

POLICY FOR PROTECTION FROM SEXUAL EXPLOITATION AND ABUSE



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Our vision is a **prosperous eastern Slovakia where people want to live** – a place where individuals and organizations take responsibility for themselves and their region, improve the world around them, respect each other, cooperate, help each other and together create a better future.

Carpathian Foundation is committed to protecting rights and ensuring protection from sexual exploitation and abuse of any vulnerable persons involved in its programs as well as projects that it supports. Carpathian Foundation considers unacceptable for workers providing services and support to people in vulnerable situation to abuse their status of power and deny beneficiaries their rights and condition provision of protection and services to beneficiaries in any way.

Since the start of the war conflict in Ukraine, Carpathian Foundation has been involved in providing funding for humanitarian aid and integration support for people from Ukraine fleeing the war to Slovakia as well as humanitarian aid for internally displaced persons in eastern Ukraine. Refugees are in particularly vulnerable position and Carpathian Foundation is committed to protecting their rights, with special attention given to protection from sexual exploitation and abuse by workers providing humanitarian assistance and protection and support with integration into the Slovak society.

Background

Carpathian Foundation's policy for prevention of sexual exploitation and abuse (*hereinafter referred to as the 'Policy'*) is based on UN Secretary-General's Bulletin on Special measures for protection from sexual exploitation and sexual abuse and related UN guidelines and Regional Refugee Response Plan for the Ukrainian Situation – Slovakia's PSEA Task Force Inter-Agency Standard Operating Procedures for processing Sexual Exploitation and Abuse complaints.

The policy stipulates Carpathian Foundation's commitment to protecting vulnerable persons of all genders and ages, particularly refugees, from sexual exploitation and abuse by workers providing humanitarian assistance and protection and other types of assistance. It is closely linked to the Carpathian Foundation's Child Safeguarding Policy (politika EN (karpatskanadacia.sk)).

It is binding for all employees, contractors, volunteers and interns of the Carpathian Foundation as well as for all partners and entities receiving financial or other type of support from the foundation.

1. CARPATHIAN FOUNDATION'S VALUES AND PRINCIPLES OF PREVENTION FROM SEXUAL EXPLOITATION AND ABUSE (PSEA)

Carpathian Foundation (*hereinafter referred to as the 'Foundation'*) has a zero-tolerance policy for child safeguarding violations and sexual exploitation and abuse perpetrated by employees, contractors, volunteers and interns of the Foundation as well as by workers associated with organizations receiving financial and/or other support from the Foundation.

This Policy has been drafted to ensure the highest standards of professional conduct and practice, aiming to prevent any form of sexual exploitation and/or abuse during the activities, projects and programs implemented and/or supported by the Foundation at any time of their involvement.

Therefore, the Policy includes measures that apply to:

- the recruitment and hiring of new workers of the Foundation
- Foundation's staff training
- Foundation's management structures review
- forming of atmosphere where beneficiaries feel free to speak openly about their problems in all Foundation's activities
- and transparent protocols development.

The Policy also includes clear procedures that the organizations working with or receiving grants from the Foundation are required to abide by. The above mentioned principles underpin the standards and procedures set out hereinafter.

The Carpathian Foundation agrees to uphold the IASC Six Core Principles relating to sexual exploitation and abuse (SEA):

1. Sexual exploitation and abuse by workers providing humanitarian or other type of assistance and protection constitute acts of gross misconduct and are therefore grounds for termination of employment.
2. Sexual activity with children (persons under the age of 18) is prohibited regardless of the age limit of permissible sex as enshrined in the Slovak law. Mistaken belief regarding the age of a child is not a defense.
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 humanitarian or other assistance that is due to beneficiaries.
4. Any sexual relationship between those providing humanitarian or other type of assistance and protection and a person benefitting from such assistance and protection that involves improper use of rank or position is prohibited. Such relationships undermine the credibility and integrity of humanitarian aid and other work with vulnerable persons.
5. Where a worker 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 the established reporting mechanisms.
6. Humanitarian and other workers working with vulnerable persons are obliged to create and maintain an environment which prevents sexual exploitation and abuse and promotes the implementation of Foundation's code of conduct. Managers at all levels have particular responsibilities to support and develop systems which maintain this environment.

SEA is forbidden in all Foundation's activities regardless of whether the SEA act is considered a crime according to the criminal law of the Slovak Republic or whether the perpetrator is to be sentenced by the Slovak justice system.

Carpathian Foundation is committed to ensuring that no complaint or allegation of sexual exploitation and/or abuse is lost or mismanaged, and that all victims can receive appropriate support services.

The Foundation will ensure confidentiality and a victim-centered approach at all times. A victim-centered approach involves handling safe disclosure including ensuring that confidentiality and consent are respected and that victims are referred to services as requested. The Foundation will provide the overall assistance and support to any victim of SEA perpetrated by their workers and associates (including implementing partners and grantees) through workers appointed as PSEA Focal points. The Foundation will ensure an investigation of every complaint or allegation of SEA it receives.

In case of a complaint or allegation related to SEA allegedly perpetrated by another entity's worker or associate, the Foundation is to refer the case in safety and confidentiality to the concerned organization (including through the inter-agency referral system) and provide the overall assistance and support to the victim, as required.

1.1 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.¹

Sexual Abuse: the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions, including sexual conduct with a minor (under the age of 18).² Sexual abuse can be physical, verbal or emotional. The activities may involve physical contact, including penetrative (e.g. rape) or non-penetrative acts.

In case of a child, sexual abuse may involve forcing or enticing a child to take part in sexual activities, whether or not the child is aware of what is happening. They may include non-contact activities, such as involving children in looking at, or in the production of pornographic materials or watching sexual activities, or encouraging children to behave in sexually inappropriate ways. Commercial sexual exploitation of children comprises sexual abuse by the adult and remuneration in cash or in kind to the child or to a third person or persons. The child is treated as sexual object and as a commercial object. The commercial sexual exploitation of children constitutes a form of coercion and violence against children, and amounts to forced labor and a contemporary form of slavery. Child pornography shall mean any representation, by any means, of a child, or a person with childlike appearance, engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child or of a person with childlike appearance for primarily sexual purposes. This can include photographs, negatives, slides, magazines, books, drawings, movies, video recordings, computer files and social media content. Generally speaking, there are two categories of pornography: soft-core (which is not sexually explicit but involves naked and seductive images of children) and hard core which relates to images of children engaged in a sexual activity.

Sexual Exploitation and Abuse (SEA): sexual exploitation and sexual abuse acts or incidents, or attempts and threats thereof. SEA constitute serious misconduct and are therefore grounds for disciplinary measures, including summary dismissal.³ The acronym "SEA" is commonly used to refer to acts committed by United Nations (UN), UN partners or affiliates, NGO and inter-government workers against the affected population. **SEA occurs when people in a position of power or trust exploit the vulnerability of the people they provide assistance or support to for sexual purposes.**

Sexual Exploitation and Abuse of Children: is defined as contacts or interactions between a child and an older or more knowledgeable child or adult (a stranger, sibling or person in a position of authority, such as a parent or caretaker) when the child is being used as an object of gratification for an older child's or adult's sexual needs. These contacts or interactions are carried out against the child using force, trickery, bribes, threats or pressure.

