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**Pediatri deťom,
občianske združenie**

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POLICY ON PROTECTION FROM SEXUAL EXPLOITATION AND ABUSE (PSEA)



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1.0 POLICY STATEMENT

Pediatri deťom, občianske združenie (hereinafter 'PD' or 'Association') is committed to preventing and addressing all forms of sexual exploitation and abuse (SEA) in its operations. Workers are expected to uphold the principles outlined in the United Nations Protocol on SEA Allegations Involving Implementing Partners. As such, the Association has a policy of **zero tolerance** for sexual exploitation and abuse (SEA) for all employees and associated personnel to ensure that roles, responsibilities and expected standards of conduct in relation to SEA are known within the Association.

PD acknowledges that incidents of SEA constitute gross misconduct. All workers are strictly prohibited from engaging in any form of sexual exploitation, abuse, or harassment. Workers have a duty to report any allegations, suspicions, or incidents of SEA promptly and responsibly to the designated focal point within the Association.

The Association recognizes the sensitive nature of SEA allegations and ensures that victims and whistleblowers are protected. Workers must treat all reports and related information with the utmost **confidentiality and respect** the rights and well-being of individuals involved. Any person found to have sexually harassed another will face disciplinary action, up to and including dismissal.

This document thus serves to establish the foundational framework for PD to prevent sexual exploitation and abuse and demonstrates the Association's commitment to preventing SEA and taking strong action in response to SEA allegations.

In Bratislava, 10.2.2024



Beata Kartousova

Executive Director

2.0 APPLICATION AND SCOPE

This policy is binding to all individuals associated with PD, including international and locally recruited members, daily laborers, consultants, interns, volunteers/incentive workers, (contracted) partners, and other persons acting as representatives of the Association (hereinafter 'workers'). **All workers can raise a complaint via the procedures outlined in this Policy.**

PD acknowledges that sexual exploitation and abuse (SEA) can affect anyone, irrespective of their gender or the gender of the abuser. PD further recognizes that instances of SEA can manifest within power dynamics and tend to occur in unequal relationships, particularly in situations involving benefactors and beneficiaries. PD is committed to addressing and preventing such instances of abuse of power. **Anyone, regardless of their role within the Association, who sexually harasses another individual will face appropriate reprimands** in accordance with the internal policy on sexual harassment and the national law applicable.

PD strictly prohibits all forms of SEA, regardless of the physical location where it takes place. This prohibition applies to all activities and operations of the Association, including any project funded by the Association, any project implemented by the Association, and any cooperating partner. It furthermore extends to situations of SEA which occur at or away from the workplace, during or outside working hours.

PD holds overall accountability for this Policy and its implementation. It is responsible for ensuring the Policy is reviewed and updated, if necessary, every **two years**.

3.0 DECLARATION OF COMMITMENT

PD commits to making every effort to create and maintain a safe environment, free from SEA, and shall take appropriate measures for this purpose in the communities where it operates, through a robust PSEA framework, including prevention and response measures.

This PSEA framework, affirms PD's 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, ongoing implementation of the UN and IASC global policies related to tackling SEA.

4.0 DEFINITIONS

Protection against sexual exploitation and abuse involves interventions aimed at safeguarding and responding to instances of sexual exploitation and abuse experienced by vulnerable individuals, as well as members, employees, volunteers, and partners PD. This policy also addresses sexual harassment and gender-based discrimination.

- *Discrimination* refers to conduct that treats a person, directly or indirectly, differently based on gender, religion or belief, race, nationality or ethnic group, disability, age, sexual orientation, marital and family status, skin color, language, political or other opinion, national or social origin, property, gender identity or other status, or due to reporting of criminality or other antisocial behavior.
- *Gender-based Discrimination* is an umbrella term for any harmful act perpetrated against a person's will and that is based on the socially ascribed (gender) differences between males and females.

SEA are forms of gender-based violence (GBV). It is the abuse or attempted abuse of a position of vulnerability, differential power, or trust for sexual purposes or the actual or threatened physical intrusion of a sexual nature by UN personnel, their implementing partners or other aid workers, against the people they serve.

- *Sexual exploitation* constitutes any actual or attempted abuse of a position of vulnerability, differential power, or trust for sexual purposes, including, but not limited to financial, social, or political gains at the expense of another person. Sexual exploitation involves any exchange of aid, money, employment, goods, or services for sex, sexual favors, transactional sex, or other forms of degrading or exploitative behavior.
- *Sexual abuse* is the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.
- *Sexual Harassment* is also a form of discrimination; it involves verbal, non-verbal, or physical behavior of sexual nature, the purpose or consequence of which is or be the infringement upon a person's dignity and which creates an intimidating, degrading, humiliating, hostile, or offensive environment.
- *Sexually motivated criminal offenses* include any act that fulfills the elements of a criminal offense (committed by a person over 14 years old, or in the case of sexual abuse, 15 years old, and fulfills the elements of one of the criminal offenses listed in Act No. 300/2005 Coll., the Criminal Code (hereinafter referred to as the "Criminal Code")), and this act has a sexual character. In the Slovak Republic, we distinguish

between the criminal offense of *rape*, the criminal offense of *sexual violence*, and the criminal offense of *sexual abuse*.

