



## POLICY ON PROTECTION AGAINST SEXUAL EXPLOITATION AND ABUSE (PSEA)

Version 2/2022

### 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, reporting to relevant networks and inter-agencies dedicated mechanism and referral for criminal prosecution, where appropriate.

### PRINCIPLES

The Inter Agency Standing Committee (IASC) adopted *Six Core Principles* in 2002, which were revised in 2019<sup>1</sup>, intended to set forth standards to prevent SEA and incorporated into the UN Secretary General's Bulletin on SEA in 2003. 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 immediate 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 prohibited, 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 (see paragraph 4.7.1 in Staff Handbook) and/or inter-agency reporting mechanisms.
6. UPP personnel and associates are obliged to create and maintain an environment which prevents sexual exploitation and abuse and which promotes the implementation of the provided standard of conduct.

Moreover,

7. UPP strives to ensure that complaint mechanisms for reporting sexual exploitation and abuse are accessible and meaningful. Complaints and reporting maybe submitted in any form, written or verbal, through reporting mechanisms or other channels, or sent to the dedicated address [safeguarding@unponteper.it](mailto:safeguarding@unponteper.it) which is managed, in compliance with confidentiality and Data

---

<sup>1</sup> <https://interagencystandingcommittee.org/inter-agency-standing-committee/iasc-six-core-principles-relating-sexual-exploitation-and-abuse>



Protection, by the Executive Director, the HR Manager at HQs and the Protection Desk Office at HQs.

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 existence of an internal investigation mechanism, relevant consequences for perpetrators and assistance available to complainants, survivors/victims.
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 personnel), balancing due process of law with a survivor-centred approach.
11. UPP acknowledges that a sustainable mechanism provides the option of submitting a complaint even to a third party without direct management line with the alleged perpetrator or service relationship with the survivor/victim, which may alleviate fears of retribution. When a complaint is made to more than one person in the organization, the integrated system minimizes the risk of missing complaints before action can be taken and minimizes the potential repercussions on complainant(s).

#### INTERACTIONS WITH INTERNAL REGULATIONS

While these Policy and 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 on standards of conduct, including investigations, disciplinary measures 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 *Feedback and Complaints Response Mechanism (FCRM)* is structured at the field level, however, might vary as certain aspects of a complaints mechanism must be tailored to the local context in order to be safe and effective.

Therefore, field teams headed by the 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 regardless.

#### SCOPE OF THE POLICY

This policy applies to:

**Personnel:** For this policy purposes, “personnel” is 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 relationship with UPP.

**Partners:** Entities or organizations performing any duty related to their mandate, providing services and/or delivering humanitarian assistance. Staff, members, volunteers of an implementing partner are “humanitarian aid workers” for the purposes of this policy.



**Contractors and Suppliers:** Entities (and their personnel) partaking in the humanitarian infrastructure even partially and/or occasionally, when performing tasks attained to the humanitarian response.

## 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 and/or abuse of a beneficiary is SEA, however the individual need not be in a vulnerable position; the differential in power or trust relationship between a humanitarian worker and a direct or indirect beneficiary of the response 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 directly targeted by the response as part of either emergency relief or development aid and person(s) associable with the former at a degree that may imply to consider the latter as indirect target of the response.

**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.

**Reporter:** Any person who flags in any way, shape or form information on an allegation of SEA to a humanitarian worker.

Also, the person receiving in any way, shape or form information on an allegation of SEA and putting it forward through the established procedures.

**Victim/Survivor:** A person who has SEA perpetrated against him/her or has experienced an attempt of SEA against him/her. For the purposes of this policy, person(s) who allegedly have experienced SEA are immediately treated as survivor(s), in line with the survivor-centred approach, pending the outcome of the investigation.