Sexual Harassment [vs SEA]: any unwelcome sexual advance, request for sexual favor, verbal or physical conduct or gesture of a sexual nature, or any other behavior of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation to another, when such conduct interferes with work, is made a condition of employment, or creates an intimidating, hostile or offensive work environment. While typically involving a pattern of behavior, it can take the form of a single incident. Sexual harassment may occur between persons of different or same sex; males and females as well as non-binary people can be either the victims or the offenders.⁴

As a rule of thumb, SEA are acts committed by humanitarian or other types of workers against beneficiaries of humanitarian assistance or vulnerable members of the community receiving an

¹ United Nations, Secretary General's Bulletin on Special Measures for Protection from Sexual Exploitation and Sexual Abuse, ST/SGB/2003/13, 2003, available at: <https://digitallibrary.un.org/record/504355?ln=en>

² Ibid

³ Ibid

⁴ United Nations, Secretary-General's Bulletin on Prohibition of Discrimination, Harassment, Including Sexual Harassment, and Abuse of Authority, ST/SGB/2008/5, 2008, available at: <https://digitallibrary.un.org/record/620578>

assistance/support, while sexual harassment is related to the workplace and is conducted, for example, by a worker towards another worker. Sexual harassment is not covered by this policy.

Gender Based Violence (GBV) [vs SEA]: umbrella term for any harmful act that is perpetrated against a person's will, and that is based on socially ascribed (gender) differences. It includes acts that inflict physical, sexual, or mental harm or suffering, threats of such acts, coercion, and other deprivations of liberty. These acts can occur in public or in private.⁵

Even though SEA is a form of GBV, SEA does not always happen against the victim's will - some consensual acts can constitute SEA.⁶ On the other hand, since SEA is a form of GBV, it is recommended that response services for victims is provided in line with existing referral GBV pathways.

Child Safeguarding [vs SEA]: a broad term to describe philosophies, standards, guidelines and procedures to protect children from both intentional and unintentional harm. SEA of children is one of the forms of violation of children's rights and safety. The Foundation is committed to ensure that its workers, associates, operations and programs pose no harm for children, and thus that they do not expose children to the risk of harm and abuse. Safeguarding of children goes beyond this Policy. Should any concerns about children's safety within the activities and programs they are involved in arise, the Foundation will conduct an investigation and as relevant report these to relevant authorities. Please refer to the Foundation's Child Safeguarding Policy for more information.

Victim [/survivor]: a person who has been subject to SEA or an attempt thereof.⁷

Complainant: a person who brings an allegation of SEA to attention. The complainant may be the SEA victim, or another person who is aware of the wrongdoing, including a worker of an organization providing services to vulnerable persons who reports concerns of SEA (so-called "whistleblower"). The complainant and the victim, if they are different persons, must be protected from retaliation for reporting SEA.

Where there is any conflict of interest between the victim and other interested parties, it is the victim's wishes and needs that must be the principal consideration in case management, particularly where they are at risk of additional harm.

Perpetrator: the person or group of persons who commits an act of SEA. A worker against whom a complaint is made is considered innocent until proven otherwise by an investigation conducted by the Foundation or official state agencies, and is referred to as "alleged perpetrator".

PSEA Focal Points: are responsible for actively promoting PSEA within their own organization and contribute to collective initiatives on their organizations' behalf as part of the PSEA Task Force run by UNHCR in Slovakia. They are responsible to ensure safe reception, referral and follow-up of SEA allegations as needed, and that victims have access to support services through the GBV and Child Protection (CP) referral pathways and to investigation or accountability processes.

Worker: any personnel that conducts paid or unpaid work for the Foundation, including on an employee contract, a commercial law contract, a volunteering / internship contract or other relevant type of contract.

Accountable Organization: the agency or organization that employs (or has a contractual relationship with) the alleged perpetrator, and is therefore responsible for investigating the allegation and taking all appropriate follow-up action to support the victim.

⁵ IASC, *Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action*, 2015, available at: https://gbvguidelines.org/wp/wp-content/uploads/2016/10/2015_IASC_Gender-based_Violence_Guidelines_fullres.pdf

⁶ UNHCR, *Investigating Allegations of Sexual Exploitation and Abuse. A Toolkit for Partners*, 2021, available at: <https://interagencystandingcommittee.org/system/files/2021-12/Toolkit%20-%20INVESTIGATING%20ALLEGATIONS%20OF%20SEXUAL%20EXPLOITATION%20AND%20ABUSE%20IN%20HUMANITARIAN%20SETTINGS.pdf>

⁷ As per the Slovak Act on Victims of Crime and on Amendments to Certain Acts (Coll. 274/2017).

Inter-Agency Community Based Complaint Mechanism (CBCM): a system blending formal and informal community structures, built on engagement with the community, where individuals are able and encouraged to safely report grievances (including SEA) and those reports are referred to the appropriate entities for follow-up.

Whistleblower Protection: protection from retaliation offered by an organization to its workers that encourages workers to report concerns or suspicions of misconduct by colleagues.

1.2 Guiding principles

Victim-centered approach: all responses to SEA complaints and allegations must be developed in a manner that balances respect for due process with the victim-centered approach, in which the victim's wishes, safety and well-being remain a priority in all matters and procedures. The overarching approach is to let the victim be in charge of their case, letting them 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.

Confidentiality: all persons involved in a SEA case must respect the confidentiality of complainants, victims, and other relevant parties at all times. All SEA-related information will be kept confidential, identities will be protected, and the personal information on victims shall be collected and shared only with the informed consent of the person(s) concerned. This applies also to translators or interpreters whose support may be required at any stage of the process.⁸ Disclosure of information must be on a strict need-to-know basis, and even where the victim gives such consent, only pertinent and relevant information shall be shared with others for the purpose of helping the victim (such as referring for GBV services, or for investigation). Online and physical records should be stored securely to prevent accidental or unauthorized disclosures.

All complainants must be made aware of the rights and limits of confidentiality, and their explicit informed consent to proceed with recording the complaint must be obtained in writing. Importantly, complainants/victims must be made aware of the fact that all Foundation's, humanitarian and other concerned workers have a duty to report, and what the implications of such duty are on their specific case.

Safety: the safety of the victim is the primary consideration at all times including during reporting, investigation by the concerned organization, and provision of assistance to the victim. Based on a preliminary risk assessment, a security/protection plan may be developed based on individualized needs.

Transparency: members of the vulnerable community / beneficiaries are informed (in a format that is accessible to all, regardless of age, literacy, language spoken or disability) on how to raise complaints and allegations, and may offer input to improve how complaints and allegations may be raised and handled. Specific policies and procedures, including in relation to investigations, and available reporting channels within organizations and their functioning are transparent, and clearly communicated to every worker and associate.

Accountability: community members shall be informed about their rights, including their right to make (and withdraw) SEA allegations. Victims shall be kept informed about any next steps related to their case, including investigation and referral to GBV services, and shall be provided information on any obligation for service providers to report to the authorities (mandatory reporting) to enable them to make informed decisions.

Informed consent: consent based on exhaustive information on available options must be obtained in writing before sharing a victim's information with anyone, and ahead of any action or referral.

⁸ In situations where the support of an interpreter is required, he/she shall receive prior information about the nature of the interview, his/her role and the need to maintain confidentiality over all the information. Asking the interpreter to sign a confidentiality agreement (see Annex 1) is required.

Victims have the right to withdraw consent at any time. Complainants/victims have to be informed that it is mandatory for all workers associated with Foundation's and humanitarian and other concerned workers who become aware of SEA to report immediately through the established reporting mechanisms, but that they have the right to or not to be involved in the reporting and investigation process of the case. In the event the victim wishes not to be involved, the victim's access to services should still be prioritized and facilitated while the incident should be referred without identifiable information.

To ensure that consent is "informed", the following must be ensured: (a) give all possible information and options available to the victim, in a language and means in which he/she understands; (b) inform the victim that the person receiving the complaint may need to share their information with others who can provide additional services; (c) explain to the victim what will happen as part of service provision, including follow-up actions associated to investigations of the SEA case; (d) explain the benefits and risks of services to the victim; (e) explain to the victim that she/he has the right to decline or refuse any part of services (in this case the service provider must inform the victim on the eventual consequences of a revoked consent); (f) explain limits to confidentiality (e.g. duty to report, mandatory reporting). See Annex 2 for a template to record informed consent.

