



## **HANDIKOS**

### **POLICY ON PREVENTION OF SEXUAL EXPLOITATION AND ABUSE - PSEA**

#### **KEY USERS:**

HandiKOS employees and related personnel, partner organizations and beneficiaries

#### **RELATED POLICIES:**

HANDIKOS Code of Conduct and Ethics

HANDIKOS Child Protection Policy

**Effective Date: 01.06.2022**

**Mandatory Revision Date: 01.06.2023**

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## **I. Introduction**

**Policy objective:** To promulgate policy of zero tolerance for sexual exploitation and abuse (SEA) for all HandiKOS employees and related personnel and ensure that roles, responsibilities and expected standards of conduct in relation to SEA are known within HandiKOS. To create and maintain a safe environment, free from SEA, by taking appropriate measures for this purpose, internally and in the communities where HandiKOS operates, through robust prevention and response work.

HandiKOS is committed to safeguarding the people it helps and who it works alongside. All HandiKOS employees and related personnel are required to behave irreproachably with the project beneficiaries or members of the community, using particular care with the most vulnerable classes: minors, women, the elderly and social outcasts. Our workers and program participants have an obligation to uphold high standards of personal and professional conduct at all times and must not abuse this position in order to exploit or abuse another person.

Building on our Code of Conduct and feminist approach, HandiKOS is committed to preventing any form of sexual harassment, exploitation and abuse and responding robustly when these harms take place. This means that we take all concerns seriously and carry out timely and robust responses to allegations of abuse. No one will be victimized for making a complaint and HandiKOS is committed to working with complainants and survivors to ensure they are central to any response, are not further harmed or disempowered by any processes, and receive support throughout.

At HandiKOS, we believe all people have a right to live their lives free from sexual violence and any abuse of power regardless of age, gender, sexuality, sexual orientation, disability, religion or ethnic origin. HandiKOS is fully committed to improving protection from sexual exploitation and abuse (PSEA) and takes a leadership role in addressing outstanding challenges.

### **Policy statement**

**1.1.** SEA violates universally recognized international legal norms and standards and are unacceptable behaviors and prohibited conduct for all humanitarian workers, including HandiKOS employees and related personnel.

**1.2.** HandiKOS has a policy of zero tolerance towards SEA. All HandiKOS employees and related personnel are expected to uphold the highest standards of personal and professional conduct at all times, and to provide humanitarian assistance and services in a manner that respects and fosters the rights of beneficiaries and other vulnerable members of the local communities.

## 2. Definitions

**2.1. Sexual Abuse:** The threatened or actual physical intrusion of a sexual or sexualized nature, whether by force or under unequal or coercive conditions including inappropriate touching, sexual assault and rape. It may also include threatened or actual nonphysical intrusion (unwanted and/or uninvited exposure to pornography, texts, images, and so on, the sharing of images, texts and so on, demands for sexualised photographs etc.).

**2.2. Sexual Exploitation:** For the purposes of the present policy the term ‘sexual exploitation’ means 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.

**2.3. SEA (Sexual Exploitation and Abuse):** are forms of gender-based violence (GBV), which describes any harmful act perpetrated against a person’s will that is based on socially ascribed differences between women and men. Furthermore, SEA may also involve child safeguarding violations if the “conduct by (the organization’s personnel) causes significant harm to a child including any kind of physical, emotional or sexual abuse, neglect or exploitation.

**2.4. Sexual harassment:** is any unwanted and unwelcome sexual advance, request for sexual favour, verbal or physical conduct or gesture of a sexual nature, or any other behaviour of a sexual nature that might reasonably be perceived to cause offence or humiliation to another. This also includes behaviour of a sexual nature that creates an intimidating, hostile or offensive work environment. While typically involving a pattern of behaviour, sexual harassment can take the form of a single incident.

**2.5. Sexual Favors:** Any sexual or sexualised acts, in exchange for something such as money, goods, services, opportunities and so on. Also includes demands for inappropriate photographs, filming, and exposure to pornography and so on.

**2.6. Survivor:** A person who has SEA perpetrated against him/her or an attempt to perpetrate SEA against him/her. For the purposes of these SOPs (Standard Operating Procedures), persons who report SEA committed against themselves are treated as survivors for the purposes of security and needs assessments. Key standards that HandiKOS applies to all survivors are: Safety, Respect, Confidentiality and Non-Discrimination.

