



**PREVENTION OF SEXUAL
EXPLOITATION AND ABUSE,
POLICY, GUIDELINES AND
PROCEDURES**

(PSEA PGP)

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Policy

Purpose

MEDU does not tolerate any form of sexual misconduct, including sexual harassment, sexual exploitation and sexual assault. This policy makes clear our commitment to addressing any form of sexual misconduct through screening, education, and the prompt and appropriate handling of any complaint of sexual misconduct.

- No form of sexual misconduct will be condoned by MEDU.
- Orientation of those to whom this policy applies will include a review of this policy and will be held at least once every three years and for new employees within six months of the start of employment.
- Any and every complaint of sexual misconduct will be dealt promptly, seriously and systematically.
- All MEDU employees and related personnel are expected to provide humanitarian assistance and services in a way that respects and fosters the rights of beneficiaries and other vulnerable members of the local communities.

MEDU seeks to:

- Promote zero tolerance of sexual misconduct, including sexual harassment, exploitation and abuse at MEDU by strengthening the policies and procedures for effectively reporting and responding to incidents of sexual harassment;
- Promote, high standards for vetting and referencing staff within the organization;
- Make publicly available policies, procedures including codes of conduct, covering sexual exploitation and abuse;
- Have accountability mechanisms integrated throughout the organization including roles and responsibilities to ensure monitoring and compliance with the MEDU code of conduct/code of ethics;
- Provide training to the staff on prevention of sexual exploitation and abuse and remedial measures when misconduct is found;
- Provide anonymous and confidential reporting mechanisms to protect SEA survivors and whistleblowers and ensure that they receive the support they need;
- Work with partners/agents to ensure that they have monitoring and investigation procedures for all cases of alleged sexual exploitation and abuse, and referral to the relevant authorities in cases of alleged criminal conduct;
- Report annually to the board the number of alleged and confirmed cases of sexual exploitation and abuse including measures taken;
- Where applicable, inform MEDU donors and funders of alleged cases of sexual exploitation and abuse.

Definitions

Sexual Assault is a criminal offense and will be taken as interpreted by Italian law. For the purpose of this policy, the following definitions are used:

Beneficiary: A person who receives assistance as part of humanitarian relief or development programs.

Child: Any individual under the age of 18 years, irrespective of local country definitions of when a child reaches adulthood.

Code of conduct: An organization's standard of personal behavior that staff must adhere to as a condition of employment.

Complainant: The person reporting (or "making a complaint" about) SEA. This could be the victim or another person who becomes aware of the wrongdoing.

Complaint: The report of an incident of SEA.

Complaints mechanisms: Processes for individuals to report SEA allegations. Complaints mechanisms should be safe, confidential, transparent, and accessible.

Complaints procedure: a framework that describes the course of action for receiving and processing allegations of SEA. This includes systems for processing complaints within an organization, as well as procedures for beneficiaries to bring complaints forward.

Focal point: A person specifically designated and trained to receive SEA complaints and to provide support on SEA matters. Within MEDU Organization, the Human Resources Manager is held accountable for the completion of these duties and tasks.

Gender: The social differences between males and females that are learned, and though deeply rooted in every culture, are changeable over time, and have wide variations both within and between cultures. "Gender" determines the roles, responsibilities, opportunities, privileges, expectations, and limitations for males and females in any culture.

Gender-based violence (GBV): An umbrella term for any harmful act that is perpetrated against a person's will and that is based on socially-ascribed (gender) differences between males and females.

Investigation procedure: A framework that describes the course of action to be taken when conducting SEA investigations.

Partner/Agent: An organization executing a project or undertaking work in the name of another organization.

Sexual abuse: Actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

Sexual Exploitation: Any actual or attempted abuse of 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. May consist of:

- Conduct that places or may reasonably be perceived as placing or attempting to place a condition of a sexual nature on employment, opportunities for training, promotion, or participation in any MEDU activity;
- An express or implied promise of reward for complying with a sexually oriented suggestion;

- A real or implied reprisal, denial of opportunity or threat of reprisal for refusal to comply with a sexually oriented suggestion;
- Taking advantage, or attempting to take advantage, of the vulnerability of a person in any MEDU activity.

