



POLICY ON PROTECTION AGAINST SEXUAL EXPLOITATION AND ABUSE (PSEA)

INTRODUCTION

Sexual exploitation and abuse (SEA) by aid workers contradicts the principles upon which humanitarian action is based and represents a protection failure.

SEA inflicts harm on those whom the humanitarian community is committed to protect, as well as it jeopardizes the credibility of all humanitarian actors.

Humanitarian workers are expected to uphold the highest standards of personal and professional conduct at all times to protect beneficiaries of their assistance.

Sexual exploitation and abuse of affected populations constitutes gross misconduct and will result in disciplinary action, including immediate termination of employment and referral for criminal prosecution, where appropriate.

PRINCIPLES

In our mission to protect our beneficiaries we are guided by the Inter-Agency Standing Committee (IASC) six core principles (2002) incorporated into the UN Secretary General's Bulletin on "Special Measures for Protection from Sexual Exploitation and Sexual Abuse" published in 2003, intended to set forth standards to prevent SEA. UPP stands for the following principles:

1. Sexual exploitation and abuse by UPP personnel and associates constitute acts of gross misconduct and are therefore grounds for termination of employment.
2. Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief regarding the age of a child is not a defence.
3. Exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour is prohibited. This includes exchange of assistance that is due to beneficiaries.
4. Sexual relationships between UPP personnel or associates and beneficiaries of UPP programs are strongly discouraged since they are based on inherently unequal power dynamics. Such relationships undermine the credibility and integrity of humanitarian aid work.
5. Where a UPP employee/consultant or associate develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same agency or not, he or she must report such concerns via established internal reporting mechanisms (see paragraph 4.7.1 in Staff Handbook).
6. UPP personnel and associates are obliged to create and maintain an environment which prevents sexual exploitation and abuse and promotes the implementation of their code of conduct.

Moreover,

7. UPP strives to ensure that complaint mechanisms for reporting sexual exploitation and abuse are accessible.



8. UPP is committed to regularly inform the personnel and communities on measures taken to prevent and respond to sexual exploitation and abuse. Such information should be disseminated in-country and should include details on complaints mechanisms, the mechanism of internal investigation, actions taken against perpetrators and assistance available to complainants and victims/survivors.

9. UPP requires effective and comprehensive communication from HQ to the field and from the field to the HQ on

- (a) what to do regarding raising beneficiary awareness on PSEA and,
- (b) how to establish effective complaints mechanism at local level.

10. UPP ensures the rights of individuals (both beneficiaries and staff), balancing due process with a survivor-centred approach.

11. UPP acknowledges that a sustainable mechanism provides the option of submitting a complaint even to a body/referent that does not directly manage the alleged perpetrator of the misconduct or, the victim, which may alleviate fears of retribution.¹

When a complaint is made to more than one level of the organization, the integrated system minimizes the chances of complaints getting lost before action can be taken and minimizes the potential hardship on complainants.

INTERACTIONS WITH INTERNAL REGULATIONS

This Policy and Standard Operating Procedures (SOPs) are in no way intended to override internal policies set.

Rather, they are procedures that arise from and supplement internal policies set.

While these specific SOPs will serve to guide articulation of general provisions in the specific field of SEA, they must be complemented by internal commitment to fully implement existing internal policies; Code of Conduct (CoC), including investigations and staff training.

PSEA should permeate each level of the humanitarian infrastructure for successful prevention and response.

These SOPs are not intended to be a stand-alone resource. These SOPs aim to clarify how internal functions can cooperate in a joint complaint mechanism that is in line with the institutional policies and procedures. How a complaints mechanism (CM) is structured at the field level, however, might vary as certain aspects of a complaint mechanism must be tailored to the local context in order to be safe and effective.

Therefore, field teams headed by the Head of Mission (HoM) will need to develop country-specific Terms of Reference, and potentially, slightly modified SOPs to reflect the tailored approach, where necessary. This document will highlight the specific issues that field-based offices will need to address.

SCOPE OF THE POLICY

This policy applies to:

¹ For example, a body/referent could be a dedicated steering committee set in a consortium of NGOs, or an upper manager in the organization, or a Program Manager (PM) that is different from the one heading the project and the project staff in whose whereabouts the incident happened.



Personnel/Staff: For this policy purposes, “personnel” and “staff” are used interchangeably and they indicate any person who works for or represents the organization, whether or not s/he is compensated monetarily and regardless of the type or duration of their contract. Sexual harassment of personnel is not included in the scope of these policy and follows another set of procedures articulated in the CoC.

Partners: Entities or organizations that operate at country level to provide services and deliver humanitarian assistance. Staff of, and all those employed by, an implementing partner are “humanitarian aid workers” for the purposes of this policy and they fall within the Partners’ internal policies as acknowledged and investigated by UPP across the due diligence process to select Partners.

DEFINITIONS

Sexual Exploitation and Abuse (SEA): Particular forms of gender-based violence that have been reported in humanitarian contexts, specifically alleged against humanitarian workers. Sexual exploitation or abuse of a beneficiary is SEA, however the individual need not be in a vulnerable position; a differential power or trust relationship is sufficient to establish SEA.