Rape involves forced sexual intercourse using violence or the threat of violence, which can only be committed by a man against a woman.

Other forms of sexually motivated criminal offenses begin to include broader definitions of victims and perpetrators are termed *sexual violence*, which, as stated in Section 200 of the Criminal Code, entails forced oral or anal intercourse or other sexual practices. The Criminal Code assumes the presence of violence or immediate threat of violence or abuse of helplessness (unconsciousness, intoxication...) to commit these two criminal offenses. However, a different conclusion arises from the case law of the European Court of Human Rights, which stated that the punishment of non-consensual sexual intercourse, '[including] cases where the victim does not show signs of resistance', is necessary for the effective protection of women against violence. This decision implies that **the fundamental determinant of rape should not be violence, but the lack of consent**. PD for Children reserves a right against any type of forced sexual activity for which one of the persons has not expressed consent.

Sexual abuse is considered to be having sex with a person who has not reached the age of 15. The perpetrator of this crime can only be a person over 15 years of age. Sexual abuse also includes proposing a meeting with a child through an electronic communication service with the intention of committing the criminal offense of sexual abuse or the criminal offense of producing child pornography by an adult; abusing a child under the age of 15 to induce sexual satisfaction by participating in sexual activities or sexual abuse, or enabling such abuse, even without the direct participation of the child; encouraging a child to have extramarital sexual intercourse or other sexual abuse of the child, either from a position of care, supervision, or dependence, or in the case of child prostitution or abuse of recognized status arising from trust, authority, or influence over the child.

As part of PD's policy, any sexual activity with a person under 18 is considered prohibited.

Conduct fulfilling the elements of a criminal offense under the conditions of the Slovak Republic will be reported to the relevant authorities by the organization. Other actions not regulated by the legal order of the Slovak Criminal Code will be addressed within PD in accordance with internal regulations, to which employees have agreed.

Examples of conduct or behavior that may constitute sexual exploitation or abuse include, but are not limited to:

- *Physical conduct:*
 - **Unwanted physical contact:** This includes any form of physical contact that is not consensual, such as patting, pinching, stroking, kissing, hugging, fondling, or any inappropriate touching.
 - **Acts of physical violence:** Sexual violence, including sexual assault or any other form of physical force of a sexual nature.
 - **Threats or promises for sexual favors:** Using threats, coercion, or promises of rewards, such as offering food, shelter, or other essential aid, to solicit sexual favors from beneficiaries, refugees, or local community members.

- *Verbal Conduct:*
 - **Inappropriate comments:** This involves making unwelcome comments about a person's appearance, age, private life, and other personal attributes.
 - **Sexual comments and Jokes:** Sharing sexual comments, explicit stories, or jokes that create a hostile or intimidating environment or cause discomfort among colleagues or beneficiaries.
 - **Initiating sexual advances:** Making explicit sexual advances, propositions, or requests for sexual favors.
 - **Unwanted social invitations:** Repeatedly inviting someone on dates or for physical intimacy after they have expressed their lack of interest.
 - **Sexist insults and derogatory remarks:** Using insults or derogatory remarks based on the person's sex.
 - **Condescending or paternalistic statements:** Making statements that are condescending or paternalistic in that they belittle or undermine a person based on their sex or gender.
 - **Sexually explicit messages:** Sending sexually explicit messages by phone or by email, including visual material.

- *Non-Verbal Conduct:*
 - **Sexually suggestive starrng:** Leering or staring at someone in a sexually suggestive manner (i.e., making inappropriate eye contact).
 - **Displaying sexually explicit material:** Showing images or videos of sexually explicit or suggestive material.
 - Sexually suggestive gestures: Using sexually suggestive gestures that create discomfort of intimidation
 - Whistling in a sexually suggestive manner: Whistling at or toward someone in a sexually suggestive manner. Whistling or making sounds directed towards another human being is considered inappropriate and offensive.

Other relevant definitions:

- *Complainant* refers to the person making a complaint; it may be the person who experienced what is being reported (the survivor), or it may be another person (a third-party complainant) who becomes aware of an issue and makes the complaint.
- *Whistleblower* refers to an individual who reports a concern regarding wrongdoings. Whistleblowers provide information, based on a reasonably held suspicion that a wrongdoing has occurred.
- *Survivor* refers to the person who has experienced sexual abuse, exploitation, or harassment. The terms *victim* and *survivor* can be used interchangeably. *Victim* is a term often used in the legal and medical sectors. *Survivor* is the term generally preferred in the psychological and social support sectors because it implies resiliency. The Association uses the term survivor as part of our survivor-centred approach as it emphasises the power of the individual, which the term *victim* can remove, along with their agency.

5.0 CORE PRINCIPLES

1) *Zero Tolerance*

SEA by PD's employees and related personnel constitute acts of gross misconduct and are therefore grounds for termination of membership, partnership, or collaboration with the Association.

Sexual activity with children (anyone under the age of 18 years) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief regarding the age of a child is not a defense.

