



PROTECTION FROM SEXUAL EXPLOITATION, ABUSE AND HARASSMENT POLICY

Approved on the 9° July 2024

Valid from the 1° September 2024





**PROTECTION FROM SEXUAL EXPLOITATION,
ABUSE AND HARASSMENT POLICY**

Ed. 1-Rev.1- 09/07/2024

Page 1 of 10

Protection from Sexual Exploitation, Abuse and Harassment Policy

Table of Contents

1 PURPOSE AND APPLICABILITY 2

2 INTERACTIONS WITH OTHER INTERNAL REGULATIONS 2

3 DEFINITIONS 3

4 SIX CORE PRINCIPLES AND PSEA-H STANDARD OF CONDUCT 4

5 REPORTING AND RESPONSE PROCEDURE 6

 5.1 Reporting Procedure 6

 5.2 Reporting Management 7

 5.3 Response Procedure 7

6 DISSEMINATION and TRAINING 8

 6.1 Dissemination 7

 6.2 Training 8

7. LEARNING 9

8. DISCIPLINARY SISTEM 10

	Revisions					
Edition: First	0	1	2	3	4	5
Date	30.06.20	09.07.2024				
Issued by	FOD + Administration Department	Compliance Manager				
Verified by	Projects & Grants Division	Vicepresident				
Approved by	Executive Committee	Executive Committee				



1 PURPOSE AND APPLICABILITY

Sexual Exploitation, Abuse and Harassment (SEA-H) by aid workers contradicts the principles upon which humanitarian action is based and it 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.

Sexual Harassment represents a similar failure among colleagues and it jeopardizes the safety and the productivity of the working environment.

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

The purpose of this PROTECTION FROM SEXUAL EXPLOITATION, ABUSE AND HARASSMENT (hereinafter PSEA-H) Policy is to provide for recommendations and practical guidelines to prevent any form of harassment, intimidation, persecution, abuse or any other sexual misconduct contrary to the current legislation, to the consolidated policies in the humanitarian space on this topic and the obligations entered into with donors and, where they occur, to counter them and prevent recurrence.

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 mechanisms and referral for criminal prosecution, where appropriate.

This policy applies to:

Personnel: For this policy purposes, “personnel” is any person who works for or represents the organization, whether remunerated or not and regardless of the type or duration of their relationship with EMERGENCY NGO.

Partners: Entities or organizations performing any duties related to their mandate, providing services and/or delivering humanitarian assistance together with or through the support of EMERGENCY NGO ONLUS. 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 by EMERGENCY NGO ONLUS.

Delegations: group of visiting donor’s, institution’s, networks or guarantors’ delegates visiting EMERGENCY premises, programs or offices.

2 INTERACTIONS WITH OTHER INTERNAL REGULATIONS

PSEA-H should permeate each level of the humanitarian infrastructure for effective prevention and response.



While this Policy will guide on the articulation in the specific field of SEA-H of the general provisions, it complements with the general commitment to fully implement the internal policies on ethics and rule of law, including the internal investigations on reports, the applicable disciplinary measures and staff training.

Thus, this PSEA-H Policy is not intended to be a stand-alone resource.

Internal documentation of reference:

- *Code of Ethics;*
- *Organisation, Management and Control Model;*
- *Whistleblowing Policy and Complaint Reporting Mechanism.*

3 DEFINITIONS

The following definitions will serve as a guide in connection with this Policy:¹

- **Sexual Exploitation and Abuse (SEA):** these are 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 actual need. In fact, **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. In a humanitarian worker-direct or indirect beneficiary of aid relationship, consent and age for consent are irrelevant.**
- **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.” Here there is an exchange between sexual favours and something in return.
- **Sexual Abuse:** the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.
- **Sexual Harassment versus SEA:** Sexual harassment is any unwelcome sexual advance, request for sexual favour, verbal or physical conduct or gesture of a sexual nature, or any other behaviour of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation to another, when such conduct interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment. **Sexual harassment occurs between colleagues and it is not SEA. SEA occurs against a beneficiary** or another member of the community.
- **Gender-Based Violence versus SEA:** GBV is “an umbrella term for violence directed toward or disproportionately affecting someone because of their actual or perceived gender identity. The term

