Officer and/or the OIG
- For potential SEAH or related abuse of power associated with operations financed by the Global Fund, such as misconduct by grant recipients, LFAs, CCMs, suppliers, or contractors, employees should report to the Division or Department Head, the relevant senior subject-matter expert, and/or the OIG.

The following reporting channels are available to anyone:

“I Speak Out Now” Hotline	Direct Reporting to Staff
<ul style="list-style-type: none"> <li>◆ Online: <a href="https://ispeakoutnow.org/report-now-en/">https://ispeakoutnow.org/report-now-en/</a></li> <li>◆ Telephone: +1 704 541 6918</li> <li>◆ Voicemail: +41 22 341 5258</li> <li>◆ Email: <a href="mailto:hotline@theglobalfund.org">hotline@theglobalfund.org</a></li> <li>◆ Letter: Office of the Inspector General, Global Fund Chemin du Pommier 40 1218 Grand-Saconnex, Switzerland</li> </ul>	<ul style="list-style-type: none"> <li>◆ Office of the Inspector General</li> <li>◆ PSEAH Coordination Unit</li> <li>◆ Ethics Office - <a href="mailto:ethics@theglobalfund.org">ethics@theglobalfund.org</a></li> <li>◆ Human Resources</li> <li>◆ Country Team</li> <li>◆ Any Global Fund staff member</li> </ul>

Victim/survivors, program participants, community members, and whistle blowers may report concerns of SEAH and related abuse of power confidentially and in any language through any of the above channels as well as through the following in-country structures:

In-Country Mechanisms
<ul style="list-style-type: none"> <li>◆ Principal Recipient, Sub-recipient, and supplier reporting mechanisms</li> <li>◆ CCM PSEAH Focal Points</li> <li>◆ Principal Recipient PSEAH Focal Points</li> <li>◆ Local Fund Agents</li> <li>◆ Community Based Complaints Mechanisms,<sup>34</sup> where available</li> </ul>

In case of emergencies, the Global Fund encourages victim/survivors and all reporters to immediately contact local authorities or advocacy groups, as appropriate.

<sup>32</sup> Available at [https://www.theglobalfund.org/media/2942/core\\_whistleblowing\\_policy\\_en.pdf](https://www.theglobalfund.org/media/2942/core_whistleblowing_policy_en.pdf).

<sup>33</sup> Available at [https://www.theglobalfund.org/media/10663/core\\_employeecodeofconduct\\_policy\\_en.pdf](https://www.theglobalfund.org/media/10663/core_employeecodeofconduct_policy_en.pdf).

<sup>34</sup> More information is available at:

[https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/best\\_practice\\_guide\\_inter\\_agency\\_community\\_based\\_complaint\\_mechanisms\\_1\\_0.pdf](https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/best_practice_guide_inter_agency_community_based_complaint_mechanisms_1_0.pdf).

Regardless of the channel of receipt, SEAH and related abuse of power allegations received by any one of these mechanisms are promptly referred to the following bodies for screening, as set forth below:

Subject of Investigation	Screening and Triage Point
Implementers (all levels)	OIG
Suppliers and Consultants	OIG
CCMs	OIG
Global Fund staff	Ethics Office or Human Resources Department
Human Resources Department staff	Ethics Office
ED, IG, and EO	Ethics and Governance Committee
Unidentified subject	OIG

These are screened and assessed by the OIG for investigation, referral, or closure in accordance with its mandate and Standard Operating Procedures. Allegations of bullying and harassment received by any one of these mechanisms are immediately referred to the Ethics Office and/or Human Resources Department. These are assessed by the EO or HRD in accordance with their respective mandates and Standard Operating Procedures.

### Mandates and Accountabilities

Various internal policies and procedures<sup>35</sup> inform the Global Fund's referral and notice accountabilities as they relate to Global Fund activities.

