

# PROTECTION FROM SEXUAL EXPLOITATION AND ABUSE (PSEA) POLICY

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Approved by

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## GLOSSARY

**Community-Based Complaints Mechanism (CBCM):** it is a mechanism system created for reporting in both formal and informal community structures, where the individuals are encouraged to report safely incidents of sexual exploitation and abuse faced by the community members. Local communities are involved in the development and implementation of the CBCM so that the structure contains both culturally and gender-sensitive approaches. A PSEA CBCM should not be a separate, parallel system to other complaints and feedback structures in a given area, but rather link to and build on existing structures to create one system for handling feedback and complaints.<sup>1</sup>

**Beneficiary:** a person who receives assistance as part of either emergency relief or development aid through assistance programmes. Persons under this title include members or affected populations including refugees, Internally Displaced People (IDPs) and other vulnerable individuals, as well as the host community members. When referring to sexual exploitation and abuse of a beneficiary, the individual doesn't have to be in a vulnerable position, a differential power trust relationship will be enough to establish a SEA.<sup>2</sup>

**Complainant:** a person who brings an allegation of SEA to the CBCM in accordance with established procedures. This person might be a SEA survivor or another person who is aware of the wrongdoing. Both the survivor and the complainant (if different from the survivor) must be protected from retaliation for reporting SEA. Where there is any conflict of interest between the survivor and another interested party, the survivor's wishes must be the main consideration in case handling, particularly when there is a risk of additional physical and/or emotional harm.<sup>3</sup>

**Gender-Based Violence (GBV):** it is an umbrella term for any harmful act that is perpetrated against a person's will and that is based on socially ascribed differences between males and females. It encompasses threats of violence and coercion and other deprivations of liberty. It can be physical, emotional, psychological, or sexual in nature, and can take form of a denial on resources or access to services. These acts can occur both in public or in private.<sup>4</sup>

**Gender-Based Violence (GBV) and Sexual Exploitation and Abuse (SEA):** Gender Based Violence (GBV) is violence that is perpetrated against someone because of his/her gender. Thus, SEA can be seen as a form of GBV, as victims of SEA are often abused because of their vulnerable status as women, girls, boys, or even men (in some circumstances).<sup>5</sup>

**Retaliation:** any harmful action threatened or taken because an individual reported misconduct or cooperated with an official audit or investigation.<sup>6</sup>

**Safeguarding:** it is referred to the action taken to promote the welfare of children or vulnerable adults and protect them from harm. Safeguarding is everyone's responsibility.

**Sexual Exploitation and Abuse (SEA):** particular form of gender-based violence (GBV)<sup>7</sup> that have been reported in humanitarian contexts, specifically alleged against humanitarian workers.

**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".<sup>8</sup>

**Sexual Abuse:** "The actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions".<sup>9</sup>

**Sexual Harassment versus SEA:** Sexual Harassment usually occurs between the staff/personnel of the organization and it is referred to the unwelcome sexual advance, offensive and unwanted behavior of a sexual nature. SEA, on the other hand, occurs against a beneficiary or member of the community.<sup>10</sup>

**Survivor:** a person who has been SEA perpetrated or suffered an attempt to perpetrate SEA against him/her. For the purposes of these policies and the mechanisms put in place, a person who report SEA committed against them are treated as survivors for the purposes of security and needs assessments.<sup>11</sup>

1 Inter-Agency PSEA CBCM SOPs (2016).

2 Ibid.

3 Ibid.

4 UNHCR (2018). "Sexual and Gender Based Violence". Available in: <http://www.unhcr.org/sexual-and-gender-based-violence.html>. IASC Gender-Based Violence Guidelines (2015).

5 Inter-Agency PSEA CBCM SOPs (2016).

6 United Nations Ethics Office (2017).

7 IASC Gender-Based Violence Guidelines (2015).

8 Secretary-General's Bulletin, Special measures for protection from sexual exploitation and sexual abuse ST/SGB/2003/13 (2003).