¹ The terms are reported in the United Nations “Glossary on Sexual Exploitation and Abuse”, 24 July 2017



PROTECTION FROM SEXUAL EXPLOITATION, ABUSE AND HARASSMENT POLICY

Ed. 1-Rev.1- 09/07/2024

Page 4 of 10

is primarily used to underscore the fact that structural, gender-based power differentials around the world place women and girls at risk for multiple forms of violence. This includes acts that inflict physical, sexual or mental harm or suffering, threats of such acts, coercion, and other deprivations of liberty.” Sexual exploitation and abuse are forms of GBV. GBV as a whole is not covered under this Policy.

- **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/Reporter/Whistleblower:** A person who brings an allegation of SEA-H in accordance with established *Whistleblowing* procedures. This person may be a SEA-H survivor or another person who is aware of the misconduct. Also, the person receiving in any way, shape or form, information on an allegation of SEA-H and putting it forward through the established *Whistleblowing* procedures.
- **Victim/Survivor:** A person who has SEA-H conduct perpetrated against or has experienced an attempt of SEA-H. For the purposes of this PSEA-H Policy, person(s) who allegedly have experienced SEA-H are immediately treated as survivor(s), in line with the survivor-centred approach, pending the outcomes of the investigation.
- **Subject of the Complaint/Reported Person/Alleged Perpetrator:** Once a report has been filed, the alleged perpetrator of SEA-H is referred to, under these terms.

The definitions set out above are not intended to be an exhaustive list. Other types of sexually exploitive or abusive behaviours may be grounds for disciplinary action in accordance to the Code of Ethics.

4 SIX CORE PRINCIPLES AND PSEA-H standard of conduct

The PSEA-H Policy aims to promote the development and implementation of procedures and practices aimed at ensuring a work environment in which interpersonal relationships are based on fairness, dignity and mutual respect.

EMERGENCY, in application of the principles contained in the *Code of Ethics* and in *the Organisation, Management and Control Model*, and the best standards in the humanitarian space, intends to implement diversified measures to prevent and contrast sexual misconduct also leveraging on the appropriate disciplinary tools offered by national legislations.

EMERGENCY is committed to uphold the implementation of the **six core principles of the United Nations' Inter-Agency Standing Committee (IASC) Working Group on SEAH** adopted in 2002 and revised in 2019, intended to set forth standards to prevent SEA-H. All EMERGENCY personnel and partners are required to comply with the following behaviours during working hours and outside working hours:



PROTECTION FROM SEXUAL EXPLOITATION, ABUSE AND HARASSMENT POLICY

Ed. 1-Rev.1- 09/07/2024

Page 5 of 10

1. Sexual exploitation and abuse (SEA) by EMERGENCY personnel 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 EMERGENCY personnel or associates and direct or indirect beneficiaries of EMERGENCY 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 any EMERGENCY staff member develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same office or not, s/he must *immediately* report such concerns via established internal channels provided in the *Complaint Reporting Mechanism*.
6. EMERGENCY personnel are obliged to create and maintain an environment which prevents sexual exploitation, abuse and harassment, which promotes the implementation of the instructions contained herein. Managers at all levels have particular responsibilities to support and develop systems which maintain this environment.