Allegation Type	Victim Category	Subject of Investigation	Mandate	Notice	
Sexual exploitation and abuse	Beneficiaries	Implementers: Principal Recipients and Sub-recipients (all levels)	OIG	Grant Management Division, Executive Director, Global Fund Board	
	Non-beneficiaries	Implementers: Principal Recipients and Sub-recipients	Ethics Office	Grant Management Division, Executive Director	
	Beneficiaries & non-beneficiaries	Counterparties (Suppliers)		Ethics Office	Grant Management Division (suppliers overseen by PRs) or Supply Operations (corporate suppliers); Executive Director
		CCM Members		Ethics Office	Grant Management Division, CCM Hub, Executive Director
		Governance Officials		Ethics Officer advises Ethics and Governance Committee of the Board	Executive Director
		Executive Director		Ethics and Governance Committee of the Board	Global Fund Board
		Inspector General		Ethics and Governance Committee of the Board	Global Fund Board
		Ethics Officer		Ethics and Governance Committee of the Board	Global Fund Board
		Human Resources Department staff		Chief of Staff	Ethics Office
		Other Global Fund staff and consultants		Human Resources	Ethics Office
Sexual harassment		Implementers: Principal Recipients and Sub-recipients	Ethics Office	Grant Management Division, Executive Director	
		Counterparties (Suppliers)	Ethics Office	Grant Management Division, Executive Director	
		CCM Members	Ethics Office	Grant Management Division, CCM Hub, Executive Director	
		Governance Officials	Ethics Officer advises Ethics and Governance	Executive Director	

<sup>35</sup> This includes SOPs from OIG, Ethics, and the Employee Handbook.

	Beneficiaries & non-beneficiaries		Committee of the Board	
		Executive Director	Ethics and Governance Committee of the Board	Global Fund Board
		Inspector General	Ethics and Governance Committee of the Board	Global Fund Board
		Ethics Officer	Ethics and Governance Committee of the Board	Global Fund Board
		Human Resources Department staff	Chief of Staff	Ethics Office
		Other Global Fund staff and consultants	Human Resources	Ethics Office
<b>Bullying and harassment</b>	Beneficiaries & non-beneficiaries	Implementers: Principal Recipients and Sub-recipients	Principal Recipients	Grant Management Division, Ethics Office
		Counterparties (Suppliers)	Principal Recipients	Grant Management Division, Ethics Office
		CCMs	Ethics Office	Grant Management Division, CCM Hub
		Governance Officials	Ethics Officer advises Ethics and Governance Committee of the Board	Executive Director
		Executive Director	Ethics and Governance Committee of the Board	Global Fund Board
		Inspector General	Ethics and Governance Committee of the Board	Global Fund Board
		Ethics Officer	Ethics and Governance Committee of the Board	Global Fund Board
		Human Resources Department staff	Chief of Staff	Ethics Office
		Other Global Fund staff and consultants	Human Resources	Ethics Office

## 2. Investigations

When responding to complaints and allegations of SEAH and related abuse of power and throughout investigations, experienced, trauma-sensitive practitioners engage with survivors and victims in a manner that prioritizes listening to them, avoids re-traumatization, and systematically focuses on their safety, rights, well-being, expressed needs, and choices. This victim/survivor-centered, trauma-informed approach seeks to empower the victim/survivor, giving them back as much control as possible, and ensuring an empathetic, respectful, and individualized response in a nonjudgmental manner.

### Investigative Approach

The Global Fund conducts administrative, not criminal, investigations, with the informed consent of all witnesses. Whether handled internally or externally, all investigations into allegations of SEAH and related abuse of power are guided by a victim/survivor-centered, trauma-informed methodology, following a case-specific risk assessment, by professional, trained investigators.

As appropriate, the Global Fund will consider the following principles of the 2019 United Nations Protocol on the Provision of Assistance to Victims of Sexual Exploitation and Abuse<sup>36</sup> when investigating allegations of SEAH and related abuse of power:

- Appropriately tailored assistance and support are made available to all victim/survivors, irrespective of whether the victim initiates or cooperates with an investigation or any other accountability procedure;

<sup>36</sup> Available at [https://www.un.org/en/pdfs/UN%20Victim%20Assistance%20Protocol\\_English\\_Final.pdf](https://www.un.org/en/pdfs/UN%20Victim%20Assistance%20Protocol_English_Final.pdf).



- Assistance and support are offered and provided in a manner that is victim/survivor-centered, rights-based, age, disability-and gender sensitive, non-discriminatory, and culturally appropriate;
- Assistance provided to victims adheres to the principle of “do no harm” and is provided in a manner that seeks to uphold their rights, dignity and well-being, including safety measures to protect against retaliation, re-victimization and re-traumatization as appropriate;
- The rights of victims to privacy, confidentiality and informed consent are respected;
- Victims may pursue applicable accountability measures, including legal redress where desired, through appropriate referrals; and
- Appropriate information is shared with law enforcement so that perpetrators of human rights abuses and SEA may be held criminally accountable, while respecting the principle of informed consent.