Sexual Harassment is any behavior of a sexual nature that:

- Is unwanted or unwelcome or which reasonably ought to be known to be unwanted or unwelcome;
- May involve behavior that is unintentional as well as intentional;
- Is defined by its impact on others rather than the intent of the person engaged in the behavior;
- May consist of a single incident or persistent and repeated behavior;
- May include telling or circulating offensive material (such as jokes, stories, cartoons);
- May include stereotyping of individuals or groups on the basis of gender or sexual orientation.

Staff member/employee: Any person who either works for or represents your organization, regardless of whether or not s/he is compensated monetarily.

Subject of complaint: The person alleged to have perpetrated SEA.

SEA survivor: The person who is sexually exploited or sexually abused.

Volunteer: Any person who voluntarily undertakes or expresses a willingness to undertake a service on behalf of MEDU.

Vulnerable Persons include all children who are less than 18 years of age, and/or persons who, because of their age, a disability or other circumstances, whether temporary or permanent are:

- In a position of dependence on others; or
- Otherwise at a greater risk than the general population of being harmed by persons in a position of authority or trust relative to them.

Witness: A person who gives testimony or evidence in an SEA investigation. A witness may be the victim, the complainant, a beneficiary, a staff member of a partner agency, the subject of the complaint, or another staff member.

Application

This policy applies to any person who deals with members of the public and other third parties on behalf of MEDU, whether the person does so as a director, member, employee, volunteer, or otherwise.

The General Coordinator, or in extraordinary circumstances the board of MEDU is responsible for overseeing the administration of this Policy.

The MEDU Prevention of Sexual Exploitation and Abuse Policy, guidelines and procedures (PSEA PGP) applies to:

MEDU

- Board Members
- Employees
- Volunteers
- Interns

- Service providers PARTNERS
- Board Members
- Employees
- Volunteers/community based workers
- Committee members associated with MEDU funded projects
- Community leaders associated with MEDU funded projects
- Government authorities/officials/staff associated with MEDU funded projects

MEDU is committed to providing a workplace safe from any form of sexual misconduct including sexual harassment, sexual exploitation and sexual assault. Compliance with this policy is a condition for employment. MEDU shall take appropriate measures for this purpose in the communities where it operates through a robust PSEA framework aimed at strengthening MEDU's commitment to stand up against sexual exploitation and abuse.

MEDU understands that incidents of sexual exploitation and abuse may occur in situations of power imbalances and acute vulnerability. In humanitarian crisis and situations of poverty, people are particularly vulnerable to sexual exploitation and abuse. Humanitarian and aid workers, development workers and persons associated with MEDU as donors hold considerable resources and power, creating an environment that can lead to sexual exploitation and abuse. While some of these dynamics may be different in development contexts, there is the potential for sexual exploitation and abuse anywhere there are power imbalances.

This PSEA framework affirms MEDU commitment to the UN Secretary General's Bulletin on Special Measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13) and to achieving full and ongoing implementation of the IASC Six Core Principles relating to SEA.

1. Sexual exploitation and abuse by humanitarian workers 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. Any sexual relationship between Organization employees/related personnel and beneficiaries of assistance and/or other vulnerable members that involves improper use of rank or position is prohibited. Such relationships undermine the credibility and integrity of humanitarian aid work.
5. Where a Medu employee or related personnel 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 agency reporting mechanisms.
6. All MEDU employees and related personnel are obliged to create and maintain an environment, which prevents sexual exploitation and abuse and promotes the implementation of their code of conduct.

Managers at all levels have particular responsibilities to support and develop systems which maintain this environment.

The main purpose of the MEDU PSEA PGP is to promote greater accountability and outline the key responsibilities of MEDU staff, and partners/agents' staff. It seeks to promote mechanisms to protect all staff as well as every community member whom MEDU seeks to assist. All staff must be mindful that each action in the respective context can have repercussions for the fate of many.

