

LEAGUE FOR MENTAL HEALTH SLOVAKIA (LMH)

Policy Name:

PROTECTION FROM SEXUAL EXPLOITATION AND ABUSE (PSEA)

1 Policy objective:

- To promulgate policy of zero tolerance for sexual exploitation and abuse (SEA) for all LMH employees and related personnel and ensure that roles, responsibilities and expected standards of conduct in relation to SEA are known within LMH.
- To describe the consecutive action steps in case that a breach of SEA standards of conduct occurs.
- To describe Code of Conduct as a binding document to be signed by all individuals within target audience.

2 Target Audience (further referred as LMH representatives):

- All LMH employees – hired and contracted by LMH
- All volunteers and temporary staff
- All consultants
- Any other person engaged in activities with LMH for paid or unpaid service provided in the name of LMH

3 LMH Commitment on PSEA:

- LMH 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.
- This PSEA framework, affirms LMH commitment the UN Secretary General's Bulletin on Special Measures for protection from sexual exploitation and abuse

(ST/SGB/2003/13) and to achieving full, ongoing implementation of IASC Six Core Principles relating to SEA

4 Effectiveness:

This policy is effective to all LMH representatives for 24 hours per day, 7 days in week, including weekends, vacations, on or off duty, abroad).

5 Policy is effective from:

01.05.2023

6 Mandatory Revision Date:

01.05.2024

7 Definitions:

- **sexual exploitation** = any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.
- **sexual abuse** = the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.
- **victim** = a person who is, or has been, sexually exploited or abused. For the purposes of this policy, a victim is a person who is, or has been, sexually exploited or abused by employees or other related personnel of LMH.

8 IASC Six core principles relating to SEA:

- A.** SEA by LMH employees and related personnel constitute acts of gross misconduct and are therefore grounds for termination of employment.

- B. 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.
- C. 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.
- D. Any sexual relationship between LMH 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.
- E. Where an LMH 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.
- F. All LMH 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 responsibilities to support and develop systems which maintain this environment.

9 PSEA Framework in LMH - Prevention:

- LMH systematically vets all prospective job candidates in accordance with established screening procedures.
- When entering any contract with LMH, every LMH representative is obliged to provide Self-declaration by Job Candidate (Appendix 2).
- Every LMH representative is obliged to sign LMH Code of Conduct on PSEA (Appendix 1) that is compulsory attachment to his/her contract.
- LMH holds mandatory induction and refresher trainings for all employees and related personnel on the LMH's SEA policy and procedures.

- All premises where services are provided by LMH must be equipped with the visible posters in all relevant languages stating the PSEA warning messages and focal points contacts.

10 PSEA Framework - Response:

- LMH has safe, confidential, and accessible mechanisms and procedures for personnel, beneficiaries, and communities, including children, to report SEA allegations and ensures that beneficiaries are aware of these.
- At any time, LMH has at least 2 fully trained and competent focal points appointed for reporting of potential cases.
- Phone numbers of focal points are visibly shared in all LMH premises and premises where LMH performs the services to beneficiaries.
- Focal points:
 - Marcela Maľová 0904 568 333
 - Viktoriya Silyayeva 0911 466 052
 - Silvia Herts 0911 172 852
 - Email address (accessible by focal points only):
podnety@dusevnezdravie.sk
- These focal points are revised on regular basis, any change in relevant staffing is reflected.
- Terms of Reference for PSEA Focal Points are attached to this policy as **Appendix 3**

11 PSEA Framework - Investigation:

- Detailed procedure of investigation in case of SAE allegation is described in **Appendix 5** – PSEA Investigation policy and procedures
- Investigation is started without any delay immediately after obtaining the report through one of focal points.
- If, after proper investigation, there is evidence to support allegations of SEA, these cases may be referred to national authorities for criminal prosecution.
- If, after proper investigation, there is evidence supporting violation or breach of LMH Code of Conduct, appropriate disciplinary action is taken as soon as is feasible.