### *Office of the Inspector General Investigations*

Embedded within the OIG’s standard operating procedures and Stakeholder Engagement Model, the OIG ensures due process to all parties, including subjects of investigation and the relevant Principal Recipient(s). The OIG publishes its most significant investigation reports and ensures that all SEA reports are sanitized and anonymized to protect the identity of all witnesses and victim/survivors consistent with a victim/survivor-centered, trauma-informed approach and the OIG’s Whistle-blowing Policy and Procedures.<sup>37</sup>

The OIG is a main point of triage for SEAH allegations within the Global Fund. The OIG screens and assesses all appropriate allegations of SEAH to ensure that no allegation goes unanswered, whether through referral, investigation, or closure. Consistent with internal guidelines, the OIG refers allegations of SEAH outside of its mandate to the appropriate department within the organization. If the OIG accepts a SEA case for investigation, the OIG determines whether the investigation will be conducted by the OIG or the Principal Recipient with oversight from the OIG.

All OIG investigations, including SEA investigations, are conducted in accordance with CII guidelines.<sup>38</sup> Consistent with its Standard Operating Procedure, *Investigating Sexual Exploitation and Abuse*, the OIG employs a Multi-Disciplinary Team (MDT) approach to the investigation of SEA affecting Global Fund beneficiaries. Despite the MDT approach, the accountabilities remain clear: the SEA investigative function is carried out exclusively by members of the investigative team; this includes sole responsibility for investigative decisions. In contrast, certain victim/survivor-related case decisions will include and require the informed consent and/or willing participation of a SEA victim/survivor. Those case decisions will be made primarily by the investigative team, with input from the PSEAH Specialist, any victim advocates, and other relevant members of the MDT. The role of the PSEAH Specialist and victim/survivor advocate is:

- To seek to understand and articulate the victim/survivor’s feelings;
- To gauge a victim/survivor’s readiness to proceed with disclosure and to work to help prepare a victim/survivor to disclose if not yet ready;
- To offer emotional support to the victim/survivor throughout the investigative process where necessary;
- To identify the need for, facilitate, and document the provision of support services as needs arise; and
- To articulate and give voice to the rights of victim/survivors, their experiences, and their needs during MDT discussions and case decision discussions.

OIG investigations into allegations of SEA affecting beneficiaries require this specialized approach given the extreme vulnerabilities and sensitivities that may be present. In recognition of those needs, for each SEA investigation, the OIG organizes an individually-tailored team of professionals from a variety of disciplines and backgrounds who work together for the common purpose of supporting the SEA victim/survivors through the investigative process. The Global Fund embraces the healthy discussions that result from the variety of disciplines represented on the MDT. This approach is purpose-built, designed to articulate, elevate, and collaboratively work through the needs of both victim/survivors and the wider Global Fund partnership. The members of the MDT depend on the individual needs of each specific case and may include:

- OIG Investigative team
- Global Fund PSEAH Specialist

<sup>37</sup> Available at [https://www.theglobalfund.org/media/2942/core\\_whistleblowing\\_policy\\_en.pdf](https://www.theglobalfund.org/media/2942/core_whistleblowing_policy_en.pdf).

<sup>38</sup> Available at <https://www.ciinvestigators.org/cii-guidelines/>.

- Key Global Fund staff who are in a position to facilitate support services in country, such as members of the Country Team, CRG, or the Legal and Governance Department
- Key implementer staff who are in a position to facilitate support services in country
- In-country advocates and law enforcement equipped to address basic needs of safety, housing, food security, medical needs, and crisis environment support
- In-country service providers equipped to offer ongoing services for psychosocial support, trauma counseling, and legal services

In appropriate circumstances, the OIG engages in partnerships with local law enforcement in the venue of investigation and similarly impacted donor organizations, conducting parallel investigations wherever possible. This practice reduces the number of times victim/survivors are asked to recount and relive previous episodes of potentially traumatic events and supports the underlying principle of community engagement.