All employees and related personnel of PD are obliged to create and maintain an environment which prevents SEA and promotes the implementation of this policy. Managers at all levels have responsibilities to support and develop systems which maintain this environment.

Exchange of money, employment, goods, or services for sex, including sexual favors or other forms of humiliating, degrading or exploitative behavior is prohibited. This includes exchange of assistance that is due to beneficiaries. PD does not make judgements against rights holders or others who choose to take part in such transactions but recognises the inherent unequal power dynamic and the potential for SEA and so, in line with the core principles, prohibits staff from exchanging money or anything else for sex.

Any sexual relationship between PD's workers with rights holders (people directly receiving assistance from the Association) or other vulnerable members of the

local community that involves improper use of rank or position is prohibited. Such relationships undermine the credibility and integrity of humanitarian aid work. Relationships or any kind of sexual activity with community members who are not rights holders are not prohibited unless they are or could be perceived to be exploitative or abusive. Such relationships must be raised with the leadership and human resources of the Association as soon as possible so that they can work together to manage the potential risks.

2) *Reporting Obligation*

Where member, employee, or other related personnel of the Association learns of or develops suspicions regarding sexual abuse or exploitation by a fellow worker, whether the alleged perpetrator is from the Association or not, he or she must report such concerns via the established reporting mechanisms. Reports must be made in good faith.

Furthermore, The Slovak *Criminal Procedure Code* (Coll. 301/2005) established regulations on mandatory reporting, which obliges everyone who has information about a possible crime to report it to the national authorities (i.e. the police). If the survivor is a child, mandatory reporting includes also the duty to report to the local Office of Labour, Social Affairs and Family. Some acts defined as Sexual Exploitation and Sexual Abuse in this policy that potentially fall under this requirement would be rape, sexual violence, and any abuse of minors, as well as human trafficking.

It is important to note that PD's reporting obligation, nor the laws related to mandatory reporting in the Slovak Republic do not impose obligations on survivors to report the crimes or incidents of SEA or harassment they have experienced. This also goes in line with the survivor-based approach.

3) *Confidentiality and Protection*

PD is committed to working with survivors and complainants and all other individuals involved in a confidential and respectful manner. **Members must treat all reports and related information with the utmost confidentiality and respect the rights and well-being of individuals involved.** Breaches of confidentiality undermine confidence and trust into the Association's complaints management process and the Association itself. From the point of disclosure to the outcome of any investigation, every effort must be made to maintain and promote confidentiality in order to protect the safety, privacy, and well-being of everyone involved. Information must be shared on a "need-to-know" basis, meaning that only with those who need to be informed so they can support an investigation, or because they hold overall accountability, will be given information, and they will receive only as much information as is needed to be effective.

If information is shared confidentially which relates to a child or suggests that someone's life is in danger, then action will need to be taken outside the standard procedures to ensure that everyone's safety. Such situations are to be managed on a case-by-case basis, still under application of the need-to-know approach.

Retaliation against individuals who report allegations of SEA in good faith is strictly prohibited and will be subject to disciplinary action, even if the allegations are proved unfounded upon investigation.

Furthermore, PD is committed to ensuring its compliance with local and international laws on data protection when gathering, storing, or sharing any data relating to individuals.

4) *Support and Survivor Assistance*

PD commit ensure that appropriate resources and services are available to survivors, promoting their well-being and recovery.

PD furthermore take a **survivor-centered approach** in its responses to SEA complains and allegations. In the survivor-centered approach, the survivor’s wishes, safety, and well-being remain a priority in all matters and procedures. The survivor is in charge of their case and thus gets to decide what they want to do, what information they want to share, who they want to talk to, and what help they want to receive.

5) *External Engagement*

PD collaborate with relevant stakeholders, including governmental and non-governmental organizations, to prevent and address the issue of SEA.

6) *Training and Awareness*

PD provide regular training and awareness programs to educate members about the prevention of SEA, the reporting mechanisms in place, and the importance of maintaining a safe and respectful environment.

6.0 ROLES AND RESPONSIBILITIES

Leadership (Management)

- Act as role models by making every reasonable effort to create and maintain an environment that assists in preventing SEA.
- Promote a safe and inclusive organizational culture and office environment that prevents SEA, where staff feel empowered to speak up, and support and develop systems that maintain this environment.
- Ensure that all workers of PD are informed and regularly reminded of the contents of the present policy.
- Establish a PSEA Focal Point
- Review and update PSEA-related policies and guidance.
- Provide oversight of PSEA prevention and response.

- Facilitate and oversee investigations of SEA allegations.
- Ensure attention and resources to PSEA across the organization.
- Coordinate with other organizations on PSEA, including donors.
- Ensure that a survivor-centered approach guides all actions for PSEA.

