

Protection from Sexual Exploitation, Abuse and Harassment Policy

1. Policy objective

1.1. The objective of this Policy is to:

- promulgate the policy of zero tolerance for sexual exploitation, abuse and harassment (SEAH) for all members of governing bodies, employees, volunteers, consultants and partners of the International Charitable Foundation 'Alliance for Public Health' (hereafter — the APH);
- ensure that roles, responsibilities and expected standards of conduct in relation to SEAH are known within the APH;
- create and maintain a safe environment, free from SEAH, by taking appropriate measures for this purpose, both internally and with regard to the APH's partners, as well as in the communities where the APH operates, through robust prevention and response work.

2. Policy statement

2.1. SEAH violate universally recognised international legal norms and standards. Everyone has equal rights to protection from SEAH regardless of their race, gender, age, religion or disability, sexual orientation, social background or culture.

2.2. SEAH are unacceptable behaviours and prohibited conduct for all members of governing bodies, employees, consultants and volunteers of the APH.

2.3. The APH has a policy of zero tolerance towards SEAH. All members of governing bodies, employees, consultants and volunteers of the APH are expected to uphold the highest standards of personal and professional conduct at all times, and to provide assistance and services in a manner that respects and fosters the rights of their beneficiaries and other vulnerable members of local communities.

3. Scope of application

3.1. This Policy sets out the APH's approach to prevent and respond to SEAH.

3.2. The Policy applies to all employees, consultants and volunteers of the APH, both on- and off-duty.

3.3. The Policy does not apply to SEAH regarding children if the respective activities are covered by the scope and definitions of the Children Protection Policy of the APH (Annex_15-C6, Section 6). In that case, the Children Protection Policy shall apply.

4. Definitions

4.1. 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 person, e.g. through recruiting or coercing them to engage in sex work, producing and/or disseminating pornography, sex trafficking and profiteering from it, etc.

4.2. Similarly, the term 'sexual abuse' means the actual or threatened physical intrusion of a sexual nature (vaginal, anal or oral sexual intrusion in another's body using any body part or object), whether by force or under unequal or coercive conditions, including any sexual acts involving an adult without his/her consent or a child irrespective of his/her consent, or in presence of a child, forcing to a sexual act with a third person, online abuse and other violations of sexual freedom or sexual immunity as per the current legislation of Ukraine, incl. those committed against a child or in the presence of a child.

4.3. The term 'sexual harassment' is any unwelcome conduct of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation. Sexual harassment may involve any conduct of verbal (threats, bullying, obscene comments, etc.), nonverbal (sending obscene images, records, etc.) or physical (touching, patting, etc.) nature, including written and electronic communications, and may occur between persons of the same or different genders.

4.4. For the purposes of the present Policy, the term 'partners of the APH' shall mean (sub)recipients of APH's aid — legal entities, including their employees, volunteers and consultants.

4.5. For the purposes of the present Policy, the term 'perpetrator' shall mean any individual having committed any form of SEAH.

4.6. For the purposes of the present Policy, the term 'victim/survivor' shall mean any natural person affected by any form of SEAH. The person involved should have the choice of which term to use with regard to him/her.

5. Commitment to PSEAH

5.1. The APH will make every effort to create and maintain a safe environment, free from SEAH, and shall take appropriate measures for this purpose in the communities where it operates, through a robust PSEAH framework, including prevention and response measures.

5.2. This Policy affirms commitment of the APH 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 protection against sexual exploitation and abuse.

6. The core principles

6.1. Sexual exploitation and abuse by employees, consultants and volunteers of the APH constitute acts of gross misconduct or violation of civil law contract, and are therefore grounds for disciplinary measures as per applicable laws of Ukraine, including termination of employment, or for termination of the civil law contract.

6.2. Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent established by local legislation. Mistaken belief regarding the age of a child is not a defence.

6.3. 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 or services that are due to beneficiaries.

6.4. Any sexual relationship between employees, consultants and volunteers of the APH and beneficiaries of assistance or other vulnerable members of the community that involves improper use of rank or position is prohibited. Such relationships undermine the credibility and integrity of assistance and services provided by the APH.