#### *Investigations Advised by the Ethics Officer*

Consistent with their Terms of Reference, the Ethics Officer advises the EGC on allegations of SEAH, bullying and harassment against Governance Officials, following referral to, and as requested by, the EGC in accordance with its Charter and the Code of Conduct for Governance Officials. The Ethics Officer undertakes preliminary assessments or investigations of (i) SEA allegations against implementers where the victim is not a beneficiary of Global Fund grant programs or services, CCM members and counterparties regardless of victim status, and (ii) SH allegations against implementers regardless of victim status, in accordance with the misconduct investigations mandates approved by the Board and/or its standing Committees having oversight of the OIG, the Global Fund's human resources policies, and the Ethics and Integrity Framework, respectively. The Ethics Officer also provides support to HRD in the organization's response to allegations of SEAH, bullying, and harassment by staff. The Ethics Office does not itself investigate any allegations of wrongdoing; rather, the Ethics Office engages experienced investigators and oversees outsourced investigations, where appropriate.

#### *Investigations of Employees*

The Human Resources Department investigates or oversees investigations into allegations of SEAH and related abuse of power against staff consistent with the Employee Handbook. In cases of potential misconduct amounting to possible criminal conduct, the Global Fund may refer the matter to the local authorities.

#### *Principal Recipient Investigations*

Principal Recipients will receive information on best practices for victim/survivor-centered investigations into allegations of related abuse of power, including bullying and harassment, within their own organizations and downstream partners. GMD and the PCU will work together to provide such guidance. Principal Recipients are required to report any instances of SEAH and related abuse of power to the Global Fund.

## 3. Support to survivors & victims

### **Inside the Global Fund**

The following support functions are available to employees and other personnel of the Global Fund who are victim/survivors and/or affected by SEAH:

**Human Resources Business Partners:** Human Resources Business Partners are available to employees to address any issues related to SEAH or related abuse of power in connection with their employment and can refer to support services as appropriate.

**Staff Counselor:** Counseling services are available to employees to address psychological and emotional difficulties that they may be experiencing. All communications between the counselor and employees are confidential, including from the Global Fund.

**Medical services:** The Global Fund provides comprehensive health insurance coverage, including medical and psychological support services.

**Ombuds:** The Ombuds provides a safe, neutral, and confidential forum in which staff may give their views, express feelings and concerns, and provide feedback to the organization. The Ombuds is a supplement to regular channels and is confidential, independent, and informal.

**Staff Council:** The Staff Council is an employee-elected body designed to represent staff and consultants' interests to the management of the Global Fund. As such, it provides a forum with which management consults, acting as one of the consultative channels by which feedback is provided on the design and implementation of human resources and wellness programs.

## Outside the Global Fund

The Global Fund endeavors to ensure that appropriate assistance and support are made available to victims and survivors, beginning as soon as a SEAH incident is reported. Where victim/survivors are not identified, the Global Fund will conduct a risk assessment and work with partners to address any necessary protection concerns. The PSEAH Coordination Unit is responsible for oversight of the victim/survivor support function, including protection concerns. The PCU will work with Principal Recipients and their downstream partners to facilitate the delivery of such services, resourced and supported through Global Fund guidance to CCMs, Principal Recipients, and Country Teams. Facilitation and delivery are achieved through coordination between and among PR PSEAH Focal Points, CCM PSEAH Focal Points, and local PSEA networks.

Specifically, Principal Recipients and Suppliers are 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. In the absence of a Victim Support Fund, Country Teams will work with Principal Recipients to identify grant funds that may be used for this purpose.

The PSEAH Coordination Unit and Country Teams will support Principal Recipients and CCMs in their work to map and proactively identify local referral pathways so that when a case arises, victim/survivors can be directed to appropriate, people-centered service providers without undue delay. In-country commitment and capacity to fulfill these expectations will be key to strengthening our overall PSEAH efforts.

In providing support and assistance, the Global Fund encourages Principal Recipients and Suppliers to be guided by the provisions of the United Nations Protocol on the Provision of Assistance to Victims of Sexual Exploitation and Abuse, as relayed above.