Informed consent is the voluntary agreement of an individual who has the legal capacity to give consent (e.g. age 18 and above). The individual has the right to receive all the relevant information ahead of giving consent, and to place limitations on the type 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.

Snapshot of informed consent/assent guidelines

| Age group | Child | Caregiver | If no caregiver or not in child's best interest | Means |
|-----------|------------------|---|--|---------------------------------|
| 0-5 | - | Informed consent | Other trusted adult's or caseworker's informed consent | Written consent |
| 6-11 | Informed assent | Informed consent | Other trusted adult's or case worker's informed consent | Oral assent, Written consent |
| 12-14 | Informed assent | Informed consent | Other trusted adult's or child's informed assent. | Written assent, Written consent |
| 15-18 | Informed consent | Obtain informed consent with child's permission | Child's informed consent and sufficient level of maturity takes due weight | Written consent |

Source: International Rescue Committee (IRC) and UNICEF, *Caring for Child Survivors of Sexual Abuse. Guidelines for health and psychosocial service providers in humanitarian settings*, 2012, available at: <https://www.unicef.org/media/73591/file/IRC-CSS-Guide-2012.pdf.pdf>

Duty to report: the Secretary General's Bulletin on Special Measures for PSEA, the IASC Six Core Principles and related agency/organizational policies oblige workers of the United Nations and all humanitarian actors to promptly report all concerns or suspicions of SEA by fellow workers via established reporting mechanisms, whether or not the alleged perpetrator is from the same entity. Carpathian Foundation obliges its workers and associates as well as representatives of its partner organizations and grantees working with vulnerable persons to follow duty to report any SEA incidents.

Reports must be made in good faith, and reporting workers should be reassured that no retaliatory action will be taken against any worker who makes a good faith report, even if the allegation is proven unfounded upon investigation.⁹ In addition, the Foundation and its partners and grantees in

⁹ If a worker knowingly and willfully reports false or malicious information regarding another worker, such false reports constitute misconduct and should therefore lead to disciplinary action as per Foundation's HR policy.

Slovakia have a responsibility to comply with mandatory reporting regulations arising from the Slovak law and advice should be sought on a case by case basis. A case should be reported to authorities whenever an internal investigation shows an act of crime could have been committed.

Mandatory reporting to Slovak authorities

The Slovak Criminal Procedure Code (Coll. 301/2005) obliges everybody who has information about possible crime to report it to the authorities, i.e. the police. If the victim is a child, mandatory reporting includes also the duty to report to the local Office of Labour, Social Affairs and Family. Whoever learns in a reliable way and does not report that another person has committed a crime, can face a penalty of up to three years (Criminal Code Coll. 300/2005). 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. Notably, however, the Act on Victims of Crime and on Amendments to Certain Acts (Coll. 274/2017) requires preventing secondary victimization of the victim. This means that any reporting needs to be done after a careful assessment of the victim's safety and wellbeing, while providing access to specific services according victim's needs.

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.

2. THE SCOPE OF THE POLICY

This Policy applies to:

- a. All workers (employees and core staff members working for the Foundation under different than the occupational scheme), members of the Board and other advisory bodies, interns and volunteers;
- b. All those working with or acting on behalf of the Foundation (e.g. trainers, consultants, photographers, etc.);
- c. Partner organizations and organizations receiving financial and other kind of support from the Foundation and persons working for or acting on their behalf.

All of these entities are obliged to read the Policy and sign a statutory declaration in which they pledge to adhere to its principles and procedures.

2.1 Awareness Raising

For effective implementation of the Policy it is essential that all relevant people and entities are familiar with this Policy, understand it and adhere to all its provisions and measures ensuring no sexual exploitation or abuse is conducted towards any persons in vulnerable position who may come into contact with them within or outside the scope of their work.

Annual Training plan contains the target groups of the regular training sessions to maintain and increase the awareness of this Policy.

A copy of this Policy will be sent to all relevant individuals and organizations involved in Foundation's activities. The relevant partner organizations and grantees are required to brief their workers and associates on this Policy and commit to adhering to the principles and processes stipulated in the Foundation's policy. Beneficiaries provided humanitarian or other type of assistance and protection services by the Foundation and its partners and grantees need to be informed about their rights concerning sexual exploitation and abuse and the reporting procedures and mechanisms to be used should any violations of these rights or of the Policy occur, **highlighting zero tolerance of the Carpathian Foundation towards all forms of sexual exploitation or abuse, ways of reporting it and taking robust action when any sexual exploitation or abuse does occur both related to children or adults.**

2.2 External Partners and Grantees

The Policy applies to all organizations and external partners participating in Foundation's activities involving vulnerable persons, including refugees. If these organizations do not have their own Policy for prevention of sexual exploitation and abuse in place, they are obliged to abide by the principles and measures set out in the Foundation's Policy and they are also encouraged to draft their own Policy that would reflect their specific context and legal framework they operate in. An organization without a proper Policy in place may find it more challenging to fight malicious or false accusations and its reputation may suffer.

In case of several minor violations or in the event of a single severe violation of the principles and rules set out herein, the Foundation reserves the right to terminate cooperation with an organization or institution accountable for said violation.

2.3 Risk Assessment and Safe Programs

The Foundation is committed to designing and delivering programs that are safe for beneficiaries. Therefore, the Foundation undertakes to carry out risk assessment and implement safety strategies when designing said programs. At the same time, the Foundation will develop risk mitigation strategies to minimize the risks of SEA to vulnerable persons, which will be incorporated into the design, delivery and evaluation of the relevant programs, projects and activities.

3. THE KEY PROCEDURES OF THE CARPATHIAN FOUNDATION IN RELATION TO PSEA

3.1 Workers and Other Personnel

Each and every person (workers, Board members, contractors) wishing to work for or with the Foundation are required to:

- a. sign the binding statement in which he/she commits to adhere to the Policy's principles and conditions and abide by them (see Annex 3).
- b. Sign a statutory declaration stating the details of any previous SEA allegation and/or criminal conviction, including any rehabilitated conviction (see Annex 3). Employment or other contracts with the Foundation include consent with the right of the Foundation to request a copy of the criminal record if/when necessary, which has to be signed by the applicant.
- c. Acknowledge that disciplinary measures will be taken in the event of proven SEA allegations (termination of contract as applicable) and ethic and maintaining ethical environment will be included in performance appraisals of workers.

Apart from the usual procedures, where relevant, a recruitment interview will include:

- clear information on the position and relevant responsibilities assigned to said position with regard to PSEA;
- a discussion on PSEA, making sure the candidate is familiar with these principles, understands them fully and commits to abide by them;
- a pledge to adhere to the Policy principles, which forms a part of any employment, mandate or any other type of contract.

3.2 Training

To ensure a successful implementation of the Policy, the Foundation will take following measures:

- a. A new worker or associate will be informed of the Policy and all relevant procedures and processes resulting from said Policy within the first three weeks after they start their association with the Foundation.
- b. The Foundation will provide mandatory PSEA training to all workers as appropriate for their position and responsibilities at least once a year (as per the Foundation's Annual training plan) and within first three months of starting working with the Foundation, covering (not exclusively):
 - i. The Code of Conduct and PSEA Policy, how it applies and what it means for each position.
 - ii. What SEA is, how to identify and respond to it, including how to report.
 - iii. The role of investigations and sanctions, including the obligation to cooperate.
 - iv. How to identify and mitigate SEA risks in their work.

Additional training according to staff function covering specific responsibilities, procedures and actions is mandatory annually specifically for the groups below, following the Annual training plan:

- PSEA Focal Points
- Human resources and Management.