Contractual Obligations

MEDU will include in all Memorandums of Understanding, Funding Agreements, Contracts and Partnership agreements a clause that:

- Specifies those partners/agents to Commit to prevention of sexual exploitation and abuse, to zero tolerance policy on SEA and to take measures to prevent and respond to SEA. The failure of those entities or individuals to take measures against SEA, to investigate allegations thereof, or to take corrective actions when SEA occurred, shall constitute grounds for termination of any cooperative arrangement;
- Establish accessible, transparent and confidential complaints handling mechanism processes within their own organizations and programs;
- Ensure that all their employees and volunteers are trained on PSEA and identify and mitigate potential risks of SEA;
- Raise beneficiary awareness and community-level confidential mechanisms for reporting SEA.

Procedures and best practices to prevent sexual exploitation and abuse

To protect all stakeholders in all situations, staff shall, while on duty and off duty, adhere to the following compulsory standards of behaviour.

At all times staff must never:

- i. Sexually exploit or sexually abuse any individual.
- ii. Engage in any sexual activity with a child or children regardless of the local age of majority or age of consent. Mistaken belief in the age of a child is not a defence.
- iii. Act in ways that may place a child at risk of abuse, including not giving due consideration to assessing and reducing potential risks to children as a result of implementing activities. Behaviours and actions that are prohibited include, but are not limited to, using inappropriate language or behaviour when dealing with a child or children, bullying and harassing a child verbally or physically, physical punishment, exposing a child to pornography including on-line grooming and trafficking. Whenever possible avoid being alone with a child.
- iv. Consume, purchase, sell, possess and distribute any forms of child pornography.
- v. Exchange money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour. This

includes the buying of or profiting from sexual services as well as exchange of assistance that is due to right holders for sexual favours.

- vi. Exploit the vulnerability of any target group in the context of development, humanitarian and advocacy work, especially women and children, or allow any person/s to be put into compromising situations.
- vii. Never abuse a position to withhold development or humanitarian assistance, or give preferential treatment in order to solicit sexual favours, gifts, payments of any kind, or advantage.
- viii. Engage in sexual relationships with members of crisis-affected populations given their increased vulnerability and since such relationships are based on inherently unequal power dynamics and undermine the credibility and integrity of aid work.

Staff must:

- ix. Inform his or her line manager when engaging in a long-term relationship with a member of the community, which is benefitting from a development or advocacy programme to prevent perception of a conflict of interest in countries where MEDU and its partners undertake long-term development work. The relevant MEDU and partner/agent's management are the sole decision-maker on distinguishing a crisis situation from a long term development situation.

Complaints and disciplinary procedures

MEDU aims to ensure that complaints are addressed fairly, appropriately, and in a timely manner. Complainants have the option of escalating their complaint to a more senior staff person if they are dissatisfied with treatment or outcome.

MEDU annually submits to the board a synthesis report of the types of complaints received and the status of their resolution.

Stakeholders must be able to lodge their concerns without fear of reprisals or unfair treatment. MEDU will do its utmost to ensure that complaints are handled confidentially. MEDU will do everything it can to protect the privacy of the individuals involved in any report of alleged violence, including alleged sexual violence and harassment, and to ensure that complainants and respondents are treated fairly and respectfully. MEDU will protect this privacy so long as doing so remains consistent with the enforcement of this policy and adherence to the law.

Individuals must notify their prospective employer of any SEA criminal convictions prior to employment and of any criminal charges that arise during her/his employment. Individuals must also notify their prospective employer of any former complaints concerning suspected or substantiated sexual misconduct.

Any upheld breach of PSEA PGP will not be tolerated and may, in accordance with relevant legislation, lead to internal disciplinary actions, dismissal or even criminal prosecution. Such action may be taken against both staff and organisations depending on the nature of the problem, the results of the investigation and proposed measures.