6.5. Where an APH employee, consultant or volunteer develops concerns or suspicions regarding SEAH by a fellow employee or partner of the APH, whether within the APH or not, he or she must report such concerns following a procedure established herein, providing all the information they have.

6.6. All employees, consultants and volunteers of the APH must not abuse their position and are obliged to promote and maintain an environment which prevents SEAH and promotes

implementation of this Policy. Managers at all levels have particular responsibilities to support and develop systems maintaining this environment.

6.7. When responding to cases of SEAH, the APH shall act in a manner that prioritises listening to victims of SEAH, avoids re-traumatisation, and systematically focuses on their safety, rights, well-being, expressed needs, and choices. This victim-centred approach seeks to empower the victim, giving them back as much control as possible, and ensuring an empathetic, respectful and individualised response in a non-judgmental manner.

7. PSEAH framework

Considering that prevention is an integral part of this Policy, the APH approaches responsibly the issues of selection of employees, volunteers and consultants, and takes measures to inform and train such employees, volunteers and consultants.

7.1. Prevention

7.1.1. *Vetting:*

Any job posting or announcement on selection of consultants or volunteers includes the following:

The APH applies zero tolerance policy with regard to sexual exploitation, abuse or harassment and related abuse of power or authority. It is expected that all selected candidates will adhere to the highest ethical standards and will undergo rigorous reference and background checks.

APH employee selection process includes:

- probing the ethical behaviour of the employee in reference checks;
- completion of a self-declaration confirming the candidate has never been subject to disciplinary, administrative or criminal sanctions arising from an investigation in relation to SEAH or related abuse of power, or left employment pending investigation and refused to cooperate in such an investigation.

7.1.2. *Onboarding and training:* The APH familiarises all of its employees, consultants, volunteers and partners with this Policy, including through posting this Policy on its website; conducts mandatory initial and periodic training for all employees, consultants and volunteers on this Policy and related procedures.

In particular, employees, consultants and volunteers of the APH must sign and indicate their understanding and compliance with this Policy in labour contract and respective order.

Contracts with consultants and volunteers of the APH contain the following provision (names of the parties are subject to change depending on the type of the contract):

The Customer has zero tolerance for any sexual exploitation, abuse and harassment (SEAH) of any person. By signing this contract, the Contractor confirms having read, understood and undertakes to comply with Customer's Policy of Protection from SEAH (hereafter — the Policy). The Customer reserves the right to unilaterally terminate this Contract in case of substantiated allegations of SEAH conducted by the Contractor, or other violations of the Policy regardless of when they were committed, at any time, by sending a written notification of termination to the Contractor.

7.1.3. *Safe programming:* Responsible programming is a priority for the APH, so it will seek and support its partners as well as communities touched by the APH activity to evolve our programmes to prevent and promptly address SEAH therein, including relevant risks assessment and sharing relevant information with the communities.

7.2. Response

7.2.1. Reporting: Personnel, consultants, volunteers, partners, end beneficiaries of assistance and communities, including children, can safely and confidentially report SEAH:

- to any immediate manager, following usual reporting procedure used in the APH;
- should such a manager fail to act, or if the person feels they cannot report to the immediate manager, to any director or the Office of the Senior Advisor of the APH;
- if the report concerns a director, to the Executive Director of the APH;
- if the report concerns the Executive Director, to the Office of the Senior Advisor of the APH;
- if the report concerns a Board member, to the Chair of the Board or Supervisory Committee of the APH.

The APH also has a dedicated line of communication to report SEAH, which will be accessed only by an authorised personnel as well as properly publicised, viz. email: porada@aph.org.ua.

The APH holds complainers safe from any prosecution by other employees, volunteers, consultants and partners of the APH in relation to the report of SEAH.

The APH also notifies the donor if this is required by the donor agreement.

7.2.2. Investigation: Where feasible, the APH shall without delay make retain the services of a third party or parties, who can conduct an independent investigation of SEAH by its employees.

7.2.2.1. If the allegation concerns a person working at the Office of the Senior Advisor, he/she shall be stood down for the time of the investigation.

