

UKRAINIAN WOMEN'S FUND



APPROVED BY:
Chair of the Board of the International Charitable Foundation
“Ukrainian Women's Fund”

Anna Gulevska-Chernysh
July 31, 2023

POLICY ON PREVENTING SEXUAL EXPLOITATION, ABUSE, AND HARASSMENT

Introduction

The Policy on Preventing Sexual Exploitation, Abuse, and Harassment of the International Charitable Foundation "Ukrainian Women's Fund" (hereinafter referred to as the UWF) contains provisions on the processes of prevention, counteraction, and response to cases of sexual violence and harassment. This document was prepared to provide the UWF employees with information on combating sexual violence and harassment.

The policy may be available in several languages, but the Ukrainian version is preferred.

The purpose of this document is to establish an effective process for preventing, combating, and responding to sexual exploitation, violence, and harassment should it occur in the UWF by:

- detecting, counteracting, and preventing sexual harassment
- analyzing possible solutions to the issue of sexual harassment and identifying optimal solutions to the problem
- creating a working environment with decent and equal working conditions for all UWF employees
- applying the current legislation on ensuring equal rights and opportunities for women and men and preventing and combating sexual harassment.

Contents

<u>1. Introduction.</u>	2
<u>1. General provisions.</u>	4
<u>1.1 Key terms.</u>	5
<u>1.2 Scope of application.</u>	7
<u>1.3 Principles Related to Sexual Exploitation and Abuse.</u>	8
<u>2. Preventive actions of the organization.</u>	9
<u>3. Incident handling procedure.</u>	10
<u>4. Organization's response and responsibility of those involved.</u>	13
<u>5. Confidentiality of information about the violation .</u>	13
<u>Annex 1. Familiarization with the Policy and agreement to comply with the Policy.</u>	14
<u>Annex 2. Statement .</u>	15
<u>Annex 3. Informed voluntary consent to participate in the investigation.</u>	16
<u>Annex 4. Non-disclosure obligations .</u>	17

1. General provisions

The policy is based on the Constitution of Ukraine, the Law of Ukraine "On Ensuring Equal Rights and Opportunities for Women and Men," the Criminal Code of Ukraine, the Code of Administrative Offenses of Ukraine, the UN Convention on the Elimination of All Forms of Discrimination against Women, the UN Protocol on the Provision of Assistance to Victims of Sexual Exploitation and Abuse, the UN Secretary-General's Bulletin on Special Measures for Protection from Sexual Exploitation and Sexual Abuse as of 09.10.2003.

The Ukrainian Women's Fund has a zero-tolerance policy towards any form of sexual exploitation, violence, and harassment. This is a violation of human rights and an abuse of power over a person in a vulnerable situation or a subordinate position.

Sexual exploitation, abuse, and harassment (hereinafter referred to as SEAH) can lead to long-term, negative consequences for those affected. In addition, sexual exploitation, abuse, and harassment within an organization undermine its reputation and negatively affect the organization's ability to achieve its goals and objectives.

The Policy defines the procedures that are mandatory for the organization's staff and contractors to follow to prevent and respond to possible SEAH cases against employees and any members of vulnerable groups during and after the employees' working hours.

The Policy is a fundamental document that defines organizational principles and requirements for the prevention of sexual exploitation, abuse, and harassment (hereinafter referred to as SEAH) and is binding on the staff and contractors of the organization.

All staff of the organization, involved contractors, beneficiaries, and other categories of SEAH survivors related to the organization's direct activities have equal rights to impartial investigation and protection without discrimination on any grounds: age, gender, nationality, race, sexual orientation, language, social status, property, religious, political or other beliefs, health status, disability or any other grounds.

As part of the Policy, the organization is committed to creating an atmosphere of zero tolerance for SEAH, focusing on prevention, awareness raising, and training among staff, involved contractors and beneficiaries, and guarantees an impartial investigation in the event of an incident and prosecution under the organization's internal rules and applicable law, in the event of a confirmed SEAH allegation.

This Policy applies to the organization's staff and contractors during and after working hours, including during travel, weekends, and vacations. The Policy applies both on and off the organization's premises.

All UWF staff and involved contractors who have read the provisions of the Policy and signed the relevant agreement are responsible for the implementation of the Policy. The Policy is coordinated and implemented by the Authorized Person appointed by the order of the UWF Head.