3.3 Conduct Protocol

Any worker, Board member, contractor who has a direct contact with vulnerable persons participating in the Foundation's activities will receive a Code of Conduct (as set out in Section 4 below). Foundation's management will appoint **PSEA Focal Points**.

Focal Points Establishment, Roles and Responsibilities

The purpose of the PSEA Focal Point is to have a designated personnel who supports management in coordinating the development and implementation of PSEA policy and procedures, two focal points are established in each office of the Foundation, including one female and one male focal point.

Key roles and responsibilities of PSEA focal points include:

Prevention

- *Conduct periodic assessments of Foundation's PSEA policies and practices and suggest improvements to senior management.*
- *Conduct training and awareness-raising sessions on PSEA for all workers and relevant partner organizations on a regular basis.*
- *Work with human resource and management of the Foundation on PSEA-related aspects, including ensuring that all workers sign the code of conduct and that screening for past SEA violations is a regular part of the recruitment process.*
- *Facilitate awareness-raising campaigns with beneficiaries and local communities on the definition of SEA, the standards of conduct expected of Foundation's workers and associates and representative of its partners working the field, and the various mechanisms for raising SEA allegations or concerns, including contact details.*

Reporting allegations of SEA

- *Safely receive reports of SEA allegations and related information and coordinate the response according to relevant procedures.*
- *Report concerns or issues with PSEA implementation to senior management.*

Response to SEA allegations

- *Once a complaint is received, coordinate Foundation's response, including referral of SEA victims for immediate, professional assistance through the agreed referral pathways and referral of the case for further investigations using these principles:*
- *Use the complainant's own wording to describe facts, violations and persons involved in the case to the extent possible.*
- *Indicate where relevant information is missing and add essential contextual information where needed.*
- *Remember that their role is not to investigate but rather to gather the facts for others to follow-up.*

Other responsibilities

- *On behalf of the Foundation, coordinate PSEA activities with relevant organizations, including inter-agency initiatives/through PSEA Tasks Force run by UNHCR in Slovakia, as appropriate.*
- *Support senior management in implementing other PSEA-related activities, as appropriate.*

Competencies and Experiences

- *Proven integrity, objectivity and professional competence*
- *Demonstrated sensitivity and knowledge of cultural and gender issues*
- *Fluent in Slovak*
- *Demonstrated experience of working directly with local communities*
- *Proven communication skills*

Upon appointment, the focal point will undergo organization-specific training on PSEA, as soon as feasible.

The name and contact details of the PSEA Focal Points will be displayed at a visible place in the Foundation office, on its website and in other relevant places.

Any disclosure of information about victims, including in legal cases, will be limited to the persons directly involved in the matter. In general, in the Foundation the responsibility for the Policy implementation lies with the Board of Directors.

Specific procedures and checklists related to implementation of the Policy are part of the Policy. PSEA shall be included in all Foundation's programs and projects as well as during their development.

4. CODE OF CONDUCT

This Code of Conduct (hereinafter referred to as "the Code") includes guidance on ethical and proper standards of conduct and behaviour of workers and other personnel associated with the Foundation in relation to SEA. Foundation's aim is to ensure everyone, children and adults alike, is participating in any Foundation's activity in a safe and secure way.

4.1 Guiding principles

The Carpathian Foundation is committed to protecting children and adults from any kind of SEA. The Foundation will take all necessary actions to prevent any form of sexual exploitation and abuse and respond to any information from children and adults in such situations. The Foundation will also respond to any and all reports of actual or alleged SEA irrespective of the nature of the referral, whom the allegations concern, who the referrer is or where she/he is from.

The Foundation has zero tolerance policy towards the breach of the Code of Conduct - impunity and complacency toward its guiding principles, rules and local regulations will not be tolerated. All credible allegations of SEA will be investigated and anyone found to have violated the standards of the Conduct will receive appropriate disciplinary action along with the Foundation reporting the breach to local authorities for further investigation as applicable.

The concerned should:

- Be aware of what constitutes sexual exploitation and abuse (as set out in this Policy) and understand relevant statutory provisions;
- Be able to recognize signs of SEA and report any suspicion or concerns immediately;
- Ensure that they know who the PSEA Focal Points as well as Child Safeguarding Officer in the Carpathian Foundation are and respect lines of authority and reporting procedures.

4.2 Standards of behavior

The Code of Conduct apply to all workers (employees, staff members working for the Foundation under different than the occupational scheme, volunteers and interns) 24 hours per day – 7 days a week (including weekends, holidays, on or off duty, in Slovakia or abroad). Breach of the principles undermine the credibility and integrity of the work of the Foundation and will therefore be grounds for termination of employment or collaboration from the side of the Foundation.

All workers collaborating with the Foundation have to be made aware of the code principles in writing and **confirm with their signature their commitment to follow them, not later than on the first day of the employment/collaboration start (Annex 3).**

Any sexual exploitation and abuse is an unacceptable behavior and prohibited conduct for workers, associates and partners of the Foundation and any affiliated personnel, namely in following areas:

1. It is strictly prohibited to engage in any form of sexually humiliating, degrading or exploitative behavior.
2. Exchange of money, employment, goods, or services for sex, including sexual favors or other forms of humiliating, degrading or exploitative behavior is strictly prohibited. This includes exchange of humanitarian or other assistance that is due to beneficiaries.
3. Any sexual relationship between those providing assistance in collaboration with the Carpathian

Foundation and a person benefitting from such assistance that involves improper use of rank or position is strictly prohibited.

4. It is highly recommended not to have sex with anyone, in exchange for money, whether or not prostitution is legal in Slovakia or any country where the adult is present.
5. In relation to children (persons under the age of 18), it is prohibited to:
 - a. Engage in any form of sexual activity with children;
 - b. Have a child stay overnight in the adult's room or sleep in the same bed (unless a prior consent is given by the child's parent/ guardian);
 - c. Be alone with a child in any circumstances that might be questioned by others or give rise to accusations;
 - d. Allow children to engage in games with sexual undertone;
 - e. Act in an inappropriate or culturally insensitive way in relation to a child (such as kissing, fondling, rubbing or touching a child);
 - f. Seek physical contact with a child (such as holding hands or hugging) unless such contact is initiated by the child or unless the child has expressed his/her consent with such contact;
 - g. Suggest inappropriate behavior or relations of any kind or encourage any crushes by a child.

Mistaken belief regarding the age of a child is not a defense. The Carpathian Foundation holds a zero tolerance policy in relation to any sexual activity of its workers with individuals below the age of 18 and any sexual exploitation and/or abuse.

6. If any behavior that is not in line with the Code is observed as done by others, regardless of their position or seniority, all employees and associates and partners have a responsibility to take all reasonable measures to stop the misconduct and report the incident immediately as per the Section 5.
7. Where a person collaborating with or working for the Foundation develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker of the Foundation or any other agency or partnering organization, he or she must report such concerns via the established reporting mechanisms (read more in the section 5.1)
8. Failure to respond or report misconduct is a breach of the standards of Conduct.
9. Sexual exploitation and abuse by workers providing humanitarian and other type of support to vulnerable populations constitute acts of gross misconduct and are therefore grounds for termination of employment.
10. All workers and collaborators of the Foundation are obliged to create and maintain an environment which prevents sexual exploitation and abuse, promote the implementation of this Code of Conduct and report any breach or potential concerns of its breach in line with the reporting principles in Section 5 of the Code.

The Foundation will act in line with local legislation to involve authorities in investigation of any sexual exploitation and/or abuse and will fully support the investigation process to guarantee transparent investigation and consequence management of terminating the employment as a result of such misconduct.

4.3 Responsibilities of all workers

1. Uphold the Code of Conduct and related Policies.
2. Actively participate in SEA-related trainings and awareness-raising efforts, including support for dissemination of PSEA materials.
3. Report allegations of SEA through the designated reporting channels.
4. Participate in investigations of SEA allegations as appropriate.
5. Actively mitigate/avoid SEA-related program risks.