As a condition of employment, MEDU requires that its employees read, agree to and sign the MEDU PSEA PGP. MEDU board and volunteers are required to read, understand and sign adherence to the MEDU PSEA PGP.

MEDU will ensure that all its employees and volunteers are aware of the PSEA PGP, that they understand what it means in concrete behavioural terms and how it applies to their work.

MEDU puts in place the following prevention measures:

- Vetting: Medu systematically vets all prospective job candidates in accordance with established screening procedures.
- Training: Medu holds mandatory induction and refresher trainings for all employees and related personnel on the Organization's SEA policy and procedures.

Characteristics of an Effective Complaints Mechanism

Cultural appropriateness: The complaint mechanism should be designed to take into account specific cultural attributes as well as traditional mechanisms for raising and resolving issues, to ensure that the concerns of significantly different groups and subgroups are received and addressed.

Safety: Safe complaints mechanisms consider the potential dangers and risks to all parties and incorporate preventive measures. This includes ensuring confidentiality, offering physical protection when possible, and addressing the possibility of retaliation against witnesses.

Confidentiality: Confidentiality is an ethical principle that restricts access to and dissemination of information. In SEA investigations, confidentiality requires that information is available only to a limited number of authorized people for the purpose of conducting the investigation.

Confidentiality helps create an environment in which witnesses are more willing to recount their versions of events.

Transparency: A complaints mechanism is "transparent" when members of the affected community know it exists, have had input into its development, and possess sufficient information on how to access it and ensure it is adhered to.

Accessibility: A mechanism is accessible when it is available to be used by as many people as possible, from as many groups as possible, in all places where an organization is operational. Multiple mechanisms - or channels - ensure that all beneficiaries will have a means to complain.

Victim assistance: MEDU has a system to promptly refer SEA survivors to available services based on their needs and consent.

The following are the steps in processing complaints:

1. MEDU establishes a reporting system based on a safe and accessible mechanisms and procedures to report SEA allegations. MEDU has an institutional process on how to handle complaints and makes available to public/complainants' procedures to fill in a complaint (website, phone, complaint boxes, e-mail or regular mail);
2. Complaints are received by the Human Resources Manager which is the the designed PSEA focal point. Complaints are acknowledged in writing - written acknowledgement is important for reasons of accountability and transparency. It shows the complainant that the allegation is taken seriously and it gives her/him the information they need to ensure that MEDU/Partners/ Agents are

responding properly. If an investigation follows, this provides a record that MEDU/Partners/Agents have received the complaint and have given initial indications on how it is handling the situation in the initial stage.

3. Complaints shall be properly reviewed and investigated, without delay
4. Response is given - the letter of acknowledgement is generally a letter to the complainant telling her/him that MEDU/Partners/ Agents have received the complaint and summarizing the actions it will take.
5. Complainant may appeal decision.

MEDU process for lodging a complaint

Any complaint should be made soonest and/or when the complainant feels comfortable and safe to come forward. The complainant should not feel bound by time limits.

When assessing SEA complaints consideration should be given to the following points:

- When to report
- To whom to report
- How to report
- What will happen if they (employees) do not report (including possible disciplinary measures)

A complaint can be raised by anyone, including but not limited to:

- An individual or community with whom MEDU/Partners/Agents works
- A partner organization, including NGOs or CBO operating in the same area where MEDU/ Partners/Agents are implementing MEDU funded projects
- A member of the public
- A MEDU/Partners/ Agents staff

Complaints can be submitted to the focal point verbally (in person or by phone) or in writing.

Written complaints can be submitted by:

1. Email: psea@mediciperidirittiumani.org
2. Post:

Medici per i Diritti Umani
PSEA focal point
Via dei Volsci 101
00185 Roma

Confirmation of receipt of complaint

The complainant shall receive confirmation of receipt of the complaint, where possible, within two working days after MEDU receives the complaint.

The email, letter or phone call to the complainant acknowledging receipt of the complaint shall include the following information:

1. When and how the complaint was received;
2. How MEDU plans to address the complaint (process);
3. The name of the person responsible for handling the complaint;
4. The name of the person to contact with questions or feedback

Investigation

MEDU will communicate the preliminary outcome of an investigation to the complainant(s), where possible, 10 working days after acknowledgment of the complaint.