PSEA Focal Point

- Support Leadership to meet their PSEA-related responsibilities and to strengthen complaint handling, investigation protocols, and progress monitoring of complaints.
- Represent PD at PSEA Network meetings, actively participate in fulfilling the Network's Action Plan, and report back to the Head of Office on Network progress and lessons learned.
- Work with the PSEA Network to establish an inter-agency Community-Based Complaint Mechanism, incorporating PD's existing complaint and feedback mechanism (CFM) and in line with PSEA and GBV good practice.
- Regularly train all workers on PSEA, PD's Code of Conduct, and mechanisms for reporting SEA as well as awareness-raising.
- Coordinate with other relevant actors on PSEA and representing the organization in inter-agency PSEA Network.
- Ensure information about PSEA is communicated to the community, including sharing details on the complaint mechanism and referral pathway and service providers.
- Collaborate with Human Resources to ensure all new hires receive induction on PSEA.
- Design and disseminate awareness-raising tools and facilitate events for community members with emphasis on their rights, what SEA and staff reporting obligations are, and options for reporting sensitive complaints and victim assistance services.
- Report concerns or issues with PSEA implementation to leadership, including referrals of survivors to assistance and services.
- Act as a channel to receive allegations of SEA. Report and, where relevant, refer allegations to the organization/association whose personnel are implicated and survivors to assistance in line with internal procedure

and available pathways.

- Raise awareness of the Focal Points' identity and contact details throughout PD, the PSEA Network, and where appropriate the affected community.
- Commit to the role for a minimum of 1 year (to avoid the loss of institutional memory due to personnel change) and prepare a briefing for their replacement if existing.

Human Resources

- Conduct screening for past SEA violations, and other code of conduct and policy violations (i.e., fraud, corruption, abuse of power), as part of recruitment process.
- Establish and ensure staff sign a Code of Conduct that clearly prohibits SEA, obliges reporting of such acts, and enforces these clauses when breached.
- Integrate a PSEA clause in personnel contracts and contract agreements, including when subcontracting.
- Support communication with personnel during investigation of SEA allegations.
- Keep PSEA-related documents of personnel on file, including signed codes of conduct.
- In consultation with the Legal Department, decide on 1) whether there are legitimate grounds to charge the individual with sexual exploitation and abuse, 2) if charges are issued, review responses to charges, 3) recommend appropriate disciplinary measures
- Offer appropriate support to both the alleged perpetrator and all other workers interviewed during the course of a PSEA related investigation. This includes access to psychosocial support services (i.e., counselling)

Partners

- Read, sign, and abide by PD's Code of Conduct. Breaches can lead to termination of contractual and/or partnership agreements. It is PD's responsibility to share the Code of Conduct with the Partner and collect signed copies.
- Receive appropriate training on PD's SEA Policy and, in cooperation with the Association, ensure that spaces are created to share knowledge on best practice to address SEA and recognize the expertise and approaches of both sides in this area.
- Ensure knowledge and access to PD's reporting system or, alternatively, have its own robust reporting mechanism for the Partner's staff and community members to access.

- Report all concerns regarding Partner’s staff or the workers of the Association via the mechanisms detailed further in this document. Were the Association to receive a complaint about a member of staff at a partner organization, the Association will work with the partner to ensure this is responded to quickly and appropriately. If there is reason to believe that a complaint has been dealt with inappropriately or inadequately by a partner, PD will consider whether it will withdraw funding or end the relationship.

All Workers

- Read, understand, and uphold the Code of Conduct, the present Policy, and all related PSEA Policies.
- Complete mandatory PSEA training.
- Actively participate in SEA-related trainings and awareness-raising efforts, including support for dissemination of PSEA materials.
- Report any SEA allegations or incidents witnessed, heard about, or suspected through the designated reporting channels.
- Participate in investigations of SEA allegations as appropriate and be prepared to cooperate fully with those responsible for investigations.
- Identify and mitigate/avoid SEA-related risks.
- Limit sharing of sensitive complaint information to a “need to know” basis, in line with data protection principles and a victim-centered approach and ensure the confidentiality of any reported incidents (subject to the rights set out in the Association’s Whistleblower Protection Policy)

7.0 PSA FRAMEWORK

The PSEA Framework outlined in this section serves as a pivotal foundation for PD’s commitment to safeguarding the well-being and dignity of all individuals it serves and engages with. The Association’s approach to PSEA is designed to be flexible and adaptable, ensuring its alignment with the unique context, dynamics, and organizational structure of the Association.

Central to PD’s commitment is the incorporation of pertinent measures into the various policies and procedures of the Association. These measures are vital in fortifying our collective resolve to prevent and respond to Sexual Exploitation and Abuse effectively.

In accordance with the Association's pledge to prioritize the well-being of affected populations, aid recipients, and local communities, including those identified as at-risk groups, PD seek their consultation when appropriate. Their voices and perspectives are integral in ensuring that the systems and measures established for the prevention and response to SEA are not only responsive to vulnerabilities and needs but also culturally appropriate.

7.1 Recruitments

Adhering to best practices, PD implement rigorous recruitment processes to minimize the potential of involving individuals who may present a risk to the communities we serve, as well as to our workers and other representatives within the Association.

- Job announcements and advertisements explicitly state, in a standard paragraph, the Association's zero-tolerance policy regarding SEA.
- As part of the recruitment interviews, questions related to ethics and PSEA are asked in order to assess the candidate's understanding of and ability to reflect on the Association's values.
- All prospective job candidates are systematically vetted in accordance with established screening procedures, to ensure the Association does not hire potential employees that would pose a risk to staff and our beneficiaries.