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

## RESPONSIBILITIES AND COMMITMENTS:

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



1. Incorporate our standards on sexual exploitation and abuse in induction materials and training courses for our personnel and in other relevant organizational standards 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 and other humanitarian entities. 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 personnel receiving complaints 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.
6. Put forward, upon UPP investigation mechanism in paragraph 4.7.1 of Staff Handbook, 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 is found to have committed sexual exploitation and abuse (perpetrator). This may include administrative or disciplinary action, and/or referral to the relevant authorities for appropriate action, including: reporting to relevant networks or inter-agency coordination mechanisms, criminal prosecution either in the perpetrator's country of origin (if international personnel) and in the host territory. Any action taken shall be based on survivor/victim and complainant wishes for expressing or omitting identifiable personal information.
8. Ensure survivor/victim and/or complainant(s) of SEA access to emergency assistance (medical, legal) and psychosocial support as appropriate and feasible, based on their wishes and consent.
9. Create and maintain mechanisms to systematically educate UPP personnel and associates and the communities we serve on SEA and 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 or the reference to it;
  - 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

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 encounter in our work. We have an obligation to use our power respectfully and must not abuse the power and influence we have over the lives and well-being of the participants of our programs and others in the communities where UPP works, as per UPP Staff Handbook on Standard of Conduct.

These Standards apply to all UPP personnel and are intended to provide an illustrative guide to make ethical decisions in their professional and personal lives. Any violation is a serious concern and may result in disciplinary action, up to and including immediate dismissal, in accordance with disciplinary procedures of UPP as per UPP Staff Handbook at paragraph 4.7.

1. Personnel, associates and delegates 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, 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 prohibited 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 their immediate 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 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 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, even when the alleged person in violation of this policy is Partners' or Contractors' or other Humanitarian Actors' 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 for the investigation (*need to know* basis).



## REPORTING ON BREACHES AND MAKING COMPLAINT

All humanitarian personnel has the duty and anyone else has the right, to make a complaint or to report about the behaviour of those associated with UPP, using the Reporting and Internal Investigation system set in Staff Handbook at paragraph 4.7.1, the dedicated email address [safeguarding@unponteper.it](mailto:safeguarding@unponteper.it) or any other channel.

Any manager who suspects inappropriate behaviour should refer to the same process and seek advice from their most senior managers in Mission.

Complaints from person(s) external to UPP will be entered through the Complaints Policy (and FCRM).

**Complaints on SEA shall be handled promptly without any delay, and preferably within 24 hours, regardless** the alleged survivor/victim wishes to take an active part in the process, thus the report/complaint may be submitted also omitting the identifiable personal information of the survivor/victim and/or the complainant, based on their consent and wishes.

We recognise that SEA disclosures maybe brought forward by a survivor long after the incident occurred due to the sensitive nature of such allegations.

An investigation can go ahead no matter how long ago an incident occurred, however we strongly recommend to put forward the SEA allegation **within 3 months from the incident**.

## 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 senior managers and through the Guidelines on Handling Allegations of SEA.

Any investigation on a SEA allegation shall be notified 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.

Mandatory reporting: at the launch of an investigation as per UPP Staff Handbook paragraph 4.7.1, the concerned donor and the relevant networks and inter-agency coordination mechanism shall be notified. The outcome of the investigation will also be notified at the investigation closure.

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

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

## SURVIVOR ASSISTANCE

Survivors/Victims will be granted access to immediate support as necessary at all levels (medical, psycho-social, security), in line with the wishes and needs of the survivor/victim and to levels appropriate locally (and to a level deemed acceptable to appropriate professional staff).

## DEBRIEFING and FOLLOW-UP

All staff involved with a 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 staff who wish to make use of this service.

Country Directors/Heads of Mission could also consider whether there are appropriate support mechanisms available locally, that might be accessible and acceptable to those in need.





### CONSEQUENCES

Personnel members who contravenes UPP's clearly stated expectations on sexual conduct will be subject to disciplinary action that may result in immediate dismissal.

Partners whose personnel members contravene our expectations and those expressed in partnership documentation must conduct appropriate investigations.

Failure to do so will result in partnership termination.

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 on SEA incidents to these positions is obligatory.

**Reviewed by Protection Desk Officer**

**Priscilla Peroni**

**Validated by the Executive Director**

**Novella Mori**

**On the 3<sup>rd</sup> January 2022.**