12 PSEA Framework - Survivor assistance:

- LMH has a system to promptly refer SEA survivors to available services, based on their needs and consent. When creating the survivor assistance plan, following aspects must be considered:
 - Eligibility criteria for assistance
 - Types of service needs (e.g., psycho-social, medical, legal...)
 - Referral processes, including informed consent/assent signed by affected person
 - Survivor-centered approach to service provision

- The survivor assistance procedure must contain following steps:
 1. Explanation of the referral process to the survivor and obtaining written informed consent from her/him
 2. Assessment of survivor's needs for assistance
 3. Identification of appropriate service providers(s)
 4. Contact to services provider(s) and explanation of circumstances
 5. Assistance with transport, ensure no language barriers exist, provide practical help
 6. Follow up with survivor and if applicable, go back to step 2
 7. Keeping proper records and documentation, with strict confidentiality consideration

Special attention must be provided if the survivor is a child under 18. When dealing with child, caseworkers should communicate in a child-culture (i.e. simplified content) and obtain informed consent from child guardians.

13 Summary of roles and responsibilities within LMH related to PSEA:

LMH CEO and Managers of individual projects are obliged to:

- provide oversight of PSEA prevention and response.
- review and update of PSEA policies, including Code of Conduct.
- ensure attention and resources to PSEA across the organization.
- facilitate and oversee investigations of SEA allegations.
- coordinate with other organizations on PSEA, including donors.

PSEA Focal Point is obliged to:

- support CEO and project managers to meet all PSEA related responsibilities for LMH.
- report concerns or issues with PSEA implementation to CEO.
- coordinate the response in case that SEA allegation is reported.
- conduct training and awareness-raising action for all LMH personnel.
- coordinate with other relevant actors on PSEA, including inter-agency efforts.

HR Manager and HR officers are obliged to:

- conduct screening for past SEA violations, and other Code of Conduct and policy violations as part of recruitment process.
- ensure all personnel sign the LMH Code of Conduct.
- integrate a PSEA clause in contract agreements, including when subcontracting.
- support investigation process for SEA allegations.
- keep PSEA related documentation of personnel, incl. signed Code of Conduct.
- More detailed duties of LMH HR Manager and officers related to PSEA are described in **Appendix 4** to this policy.

All Target Audience is obliged to:

- Uphold the LMH Code of Conduct and PSEA related policy.
- Actively participate in PSEA training and awareness raising efforts.
- Ensure PSEA materials are disseminated in all relevant and pre-agreed premises where LMH performs the activities with beneficiaries.
- Report allegations of SEA through designated reporting channels.
- Participate in investigations of SEA allegations as appropriate.
- Identify, mitigate, or avoid any potential SEA related program risks.

14 Cooperative arrangements:

- All LMH 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.
- 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.

APPENDIX 1 TO PROTECTION FROM SEXUAL EXPLOITATION AND ABUSE (PSEA) POLICY

CODE OF CONDUCT

1. This Code of Conduct applies to **all LMH employees** – hired and contracted by LMH, all volunteers and temporary staff, all consultants, any other person engaged in activities with LMH for paid or unpaid service provided in the name of LMH (further referred to as “**LMH representatives**”).
2. This Code of Conduct applies to all members of Target Audience **24 hours per day, 7 days a week** (including weekends, holidays, on or off duty, abroad, etc.)
3. All LMH representatives must adhere to the highest standards of **professional and personal conduct**. All staff must always treat the local population with **respect and dignity**.
4. LMH has a policy of **zero tolerance towards SEA**. All LMH representatives are expected to always uphold the highest standards of personal and professional conduct, 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.
5. Sexual exploitation and abuse are acts of **unacceptable and prohibited behavior** for all LMH representatives. Sexual exploitation and abuse damages the integrity and reputation of LMH and undermines trust in the organization.
6. There is an imbalance of power between LMH representative and member of the affected community, as LMH representatives have access and control of resources. This **power must not be used in any negative way** and must never result in any act of SEA. The improper use of rank or position for sexual purposes is seen as unacceptable and prohibited behavior.
7. Sexual activity carried out without consent toward another person is prohibited. However, even in circumstances where **consent with the act is provided**, the behavior of LMH representative **can be seen as SEA** and thus any intimate relationship between LMH representative and the member of affected community is strictly prohibited.

8. Six core principles related to SEA:

- a) SEA by LMH employees and related personnel constitute acts of gross misconduct and are therefore grounds for termination of employment.
- b) Sexual activities with children (persons under the age of 18) are prohibited regardless of the age of majority or age of consent locally. Mistaken belief regarding the age of a child is not a defense.
- c) 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.
- d) Any sexual relationship between LMH 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 and LMH.
- e) Where an LMH 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.
- f) All LMH 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 responsibilities to support and develop systems which maintain this environment.