The Association acknowledges that obtaining police checks, declarations of previous convictions, and references may present challenges or be unfeasible in some contexts. Given the time-sensitive nature of humanitarian settings, there may be a need to commence work prior to the completion of these checks. In such cases, alternative measures must be implemented. Recruiters are responsible for taking all reasonable steps to manage risk, which includes conducting comprehensive interviews. Additionally, a more extensive reference check, involving written submissions or a telephone conversations with referees, is mandatory.

Throughout the probationary period, close monitoring by line managers and HR is required to detect any potential policy violations. Identified violations should be addressed promptly and in accordance with the policy.

In situations where police checks or references raise concerns about a candidate's suitability, the Association will determine whether to proceed with the recruitment. The justifications for these decisions must be documented in the HR files and approved by Leadership.

- Proof of identity of the applicant should be confirmed at the interview stage, and a hard copy added to the staff file.

- Selected applicants are asked to sign self-declarations attesting to not having committed SEA in the past and binding themselves to not commit SEA in their new role within the Association.
- The Code of Conduct and present Policy is included alongside the offer letter to all new workers and representatives. The Code of Conduct must be signed by all workers and other representatives before commencing duties.
- A standard PSEA clause is included in all employment contracts, clearly establishing the definitions and roles & responsibilities of staff regarding PSEA. These include, but are not limited to, the duty to not commit SEA, to report SEA, and to cooperate in good faith with any investigation or audit related to a SEA case conducted by the Association.
- A standard PSEA clause is included in all contracts and partnership agreements with suppliers, contractors, subcontractors, and sub-partners requiring them to commit to a zero-tolerance policy on SEA and to take measures to prevent and address SEA.

Where suppliers, partners and contractors do not have appropriate policies and measures in place, the Association supports them in developing such policies and take such measures, as deemed relevant.

The failure of those entities or individuals to take preventive measures against SEA, to investigate allegations thereof, or to take corrective action when SEA has occurred, shall constitute grounds for termination of any cooperative arrangement.

7.2 Induction

All new workers and representatives receive an orientation on the Association’s approach to PSEA, along with this Policy, within one month of their appointment at the latest. The orientation is overseen by the Focal Point, in coordination with Human Resources.

For roles with specific requirements, more comprehensive orientations on Pediatrician’s PSEA approach, as well as country-specific risks and challenges, may be necessary.

7.3 Awareness

7.3.1 Personnel, including mandatory trainings

PD is committed to ensure that all workers understand PSEA, are aware of the PSEA systems of the Association, and are informed of their obligations, as well as what actions to take in case of an allegation. In particular, the Association ensures all workers are aware of the following:

- A clear prohibition of SEA.
- Definitions of SEA and a clear understanding of behaviors that constitute SEA.

- The obligation of all personnel to report any suspicions or concerns and consequences for failing to report (i.e., disciplinary measures).
- The option of reporting information anonymously.
- The Association’s protection for those who makes an allegation in good faith (i.e., whistleblower policy, protection from retaliation policy, protection plans for complainants);
- Details regarding who to report to and what information to share to allow for proper response and follow-up.
- Actions that personnel are required to take (i.e., prompt reporting of allegations and referral of survivors).
- Explanation of how the Organization uses the information (i.e., who receives the reports, the internal procedure for response and follow-up).

The Association holds refresher trainings conducted semi-annually, in person or online, for all members and related personnel on the Association’s PSEA policy and procedures. To do this:

- The Association has a training plan for all staff, targeting different levels of audiences and participants.
- The Association keeps record of the attendance of all its personnel to induction and refresher trainings and the updating of the lists of participants.
- The Association has training materials on PSEA, that are adapted to the type of training provided (induction or refresher), as well as the audience of the training and ensure opportunities to exchange and discussions among personnel.
- In addition to trainings, the Association takes measures (both in writing and verbally) to ensure that its employees and associated personnel are informed of their PSEA related obligations as well as what actions to take in case of an allegation. This may include, without being limited to, posters, memos, reminder emails, quarterly integration in agenda meetings, etc.

7.3.2 Partners

PD does not condone sexual exploitation and abuse, as well as sexual harassment, committed by its members and third parties. The Association will engage partners, members, communities, and individuals in addressing the issues of sexual exploitation, abuse, and harassment, and strengthen their ability to prevent these human rights violations whenever possible and respond to them.

When partnering with the Association, this Policy as well as the Code of Conduct will be attached to partnership agreements. The agreements will also stipulate that the Association may terminate partnership agreements if partners (entities or individuals) fail to prevent sexual abuse, exploitation, harassment, and discrimination and do not respond appropriately in accordance with the principles of this Policy. The principles of this Policy will be shared in accessible formats and languages and disseminated through a comprehensive communication strategy.

The Association expects partners to respond promptly and appropriately to complaints. If there is reason to believe that the response was not appropriate or adequate, the Association may terminate the partnership agreement.