In complex or exceptional cases, the investigation period may take longer. The complainant(s) will, however, be informed if the investigation timeframe is extended.

Once a complaint has been made, MEDU will carry out a thorough investigation. The investigation will consider the following points when handling a complaint:

1. Does the complaint relate to a breach of any of the MEDU policies and guidelines?
2. Is there sufficient information and evidence or is there a need to further investigate?
3. At this point, is the allegation conclusive enough to take management action?

Answers to these questions by the relevant decision maker will determine whether an investigation is justified. If so, then investigation procedures should be put in place.

Some complaints may not be as straightforward. If after proper investigation, there is evidence to support allegations of SEA, the senior management/relevant body may decide to take further action, hire an independent investigator or go to national authorities for criminal prosecution.

Informing the Complainant about the investigation outcome

The outcome of the investigation will be communicated to the Complainant, where possible within 30 days after the acknowledgement of the complaint. In case for justifying reasons this timeline is not feasible, the complainant shall be immediately informed.

The senior management/relevant body is responsible for communicating the outcome of the investigation to the complainant. This must be done in writing.

Appeal Process

If the Complainant or the Subject of the Complaint is not satisfied on the resolution of the complaint, he/she may lodge an appeal within 30 days upon receipt of the decision.

The MEDU/Partner/ Agent body handling the complaint shall analyze the reasons given and any other new evidences to make a decision whether or not to conduct a new investigation. The appeal shall be considered only once.

Time allotment, roles and responsibility

MEDU aims to resolve complaints within 30 working days of receipt of the complaints. In the event that a complaint cannot be resolved within this timeframe, the complainant will be informed in writing about when he/she can expect a full response. The following is the time allotment that MEDU recommends for specific actions:

Complaint Received	→	Incident should be reported soonest but can be brought up when he/she feels safe and comfortable to do so.
Acknowledgement of Complaint received	→	Within 5 working days
Resolution on Operational Complaints	→	Decision within 10 working days
For Complaints needing further investigation	→	Actual investigation ideally in 20 working days, though may vary depending on the nature and complexity of complaint Maximum 30 working days
Appeal process	→	Within 30 days of decision

Timeline

March 2022

- Draft of PSEA GPG
- Approval of PSEA GPG by MEDU's board
- The board appoints the focal point person
- Creation of the dedicated email address psea@mediciperidirittiumani.org

April 2022

- PSEA GPG effectiveness

May 2022

- Staff training

Trainings & References

For the purpose of the mandatory trainings MEDU indicates the following materials:

- IASC, 'Saying No to Sexual Misconduct' -an Interagency Training on Protection from Sexual Exploitation and Abuse (SEA) and Sexual Harassment (SH) for partners.
- UNHCR translated the PSEA e-learning course into Italian (also available in all UN Official languages). The course has been uploaded on the UNICEF platform (Agora) as part of a UN joint effort to work on PSEA, on the UNHCR platform (Learn & Connect, link will be shared but you can freely access the platform and consult the available courses) and on a third platform DisasterReady
- The new Investigating Allegations of Sexual Exploitation and Abuse (e-learning course for partners) is also available on [DisasterReady.org](#).
- Secretary-General's Bulletin 9 October 2003 on Special measures for protection from sexual exploitation and abuse (ST/SGB/2003/13)

- 2018 UN Protocol on Allegations of Sexual Exploitation and Abuse involving Implementing Partners
- [UNHCR - Tackling sexual exploitation, abuse and harassment](#)
- [UNICEF - Corso di prevenzione dello sfruttamento e dell'abuso sessuale \(PSAS\) - IT](#)
- [IASC - Investigating Allegations of Sexual Exploitation and Abuse - A Learning Package for Partners](#)

Attachments

MEDU PSEA PGP is accompanied by the following attached documents:

- **SELF-DECLARATION:** relating to sexual exploitation and sexual abuse (SAS *) in the workplace: a document to be signed as a requirement for applicants to self-declare /disclose.
- **PSEA REFERENCE CHECK FORM:** a systematic evaluation of an applicant's past job performance, based on a questionnaire delivered to people who have worked with the applicant. It helps Human Resources to gain a more objective point of view on the candidate's past conduct and/or misconduct.