9. LMH will **explicitly protect all individuals** (both children and adults), both former and current, who report misconduct from any form of retaliation, any adverse employment action (e.g., contract termination, payment decrease, poor work assignment or others) for personnel and withdrawal of access to goods or services for beneficiaries.

10. Any sexual exploitation and abuse is considered **serious misconduct**. All credible allegations of sexual exploitation and abuse will be investigated according to the LMH Internal Policy on PSEA and may lead to disciplinary action, including termination of employment and referral for criminal prosecution. Impunity and complacency toward SEA will not be tolerated.



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I, _____, am signing this Code of Conduct to confirm that I understand and commit to uphold the highest standards of professional and personal conduct. I understand that the Code of Conduct applies to me throughout the period that I am employed by or representing LMH, including when I am off duty, or away from my duty station or on leave.

Date: _____

Signature: _____

Appendix 2 to PSEA Policy

SELF-DECLARATION BY JOB CANDIDATE

I, _____, hereby declare that I have never been subject to sanctions, either disciplinary, administrative, or criminal, arising from any investigation related to sexual exploitation and abuse (SEA) of children or adults. Furthermore, I have never left employment pending investigation for SEA-related issues and refused to cooperate in such an investigation.

I acknowledge that any false statements or misrepresentations made in this declaration may lead to my disqualification from consideration for any employment opportunity. I also understand that my declaration will be subject to verification and that any failure to disclose relevant information or any attempts to mislead the employer will result in immediate disqualification from employment.

I declare that I have read and understood the above and that the information provided herein is true, complete, and accurate to the best of my knowledge.

Signature: _____

Date:

Appendix 3 to PSEA Policy

Terms of Reference for PSEA Focal Point

LMH maintains at least two Focal Points for reporting of potential SEA allegations.

1 Purpose:

To have designated LMH staff member(s) who support LMH CEO and management in development and implementation of PSEA policy and procedures.

2 Scope of work:

Key roles and responsibilities of PSEA Focal Point include:

Prevention:

- To review on regular basis all PSEA related policies and procedures and propose amendments to them to LMH CEO if appropriate.
- To conduct PSEA related training and awareness-raising activities
- To work with HR officers on all PSEA-related aspects and perform regular checks that all required HR procedures, (e.g., signed Code of Conduct, obtained Self-declaration check etc.) are in place.
- To facilitate awareness-raising campaigns with beneficiaries and local communities on the definition of SEA, the standard of conduct expected from LMH representatives and various mechanisms to report SEA allegations, including contact details

Reporting of SEA allegations:

- Manage the development of internal LMH procedures in the way that all SEA allegations can be reported safely and confidentially.
- Receive reports and all information on SEA allegations and coordinate the response in accordance with internal procedures.



- Check the mailbox for the address: podnety@dusevnezdravie.sk for any reports received
- Report concerns or issues with PSEA policy implementation to LMH CEO

Response to SEA allegations:

- Once a complaint is reported, coordinate LMH's response, including SEA survivor's referral to immediate professional assistance and referral of the case to Internal Investigation Committee
- Proceed in accordance with LMH Investigation Policy and Procedure (**Appendix 5** to LMH PSEA Policy)

Other responsibilities:

- Coordinate LMH's action related to inter-agency reporting of SEA allegations as appropriate.

3 Competences and Required Experience:

- Proven integrity, objectivity and professional competence
- Demonstrated sensitivity and knowledge of gender, cultural and similar issues
- Experience with GBV related topics
- Fluency in Slovak language, Ukrainian language is an advantage
- Demonstrated experience in work with communities
- Knowledge of local environment
- Proven communication skills

Upon appointment, Focal Point undertakes specialized organization-specific training of PSEA.

Appendix 4 to PSEA Policy

HR processes related to Prevention on Sexual Exploitation and Abuse (PSEA)

Description of obligations related to PSEA for all HR Officers in LMH:

1 Prior to job announcement:

- to include a sentence into the job announcement to notify candidates that background and reference checks will be conducted, and ethics is part of any performance appraisal within LMH.