4.4 Standards of managerial behavior

Managers of The Foundation at all levels have particular responsibilities to support and develop systems which maintain this environment, namely:

1. Be the role models in following the Code of Conduct and promote its principles, including the consequence management of any sexual relationships, sexual favours and/or abuses which are considered to be a serious misconduct and therefore being grounds for disciplinary measures, including summary dismissal.
2. Ensure attention and resources to PSEA across the organization.
3. If any behaviour which is not in line with the principles of the Code is observed, as done by others, regardless of their position or seniority, all workers have a responsibility to take all reasonable measures to stop the misconduct and report the incident immediately as per the Section 5.
4. Promote the process of reporting incidents or any concerns of the breach of the Code of Conduct. Act as advisors and encourage all workers 24 hours per day – 7 days a week (including weekends, holidays, on or off duty, in Slovakia or abroad) to report according to the Section 5 of the Code.

4.5 Responsibilities of Directors

1. Provide oversight of PSEA prevention and response, review and update related policies and guidance.
2. Conduct training and awareness-raising of workers and others on PSEA.
3. Receive reports of SEA allegations and coordinate the response. One of the directors always leads an investigation, in collaboration with the appointed external investigator. In case the allegation concerns one of the directors, the other director leads the investigation.
4. Decide on the disciplinary actions based on outcomes of SEA investigations – the Director not actively participating in the investigation leads this process.
5. Support communication with workers during investigation of SEA allegations.
6. Coordinate with other relevant actors on PSEA, including inter-agency efforts.

4.6 Responsibilities of HR personnel

1. Conduct screening for past SEA violations, and other code of conduct violations, as part of recruitment process.
2. Ensure all workers sign the Binding statement and statutory declaration in relation to prevention of SEA (Annex 3).
3. Integrate a PSEA clause in contract agreements for Foundation's workers (employment and others).
4. Keep PSEA-related documents of workers on file, including signed Binding statement and statutory declaration in relation to prevention of SEA.
5. Support Directors to meet their PSEA-related responsibilities.
6. Report concerns or issues with PSEA implementation to Directors.

5. PROCEDURES

All workers and other associates of the Foundation as well as representatives of Foundation's partners and grantees should be alert to signs that may suggest a child or an adult are experiencing SEA. In case they witness SEA related incidents or receive a SEA allegation / complaint from a beneficiary or a community member, they are obliged to report the incident as stipulated below. The person providing an allegation/complaint can be the victim or somebody else (for example, a witness).

All violations of this Policy (regardless of whether they are suspected, alleged or witnessed) are to be immediately reported. The Foundation will apply consequences for failing to report followed by disciplinary measures or ending a contractual agreement (as relevant). The Foundation guarantees full protection for those who make an allegation in good faith. Their identity will be protected using the code name and restricting the access to the reports as stated below.

Following reporting channels can be used to report SEA related incidents to the Carpathian Foundation:

1. in-person reporting to designated personnel: direct supervisors, PSEA Focal Points or Child Safeguarding Policy Manager
2. phone, SMS, text messaging or email to designated personnel: direct supervisors, PSEA Focal Points or Child Safeguarding Policy Manager
3. a letter marked "SEA related – confidential" put into the mail box of the Foundation located at the ground floor, Letná 27, Košice 040 01 - offering a possibility to report anonymously

The information about the reporting channels, together with contacts details for the PSEA Focal Points and Child Safeguarding Policy Manager must be included on the Foundation's website as well as intranet and in the Foundation's office.

The guiding principle here is that the safety of the victim and his/her best interest should always be the most important consideration. All records and reports will be stored at a secured place with access limited to the PSEA Focal Point of the Carpathian Foundation, Foundation's Directors and the appointed external investigator.

The process of reporting follows the principles of:

- **Safety:** The Foundation guarantees no risks for those reporting allegations or concerns, as well as other parties involved (e.g. victim, alleged perpetrator). All referral procedures and protection measures are highly confidential with a restricted access to incident reports and their safe storage by using document protection / sensitivity labels for computers files and storage in the locked GDPR cabinet in the office of the Foundation.
- **Confidentiality:** strict information-sharing practices is a must, only limited number of people have access to the reported information and code names are used when referring to those involved with omitting information that could reveal their identity (e.g. date of birth, address, phone number, description of unique physical traits). Information on the identity and personal information must be kept separate from incident and related reports.

There is an option of anonymous reporting by submitting the report physically into a mail box of the Foundation as per above.

- **Transparency:** prior informed consent of the victim / complainant must be obtained in writing, unless the complainant is a UN or partner personnel (including Foundation's workers/associates and representatives of its partners/grantees), who have a mandatory obligation to report SEA. The Foundation will share confidentiality procedures with all victims/complainants, explaining clearly how information will be shared, with whom and for what purpose, including

for investigations and assistance to victims. This also includes notice of the organization's obligations for mandatory reporting.

- Accessibility: the Foundation strives to make the reporting mechanisms easy-to-use and constantly removes potential barriers for usage keeping in mind their target audiences, including people of different ages, genders, educational backgrounds, abilities and promotes the reporting procedure as the part of induction and regular training.

5.1 Receiving an allegation / complaint of SEA or witnessing SEA

A SEA complaint can be received through any of the complaint and feedback mechanisms of the Foundation, but it may also be received by a representative of another organization.

If a complaint is received by a worker or associate of the Foundation OR a workers or associate of the Foundation witnesses SEA, the following procedure is to be followed:

- Ask a complainant/victim for their informed consent to report the incident and explain that even if the complainant/victim do not wish to make an official complaint, he/she is obliged to report the alleged incident anonymously. The complainant/victim shall receive information regarding all the next steps as per the Policy.
- If consent is provided, refer the complainant/victim to the PSEA Focal Point of the Carpathian Foundation or, alternatively, directly to the organization's investigative entity (one of the Foundation's directors) within maximum of 24 hours.
- In case consent for the referral is not given, the worker/associate should inform the complainant/victim of how they can submit a complaint at a later stage, should they change their mind. The worker / associate should nonetheless inform the PSEA Focal Point of the Carpathian Foundation of having received information about / witnessing a possible SEA incident, without sharing any identifiable information that may make the complainant/victim identifiable.

If a complaint is received by a representative of a Foundation's partner/grantee OR a representative of the a Foundation's partner/grantee witnesses SEA, the following procedure is to be followed:

- Ask a complainant/victim for their informed consent to report the complaint and explain that even if the complainant/victim do not wish to make an official complaint, he/she is obliged to report the alleged incident anonymously. The complainant/victim shall receive information regarding all the next steps.
- In case, the organization has its own PSEA policy, he/she shall refer the complainant/victim to the PSEA Focal Point of the organization or as stipulated in their organizational policy within maximum of 24 hours. The partner/grantee organization must notify the PSEA Focal Point of the Carpathian Foundation about the allegation within 48 hours.
- In case, the organization does not have its own PSEA policy, he/she shall refer the complainant/victim directly to the PSEA Focal Point of the Carpathian Foundation.
- In case consent for the referral is not given, the person notified about / having witnessed the alleged incident should inform the complainant/victim of how they can submit a complaint at a later stage, should they change their mind. They should nonetheless inform the PSEA Focal Point / designated contact of the organization of having received information about / witnessing a possible SEA incident, without sharing any identifiable information that may make the complainant/victim identifiable. The Focal Point of Carpathian Foundation must also be notified within 48 hours. Alternatively, they can inform directly the PSEA Focal Point of the Carpathian Foundation.