9 Ibid

10 Inter-Agency PSEA CBCM SOPs (2016).

11 The person who is, or has been, sexually exploited or abused. This term

**Victim:** also intended to reflect a person who has SEA perpetrated against him/her. It is used interchangeably with the term “survivor”;<sup>12</sup>

**Whistleblowing:** alarm signaling made by the organization's staff or by people outside the organization about expressing concern or an attempt to reveal an event at risk or of abuse in the context of the organization's activities.

## PURPOSE AND SCOPE

Sexual Exploitation and Abuse (SEA) done by humanitarian and aid workers directly contradicts the humanitarian principles, representing a failure on the protection of the communities. SEA inflicts harm on the beneficiaries the humanitarian community is obliged to protect, as well as it deteriorates the credibility of the rest of humanitarian and development organizations.

Humanitarian and cooperation workers are expected to uphold the best and highest professional and personal standards of conduct at every moment in order to protect the beneficiaries, their dignity, and their human rights.

All CUAMM staff members are required to behave with respect and dignity with the beneficiaries and the community, using particular care with the most vulnerable groups in the area: children, women, unaccompanied minors, the elderly, and other vulnerable groups depending on the context. CUAMM is committed to address a zero-tolerance organizational culture against complacency and impunity from those who commit SEA and other kinds of sexual and gender-based violence and abuse. All CUAMM staff must be familiar and enforce this policy, being proactive in overseeing the team's behaviour.

Through this policy, CUAMM expresses its strong determination to prevent and combat sexual exploitation and abuse of beneficiaries and members of the communities by CUAMM employees and all related parties. Minimum standards will be put in place to follow and protect beneficiaries and members of the community from sexual exploitation and abuse.

The Protection of Sexual Exploitation and Abuse Policy mainly addresses all CUAMM staff and the related parties with which the organization works, included in the following categories:

- Director and staff allocated in the Head Quarters in Padova, Italy
- Country representatives, program and Project Managers

- All the employees and collaborators in all CUAMM structures and projects
- Non-CUAMM entities and their employees who have entered into partnership agreement with CUAMM.
- Consultants and other freelance persons who act on behalf of CUAMM on the basis of service contracts.
- All volunteers joining any CUAMM project
- Suppliers of any sort of goods or services, including current and potential future suppliers.
- The rest of the people not included in the above-mentioned categories and that have signed a contract with CUAMM.

All the principles and norms set in this policy must always be implemented, during office hours and in the personal life, with no exceptions.

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

SEA goes against CUAMM mission and vision and represent a violation of the Code of Ethics of the organization.

CUAMM has zero-tolerance to any form of sexual exploitation and abuse, as well as other types of Gender-Based Violence, discrimination and non-sexual abuse of power perpetrated by a member of CUAMM staff and related parties against any individual regardless of age, sex, health conditions, nationality, political and religious orientation, disability or ethnic origin.

CUAMM aims to prevent all negative impacts, such as SEA, on the beneficiaries and the community when implementing programs and projects. CUAMM takes very seriously all the complaints and concerns about sexual exploitation and abuse and it initiates a rigorous investigation of the complaints through the SEA focal person that the organization will put in place in each country where CUAMM works.

implies strength, resilience, and the capacity to survive. “The terms ‘victim’ and ‘survivor’ can be used interchangeably. ‘Victim’ is a term often used in the legal and medical sectors, while the term ‘survivor’ is generally preferred in the psychological and social support sectors because it implies resiliency.” See Inter-Agency Standing Committee's Task Force on Protection from Sexual Exploitation and Abuse, “Guidelines

to implement the Minimum Operating Standards for Protection from Sexual Exploitation and Abuse by UN and non-UN Personnel” (March 2013) [hereinafter IASC Guidelines to Implement the MOS-PSEA (2013)], and IASC GBV Guidelines (2015), Part I - Introduction p. 1  
12 Inter-Agency PSEA CBCM SOPs (2016).