The ultimate responsibility for the implementation of the Policy lies with the Head of the UWF, indicated in the Unified State Register of Legal Entities, Individual Entrepreneurs, and Public Organizations.

Familiarization with and agreement to comply with the provisions of the Policy is certified by the signature of each UWF employee and contractor. The signed consent of the employees, contractors, supervisors, candidates for UWF participants, and UWF participants is stored by the UWF ([Annex 1](#)).

This Policy comes into force after approval by the UWF Board. This Policy is publicly posted on the UWF server with open access for UWF employees and contractors.

1.1 Key terms

The following definitions of key terms are used in the Policy:

A statement (complaint) is an unconfirmed report of an incident based on a person's claim that the Policy against sexual exploitation, violence, and harassment has been violated.

Applicant (complainant) is a person who claims that she/he has been discriminated against or harassed, or has been subjected to sexual harassment. One complaint may have more than one complainant.

The person a complaint was filed against is the person who is allegedly responsible for sexual harassment, discrimination, or abuse.

Sexual harassment includes actions of a sexual nature, expressed verbally (threats, intimidation, indecent/unwanted proposals and/or comments, jokes, messages, and letters, display of images, etc.) or physically (unwanted touching and patting, etc.), which humiliate or offend a person in a relationship of labor, service, material or other subordination.

Sexual violence is a violent act of a sexual nature without the voluntary consent of the affected person. These actions, unlike rape, do not involve penetration of another person's body.

Sexual exploitation is any actual or attempted abuse of a position of vulnerability, power, or trust for sexual purposes, including, but not limited to, obtaining monetary, social, or political gain through the sexual exploitation of another person.

Sexual abuse is any actual or attempted abuse of a position of vulnerability, power, or trust to obtain services of a sexual nature, including, but not limited to, committing or threatening to commit acts of a sexual nature against sexual inviolability in unequal or coercive circumstances, with the use of force (including contactless interaction and committing acts of sexual exploitation and abuse in cyberspace). Any act of a sexual nature involving minors constitutes sexual abuse.

Allegation of sexual exploitation, abuse, or harassment is a report of acts of sexual exploitation, abuse, or harassment that, after appropriate verification, is found to contain sufficient information to initiate an investigation.

Suspicion is a cause of anxiety or concern that is not, at a certain stage, supported by evidence and is not recognized as true. In the context of sexual exploitation, violence, harassment, and abuse, it is a suspicion and/or rumor that staff, contractors, program or mission participants are involved (in the past or present) in causing harm.

Data protection is the systematic implementation of a set of institutional, technical, and organizational measures to protect the right to privacy in the context of the collection, storage, use, and disclosure of personal data.

Violation includes sexual abuse, sexual violence, sexual exploitation, or sexual harassment.

Report of a potential incident involving sexual exploitation, abuse, and harassment is information provided (by the complainant or another person (the source) about behavior that may contain signs of violation of the SEAH policy but requires verification.

The subject of the report/investigation is a person whose actions are the subject of the investigation/notification.

Substantiated report – the investigation found that there was sufficient evidence to establish that acts of sexual exploitation, abuse, or harassment had occurred.

Unsubstantiated report – the available evidence was insufficient to complete the investigation or the investigation concluded that the evidence was insufficient to

establish that acts of sexual exploitation, abuse, and harassment had occurred for several reasons; it does not always mean that the allegation was found to be false.

Zero Tolerance Policy is a policy that prohibits any sexual exploitation, abuse, and harassment by staff, contractors, including implementing partners, and mandates prosecution of such acts.

Victimization is the process or result of becoming a victim of a criminal offense.

1.2 Scope of application

Physical actions:

- Unwanted physical contact, including stroking, pinching, touching, kissing, hugging, fondling, or inappropriate touching
- Coercion, including sexual violence
- Using work-related threats or inducements to take sexual advantage of another person.

Verbal actions:

- comments about the body, age, personal life, etc.
- comments, stories, and jokes of a sexual nature
- repeated and unwanted invitation to a date or suggestion of intimacy
- condescending and paternalistic comments
- sexually explicit messages (by phone, email, or other means).

Non-verbal actions:

- display of explicit or obscene material
- sexual/vulgar gestures
- whistle
- a humiliating look.