**2.7. Code of Conduct:** A set of standards of behavior that staff of an organization are obliged to adhere to.

**2.8. Complainant:** a person who brings an allegation of SEA to the PSEA Focal Point or the President of the Board of Director in accordance with established procedures. This person may be an SEA survivor or another person who is aware of the wrongdoing.

**2.9. Zero-tolerance policy:** sexual exploitation and abuse by HandiKOS personnel (including by partners) is prohibited and that every transgression will be acted upon.

### **3. Scope of application**

**3.1.** This policy sets out HandiKOS approach to prevent and respond to SEA. This policy is binding for all offices and working locations of HandiKOS, and at both the organizational and project level. Should this policy demand a higher standard than the local laws then this policy will prevail

**3.2.** The policy applies to all employees and related personnel, both on-and off-duty, in the following categories:

- Board of Directors and HandiKOS Management;
- All the employees and collaborators in all HandiKOS structures and projects in Kosovo and abroad;
- Non HandiKOS entities and their employees and individuals who have entered into partnership, sub-grant or sub-recipients' agreement with HandiKOS, committees, associations, organizations of any sort – including their members and staff – supported, financially or otherwise
- Consultants and other freelance persons who act on behalf of HandiKOS on the basis of service contracts;
- All persons acting voluntarily on behalf of HandiKOS;
- Suppliers of any sort of goods, services, or works, including current and potential suppliers.
- All the other people not included in the above mentioned categories who have signed a contract with HandiKOS.

**3.3. The principles set forth in this policy apply all times, during and outside the office hours and during the periods of leave, with no exceptions.**

**3.4.** The regulation defines our action on prevention and protection from sexual harassment, exploitation and abuse against:

- Programme participants (children, young people, families and adults we work with),
- Members of the communities we work with, and
- Any person working at or on behalf of any of the entities listed in section 3.1 above.

### **4. Commitment to PSEA**

**4.1.** HandiKOS will make 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.

**4.2.** This PSEA framework, affirms HandiKOS 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 IASC Six Core Principles relating to SEA.

**a. Six core principles:**

**a.1.** SEA by HandiKOS employees and related personnel constitute acts of gross misconduct and are therefore grounds for termination of employment.

**a.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 defense.

**a.3.** 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.

**a.4.** Any sexual relationship between HandiKOS employees or related personnel and beneficiaries of assistance 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.

**a.5.** Where an HandiKOS employee or related personnel develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same organization or not, he or she must report such concerns via established reporting mechanisms.

**a.6.** All HandiKOS employees and related personnel are obliged to create and maintain an environment which prevents SEA and promotes the implementation of this policy. Managers at all levels have particular responsibilities to support and develop systems which maintain this environment.

**b. Minimum Requirements**

**b.1.** Creating reporting channels for SEA allegations in HandiKOS consisting of the PSEA Focal Point and President of Board of Directors to guide and manage the reporting and responding process.

**b.2.** Awareness raising actions for HandiKOS employees and partners in regards to PSEA regulation, policies and reporting mechanisms including, posters and brochures and other informative channels.

**b.3.** For all HandiKOS staff it is mandatory to attend training on PSEA.

**b.4.** As far as is legally possible, all recruitment processes involve criminal background checks or self-disclosure of any convictions linked to abuse in any form.

**b.5.** HandiKOS will ensure that investigations of allegations of SEA involving their personnel take place without delay and within 5 working days an investigation report should be submitted.

**b.6.** The decision made based on the investigation results and other follow-up actions are to be taken within 5 working days after the investigation report has been submitted.

**b.7.** Investigations are carried out from an independent and ad-hoc investigation team established from the PSEA Focal Point or the Board of Directors President within 1 day after the allegations is made.

## **5. PSEA framework**

### **5.a. Prevention:**

**5.a.1.** Vetting: HandiKOS systematically vets all prospective job candidates in accordance with established screening procedures.

**5.a.2.** Training: HandiKOS holds mandatory induction and refresher trainings for all employees and related personnel on the HandiKOS' PSEA policy and procedures.