Moreover, EMERGENCY personnel commit to the followings:

7. EMERGENCY strives to ensure that complaint mechanism for reporting sexual exploitation and abuse and harassment are accessible and meaningful. Complaints and reports maybe submitted in any form, written or verbal, anonymous, pseudonymized, or in person, through the reporting mechanism channels provided in the *Whistleblowing Policy and Complaint Reporting Mechanism*. EMERGENCY ensures the rights of individuals (both beneficiaries and personnel), balancing due process of law with a survivor-centred approach. EMERGENCY personnel must report in a very timely manner any concern or suspicion they have regarding possible violations of the Policy via EMERGENCY established reporting procedures.
8. EMERGENCY personnel must not request any service or sexual favour from beneficiaries of EMERGENCY programmes or other members of the communities in which EMERGENCY works, in return for protection or humanitarian assistance and must not engage in sexually exploitative relationships;
9. Personnel will not exchange money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour. The prohibition against exchange of money for sex means EMERGENCY personnel shall not engage the services of sex workers;
10. It is prohibited for EMERGENCY personnel having sex or engaging in sexual activity or romantic relationship with direct or indirect beneficiaries because there is an inherent conflict of interest and potential abuse of power in such a relationship on inherently unequal power dynamics. Such relationships undermine the credibility and integrity of humanitarian aid work. If a staff member realizes later to have had sex or engaged in sexual activities with a direct or indirect beneficiary, or even to have started a romantic relationship with a person falling under the same categories, the

concerned person must disclose this conduct to the CRM immediately for appropriate guidance. Failure to report such a conduct will lead to disciplinary action;

11. EMERGENCY personnel must not support or take part in any form of sexual exploitative or abusive activity, including, for example, pornography, child pornography or trafficking of human beings;
12. EMERGENCY personnel must challenge poor practices and report potential risks which might lead to sexual exploitation or abuse;
13. Sensitive information related to incidents of SEA-H whether involving colleagues, beneficiaries or others in the communities in which EMERGENCY works are to share only with enforcement authorities and authorized people at EMERGENCY for the investigation (*need to know basis*).