All the above mentioned templates aim at facilitating the operationalization of the PSEA with the goal of reducing the risks of sexual exploitation and abuse (SEA) in programme implementation.

SELF-DECLARATION

relating to sexual exploitation and sexual abuse (SAS *) in the workplace

- * **SAS - Sexual Exploitation and Abuse**
- ** **PSAS - Protection from sexual abuse exploitation**

The application of the PSAS policy (Protection from Sexual Exploitation and Sexual Abuse) aims to promote the creation of an environment free from impunity and acquiescence towards all forms of SAS, to combat and prevent acts of exploitation and sexual abuse, harassment, non-sexual intimidation and abuse of power against any individual regardless of age, gender, sexual orientation, disability, religion or ethnic origin.

Please note that each of the above acts constitutes an episode of serious conduct and causes disciplinary actions and / or the termination of the employment contract within the framework of the regulations in force.

With a view to full co-responsibility regarding compliance with the rules and principles enshrined in the PSAS policy, we ask you to certify the following:

The undersigned _____
Code Fiscal _____
born in _____ ()
on ____ / ____ / ____,
resident in _____ () _____
_____ no. __

The undersigned, being aware that false declarations are punished within the framework of the regulations in force, and as per art. 46 Presidential Decree n. 445/2000,

DECLARES

- To have read, understood and signed the Code of Conduct and the Policy for Protection from Exploitation and Sexual Abuse (PSAS).
- To have never been subject to sanctions (disciplinary, administrative or legal) related to investigations as concern sexual exploitation and abuse;
- To have never interrupted working relationships due to Exploitation and Sexual Abuse (SAS) issues reported at his/her expenses;
- To have never refused to contribute to any ongoing investigations related to SAS;
- To provide personal information to the employer during the screening phase, if requested;
- To comply with the SAS policy in force in the relationship with employees, beneficiaries, volunteers and all those who collaborate with the organization;
- To refer to the dedicated channels, if aware of cases of sexual harassment and other serious conduct within the working environment.

PSEA REFERENCE CHECK FORM

Name: Ms./Mr. _____

A. I, supervised / was colleague of the above-named person for _____ years.

B. Describe briefly how you know the candidate commenting on his/her competence and indicating notable assets or limitations.

C. Please indicate the reasons why the candidate left, or wishes to leave, your company. Would you be ready to re-employ? If no, please explain?

D. What is your opinion about candidate's temperament, dependability and discretion/ sensitivity, as well as attitude to associates and/or supervisors?

E. How would you assess candidate's ability to handle stress? How would you describe candidate's teamwork and collaborative behaviour?

F. Describe the candidate's ability to work in a diverse work environment, including with colleagues from various professional backgrounds and cultures

G. How would you rate the candidate's level of respect of/adherence to rules, regulations, processes and expected behaviours, e.g., code of conduct?

Excellent Very good Good Fair Poor

J. Was the candidate the subject of a disciplinary action(s)? Yes No

If so, please provide details on the nature of the allegations and the outcome of the disciplinary process, including sanction.

K. Was the candidate found to have committed misconduct involving sexual abuse, sexual exploitation, or sexual harassment? Yes No

If so, please provide details on the nature of the allegations and any subsequent disciplinary action taken, including sanctions.

L. Did candidate leave, or wishes to leave, the organization during an ongoing investigation into sexual exploitation and abuse in which they refused to cooperate? Yes No

If so, please provide further details:

M. Are you aware of any concerns or complaints that were made about the candidate in connection with working with, or having contact with children? Yes No

Date: _____

Name: _____

Title: _____

Signature: _____