The investigation may include interviews with complainers, victims/survivors, witnesses and other persons in order to establish facts. Interviewees provide written consent to participation in the investigation. Personal data of people reporting SEAH and involved in investigation shall be strictly confidential. All people involved in reviewing the case sign a non-disclosure form committing to protect details that may harm the victim.

The investigation may take up to one month since the moment a SEAH fact becomes known. The independent investigators will analyse all available information received during the investigation and prepare conclusions about whether the SEAH facts are confirmed.

The Office of the Senior Advisor, within the range of its competence, shall provide a victim with the necessary support by referring to available resources on safety, psychological, legal, medical and other necessary assistance.

7.2.2.2. Based on the conclusions of the investigation, a decision is made on how to respond to the report:

- If the report is considered not justified, and the case of violation of the Policy is not confirmed, no actions are taken.
- If the investigation leads to the conclusion that the Policy has been violated, or if the perpetrator him/herself admits the fact, the strictest disciplinary sanctions according to applicable law shall apply in case of an employee, and contract shall be terminated in case of a consultant or volunteer.
- If the investigation confirms SEAH involving members of governing bodies of the APH, the question of exclusion of this member shall be raised before such a governing body.
- If the investigation substantiates the evidence that SEAH have occurred, ongoing work with the partner or the contractor cannot involve the individual(s) concerned. If there is reason to believe that an allegation has been dealt with inappropriately by a partner or a contractor, then they risk withdrawal of funding or ending the relationship.

- If the confirmed cases concern donors, benefactors, patrons, volunteers or other similar individuals, cooperation with them is terminated.
- If the report indicates to a criminal offence, it is then submitted to respective law enforcement bodies regardless of conclusions of the internal investigation subject there is an informed consent of the adult victim.
- If the report concerns a child, the children protection service and law enforcement bodies are notified within 24 hours regardless of the results of internal investigation.

7.2.3. *Helping the victims/survivors:* The APH helps victims/survivors of SEAH to timely receive necessary medical assistance, including ensuring their protection and safety, receiving health, psychosocial and legal support, material aid, in particular by promptly referring SEAH victims/survivors to available services based on their needs and subject to their consent.

7.3. Collaboration activities

7.3.1. The APH ensures its partners are familiar with this Policy and demands that they apply zero tolerance policy to SEAH and take actions to prevent and respond to SEAH, including by adopting and implementing respective policies.

The APH ensures periodic checks of partners' abiding by the policies and procedures within the framework of its own recipient control, monitoring and evaluation system.

7.3.2. Contracts with partners and contractors of the APH shall contain the following provision (names of the parties are subject to change depending on the type of the contract):

The Customer has zero tolerance for any sexual exploitation, abuse and harassment (SEAH) of any person. By signing this contract, the Contractor confirms having read, understood and undertake to comply with Customer's Policy of Protection from SEAH (hereafter — the Policy), as well as making its employees, consultants, contractors and volunteers read and comply with the Policy. If the investigation substantiates the evidence that SEAH have occurred, ongoing work with the Contractor cannot involve the individual(s) concerned. The Customer reserves the right to unilaterally terminate this Contract at any time, by sending a written notification of termination to the Contractor, if there is reason to believe that an allegation has been dealt with by the Contractor inappropriately, regardless of when SEAH were committed.

7.3.3. Failure of these legal entities or natural persons to take measures to prevent sexual exploitation and abuse, investigate allegations of sexual exploitation and abuse and take corrective actions in case of sexual exploitation or abuse shall constitute the grounds for termination of any legal act (agreement, contract) with the partner.

Failure of these legal entities or natural persons to take measures to prevent sexual harassment, investigate allegations of sexual harassment and take corrective actions in case of sexual harassment shall constitute the grounds for termination of any legal act (agreement, contract) with the partner.