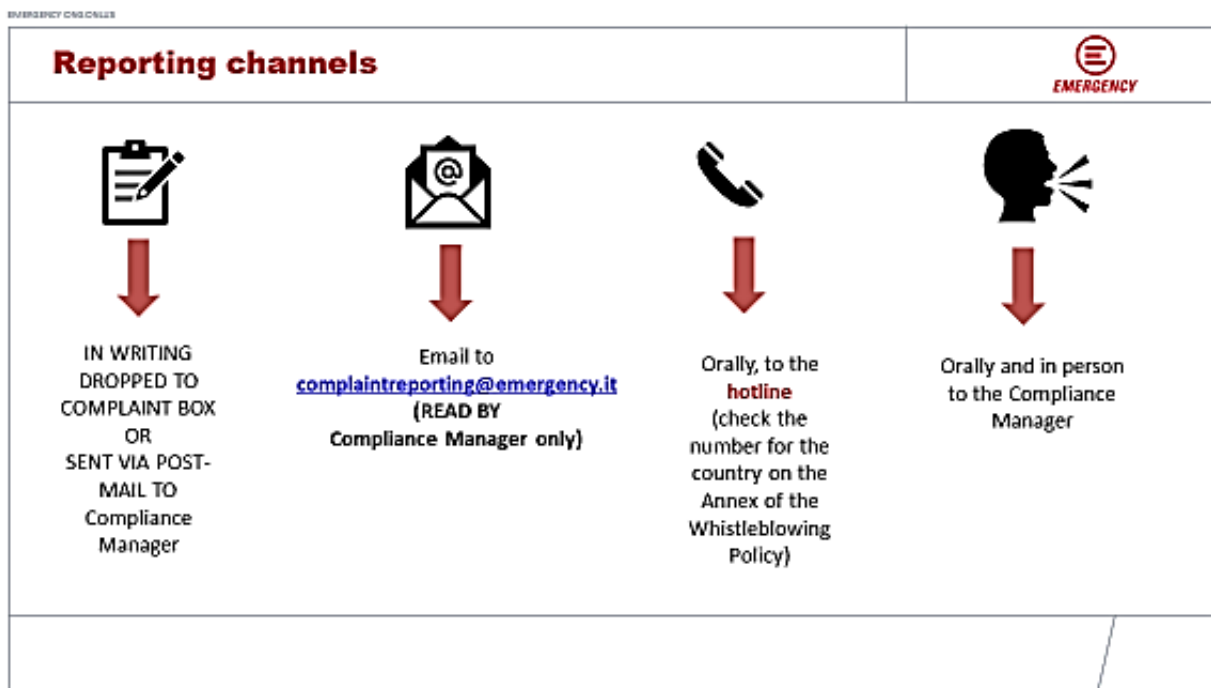
5 REPORTING AND RESPONSE

5.1 Reporting

All humanitarian personnel has the duty while anyone else has the right, to report about the misconduct of those associated with EMERGENCY, using the system and methods set out in EMERGENCY *Whistleblowing Policy and Complaint Reporting Mechanism*, available on EMERGENCY website and at EMERGENCY premises.

Any manager who suspects inappropriate behaviour should refer to the same channels and seek advice from the Compliance function.

Complaints from person(s) external to EMERGENCY are to enter through the same system and channels.



Complaints on SEA-H are to handle promptly without any delay and preferably, within 24 hours, regardless the alleged survivor/victim wishes to take an active part, thus the report/complaint may be submitted also



omitting the identifiable personal information of the survivor and/or the whistleblower, based on their consent and wishes.

We recognise that SEA-H disclosures may be brought forward by a survivor long after the incident occurred due to the sensitive nature of such allegations. An investigation can undergo no matter how long ago an incident occurred, however we strongly recommend putting forward the SEA-H allegation as close as possible from the occurrence of the misconduct.

5.2 Reporting Management

EMERGENCY has a dedicated procedure for carrying out investigations into SEA-H related reports through the *Guidelines on Handling Allegations of Sexual Exploitation, Abuse and Harassment* in Annex 9 of the *Whistleblowing Policy*.

Investigation is an internal administrative process and would not necessarily involve the police or judiciary. Investigations are to carry out so that EMERGENCY can have the best information possible to base its decisions concerning staff conduct and consequences thereof.

Mandatory reporting: at the launch of an investigation on SEA-H, the concerned donor and the relevant networks and inter-agency coordination mechanism shall be notified. The outcome of the investigation will be notified at the investigation closure.

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

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

5.3 Response Procedure

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

Once the Investigation Team has communicated the results of the investigation, according to the outcome, the Commission for Investigation defines the actions to be taken:

- If personal liability is established, the Commission defines which disciplinary sanctions to apply on the basis of the Organization's disciplinary system and the recommended standards in the humanitarian sector as well as the organizational learning, if any, emerged from the case;
- If no liability nor organizational failure is found, the Commission proceeds with the filing of the report upon the indications of the *Whistleblowing Policy* and its *Annex 9*.

For EMERGENCY personnel, sanctions apply according to the provisions of the recommended response upon the standards developed in the humanitarian space as compatible with the frameworks of the disciplinary system defined in the national labour laws. In particular:



- For employees both at main office and involved in projects, reference is made to the disciplinary system provided by the national collective bargaining agreements of the “Unione Nazionale Istituzioni e Iniziative di Assistenza Sociale” (so called UNEBA);
- For associates with a collaboration agreement, freelancers with a consulting agreement and volunteers, reference is likewise made to the disciplinary system provided by the UNEBA national collective bargaining agreements;
- For Local Staff, reference is made to the disciplinary system set out in specific agreements where existing, defined in the HR manuals and based on the Country’s labor law.

In case of personal liability and depending on the degree of responsibility, the Human Resources Office, in agreement with the Commission’s decision, will proceed with the dismissal of EMERGENCY personnel. While the Legal Department is appointed to manage the legal proceeding against the perpetrator, if necessary.

In compliance with applicable laws and to the best of our abilities, EMERGENCY prevents perpetrators of sexual misconduct from being (re)hired or (re)deployed by EMERGENCY and other humanitarian entities. This includes use of background and criminal reference checks on the recruitment and selection process.