**5.a.3.** Publicize the policy widely: HandiKOS is committed to distribute PSEA policy among personnel, beneficiaries, communities and others and integrating it into training and awareness-raising efforts. This includes **Requirement of all personnel to sign** their receipt and acknowledgement of relevant policies, see Declaration (see Annex I of this regulation).

**5.a.4.** PSEA clause: HandiKOS contracts and partnership agreements include a standard clause requiring contractors, suppliers, consultants and sub-partners to commit to a zero-tolerance policy on SEA and to take measures to prevent and respond to SEA.

### **5.b. Reporting**

**5.b.1.** HandiKOS has safe, confidential and accessible mechanisms and procedures for personnel, beneficiaries and communities, including children, to report SEA allegations that and ensures that beneficiaries are aware of these procedures.

**5.b.2.** HandiKOS had established safe mechanisms for reporting SEA allegations including: Compliant boxes located on the premises of HandiKOS offices and a specific phone number and email address administered from the PSEA focal point and/or Board President.

**5.b.3.** Anonymous reports are allowed, and they are followed up on using the same reporting and response process. We encourage reporters to provide their identity so that the review and follow-up can be done more quickly.

**5.b.4.** HandiKOS is committed to ensuring that the reporting and investigative procedure are confidential. The organization limits the number of people with access to reported information and removes identifying information of those involved when sharing information.

## **5.c. Responding**

**5.c.1.** HandiKOS is committed to protect the safety and rights of those involved, including survivors, witnesses and alleged perpetrators. HandiKOS ensures that investigations are survivor-centered, respecting survivors' rights to safety, confidentiality, respect and non-discrimination.

**5.c.2.** Investigation: HandiKOS has a process for investigation of SEA allegations in place and shall properly and without delay conduct an investigation of SEA by its employees or related personnel or refer to the proper investigative team if the perpetrator is affiliated with another entity. (see Annex II of this regulation).

**5.c.3.** HandiKOS is committed to identify and manage conflicts of interest by verifying that personnel and external experts involved in the investigation do not have personal or professional relations to the survivor, witnesses, complainants/whistleblowers, or the alleged perpetrator or have a vested interest in the outcome of the investigation, which may compromise their objectivity. If HandiKOS or anyone becomes aware of such a conflict of interest, HandiKOS will immediately remove the concerned individual from the case, stop them from further contact with all parties involved in the case, and request them to agree in writing to keep information on the case confidential.

**5.c.4.** If HandiKOS does not have the needed human resources to conduct an independent investigation on SEA, HandiKOS shall hire/recruit an external experienced, impartial and trained investigator to conduct this investigation on SEA; or getting a commitment of partner(s) for support.

**5.c.5.** Referral to National Authorities: If, after proper investigation, there is evidence to support allegations of SEA, these cases should be referred to national authorities for criminal prosecution.

**5.c.6.** Victim assistance: HandiKOS has a system to promptly refer SEA survivors to available services, based on their needs and consent.

**5.c.7.** Based on the outcomes of the investigation, the investigative team will report to the PSEA focal point and the Board President and will propose actions to be taken.

**5.c.8.** Survivors and alleged perpetrators have the right to comment to the investigation results before and after decisions are made. This could be done through a formal hearing or in writing.

**5.c.9.** All allegations found to be true are subject of disciplinary measures based on the HandiKOS Code of Conduct, employee contract and the national laws into force.



**Annex I.** Declaration form

DECLARATION

on the

POLICY ON PREVENTION OF SEXUAL EXPLOITATION AND ABUSE - PSEA

Name and Surname: \_\_\_\_\_

Personal Number: \_\_\_\_\_

Title: \_\_\_\_\_

Organization/Project: \_\_\_\_\_

I \_\_\_\_\_, declare that I have read and understood the HANDIKOS Policy on prevention of Sexual Exploitation and Abuse, hereinafter PSEA.