## CORE PRINCIPLES<sup>13</sup>

1. **Sexual Exploitation and Abuse** done by CUAMM staff and related parties constitute act of **gross misconduct** and are therefore grounds for disciplinary actions and/or **termination of employment contract** within the applicable and current regulations.
2. Sexual activities with **children aged under 18 is prohibited regardless of the age or consent. Mistaken belief regarding the age of a child is not taken as a valid defence** and in no way shall ignorance of the age of the person be accepted as a justification. A specific Safeguarding Policy will be put in place to set the principles, procedures and guidelines for guaranteeing children and vulnerable adult safeguarding in all domains of CUAMM action.
3. **Exchange of assistance, money, food, employment, goods or services for sex**, including sexual favours or other forms of humiliating, degrading or exploitative behaviour are absolutely **prohibited**.
4. Where CUAMM employees and related parties develops **concerns or suspicious** regarding sexual abuse or this concern is raised by a fellow worker, whether the

individual works for CUAMM or for other organization, partners, suppliers or other related stakeholders, he/she **must report** such concerns through the means and tools available within the organization.

5. Sexual relationships between CUAMM staff and beneficiaries and members of the community are **strongly discouraged** whenever they are based on **inherently unequal power dynamics**. Such relationships undermine the credibility and integrity of the humanitarian aid work.
6. All CUAMM staff members, whatever their position or level, are **obliged to create and maintain** an environment that prevent sexual exploitation and abuse and promotes the implementation of the **Code of Ethics**. Managers at all level have particular responsibility to support and develop system which maintain this environment.

Whenever it is appropriate, CUAMM will ensure to report for criminal prosecution and legal action to the competent authority in accordance with the applicable law and evaluate to take out proceedings as a civil damaged party.

## COMMITMENTS

CUAMM aims to fulfil the core principles through the implementation of the following commitments:

- To prevent and mitigate the risk of sexual exploitation and abuse done by CUAMM staff members and related parties:
  - The Country Representative, Program and Project Managers, and the Human Resource team must ensure robust recruitment screening process for all the personnel, especially for the people who will have any direct or indirect contact with children.
  - A Code of Conduct<sup>14</sup> will be put in place, which establishes, at a minimum requirement, the obligation of all the employees and partners not to exploit, abuse or otherwise discriminate against the beneficiaries and the communities.
  - The Code of Ethics is distributed to the new staff and duly known by everyone who collaborates with CUAMM in any way. This Code of Ethics contains the

mission, the vision, the values and principles, the set of rights, duties and responsibilities that holds with whoever CUAMM collaborates with or benefits from in its programs and projects.

- CUAMM will engage the support of the communities and governments to prevent and respond to sexual exploitation and abuse. Local communities shall be involved in the development and implementation of the Community-Based Complaints Mechanism (CBCM) so that the structure is both culturally and gender-sensitive.
- A Community-Based Complaints Mechanism (CBCM) for reporting sexual exploitation and abuse will be put in place and will be accessible. This CBCM should not be a separate/parallel system to other complaints and feedback structures in a given area, but rather link to and build on existing structures to create one system for handling feedback and complaints.

<sup>13</sup> These Core Principles go in accordance with the Core Principles from UN Secretary-General Bulletin on Special Measures for Protection from Sexual Exploitation and Abuse (ST/SGB/2003/13), which have been modified based on Doctors with Africa-CUAMM structure and activities.

<sup>14</sup> The Code of Conduct used will be the "United Nations Protocol on Allegations of Sexual Exploitation and Abuse Involving Implementing Partners". Available at: [https://interagencystandingcommittee.org/system/files/un\\_protocol\\_on\\_sea\\_allegations\\_involving\\_implementing\\_partners\\_final.pdf](https://interagencystandingcommittee.org/system/files/un_protocol_on_sea_allegations_involving_implementing_partners_final.pdf)