Common services for victims of SEAH include:

- **Safety and protection:** This includes the development of an immediate safety or protection plan to address the risk of retaliation, leaks or breaches of confidentiality, or other further violence against the victim.
- **Medical care:** This means the provision of necessary treatment for conditions directly arising from SEAH. In cases of sexual abuse, this includes informing victims about the importance of seeking medical care within 72-hours and providing necessary referrals to services, including HIV post-exposure treatment, post-exposure prophylaxis (PEP), and reproductive and sexual health care as needed and desired.
- **Psychosocial support:** This comprises the facilitation and provision of basic psychosocial support, including psychological first aid, psychosocial counselling, mental health and psychosocial support network interventions, and referrals to more specialized mental health care, as needed.
- **Education, livelihood support and basic material assistance:** This entails the provision of food, clothing, shelter, school re-integration and livelihood support for victims in the most vulnerable situations to help address their immediate, basic needs. In cases involving children, support and assistance should be provided for children's families or caregivers when determined to be in the best interests of the child. In such cases, the provision of food to host families, and of clothing and hygiene kits to victims, may also be included.
- **Legal services:** This includes the referral to providers of legal assistance if desired by the victim.

## Ongoing support for victims & survivors

Inside the Global Fund, ongoing support for victim/survivors of SEAH and related abuse of power is available to staff via the Human Resources Department, Staff Counselor, Ombuds, and Staff Council.

In certain cases, ongoing support for victim/survivors of SEAH in Global Fund activities will be critical. The PSEAH Coordination Unit will work with Principal Recipients to identify those in need of ongoing support.

## 4. Protection against retaliation

The Global Fund does not tolerate retaliation, or threats of retaliation, against anyone making a complaint or raising an allegation of SEAH in good faith, reasonably believing it to be true. Retaliation is also prohibited when reports, reasonably believed to be true and made in good faith, turn out to be misguided or false. The Global Fund has also established retaliation as a “Prohibited Practice.”<sup>39</sup>

The Employee Handbook explains that retaliation or the threat of retaliation against anyone making a harassment, sexual harassment or bullying complaint in good faith, against the alleged harasser, or against a person who is assisting or assisted in the investigation of such complaint, is prohibited. Persons engaging in retaliatory behavior may be subject to appropriate administrative and disciplinary measures up to and including summary dismissal. Retaliation is also prohibited after a case is closed and in the event that the allegations are not substantiated.

The OIG’s Whistle-blowing Policy and Procedures<sup>40</sup> provide for anonymous and confidential reporting to protect whistle-blowers. OIG investigation reports are anonymized and carefully crafted to protect the identity of all witnesses and victims. The policy applies both to internal whistleblowers (Global Fund employees), and to third-parties involved with the programs funded by the Global Fund. The OIG investigates allegations of retaliation in accordance with its Charter.

Where retaliation by the Head of the Human Resources Department, the Legal and Governance Department or other member of the Management Executive Committee is alleged, an assessment of the allegation will be prepared by the OIG, with the participation of an external party to the Global Fund, and presented to the Executive Director for further action or investigation.

Where retaliation by the Executive Director or the Inspector General is alleged, an assessment of the allegation will be prepared by an external party chosen by the Chair and the Vice-Chair of the Ethics and Governance Committee, and the assessment will be presented to the Chair and Vice-Chair of the Ethics and Governance Committee and the Board for further action or investigation.

In the case of internal whistle-blowers, where it is considered necessary, the OIG or the Human Resources Department may recommend the temporary reassignment of a person who has allegedly been the subject of retaliation or other measures appropriate to protect against further acts of retaliation. Any such recommendation will only be submitted with the approval of the staff member involved, and appropriate measures will be taken to safeguard employee confidentiality wherever possible.

Any staff member of the Global Fund who is alleged to have retaliated against a person who has made a report to the OIG or Secretariat in good faith may be subject to a disciplinary procedure as outlined in the Global Fund’s Employee Handbook. Should the allegation be substantiated, it will be considered gross misconduct, and the staff member may face disciplinary action, including possible contract termination.

Substantiated allegations of retaliation by people and entities external to the Global Fund, such as in-country partners and suppliers, are dealt with through other appropriate action, including the debarment of suppliers through the Global Fund Sanctions Panel Procedures Relating to the Code of Conduct for Suppliers.

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<sup>39</sup> Available at [https://www.theglobalfund.org/media/6960/core\\_combatfraudcorruption\\_policy\\_en.pdf](https://www.theglobalfund.org/media/6960/core_combatfraudcorruption_policy_en.pdf).

<sup>40</sup> Available at [https://www.theglobalfund.org/media/2942/core\\_whistleblowing\\_policy\\_en.pdf](https://www.theglobalfund.org/media/2942/core_whistleblowing_policy_en.pdf).