Sexual Exploitation: “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: “The actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.”

Beneficiary: A person who receives assistance as part of either emergency relief or development aid.

Complainant: A person who brings an allegation of SEA in accordance with established procedures. This person may be an SEA survivor or another person who is aware of the wrongdoing. Where there is any conflict of interest between the survivor and another interested party, the survivor’s wishes must be the principle consideration in case handling, particularly when there is a risk of additional physical and/or emotional harm.

Survivor/Victim: A person who has SEA perpetrated against him/her or an attempt to perpetrate SEA against him/her. For the purposes of this policy, persons who report SEA committed against themselves are treated as survivors/victims for the purposes of security and needs assessments.

Subject of the Complaint: Once a complaint has been filed, the alleged perpetrator of SEA is referred to under these terms.

RESPONSIBILITIES AND COMMITMENTS:

Managers and supervisors must ensure that all UPP personnel understand and comply with this Policy and its Principles. To aid in implementing this Policy, UPP managers (Executive Director, Heads of Departments, HR Manager, Country Representatives and Heads of Mission) and supervisors (Desk Officers, Heads of Office and Project Managers) commit to:



1. Ensure all staff at UPP is aware of PSEA contents and the related reporting system, by incorporating our standards on sexual exploitation and abuse in induction materials and training courses for our personnel and in other relevant organizational codes of conduct.
2. Incorporate appropriate job responsibilities (such as staff training, complaints and response mechanisms, coordinating high-level oversight and progress reports) in specific staff positions to support and ensure effective implementation of organizational strategies to prevent and respond to sexual exploitation and abuse.
3. In compliance with applicable laws and to the best of our abilities, prevent perpetrators of sexual exploitation and abuse from being rehired or redeployed by UPP. This includes use of background and criminal reference checks as per the Staff Handbook on the recruitment and selection process.
4. Establish and ensure that complaint mechanisms for reporting sexual exploitation and abuse are accessible, particularly to participants of UPP programs, and that UPP focal points for receiving complaints (Managers) understand how to discharge their duties.
5. Take appropriate action to the best of our abilities to protect persons from retaliation when allegations of sexual exploitation and abuse are made in good faith.
6. Investigate allegations of sexual exploitation and abuse involving UPP personnel and associates in a timely and professional manner, and to the best of our ability encourage personnel to do the same. This includes the use of appropriate interviewing practices with complainants and witnesses, particularly with children. Engage professional investigators as appropriate.
7. Take swift and appropriate action, including legal action, against UPP personnel who commit sexual exploitation and abuse. This may include administrative or disciplinary action, and/or referral to the relevant authorities for appropriate action, including criminal prosecution, in the abuser's country of origin as well as the host country.
8. Provide basic emergency assistance (medical, legal) and basic psychosocial support as appropriate and feasible to complainants of sexual exploitation and abuse.
9. Create and maintain mechanisms to systematically educate UPP personnel and associates and the communities we serve on measures taken to prevent and respond to sexual exploitation and abuse.
10. Ensure that when engaging in partnership, subgrant or subrecipient agreements, the agreements
 - a) incorporate this Policy as an attachment;
 - b) include the appropriate language requiring such contracting entities and individuals to comply with this Policy;
 - c) expressly state that the failure of those entities or individuals, to investigate allegations on sexual exploitation and abuse, or to take corrective actions when sexual exploitation or abuse has occurred, shall constitute grounds for termination such agreements on the part of UPP.



11. Ensure high level oversight and information systems on SEA reports received and actions taken in order to monitor effectiveness, report progress and improve efforts to prevent and respond to sexual exploitation and abuse.

STANDARD OF CONDUCT FOR PSEA

Protection of our beneficiaries is of utmost importance. The need for this Policy flows from a recognition that our work often puts UPP personnel in positions of power in relation to the communities we work with while also recognizing the potential outcome in exploitation throughout our work with beneficiaries and vulnerable populations. We have an obligation to use our factual power respectfully and must not abuse the influence we have over the lives and well-being of the participants of our programs and others in the communities where UPP works. We recognize that any such outcomes will certainly undermine the credibility of our work and the trust we build with those we intend to serve, as per UPP Staff Handbook on Standard of Conduct, paragraph 4.3, points 5, 6, 8, 14, 15, 17, 18 and 37.

These Standards apply to all UPP personnel and intend to provide an illustrative guide to make ethical decisions in their professional and personal lives. Any violation is serious a concern and may result in disciplinary action, up to and including dismissal, in accordance with disciplinary procedures of UPP as per UPP Staff Handbook at paragraph 4.7. While UPP will not impose on its partners to adopt the same processes, we are committed to raise awareness of partner personnel and provide capacity building to them with the aim of becoming fully engaged and committed to the Policy principles.