- CUAMM staff members and related parties are completely aware of the Core Principles contained in this Policy, as well as the Code of Conduct and the Code of Ethics of Doctors with Africa-CUAMM.
- To identify and act upon suspicious or actual sexual exploitation and abuse by staff members in a timely and systematic manner. In order to do so, CUAMM commits to:
  - Ensure to **set protocols and mechanisms of complaints** of sexual exploitation and abuse in a timely manner, including the immediate suspension of the alleged perpetrator from all the activities with a direct impact on the beneficiaries and the communities until the investigation finalizes.
  - Ensure to set protocols and mechanisms to properly inform the authority responsible for **conducting investigations** for sexual exploitation and abuse allegations in accordance to national and foreign legislations.
  - Ensure that the beneficiaries and members of the community know to whom they should report and what sort of assistance will be provided to them. All potential and actual **survivors** of SEA must be **fully informed** about how the complaint mechanism works, including the reporting process.
  - Make sure that complainants and survivors have the right to receive **feedback** on the development and outcome of their case if they are willing so, and the CBCM will make every effort to maintain lines of communication.
- Ensure to take the appropriate and necessary disciplinary actions, including the immediate termination of employment and referral for criminal prosecution and legal action, where appropriate, against the person who committed sexual exploitation and abuse. These actions will be taken also in accordance with the national law reporting and responding system.
- Ensure the protection of the victim, and the complainant of SEA after having verified and confirmed the reported facts either by internal investigation or by external investigation. CUAMM undertakes to provide assistance, psychosocial counselling, and medical treatment to any victim of sexual exploitation and abuse and any victim of Sexual Gender-Based Violence (SGBV), always when identified as not suspicious, unfounded or false, perpetrated by one of CUAMM staff members or related parties.
- CUAMM is responsible to ensure that all the third parties, including partners, are committed to respect the principles included in this PSEA Policy, in addition to those principles explained in the Code of Ethics of the organization and the Code of Conduct.
- The acceptance of the PSEA Policy by signature of a declaration form is a condition that CUAMM will put in place for undertaking any relation with the organization. For partners, in case of lack of a PSEA Policy, this Policy must be incorporated into contract and accepted by the Partner.

## MONITORING AND REPORTING

This section outlines the framework of the implementation of the PSEA Policy. CUAMM will ensure that all staff understands the Policy and have appropriate tools to implement it in the sphere of work and private lives. This policy will be an integral part of staff orientation and recruiting. A Code of Conduct for PSEA will be put in place, developing a mechanism that ensures that:

- All staff members and related personnel will be responsible on following the Core Principles of the PSEA Policy and implement them in their daily lives.
- Reporting mechanisms for PSEA survivors and complainants will be put in place and respected by all staff members of CUAMM and related parties.
- All projects, programs, country and regional reports will incorporate an incidence report on SEA.
- All new staff members will receive training on PSEA and old staff members will comply with refresher trainings.
- All staff members will be responsible for the protection of the beneficiaries and communities against sexual

exploitation and abuse and other forms of sexual violence, gender-based violence (GBV) and abuse of power, as well as for reporting cases.

- CBCM will be constantly monitored and supported by CUAMM and CUAMM will ensure that the communities and beneficiaries are aware of the rights and procedures of complaint that they have to their disposition.

## WHISTLEBLOWING PROCEDURE

All the human resources of the Organization and third parties in relationship with the Organization are encouraged to report suspected cases of abuse and offenses through the following communication channels:

Post: Via San Francesco 126, 35121 Padua  
 e-mail: [policy.advisor@cuamm.org](mailto:policy.advisor@cuamm.org)  
 Tel.: 0039.049.8751649

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### **Reporting elements**

In order to provide useful elements for a correct investigation activity, the reports must be as detailed as possible and able to provide the following:

- typology of the alleged abuse;
- place and date of the events occurred;
- subjects directly or indirectly involved in the act;
- how the abuse was committed;
- people who are aware of the alleged act;
- any witnesses.

### **Confidentiality and protection**

To put the Organization in a position to intervene efficiently and effectively, reports of alleged acts of abuse or

exploitation, if possible, must not be made anonymously. The Organization takes care of ensuring confidentiality and protection against retaliation against those who report any incidents.

The investigative actions will be undertaken by the Head of Finance and Control Management or by a person delegated by him on a strictly confidential and confidential basis.

The people interviewed are kept in the strictest confidence of the information communicated or received.

This policy will be revised from the organization every two years.