Anyone can be a victim of sexual harassment, regardless of the gender of the victim and the perpetrator. The UWF believes that sexual harassment can also occur between people of the same sex. To qualify an action as sexual harassment, it is sufficient that the person to whom the action is directed finds it unacceptable and unwelcome.

The UWF asserts that sexual exploitation, abuse, and harassment are manifestations of power relations and often occur in unequal workplace relationships, such as between a boss or supervisor and an employee. Any person, including employees, contractors, partners, temporary employees, vendors, or visitors, who commits sexual harassment against another person as defined by this internal Policy will be subject to the sanctions outlined in this Policy.

Any kind of sexual harassment on the premises of the UWF and outside of them, including during cultural events, business visits, conferences, and training sessions organized/funded by the UWF, is prohibited.

1.3 Principles related to sexual exploitation and abuse

1. Sexual exploitation and abuse by employees and contractors are acts of gross misconduct and are therefore grounds for terminating cooperation.
2. Sexual contact with children (persons under the age of 18) is prohibited. A mistaken opinion about the age of a child is not an excuse.
3. The exchange of money, work, goods, or services for sex, including sexual favors or other forms of degrading or exploitative behavior, is prohibited.
4. If a staff member or contractor has concerns or suspicions about sexual abuse or exploitation committed by a fellow staff member or contractor, whether or not he or she is employed by the same organization, he or she should report such concerns through established mechanisms within the organization.
5. Employees and contractors have a responsibility to create and maintain an environment that prevents sexual exploitation and abuse and promotes the implementation of this Policy. Supervisors at all levels have a particular responsibility to maintain and develop systems that support this environment.

2. Preventive actions of the organization

Preventing and combating sexual exploitation, abuse, and harassment is based on the following principles:

- respect for the dignity of every person
- ensuring equal opportunities for individuals and/or groups
- prevention of discrimination and sexual harassment on all grounds
- ensuring equal opportunities for women and men to combine professional and family responsibilities
- carrying out professional activities based on gender equality
- maintaining confidentiality during the consideration of the case
- systematic monitoring of discrimination, sexual violence, and harassment, sharing the results of such monitoring, and responding appropriately to cases of discrimination and harassment.

To prevent sexual harassment in the workplace and other forms of gender-based violence, the following is prohibited:

- discriminatory statements (containing offensive or humiliating statements about persons based on gender, appearance, clothing, sexual orientation, etc.
- hate speech (statements containing insults, threats, or calls for violence against a particular person or group based on gender), sexual acts expressed verbally (threats, intimidation, obscene/intrusive proposals and/or remarks, jokes, messages, and letters, display of images, etc.), sexual acts expressed physically (unwanted touching and patting, etc.) that humiliate or offend a person.

Taking into account that prevention is a necessary part of the Policy, the UWF takes a responsible approach to the selection of staff and contractors and takes measures to inform and train staff and contractors. The UWF conducts educational work on prevention and response to SEAH with its staff and contractors by promoting best practices, disseminating information materials, etc.

When hired, employees are familiarized with the Policy and sign an informed consent to comply with its provisions ([Annex 1](#)).

The UWF informs the staff, involved contractors, and implementing partners about the availability of mechanisms for reporting possible SEAH incidents.

3. Incident handling procedure

An incident or suspected SEAH can be reported by staff, involved contractors, beneficiaries, or any other SEAH victim or witness ([Annex 2](#)).

If UWF employees or contractors witness a violation of the policy, it is their responsibility to immediately notify the authorized persons. The report by an employee or contractor should be detailed and should include information about the facts or suspicions of the SEAH case, information about the affected person, the violator, and witnesses ([Annex 2](#)).

The UWF appoints at least two authorized persons to receive reports to avoid conflict of interest if the report concerns an authorized person.

The UWF creates, maintains, and disseminates information on the availability of channels for receiving reports: a written complaint to the UWF to a specially created e-mail address policyviolation@uwf.org.ua.

Authorized persons check messages regularly and store all received messages/reports/complaints, including anonymous ones, in a separate folder.

The folder has restricted access and is stored under protection.

The authorized persons carry out an initial assessment of the message/report/complaint and submit its results to the UWF Board. In case the initial assessment concludes that the suspicion is justified, the UWF Board orders to establish a temporary committee consisting of at least three persons for the administrative investigation of the case.

The investigation committee may include the head of the UWF and individual members of the Board. The committee may not include persons concerned by the report. If the report concerns an authorized person, he/she shall be suspended from performing his/her duties for the duration of the investigation.