1. Personnel, associates and delegates ² will not abuse their position of power in the delivery or withholding of humanitarian assistance. They will not request any service or sexual favour from beneficiaries of UPP programs, children or others in the communities in which UPP works in return for protection or assistance and will not engage in sexually exploitative relationships.
2. Personnel, associates and delegates will not exchange money, employment, goods or services for sex, including sexual favours or other forms of humiliating, violent, degrading or exploitative behaviour. This prohibition against exchange of money for sex means UPP personnel, associates and delegates may not engage the services of sex workers, including on UPP premises or accommodation, or while travelling to/from or attending workshops, meetings and trainings, regardless of the local or national law concerning sex work or prostitution in the country.
3. Personnel, associates and delegates are strongly discouraged from having sex or engaging in sexual activities with program beneficiaries because there is an inherent conflict of interest and potential for abuse of power in such a relationship. If there is engagement in sex or sexual activities with a program beneficiary, the employee, associate, consultant or delegate must disclose this conduct to his /her supervisor for appropriate guidance. Failure to report such conduct may lead to disciplinary action pursuant to UPP policies and procedures.
4. Personnel, associates and delegates must refrain from sexual activity with any person under the age of 18, regardless of the local age of consent. Ignorance or mistaken belief of the child's age is not a

² Delegates are member of the delegations that on occasion UPP put together/group up and takes on the field for testimony and direct experience, i.e., solidarity vans, journalists, EU/Italy authorities.



defence. Failure to report such a relationship may lead to disciplinary action pursuant to UPP's policies and procedures.

5. Personnel, associates and delegates will not support, organize or take part in any form of sexual exploitative or abusive activities, including, for example, child pornography or trafficking of human beings.
6. Personnel, associates and delegates must report any concerns or suspicions they have regarding possible violations of this SEA Policy via UPP's reporting mechanism. Personnel, associates and delegates must report any such concerns via UPP established reporting procedures even when the person who may be in violation of this policy is Partners or Contractors Personnel.
7. Sensitive information related to incidents of sexual exploitation and abuse whether involving colleagues, beneficiaries or others in the communities in which UPP works shall be shared only with enforcement authorities and UPP referents.

REPORTING ON BREACHES AND MAKING COMPLAINT

Anyone has the right to make a complaint about the behaviour of those associated with UPP and its programs including any inappropriate behaviour of other employees or volunteers using the Reporting and Internal Investigation system in Staff Handbook at paragraph 4.7.1. Any manager who suspects inappropriate behaviour should refer to the same process and seek advice from their HR representative immediately. Complaints from people external to UPP will be dealt with under the Complaints Policy. We recommend that complaints concerning SEA be made within 3 months of an incident taking place. We recognise that this may not always be possible or likely with allegations of such a sensitive nature. An investigation can go ahead no matter how long ago an incident occurred (but obviously the sooner the better) and no matter whether the alleged victim wishes to take an active part.

INTERNAL INVESTIGATION

UPP has procedures for carrying out investigations into allegations in paragraphs 4.7.1 and 4.7.2 of the Staff Handbook.

Guidance and support to those managing investigations is essential and is available from your HR Manager and in Guidelines on Handling Allegations of SEA.

Any investigation on a SEA allegation shall be notified to the HR Manager at HQ and to the Executive Director.

Investigations are an internal administrative process and would not therefore involve the police or judiciary. Investigations are carried out so that UPP can have the best information possible on which to base its decisions concerning staff conduct and consequences thereof. Please see paragraphs 4.7.1 to 4.7.3 of the Staff Handbook.

We will alert the appropriate authorities if, following an investigation, we judge that:

- A crime has taken place,
- Confidentiality can be ensured
- The victim is in agreement and
- Those associated with the case will not be subject to abuse or violence.



SURVIVOR ASSISTANCE

Victims will receive immediate support as necessary at all levels (medical, psychological, security), in line with the wishes and needs of the victim and to levels appropriate locally (and to a level deemed acceptable to appropriate professional staff).

DEBRIEFING and FOLLOW-UP

All staff involved with an SEA allegation may interact closely with people who are upset, distressed or angry.

As a result, they may feel the need for help or would like to talk things through with somebody appropriate.

UPP has an in-house counsellor available for all expatriate staff who wish to make use of this service. Country Directors could also consider whether there are appropriate support mechanisms available locally that might be accessible and acceptable to those in need.

CONSEQUENCES

Employees who contravene UPP's clearly stated expectations of their sexual conduct will be subject to disciplinary action that may result in dismissal. Volunteers and incentive workers will have their relationship with UPP terminated. Partners whose employees contravene our expectations and those expressed in partnership documentation must conduct appropriate investigations. Failure to do so will result in funding being withdrawn and their relationship with UPP will be terminated. Contractors/Consultants who contravene our expectations will have their contract ended.

As outlined above (in Investigations), the appropriate authorities might become involved under certain circumstances.

LEARNING

HQ Human Resources and Executive Director keep a database from which analysis for trends in behaviour, investigation outcomes and problems will be regularly analysed. Regular reporting of incidents to them is obligatory.

Approved by the Executive Director

Novella Mori

On the 3rd January 2018.