6 DISSEMINATION & TRAINING

6.1 Dissemination

EMERGENCY:

- circulates this Policy and any update thereof to all personnel and it publicizes it on the website;
- incorporates reference to this *PSEA-H Policy* in induction materials, training sessions for personnel and in other relevant organizational standards of conduct;
- requires actual or prospective personnel to specifically commit to it;
- references this Policy in all contracts. When engaging in partnership, subgrant or subrecipient agreements, the agreements
 - a) incorporate this Policy or the explicit reference to it;
 - b) include the appropriate language requiring such contracting entities and individuals to comply with this Policy;
 - c) explicitly states that the failure of those entities or individuals, to investigate allegations on SEA-H, or to take corrective actions when SEA-H has occurred, shall constitute grounds for termination such agreements on the part of EMERGENCY.
- establishes and ensures that complaint reporting mechanism is safe, visible and accessible, particularly to participants of EMERGENCY programs, and that personnel receiving complaints understand how to discharge their duties. Appropriate action is made to protect persons from retaliation when allegations of SEA-H are made;
- is committed to regularly inform the personnel and communities on measures taken to prevent and respond to sexual misconduct. Such information should be disseminated *in-country*, and should include details on complaints mechanism, the existence of an internal investigation procedure, the relevant consequences for perpetrators and the assistance available to survivors.



**PROTECTION FROM SEXUAL EXPLOITATION,
ABUSE AND HARASSMENT POLICY**

Ed. 1-Rev.1- 09/07/2024

Page 9 of 10

6.2 Training

For effective implementation, the protection from sexual exploitation, abuse and harassment needs to be understood clearly and accurately by all EMERGENCY personnel, as well as beneficiaries and target communities. For this reason, EMERGENCY creates and maintains a mechanism to systematically educate the personnel on SEA-H as measure taken to prevent and respond to sexual misconduct.

EMERGENCY is committed to conduct repeated refresher trainings for all personnel on the content of the Policy and the related standards of behavior, based on prioritization upon the different degree of exposure of staff members, especially to SEA.

In particular:

STAFF	TYPE OF TRAINING	PERIOD
HR MO, FOD HR MO AND FIELD, FOD MO GRANTS, FOUNDATIONS AND PROGRAMMING, LEGAL UNIT SENIOR AND PROGRAM STAFF ON THE FIELD	INTENSIVE (6 hrs)	AT THE ENTRY AND EVERY 2 YEARS
FOD LOG, FOD AND MO PROCUREMENT, FOD ADMIN, MCU, EITHER MO AND FIELD, MO COMMUNICATION AND ADVOCACY STAFF, MO FINANCIAL REPORTING AND ADMINISTRATION	INTERMEDIATE (4 hrs)	AT THE ENTRY AND EVERY 2 YEARS
ALL STAFF	BASIC (3hrs)	AT THE ENTRY AND EVERY 3 YEARS
NEWLY RECRUITED STAFF	INDUCTION (45min-1hr)	AT THE ENTRY AND PREFERABLY BEFORE DEPLOYMENT OR WITHIN THE FIRST 3 WEEKS OF DEPLOYMENT

7. LEARNING

Organizational learning is a continuous focus in the handling of all reports that appear relevant to Compliance and, in particular, for all SEA-H related ones.

The tracking documentation at every stage of the recording and management of the reports, provides an obligatory section related to organizational failures and/or weakness, which might create room or facilitate SEA-H related incidents.



**PROTECTION FROM SEXUAL EXPLOITATION,
ABUSE AND HARASSMENT POLICY**

Ed. 1-Rev.1- 09/07/2024

Page 10 of 10

For SEA-related reports, a specific regulation for retention applies despite the lack of evidence, in order to ensure high-level oversight and information systems on SEA-H related risks, monitor effectiveness of adopted preventative measures, report progress and improve efforts to prevent and respond to sexual exploitation and abuse.

8. DISCIPLINARY SISTEM

The disapplication of the principles and rules contained in this procedure represents a violation of the *Code of Ethics* and of the *Organisational, Management and Control Model* and it involves the application of the disciplinary system adopted therein.

SEA is by definition gross misconduct and it is ground for immediate termination, as provided in the Six Core Principles of the UN IASC Working Group on PSEA-H.