7.3.3 *Beneficiaries and local communities*

PD is committed to ensure the awareness by its beneficiaries and local communities on PSEA and its approach to eradicating and combatting SEA. For this purpose, the Association will utilize visual communication materials for communities and “ready-to-use” awareness raising messages that are adapted to local context, drafted in relevant local languages, and designed to be easily understood by and accessible to beneficiaries, especially those groups considered at higher risk.

The Association engages in awareness-raising efforts in the communities in which programs are implemented, to provide information on what PSEA is, the standards of conduct that apply to the Association’s workers, how to make a report, and the commitments from the Association to respond to SEA incidents.

7.4 Integration of PSEA into planning, programing, and operational processes

The Association ensures that risks of sexual exploitation and abuse are properly assessed, addressed, and monitored through integrating PSEA into its planning, programming and operational processes and allocates sufficient human and financial resources.

The Association conducts thorough and inclusive risk analysis and assessments on SEA while designing projects and program activities with mitigation measures and identifies the groups that are the most marginalized and at heightened risk of SEA. This may include site safety mapping, focus group discussions with intended beneficiaries and other stakeholders (including women, children, local authorities/communities, etc.) and other relevant research methods.

PD acknowledges that the principles of PSEA must be at the core the Association’s endeavors. It recognizes that poorly conceived programs and related activities may lead to undue harm to right-holders and community members. It is thus imperative that the planning, programing, and implementation processes prioritize protection of beneficiaries and the local community every stage of program lifecycle.

To actualize this commitment, the Association shall:

- Actively engage rights holders and communities, including adults at risk, in the assessment, planning, implementation, monitoring, and evaluation of programs through participatory approaches.
- Acknowledge that sexual exploitation and abuse often stem from gender and other disparities and ensure that its programs are gender-sensitive.
- Implement community-based complaints mechanisms and reporting processes that are designed in collaboration with communities to accommodate both safeguarding

and non-safeguarding concerns, ensuring transparency, accessibility, and timely, robust responses.

- Collaborate with the monitoring and evaluation team to identify areas for improvement and learning.
- Disseminate this policy, translated into the local language, to ensure that all workers, representatives, and the communities comprehend and adhere to it.
- Prioritize the safety, dignity, and rights of survivors in all responses, emphasizing a survivor-centered approach.
- Embed PSEA principles in all of the Association's efforts.
- Foster a culture of responsibility among all staff and representatives, requiring them to maintain an environment free from sexual exploitation and abuse and to report any suspected or witnessed abuse, both within and outside the Association, following the mechanisms outlined further in this policy.
- Accompany all partner Memorandums of Understanding (MOUs) and partner discussions with a copy of the present policy to enhance comprehension and adherence.

8.0 REPORTING

PD upholds a commitment to maintaining secure, confidential, and accessible reporting mechanisms for individuals, including children, to report allegations SEA. The Association ensures that affected populations, aid recipients, and communities are well-informed about these reporting mechanisms through the provision of clear documentation, dissemination of the documentation via various communication channels, conducting training sessions, and establishing a feedback loop for continuous improvement.

In preserving the safety and privacy of survivors and complainants, the Association implements measures to restrict access to information and securely store written reports. Information disclosure is strictly on a 'need-to-know' basis for the purposes of investigation or providing assistance to survivors.

The reporting mechanisms at the Association align with fundamental principles:

- 1) **Confidentiality:** The Association maintains the confidentiality of complainants, survivors, and all involved parties, with SEA-related information remaining confidential. Identities are safeguarded, and the sharing of personal information occurs only with the informed consent of the individuals involved, extending to translators or interpreters if necessary. Information disclosure follows a 'need-to-know' basis, even with consent, with only relevant information shared to assist the survivor. All records, online and physical, are stored securely to prevent accidental or unauthorized disclosures. The Association makes sure to inform all complainants of the rights and limits of confidentiality and to request their explicit informed consent, in writing, prior to recording the complaint.

- 2) **Safety:** The safety of survivors takes precedence in all aspects, including reporting, organization-led investigations, and the provision of survivor assistance.
- 3) **Transparency:** The Association ensures that members of affected communities are informed about how to raise complaints and allegations in accessible formats, regardless of age, literacy, language spoken, or disability. Transparency extends to specific policies, procedures, investigation methods, and reporting channels, all of which are communicated clearly to all workers and associated personnel.
- 4) **Accountability:** The Association empowers community members with the knowledge of their rights, including the right to make and withdraw SEA allegations. Survivors are kept informed about the progress of their case, including investigations and referrals to GBV services. Information regarding any service providers' obligations to report to authorities (mandatory reporting) is provided to survivors to enable them to make informed decisions.
- 5) **Informed Consent:** The Association ensures that informed consent is obtained, supported by comprehensive information on available options, before sharing a survivor's information or taking any action or referral. The Association informs all complainants and survivors of the obligation of mandatory reporting for all its workers who become aware of SEA. However, the Association also recognizes the right of survivors to withdraw their consent at any time, as well as their right to choose whether to be involved in the reporting and investigation process or not. Where the survivor wishes to not be involved, their access to services still remains a priority, while the incident reported is referred without identifiable information.