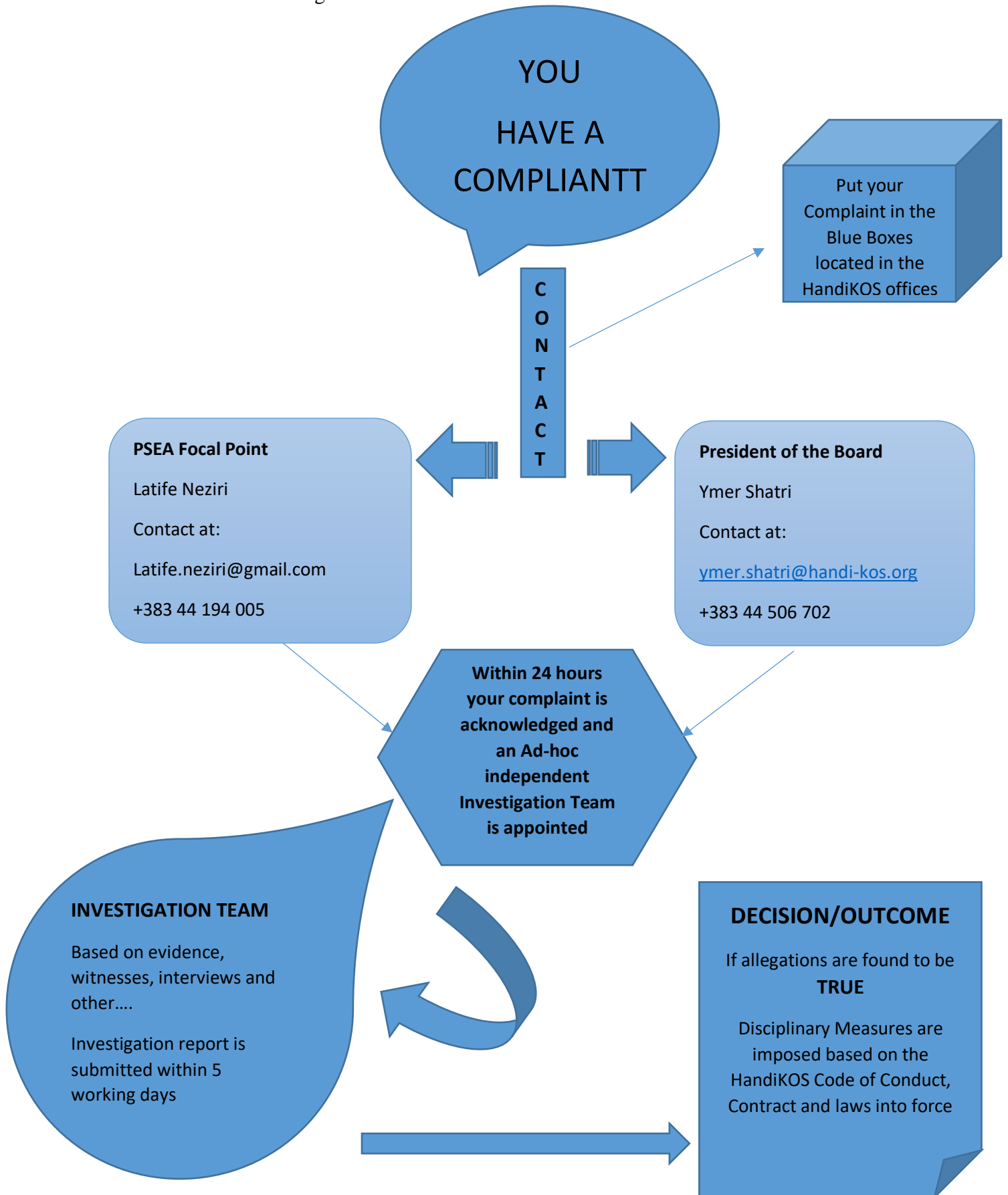
I understand its sayings and I am fully committed in respecting and adhering from SEA in the workplace and outside it, between working hours and after, inside the work premises of HandiKOS and outside.

I am aware that failure to comply with the PSEA policy will have consequences based on the internal procedures of the organization.

Place and Date \_\_\_\_\_

Signature \_\_\_\_\_

**Annex II.** Case Management Flowchart



Ne mbështetje të nenit 5 paragrafi 1 dhe 3 të statutit të Organizatës HANDIKOS , Kryesuesi i Kuvendi të Anetareve, aprovon dokumentin e titulluar: Rregullore mbi parandalimin e shfrytëzimit dhe abuzimit seksual – PSHAS

Kryesues i Kuvendit të Anetareve, Flamur Bekteshi

FLAMUR BEKTESHI 

Prishtine

01.06.2022