5.1.1 If the allegation pertains to the misconduct of a worker or associate of the Carpathian Foundation

When an allegation pertains to the misconduct of a worker or associate of the Carpathian Foundation, the Foundation will proceed according to the following SEA procedures:

- The PSEA Focal Point of the Carpathian Foundation must be made aware of the received complaint / allegation.
- The PSEA Focal Point of the Carpathian Foundation will contact the complainant/victim for counselling without delay, within maximum 48 hours.
- Counselling must prioritize the immediate needs of the complainant/victim, for example immediate medical attention, safety risks of the victim and their family. A security/protection plan based on individualized needs may have to be developed, including for example relocation and safe housing to protect the victim and their family from risks of retaliation; immediate medical response to injuries; access to medication against infections and unwanted pregnancy, etc.
- During the counselling, the PSEA Focal Point must provide exhaustive information about the available support services, as per the referral pathways (Annex 5), as well as the organization's investigation and accountability procedures.
- In a language that he/she understands, the complainant/victim must receive sufficient information with regard to their right to confidentiality and its limits, as well as the need that they also keep confidential all information relating to the complaint and the following process. The informed consent of the victim is necessary in order for the PSEA Focal Point to proceed with taking any action or making any referral. The victim has to be made aware that they may choose to deny or withdraw consent at any time.
- The PSEA Focal Point has to explain his/her duty to report SEA allegations and to whom, based on the Foundation's organizational policy and the inter-agency standard operating procedures, as well as any mandatory reporting requirement to the local authorities. The complainant/victim shall receive explanations of the extent to which their personal information can be anonymized, if informed consent is not provided.
- The PSEA Focal Point informs one of the Foundation's Directors about the reported allegation, using the Report of a Complaint of Sexual Exploitation and Abuse – Carpathian Foundation (Annex 6).
- The Foundation will proceed to address the case as per its internal procedures outlined below, and in line with the victim-centered approach. Throughout the process, the PSEA Focal Point shall remain available and reachable to the victim, and continue to provide support as required.
- In order for the PSEA Task Force to monitor trends on SEA cases in Slovakia, the PSEA Focal Point should also inform the PSEA Coordinators Olga Pietruchova (pietruch@unhcr.org) and Manuela Moy (moym@unhcr.org), using exclusively anonymized information, of the allegation received and steps taken to address the case.
- Furthermore, until the Carpathian Foundation is in a Project Partnership Agreement (PPA) with one or more United Nations agencies, they shall be promptly informed of the allegation and the steps taken by the Foundation to support the victim and address the case.

5.1.2 If the allegation received by Carpathian Foundation pertains to the misconduct of a worker or associate of another organization

- If the allegation pertains to misconduct of a worker or associate of a different organization, within 48 hours and with the complainant/victim's informed consent, the PSEA Focal Point of the Carpathian Foundation shall refer the case to the PSEA Focal Point or the investigative entity of the organization who employs (or has a contractual relationship) with the alleged perpetrator – that is the accountable organization.
- If no PSEA Focal Point or no confidential reporting channel is available at the accountable organization, or if the PSEA Focal Point is involved in the incident, the case shall be referred to the most senior relevant person within the organization (for example, the director) or directly to the accountable organization's investigation body if available.
- The referral shall be made in person/phone and via email, using the Standardized Inter- Agency

Complaint Referral Form for Sexual Exploitation and Abuse (Annex 4). The referral form should be password encrypted. In all instances, referrals have to take into sufficient account the safety of the victim, the complainant, and any other witness, and ensure that they are protected from retaliation.

- When the Focal Point / relevant representative of the accountable organization receives the allegation, he/she shall acknowledge receipt of the complaint in writing within 24 hours, and proceed to counsel the victim on the available support services and on internal investigation and accountability procedures, as explained in Section 5.1 above or as per organization's own procedures.
- The accountable organization shall proceed to address the case as per its internal procedures, and in line with the victim-centered approach.
- **In case, the accountable organization is a partner or grantee of the Carpathian Foundation, the PSEA Focal Point of the Carpathian Foundation must be regularly and in timely manner informed about the steps taken and an investigation conducted by the accountable organization as well as the results of the investigation. In case, the organization does not have its own PSEA policy, it may request the Carpathian Foundation to assist with providing support to the victim as well as the investigation and the follow up process.**

5.1.3 If the allegation pertains to the misconduct of a worker or associate of an unknown humanitarian organization

- The PSEA Focal Point receiving the disclosure shall obtain consent from the complainant/victim to raise the matter with the PSEA Coordinators Olga Pietruchova (pietruch@unhcr.org) and Manuela Moy (moym@unhcr.org), who will conduct a preliminary assessment of the case to seek to obtain further information, and determine the way forward.

5.1.4 If the allegation pertains to sexual harassment or discrimination and intolerance

Complaints related to any misconduct that falls under the Anti-discrimination Act (365/2004) or other relevant laws related to sexual harassment can be reported to the Slovak National Centre for Human Rights (Slovenské národné stredisko pre ľudské práva, <https://www.snslp.sk/>), which will provide free legal aid to victims of sexual harassment or discrimination and intolerance and/or refer to other services as appropriate. The SNCHR may represent victims of sexual harassment or discrimination and intolerance in the area of employment or similar relations, healthcare, social security, education and provision of goods and services (including housing). Regarding complaints of SEA, SNCHR may provide general guidance.

5.2 Investigation of SEA allegations by the Carpathian Foundation

The Foundation will administratively investigate all reported allegations concerning its workers and associates. In case an allegation is reported against a representative of a Foundation's partner / grantee, the Foundation may provide support in conducting the investigation, if requested by the partner / grantee. However, the organization having a contractual agreement with the alleged perpetrator is responsible for conducting the administrative investigations on any allegation of sexual misconduct committed by their personnel and taking disciplinary action regarding confirmed misconduct, if applicable.

While internal investigations are of an administrative nature, certain acts of sexual misconduct may warrant referral to local authorities as per below. The investigation shall be based on the victim-centered approach and meet due process standards.

The investigation principles and process:

- The Foundation implements the zero-tolerance policy on SEA and acts with no delay to ensure investigations of SEA allegations follow due process and protect the safety and rights of those involved, including victims, witnesses and alleged perpetrators. Reporting the supervisors and by-passing people is guaranteed with anonymous process of reporting, with the Board being the ultimate sponsors of the process. The Foundation commits to also ensure that investigations are victim-centered, respecting victims' rights to safety, confidentiality, respect and non-discrimination. Local authorities are included in investigations as appropriate with no delay.