Informed consent is the voluntary agreement of an individual who has the legal capacity to give consent. The individual has the right to receive all relevant information ahead of giving consent, and to place limitations on the type and extent of information to be shared, and with whom.

Informed Assent is sought with children who do not have the legal capacity to give consent but are old enough to understand and express willingness to participate in services. Children must be consulted and given all information needed to make an informed decision, using child-friendly techniques.

- 6) **Best Interest of the Child:** All the above principles apply to children, including the right to participate in decisions that affect them. Whenever a decision is taken on behalf of a child, the best interest of the child shall be the overriding guide. PD follows a guideline on informed consent/assent in accordance with the principle of the best interest if the child.

A guide to reporting incidents of SEA is enclosed to this document (Annex I).

8.1 Notification:

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PD offers various channels for reporting complaints: directly to the focal point at psea@pediatridetom.com or at pediatridetom.com/psea. Complaints submitted through the website can be made anonymously.

PD furthermore acknowledges that complaints may also be received by a worker of another organization or pertain to a worker of another organization, in which case, the Association will, with the complainant's informed consent, refer them to the PSEA Focal Point of their own organization within a maximum of 24 hours.

The Association provides training to staff likely to receive complaints (i.e. the focal point, the Head of Office) on the relevant procedures and the alleged incident report.

The Association is committed to ensuring a fair and respectful handling of all complaints, promoting a safe and inclusive work environment for all individuals involved.

Upon receiving a complaint, the Focal Point shall:

1. Counsel the survivor (if known).
2. Fill out an allegation report and submit it to the Head of the Association.
3. Inform the PSEA Coordinator of allegation received, and the actions taken.
4. Always take mandatory reporting into consideration.

The timeline and responsibilities for the process of receiving a complaint, responding to a complaint, and escalating for it are further detailed in the Association's Guidelines for handling SEA Allegations.

8.2 Protection from retaliation:

PD is committed to uphold a culture of transparency and a safe environment where personnel and beneficiaries can report SEA allegations as soon as possible without any adverse or punitive action being taken against them. Thus, the Association will not tolerate any kind of retaliation, or threat thereof, against anyone who reports a situation of SEA or cooperates in any investigation process related to a SEA allegation.

8.3 Assistance to SEA survivors

Survivors of SEA have a right to assistance and timely support in a manner that is safe, culturally relevant, and age and gender appropriate, and based on their informed consent.

The Association is committed to ensuring that any survivors of SEA have access to assistance and support as soon as information about an allegation is received, regardless of (i) the Association's decision to investigate the case by the Association, (ii) the outcome of the investigation and (iii) irrespective of whether the survivor cooperates with an investigation or any other accountability procedure.

Support and assistance shall entail:

- Provision of safety measures to protect against retaliation
- Services including, without being limited to, immediate medical and health care, dignity kits, mental health and psychosocial support, legal services, basic material assistance and support to children born as a result of SEA.

8.4 Reporting to the PSEA Task Force

For the purpose of monitoring SEA trends in Slovakia, on a quarterly basis, the Association's PSEA Focal Point will share with the PSEA Coordinator anonymized, non-identifiable information on complaints received, if any, and action taken.

9.0 INVESTIGATIONS

Timely and professional investigations are essential to ensure justice for the victim and the accountability of the perpetrator. Where the alleged perpetrator is a worker of the Association, the Association is responsible for conducting the investigations on its own expense.

Upon complaints and allegations of SEA submitted for investigation by the Focal Point, the investigation team shall follow internal policies to determine the next steps:

- Investigation is not possible
- Start an internal investigation and inform UN partner agency
- Start an external investigation and informs UN partner agency

10.0 Investigation Procedure

Once a decision has been made to investigate an allegation then an investigation team has to be found. All investigations shall be based on the victim-centered approach and meet due-process standards.

The Investigation procedure is detailed in the Guidelines on Handling Allegations of Sexual Exploitation and Abuse.

After investigating the complaint, the results of the investigation will be communicated to the complainant. If the complainant disagrees with the results, they can request the responsible person to conduct a re-examination of the complaint within a 10-day period.

9.1 Referral to National Authorities:

While internal investigations are of an administrative nature, certain acts of sexual misconduct may warrant referral to local authorities (i.e., mandatory reporting).

Similarly, if, after an investigation, there is evidence to substantiate the allegations of SEA, cases may be referred to national authorities for any appropriate action, including criminal prosecution. Informed and voluntary consent of the survivor shall be sought prior to any referral to national authorities.

9.2 Corrective Action:

The person or team responsible for investigating SEA allegations will make recommendations for improvement so that the Association can reduce the recurring risk of any misconduct. The management of the Association oversees reviewing and implementing these recommendations. Changes brought to the Association's PSEA systems will be communicated to the personnel as relevant.

10.0 SANCTIONS AND DISCIPLINARY MEASURES

Any worker of the Association found to have engaged in SEA, as defined by this policy, may be subject to disciplinary measures.

The specific disciplinary measure imposed will be determined based on the severity and scope of the transgression. It is important to emphasize that appropriate and effective sanctions will be implemented to ensure that incidents of SEA are treated with the seriousness they deserve. In cases involving particularly severe offenses, immediate dismissal of the perpetrator may be warranted.