2 During job interviews:

- Ask candidate the questions related to ethics and ethical dilemmas (e.g., Tell me about the ethical dilemma you faced in your previous jobs)

3 After job interview (in case of positive result):

- conduct background checks (e.g., google search, police records) and contact references to vet for former misconduct in accordance with Slovak laws regarding employment, privacy, and data protection.
- require candidates to self-declare the prior issues of sexual or other misconduct, termination of past employment, criminal records, and concerns registered with government authorities related to children and to consent to the disclosure of any such information by their former employers.
- this self-declaration must be provided in written form – see Appendix 1 to PSEA Policy.

4 When signing the employment or subcontractor contract:

- ask candidates to review and sign LMH Code of Conduct prior to signing the employment / subcontractor's contract.
- include PSEA clause in the employment contract.
- outline disciplinary consequences in the event of proven SEA allegation.

5 After signing the contract and during employment or subcontracting tenure:

- Include PSEA training as part of onboarding process and provide refresher courses on regular basis.
- Include adherence to Code of Conduct (e.g., attendance at the PSEA training) in performance appraisals as a compulsory part.
- In case of confirmed misconduct, take robust disciplinary action (e.g., dismissal, suspension, written censure, or other administrative measures).
- When relevant, consider reporting to SK police authorities.
- Maintain an internal database of all disciplinary measures on personnel, including dismissals to prevent future re-hiring them.
- Systematically share the information of personnel known to have committed SEA with other potential employers, to the extent legally possible.



Appendix 5 to PSEA Policy

PSEA Investigation Policy and Procedures

LMH applies survivor-centered approach with the following principles:

1 Safety – all information of individual SAE incidents must be kept safely and with restricted access from unauthorized persons. All files must be protected with passwords or proper encryptions, physical files must be locked in a safe place.

2 Confidentiality – number of people with access to information in individual SAE cases must be limited to inevitable number, no private information shared, code names used when referring to those involved and information that could reveal their identity must be omitted (e.g., date of birth, address, phone number, description of unique physical traits).

3 Transparency – prior informed consent of the complainant must be obtained unless the complainant is UN or partner personnel. Clear explanation on how the information will be used and shared must be provided to the complainant, including information on investigations and assistance to survivors.

4 Accessibility – reports must be written in easy-to-understand way, with no use of foreign or difficult language, keeping in mind their target audiences (language, education, gender, age must be considered)

The investigation process must follow these stages:

1 Reporting and Initial Assessment:

Upon receiving a report from an affected person or a third party, LMH focal point initiates an initial assessment. The initial assessment is a preliminary investigation to determine the credibility of the report.

2 Investigation:

If the initial assessment finds that there is a basis for the report, an investigation is launched. The investigation is conducted by an independent and impartial team. The team is composed from experts (legal, social workers psychiatrists etc.) cooperating with LMH but being independent from the related project. Such team should compose from at least 3 members.

3 Interview and Evidence Collection:

During the investigation, the team conducts interviews with witnesses, the accused, and other relevant parties. They also collect evidence such as documents, photos, videos to substantiate the allegations. The team ensures that the interviews are conducted in a safe and confidential environment.

4 Analysis of Evidence:

The team analyses the evidence collected and cross-checks it with other available information. They use this information to verify the allegations and identify the perpetrators and their actions.

5 Report writing:

After the investigation, the team prepares a report detailing the findings. The report includes proposed action and follow up.

6 Action and Follow-up:

Based on the findings and recommendations, LMH takes appropriate action, which may include disciplinary measures, termination of employment, or referral to law enforcement authorities. LMH provides support to affected persons and their families.

Incident Report Form for SEA Allegations must contain:

1. Details on how, when, and by whom, the allegation was conducted
2. Description of alleged incident, including dates, times, and locations
3. Description of alleged or suspected survivors (e.g., name, age, gender, ethnic origin/nationality, specific needs)
4. Description of alleged or suspected perpetrators (e.g., name, age, gender, nationality, organizational affiliation/position, previous record of misconduct)
5. Actions taken by organization in response to allegations to date (e.g., referral for assistance, investigations, notification of other organization)
6. Actions taken by other organizations or entities in response to the allegation
7. Requested support from partners (e.g., support for SEA survivors, investigations)
8. Date
9. Report created by (name, contact, email)