- As a general rule, a SEA-related investigation is led by one of the Directors of the Foundation¹⁰ together with a nominated external expert. A nominated Board member should be notified of any and all such reports by one of the Foundation's directors.
- The investigators interview concerned workers, associates, victim(s), witnesses and other relevant people, verify facts and consider any relevant reports, such as medical reports, if provided by victims.
- The process and findings of the investigation are provided in writing using the relevant sections of the Report of a Complaint of Sexual Exploitation and Abuse – Carpathian Foundation (Annex 6) to the Director of the Foundation whom is not leading the investigation. Consequently, the Director makes a decision whether any disciplinary action is to be taken and/or if the case is to be referred to local authorities. The Director can consult the nominated Board member in making the decision. In case, the allegation concerns the Director, the report is provided to the nominated Board member, which informs and consults the other Board members. The Board jointly makes a decision regarding next steps. The person making the decision regarding next steps is to complete the relevant sections in the Report of a Complaint of Sexual Exploitation and Abuse – Carpathian Foundation (Annex 6).
- The Foundation strives 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 victim, witnesses, complainants/whistleblowers, or the alleged perpetrator or have a vested interest in the outcome of the investigation, which may compromise their objectivity. If and when the Foundation becomes aware of such a conflict of interest, these will be immediately removed from the case and the Foundation will take steps to 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.
- The Foundation will provide investigators (internal/external) with access to relevant internal documents, records and workers, as well as adequate and administrative support to conduct investigations effectively.
- The Foundation will provide adequate protection and other support to victims, witnesses and complainants/whistleblowers, and alleged perpetrators (as part of their duty of care for its workers) throughout the investigation process as needed. Adequate support will be given to the workers, in close collaboration with protection actors and those providing services to victims of SEA.
- All information contained in the report, particularly personal information of the complainant/victim and the alleged perpetrator, must remain confidential through the investigation process. Information sharing must be limited to a strict need-to-know basis. The necessity to share information with third parties should be decided on a case-by-case basis, in consideration of the victim's informed consent, the best interest of the victim, and prioritizing the safety of all those involved.
- Individuals directly involved in the case may require independent legal counsel and/or an advisor/support person to provide emotional support, share updates on the investigation, and to serve as a liaison with the investigation team as needed. Child survivors and witnesses are likely to require additional support to ensure that the investigation process is conducted in a child-friendly manner (e.g. child-friendly interview techniques, engagement of parents/caretaker) and the Foundation will coordinate all supporting elements during and post investigations.
- The Foundation pledges to take appropriate actions to protect the victims in question from further harm during and/or following an incident or allegation. Having considered impact the event has on the victim, the Foundation will assist in getting specific help and support, which may include arranging for a medical assessment to be done. Relevant contact details for the Police, Emergency Medical Service, child safeguarding services, social workers, helplines and other organizations or persons are available in (Annex 5). In case the victim is a child, the Foundation will also contact the child's family members or guardians and inform them about the incident and assistance provided. The Foundation maintains that it will always treat the best interest of the victim as its priority.

¹⁰ The Foundation's organizational structure comprises Executive Director and Program Director, co-leading the organization.

5.3 Reporting procedures to UN partners of Carpathian Foundation

The Foundation will promptly and confidentially, in a manner that assures the safety of all involved, report allegations of SEA arising from their Partnership Agreement to UN agencies.

Concerning UNICEF partnership:

The Foundation will submit the concerns or suspicions to the agency's Head of Office in-country preferably or if not available then to the UNICEF Director, Office of Internal Audit and Investigations (OIAI), through the email hotline (integrity1@unicef.org) and will keep UNICEF (through the Head of the Slovakia country office) informed on reported cases relevant to UNICEF by sharing regular updates on findings relating to the case, the investigation process and outcome and referrals for victims and others. Upon completion of the investigation, the Foundation will promptly provide reports on the outcome of the investigations and if requested, share any relevant details and evidence of examination and further use by UNICEF to the extent legally possible. In cases where competent Slovak authorities are conducting (or have conducted) the investigation, UNICEF may relieve the partner of its contractual obligation to conduct an internal investigation. In those cases, the Foundation will support UNICEF in obtaining information on the status and outcome of the investigation to the extent legally possible. As appropriate, the Foundation will confidentially share this information with the UNICEF head of office in country or the UNICEF Director, Office of Internal Audit and Investigation (integrity1@unicef.org) in a manner that assures the safety of all involved.

5.4 Internal safeguarding procedures

- The investigation completed by the Foundation's investigation team will be submitted to the Foundation's management (in case Programme Director leads an investigation to Executive Director, in case Executive Director leads an investigation to Program Director) and the nominated Board member. Program Director / Executive Director makes decision on the follow-actions based on the investigation outcomes upon consultation with the nominated Board member.
- Based on confirmed violation of the Policy, The Foundation may immediately suspend any worker, Board member, consultant, advisor, trainer or other associate. The Foundation reserves the right to take any disciplinary action against any of the above who have been proven guilty in an investigation.
- Decisions from any investigation(s), including any disciplinary and/or other actions taken by the Foundation resulting from the investigation(s) and justification, will be delivered to concerned individuals - specifically the victim, the alleged perpetrator, the complaint and the nominated Board member - in writing by and signed by one of the Foundations' directors (the one not leading the investigation and thus making the decision regarding actions based on the investigation's findings or the nominated Board member).
- Criminal offences and acts will be referred to the Police.
- In case of a confirmed SEA by a representative of the Foundation's partner and/or grantee, the Foundation reserves the right to end the partnership or a grant agreement of any form with immediate effect. If such case arises, the Foundation informs the partner/grantee in writing. As a prevention measure, the Foundation is to offer mandatory PSEA training to all grantees provided grant under the partnership of the Foundation with UNICEF. Other grantees of the Foundation working with vulnerable persons will have an option to undertake an online PSEA training.

6. ACCOUNTABILITY: MONITORING AND EVALUATION OF THE POLICY

The aim of monitoring and evaluating the Policy is to learn from practical experience and provide information to those who will review the Policy and/or amend it if need be.

The Foundation will monitor the implementation of this Policy and the related procedures regularly. Monitoring and evaluation will be done on a regular basis by checking whether the standards defined in the Policy are implemented and prevention against SEA is working.

Next to the overall monitoring and evaluation of the Policy, reactive monitoring will take place, too, in case the Policy principles are violated. This will contribute to the learning process for the Foundation and, if necessary, will result in changes to the Policy or relevant reporting procedures.

Revisions of the Policy are subject to the approval of the Board of Directors of the Foundation.

KEY CONTACT DETAILS:

Focal Points

Dominika Franeková - dominika.franeкова@karpatskanadacia.sk / +421 949 369 810

Roman Eštočák - roman.estocak@karpatskanadacia.sk / +421 905 678 116

Child Safeguarding Policy Manager

Nora Čepľová - nora.ceploova@karpatskanadacia.sk /

Investigation team

Veronika Miškech Fričová - veronika.m.fricova@karpatskanadacia.sk / +421 949 174 809

OR

Laura Dittel - laura.dittel@karpatskanadacia.sk / +421 902 308 131

AND

External expert: JUDr. Jana Liptáková - liptakova@straka-partners.sk

Board member nominated for PSEA

PhDr. Jana Knežová, PhD. - jana.knezova1@gmail.com / +421 907 638 136

ANNEXES

Annex 1: A confidentiality agreement for interpreters

Undertaking and Oath of Confidentiality For Translators and Interpreters

In respect of the applicable *[quote rules of the Organization]*, I, the undersigned, shall exercise the utmost discretion with regard to all matters related to my contact with the *[Investigation service or investigator]*. In particular:

Obligation of confidentiality

- I shall keep confidential all information to which I have access and/or known to me in the course of my role as a translator / interpreter during an investigation / interview.
- I shall not use such information for private gain, or to favour or prejudice any third party.
- I shall refrain from commenting on any aspect of my interactions with the Investigator to any party outside, either in a professional or private context.

Obligation of impartiality

I undertake to carry out my responsibilities and to conduct myself at all times, during and after my assistance to the Investigator, in a manner that is fully consistent with my obligation of impartiality.

- I will not engage in any contact or exchanges with persons that could undermine, or be perceived to undermine, my impartiality as a translator / interpreter or the fairness and integrity of the investigation.
- I will, to the best of my abilities, provide accurate and complete translation / interpretation for the investigator in a neutral and non-judgemental manner.
- I will carry out my responsibilities in a manner that is consistent with *[Organization]*'s Code of Conduct and standard for cultural, gender and age sensitivity.

Duty to report

I undertake to inform the investigator / designee for whom I am providing translation / interpretation services of any facts or incident that could undermine or be perceived to undermine my impartiality or effectiveness in the performance of my responsibilities. I agree to report to the investigator without delay:

- Any ties, professional or personal, I have with the persons of interest to the investigator in relation to whom I have been assigned translation / interpretation services;
- Any employment, association or provide interest I have which could be inconsistent with, or could be perceived to be incompatible with, my role as a translator / interpreter;
- Any other factors that could adversely affect my competence to provide translation / interpretation services that have been assigned to me.