The purpose of these disciplinary measures is to uphold the principles of fairness, deter future instances of SEA, and safeguard the well-being of all individuals within and working with the Association.

11.0 IMPLEMENTATION OF THIS POLICY

The Association is committed to the broad dissemination of this policy to all pertinent individuals, thereby ensuring its comprehensive understanding and compliance. This policy shall be incorporated into the staff handbook, which serves as an authoritative resource for employees. As part of the induction process for new employees, comprehensive training on the contents of this policy shall be provided, emphasizing its significance and application within the company. It is the duty of each manager to diligently uphold the responsibility of

ensuring that all employees under their supervision possess full awareness and comprehension of this policy, thereby fostering a culture of adherence and accountability.

12.0 MONITORING AND EVALUATION

The Association acknowledges the significance of ongoing monitoring and evaluation of its sexual harassment policy and is committed to collecting statistical data and information in an anonymous manner to assess its utilization and effectiveness. Supervisors, managers, and designated individuals responsible for addressing sexual harassment cases will diligently report on compliance with this policy, including the number of incidents, their resolution processes, and any recommendations put forth. This reporting will be conducted annually. Subsequently, the company will conduct an evaluation of the policy's effectiveness based on the provided report, making necessary adjustments if deemed appropriate.

To ensure comprehensive monitoring and evaluation, methods like employee questionnaires and feedback from survivors and individuals involved in the complains procedure will be utilized.

ANNEX I

Guide to Reporting Complaints:

All workers must report any concerns, including both specific complaints and rumours, regarding possible instances of SEA. Failure to report information through the proper channel can result in disciplinary action. Complaints should be reported even when the institutional affiliation of the perpetrator unknown.

Concerns that must be reported include, but are not limited to:

- A practice or behaviour suggesting that a staff member has abused the power vested in them, by virtue of their role in the Association, to sexually exploit or abuse a beneficiary;
- An allegation that a worker has breached the Association's policy and rules regarding SEA outside the work environment (i.e., by engaging in a sexual relationship with a person under the age of 18);
- Concerns that cover a wide range of issues involving the exploitation of women and or children ranging from inappropriate behaviour to possible criminal offences;
- Concerns regarding the past behaviour of a worker;
- Concerns expressed by a partner, UN agency, or other organization about the behaviour of the Association's worker.

It is not the responsibility of workers to ascertain whether or not the complaint is true. It is his/her responsibility to report the concern on via the process established.

Procedures to be followed in making/receiving a complaint:

1. The main point of contact should be the Association's focal point. Complaints can be submitted through a formular on the Association's website at www.pediatridetom.sk/psea, or directly to the focal point at psea@pediatridetom.sk. Complaints submitted through the website can be made anonymously.
2. If the worker genuinely believes that sthey would be victimised or if they have no confidence in the the Association's local management structure to respond appropriately to the complaint, then the complaint should be raised directly with another agency manager or focal point, at the regional or headquarters level, for example.
3. In exceptional circumstances, the complaint could also be made to another international organisation, if the staff member genuinely believes that raising the matter within the Association would not be effective, or could result in further victimization, or if s/he has already disclosed the matter to the Association but no effective action has been taken.

4. At the point of raising a concern it would be useful for you to share information describing:
 - Is anyone at immediate risk of harm?
 - What happened? If possible make note of dates, times, places, people.
 - Who is involved?
 - How do you know about it?
 - Was any action taken?
5. The Association will make a record of the complaint, maintaining confidentiality guidelines. The Association must ensure that the complainant is informed of the internal policy on confidentiality and seek to obtain a written consent from the complainant for the information to be made available to others within the complaint management system.
6. Once a complaint is made, the focal point will file an Allegation Report to Head of the Association. Once a complaint is received, Head of the Association in cooperation with the focal point will consider the appropriate steps to take, including the initiation of preliminary inquiry or an investigation as per the internal Investigation Procedures.
7. Any investigation that is undertaken must be completed, regardless of whether the alleged perpetrator is still a worker at the Association. In the event that a complaint does not warrant a full investigation, the Association may take a number of steps to address concerns in other ways (i.e., addressing matters of poor practice via training, a change in working arrangements, a change in procedures).
8. If the complaint involves staff of other UN agencies, NGO partners, military personnel or non-staff personnel, such agencies must be informed of the complaint via established mechanisms and a joint strategy meeting convened urgently to discuss the complaint and agree on a course of action. Consideration must be given to conducting a joint investigation in the interests of information and resource sharing, as well as limiting the number of interviews necessary.
9. The Association must inform the subject of the complaint about the allegations and provide him or her with a copy. He or she must be given an opportunity to answer the allegations in writing and to produce evidence to the contrary.
10. If an investigation is conducted, the outcome may involve taking disciplinary action against the subject of the complaint if misconduct has been proved, which may include dismissal.
11. The complainant/survivor will be notified once the matter has been resolved, but outcomes are subject to confidentiality and may not be communicated. If the complainant/survivor disagrees with the results, they can request a re-examination of the complaint within a 10-day period.