## V. Response, Accountability, and Transparency

First line	Human Resources Department Ethics and Governance Committee Office of the Inspector General Ethics Office/PSEAH Coordination Unit Grant Management Division
Second Line	Executive Director
Oversight	Audit and Finance Committee Ethics and Governance Committee Global Fund Board

### 1. Disciplinary measures and administrative sanctions

#### Inside the Global Fund

##### *Global Fund Employees*

The disciplinary measures for misconduct including SEAH and related abuse of power by Global Fund employees are contained in the relevant annexes of the Employee Handbook. Should allegations of SEAH and related abuse of power by a Global Fund employee be substantiated, the employee may be subject to disciplinary measures, including summary dismissal in accordance with Annex XII – Disciplinary Procedure to the Employee Handbook. The Head of Human Resources may initiate a disciplinary procedure where allegations of potential misconduct have been substantiated or partially substantiated by an investigation and following the submission of the final investigation report pursuant to Annex IX – Investigations. No disciplinary measure shall be imposed prior to the completion of the procedures outlined in that Annex.

The Head, HRD shall decide which disciplinary measure, if any, is warranted. The Head, HRD may consult with the employee's Division Head (or as applicable, Department Head) before deciding on a disciplinary measure. In addition to the above administrative sanctions, a Global Fund employee who considers themselves to have been a victim of SEAH may file a criminal complaint in accordance with articles 193 and 198 of the Swiss Criminal Code.

##### *Governance Officials*

If governance officials act in a way that is not consistent with the expectations and requirements of the Code of Conduct for Governance Officials, including the provisions related to SEAH and related abuse of power, the Global Fund will address the matter. The remedial action imposed by the Global Fund is established by the Ethics and Governance Committee, in consultation with the Ethics Office. It may include the following:

- Formal Reprimand. A reprimand in the form of an official letter to the governance official concerned and his/her constituency.
- Conditional Removal. Removal from Global Fund governance operations, at both the Board, Committee and advisory body level, until certain conditions are satisfied.
- Indefinite Removal. Permanent removal from Global Fund governance operations, at the Board, Committee and advisory body level.

The Ethics and Governance Committee may suspend Governance Officials from their official roles, duties and functions at the Global Fund during an investigation in relation with their behavior, when circumstances warrant. The Committee may consider circumstances where behavior that brings the Global Fund into disrepute may materially affect a governance official's ability to fulfil their official roles, duties and functions.

## Outside the Global Fund

### *Principal Recipients*

The Grant Agreements, Global Fund Grant Regulations (2014),<sup>41</sup> Codes of Conduct for Recipients of Global Fund Resources<sup>42</sup> and The Ethics and Integrity Framework<sup>43</sup> set forth the Global Fund's expectations concerning SEAH and related abuse of power in connection with applicable covered activities.

Violations of the Code of Conduct for Recipients of Global Fund Resources may first be addressed by the Secretariat, or may be presented to the Sanctions Panel, under the Sanctions Panel Procedures Relating to the Code of Conduct for Suppliers, at the discretion of the Executive Director or the Inspector General.

If it is determined that the Code of Conduct for Recipients of Global Fund Resources has been violated, the Global Fund can take actions to correct the matter, and this may result in decisions including but not limited to sanctions of the Recipient(s) or the Recipient Representative(s), including suspension of disbursements or termination of funding, money and asset recovery, and possible debarment from further activities involving Global Fund grants.

### *Counterparties (Suppliers)*

The Global Fund's Terms and Conditions of Purchase of Goods and of Services require suppliers to comply with the Code of Conduct for Suppliers, including its prohibitions on SEAH and related abuse of power. Breaches of the Code of Conduct for Suppliers may result in a decision by the Global Fund to sanction the supplier involved, suspend disbursements to grant recipients or cancel funding. The Global Fund may sanction a supplier, including declaring it ineligible, either indefinitely or for a stated period of time, to participate in Global Fund-financed activities to protect the interests, resources and reputation of the Global Fund, including in situations where the Global Fund determines that the supplier has, directly or indirectly, including through an agent or other intermediary, breached the Supplier Code. Sanctions are intended to protect the interests, resources and reputation of the Global Fund, including under the Global Fund's grants, and to ensure broad public trust and confidence in the Global Fund's decision-making and grant-making activities.