Confirmation of undertaking and oath of confidentiality

I am aware that I can contact the investigator directly for information concerning the Investigation's mandate and my rights and obligations.

I understand that this Undertaking and Oath of Confidentiality will be held by the investigator and will remain effective during my service to the investigation; even upon completion of my service to the investigation I will endeavor to abide by this statement. I also understand that disclosing confidential information to persons and entities who are not authorized to receive it may amount to a breach of this Oath and may result in disciplinary / legal proceedings against me.

I have read, understood and accept each of the undertakings set out above.

Name (print):.....

Signature:.....

Date:.....

Annex 2: Template for recording informed consent by the person making a SEA allegation

**Record of Informed Consent
for Sexual Exploitation and Abuse (SEA) Complaint and Service Referral**

I,, confirm that give my permission for the
[Name of the victim or complainant]

agency/organization to share information about
[Name of the agency starting the service referral]

the SEA complaint, as indicated below:

a. I grant authorization for specific identifiable information to be shared for the purpose of service referral:

Yes No

b. I grant authorization to share specific identifiable information with the organization/agency which the alleged perpetrator works for (the accountable organization) for the purpose of investigation or other accountability procedure:

Yes No

I have understood that I can choose any or none of the options listed. The implications of my decision have been explained to me in a language that I understand and I confirm that my decision is made with full awareness of the consequences and that it is made of my own free volition. I have understood this statement fully and have asked for, and received to my satisfaction, an explanation regarding any parts or implications of this statement which were unclear to me. I have understood that the information shared will be treated with confidentiality.

Signature of survivor/complainant
(or parent/guardian if victim is under 18 years old)

Place and date

I hereby confirm that I fully explained the consequences of this informed consent, and the victim/complainant has signed this form freely and willingly in front of me.

Signature of the PSEA Focal Point

Place and date

Annex 3: Binding statement and statutory declaration for new workers stating the details of any previous sexual misconduct allegation and/or criminal conviction, including any rehabilitated conviction

Binding statement and statutory declaration in relation to prevention of SEA

I, the undersigned,declare that I have read and fully understand the standards and guidelines set out in the Carpathian Foundation's Policy for the Prevention of Sexual Exploitation and Abuse. I agree with all the above principles and I am aware of the importance of implementing and enforcing the Policy for the Prevention of Sexual Exploitation and Abuse, its standards, processes and procedures, and I undertake to adhere to them throughout my cooperation with the Carpathian Foundation. I confirm that I agree to adhere to the Code of Conduct of the policy.

At the same time, I acknowledge that with my consent I give the Carpathian Foundation the right to:

1. check my criminal records
2. request a signed Affidavit of any sexual misconduct allegation and investigations and criminal conviction or rehabilitated sentence
3. request a statement about possible investigations or allegations against me in relation to sexual exploitation and abuse and sexual harassment
4. request two personal testimonials

.....
(name)

.....
(position)

.....
(signature)

.....
(place and date)

Declaration of good repute

Have you ever been convicted of a deliberate crime?

- YES NO

Has there ever been an allegation of any form of sexual misconduct made against you?

- YES NO

If you answer yes to any of above, please give the circumstances and details of any allegations, investigations and convictions, including those rehabilitated.

The Carpathian Foundation undertakes to protect the confidential information you provide, which will be safely stored by the Programme Director / HR personnel, who will also consider to what extent it constitutes a threat to the principles of the Policy for the Prevention against Sexual Exploitation and Abuse and the Child Safeguarding Policy of the Carpathian Foundation.

I was instructed that in the event of filing a false affidavit, I could be prosecuted for an offence on the basis of § 39 par. 3 of Act No. 71/1967 Coll. on administrative proceedings.

Annex 4: Standardized Inter-Agency Complaint Referral Form for Sexual Exploitation and Abuse

| Standardized Inter-Agency Complaint Referral Form for Sexual Exploitation and Abuse | |
|---|---|
| Date of complaint: | Reporting channel used: |
| Information about the complainant | |
| Name of complainant: | |
| Age of complainant: | Gender of complainant: |
| Nationality of the complainant: | Preferred language of the complainant: |
| Address and contact of the complainant: | |
| Any immediate needs or safety concerns identified for the complainant: | |
| Other information/comments: | |
| Information about the victim | |
| Name of the victim: | |
| Address and contact of the victim: | |
| Nationality of the victim: | Preferred language of the victim: |
| Gender of the victim: | Age of the victim: |
| If under 18: <input type="checkbox"/> accompanied <input type="checkbox"/> unaccompanied <input type="checkbox"/> separated | If under 18, name and address of parent/guardian: |
| Has the victim given consent to the completion of this form and referral? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown | |
| Any immediate needs or safety concerns identified for the victim: | |
| Other information/comments: | |
| Information about the incident(s) | |
| Date and time of the incident(s): | Location of the incident(s): |
| Name of the alleged perpetrator: | |
| Name of the organization that the perpetrator works with: | |

| |
|---|
| <i>Description of the incident(s) as given by the victim/complainant:</i> |
| <i>Actions taken so far</i> |
| <i>Please describe any action taken to ensure immediate needs or safety concerns for the complainant or victim:</i> |
| <i>If the survivor has been referred to an organization for support, please describe:</i> |
| <i>Information of the receiving entity</i> |
| <i>Date of the report:</i> |
| <i>Name of the PSEA Focal Point who has filled in the report:</i> |
| <i>Signature:</i> |

Annex 5: Referral pathways for victims of SEA

<https://data.unhcr.org/en/documents/details/99350>

Annex 6: Carpathian Foundation's SEA incident report form

| Report of a Complaint of Sexual Exploitation and Abuse – Carpathian Foundation | |
|---|---|
| Date of complaint: | Reporting channel used: |
| Information about the complainant | |
| Name of complainant: | |
| Age of complainant: | Gender of complainant: |
| Nationality of the complainant: | Preferred language of the complainant: |
| Address and contact of the complainant: | |
| Any immediate needs or safety concerns identified for the complainant: | |
| Other information/comments: | |
| Information about the victim | |
| Name of the victim: | |
| Address and contact of the victim: | |
| Nationality of the victim: | Preferred language of the victim: |
| Gender of the victim: | Age of the victim: |
| If under 18: <input type="checkbox"/> accompanied <input type="checkbox"/> unaccompanied <input type="checkbox"/> separated | If under 18, name and address of parent/guardian: |
| Has the victim given consent to the completion of this form and referral? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown | |
| Any immediate needs or safety concerns identified for the victim: | |
| Other information/comments: | |
| Information about the incident(s) | |
| Date and time of the incident(s): | Location of the incident(s): |
| Name of the alleged perpetrator: | |
| Is the perpetrator in contractual agreement with the Carpathian Foundation? | |
| Name of the organization that the perpetrator works with: | |
| Description of the incident(s) as given by the victim/complainant: | |

| |
|--|
| Actions taken so far |
| Please describe any action taken to ensure immediate needs or safety concerns for the complainant or victim: |
| If the survivor has been referred to an organization for support, please describe: |
| Date of the report: |
| Name of the PSEA Focal Point who has filled in the report: |
| Signature of the PSEA Focal Point: |
| Information of the investigation and follow-up actions by the Carpathian Foundation |
| Name of the Director receiving the report: |
| Date of receiving the report by the Director: |
| Signature of the Director: |
| Names of the appointed investigators: |
| Date of commencement of the investigation: |
| Date of submitting the investigation report: |
| Details of the investigation (please include information regarding all actions taken during the investigation process with rationale and including dates, places, names of the involved persons and their accounts): |
| Findings of the investigation: |
| Is it recommended for the case to be referred to Slovak authorities? If yes, please provide details: |
| Signatures of the investigators: |
| Follow-up actions taken on the basis of the investigation results, including justification: |
| Name of the person responsible for the follow-up actions and signature with date: |