Contact data for referring survivors of SEAH

FREE HOT LINES AND TRUST LINES

- National hot line for prevention of domestic violence, human trafficking and gender-based discrimination: 0 800 500 335 (landlines) or 116 123 (mobile phones).
- National children's hot line: 8 800 500 224 (landlines) or 116 111 (mobile phones).
- Free 24/7 hot line for victims of domestic violence: 1547
- Free 24/7 legal aid hot line: 0 800 213-103
- 24/7 hot line of psychological support of ATO participants and their families: 0 800 505 085
- All-Ukrainian trust line: 0 800 501 701
- Hot line of the National Police of Ukraine: 0 800 500 202
- National hot line on HIV/AIDS: 0 800 500 451
- Information line of free secondary legal aid centers: 0 800 213 103.
- Trust line PIN/ 'Liudyna v bidi': 0 800 210 160
- 'Proliska' humanitarian mission: 093 202 22 32 or 096 404 10 34

HEALTHCARE FACILITIES

LAW ENFORCEMENT (POLICE)

DAY CENTRES OF SOCIOPSYCHOLOGICAL AID

Use the link to see the list of sociopsychological aid centres:

<https://www.msp.gov.ua/news/14909.html>

MOBILE TEAMS OF SOCIOPSYCHOLOGICAL AID

Information about mobile sociopsychological aid teams in Ukraine is available at the website of the Ministry of Social Policy of Ukraine: <https://www.msp.gov.ua/news/18476.html>

DEPARTMENT OF SOCIAL PROTECTION | COORDINATOR OF VIOLENCE PREVENTION AND RESPONSE

Contact data of departments of social policy of oblast state administrations:

<https://www.msp.gov.ua/news/8506.html>

CENTRES OF SOCIAL SERVICES FOR FAMILY, CHILDREN AND YOUTH

Contact data of oblast centres of social services for family, children and youth:

<https://www.msp.gov.ua/news/14911.html>

OFFICE OF CHILDREN'S SERVICE

Contact data of the Office of Children's Services:

<https://www.msp.gov.ua/content/sluzhbi-u-spravah-ditey-v-otg.html>

CENTRES OF FREE SECONDARY LEGAL AID

Contact data of local centres of free secondary legal aid: <https://www.legalaid.gov.ua/tsentry/>

AUTHORITIES IN CHARGE OF GENDER EQUALITY AND VIOLENCE PREVENTION

Ukrainian Parliament Commissioner for Human Rights: Phone: 0 800 50 17 20, e-mail: hotline@ombudsman.gov.ua, address: 01008, Kyiv 08, Instytutska str. 21/8
Government Commissioner for Gender Policy, phone: (044) 256-61-62, e-mail: levchenko@kmu.gov.ua

NGOs

- **La Strada Ukraine** is a civil society human rights organisation working to ensure gender equality, peace building, preventing gender-based violence, in particular domestic violence, fighting human trafficking and protecting rights of children through implementing standards of human rights in all areas of life of society and the state.

Contact data: National hot line for prevention of domestic violence, human trafficking and gender-based discrimination: 0 800 500 335 (landlines) or 116 123 (mobile phones). National children's hot line: 8 800 500 224 (landlines) or 116 111 (mobile phones).

- **Women's consortium of Ukraine** is an association established by women's civil society organisations to ensure equal rights and opportunities for women and men and well-being of children in Ukraine; the goal of the association is to resolve relevant problems in the area of gender equality and fulfilling children's rights through advocacy and effective cooperation with public and non-government organisations, as well as through broad involvement of local communities and institutions.

Contact data:

+38 044 - 592 - 68 - 54

info@wcu-network.org.ua

- **International Charitable Foundation 'Ukrainian Foundation for Public Health'** works in the area of public health and human rights to ensure equal opportunities for healthcare for people in difficult life circumstances.

Contact data:

4/26 Pyrohova str., office 11

Kyiv 01030 Ukraine

Phone: +38 (044) 235 08 64

Phone: +38 (044) 235 08 66

halyna.skypalska@healthright.org

- ***Centre for assistance for girls and women in difficult life circumstances 'Right to Health'***

2 Dovzhenko str., room 11

Kyiv 03057 Ukraine

Phone: +38 (044) 223 71 65

phone: +38 (093) 743 78 33

- ***Human rights clinic, Kyiv***

- 75 Saksahanskoho str.

- 42 Yuriiia Illienka str., Veteran hub

7 Puscha Vodytsia, Lisova Poliana hospital line, Ukraine

Phone: +38 (098) 175 32 35