The Global Fund has created a Sanctions Panel to advise the Executive Director on remedies for Supplier misconduct. The referral of such cases is at the discretion of the Executive Director. The Sanctions Panel makes its recommendations to the Executive Director for final decision. The Sanctions Panel provides regular reports to the Ethics and Governance Committee regarding its operations.

The Sanctions Panel Procedures Relating to the Code of Conduct for Suppliers<sup>44</sup> are approved by the Executive Director. The Sanctions Panel comprises senior members of the Global Fund Secretariat and independent external members. The Inspector General, the General Counsel and the Chief Risk Officer advise the Sanctions Panel and participate in all meetings of the Sanctions Panel in an advisory role. A member of the Legal and Governance Department acts as secretary of the Sanctions Panel.

The Sanctions Panel may recommend imposing any or a combination of the following sanctions upon a Supplier or its successor:

- Reprimand. The Sanctions Panel may recommend issuing a reprimand in the form of a formal letter of censure of the behavior of the Supplier.
- Conditional Continued Engagement. The Sanctions Panel may recommend certain measures be undertaken by the Supplier, by a specified date as a condition to continued eligibility for Global Fund-financed contracts and activities.

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<sup>41</sup> Available at [https://www.theglobalfund.org/media/5682/core\\_grant\\_regulations\\_en.pdf](https://www.theglobalfund.org/media/5682/core_grant_regulations_en.pdf).

<sup>42</sup> Available at [https://www.theglobalfund.org/media/6011/corporate\\_codeofconductforrecipients\\_policy\\_en.pdf](https://www.theglobalfund.org/media/6011/corporate_codeofconductforrecipients_policy_en.pdf).

<sup>43</sup> Available at [https://www.theglobalfund.org/media/6817/core\\_ethicsintegrityframework\\_framework\\_en.pdf](https://www.theglobalfund.org/media/6817/core_ethicsintegrityframework_framework_en.pdf).

<sup>44</sup> Available at [https://www.theglobalfund.org/media/6015/corporate\\_sanctionsprocedures\\_policy\\_en.pdf](https://www.theglobalfund.org/media/6015/corporate_sanctionsprocedures_policy_en.pdf).

- Debarment. The Sanctions Panel may recommend the Supplier be declared ineligible to become or continue to be involved in Global Fund financed contracts either directly with the Global Fund and/or indirectly through a recipient of Global Fund financing.
- Other. Any other sanction deemed appropriate by the Sanctions Panel, including, but not limited to, the immediate termination of the participation of the Supplier in any ongoing Global Fund project.

## 2. Public reporting

### Office of the Inspector General

The annual report of the OIG, which is submitted to the Audit and Finance Committee and the Board, includes basic information on cases of misconduct, including SEA. This report is public. In addition, the OIG publishes investigation, audit, and advisory reports on specific SEA investigations and the organization's overall PSEAH systems, policies, and procedures. Moreover, in accordance with its standard operating procedures, the OIG provides notice to our donors of all SEA investigations through briefings to the Audit and Finance Committee and the Ethics and Governance Committee.

### Ethics Officer

The annual opinion and report of the Ethics Officer, which is submitted to the Board, may include aggregated and anonymized data, where appropriate, capturing the number of allegations, investigations, and disciplinary actions related to SEAH and related abuse of power. This report is public.

## 3. Referral & cooperation with national justice systems

The Global Fund recognizes that victim/survivors may seek to pursue applicable accountability measures, including legal redress where available. The Global Fund may refer any allegations of SEAH or abuse of power involving Global Fund employees or consultants to competent national authorities, and collaborate, as it deems appropriate, with relevant national authorities in relation to such allegations, to facilitate the proper administration of justice.

## VI. Version control

Version	Date	Comments	Approvals
v0.1	10 <sup>th</sup> May 2021	First draft for consultation	n/a
v0.2	11 June 2021	Second draft for consultation	n/a
v.03	23 June 2021	Third draft for consultation. (Adopted input from review by subset of MEC on 15 June 2021)	n/a
v.04	14 July 2021	Fourth draft for consultation – adopted input from Legal and FCDO. Incorporated related abuse of power.	n/a
v.05	25 July 2021	Fifth draft for final consultation/sign off. Incorporates additional feedback from OIG, Legal, Risk, GMD.	n/a
v.06	28 July 2021	Final July 2021 Framework for sign-off	Peter Sands 