The investigation may include interviews with the persons who filed the report, the affected persons, witnesses, and subjects of the investigation, as necessary to clarify the circumstances. The persons involved in the interview sign an informed consent to participate in the investigation ([Annex 3](#)).

Personal data of persons who file a report and are involved in the investigation are treated as strictly confidential.

The committee analyzes the information obtained during the investigation and prepares conclusions on the confirmation or non-confirmation of the SEAH case.

The investigation can last up to one month.

The conclusions of the investigation committee are reviewed at an extraordinary meeting of the Board, which decides on the necessary sanctions. If the report concerns a member of the Board, that person is removed from consideration of the case and decision-making.

All persons involved in the review of the report sign a form on non-disclosure of details that may harm the affected person ([Annex 4](#)).

The authorized person, within the scope of his/her authority, provides the affected person with the necessary support in the form of information on available security resources, psychological, legal, medical, and other necessary assistance.

4. Organization's response and responsibility of those involved

Based on the investigation results, the Board makes decisions on how to respond to the report.

If the report is not substantiated and the policy violation is not confirmed, no action is taken.

If the findings of the investigation indicate evidence of policy violations, or if the subject of the investigation admits guilt, the employee or contractor involved will be dismissed.

If the confirmed cases involve implementing partners or commercial counterparties, the management of the implementing partners or commercial counterparties is notified of such cases and asked to take appropriate action.

If the confirmed cases involve donors, the leadership of the donor organization is notified of such cases and asked to take appropriate action.

If the report contains signs of a criminal act, it is sent to the relevant law enforcement agencies, regardless of the conclusions of the internal investigation, but subject to the informed consent of the adult affected person.

Provisions governing contractual sanctions are included in all contracts with suppliers of services and goods.

When responding to requests from third parties regarding the reasons for the dismissal of employees or termination of relations with contractors and other individuals or legal entities, the UWF undertakes to report proven facts of the Policy violations.

If there is a reasonable suspicion that a crime against sexual inviolability or other crimes have been committed, the UWF reports the facts to the relevant law enforcement agencies under the Criminal Code of Ukraine.

5. Confidentiality of information about the offense

The Convention for the Protection of Human Rights and Fundamental Freedoms imposes a positive duty to ensure respect for private or family life, and confidentiality is one of the cross-cutting principles for documenting sexual violence, requiring the protection of information about sexual violence collected by authorized persons.

To avoid moral suffering and re-victimization of the affected persons, any publicly available documents and decisions in cases of sexual violence should not contain:

- information about the place of residence (stay), date of birth, last name, name, and patronymic of the affected person
- excessive detailing of the offense
- other data that allows to identify the affected person without any obstacles.

Ensuring confidentiality will help to build trusting relationships with the affected persons, which is an important step towards respecting the rights of survivors and responding effectively to SEAH.

The UWF will maintain the confidentiality of the complaint and the confidentiality of the individuals involved to the maximum extent possible, as appropriate to conduct a thorough and complete investigation and to the extent permitted by law.

Annex 1

To the Director of the International Charitable Foundation
"Ukrainian Women's Fund" Bondar Olesia Anatoliivna

FULL NAME

Address

Contact number

INFORMED VOLUNTARY CONSENT

I, full name, hereby confirm that I have read and understood the policies of the Ukrainian Women's Fund

LIST,

I have no objections and no questions, all the information is clear to me and explained in an accessible way.

Date

Signature

To Chair of the Board of the International Charitable Foundation
"Ukrainian Women's Fund", Anna Gulevska-Chernysh

FULL NAME

Address

Contact number

STATEMENT

The statement can be written in any form.

The statement shall include the date, place, time, information about the person who committed acts of a sexual nature, information about persons who witnessed the acts of a sexual nature, and other information that the person considers important to resolve the situation.

Date

Signature

INFORMED VOLUNTARY CONSENT TO PARTICIPATE IN THE INVESTIGATION

I, full name, give my consent to my participation and inclusion of my personal data in the necessary documents during the investigation of sexual harassment in the International Charitable Foundation "Ukrainian Women's Fund."

Date

Signature

NON-DISCLOSURE OBLIGATIONS

I, full name, under Article 10 of the Law of Ukraine "On Personal Data Protection," undertake not to disclose in any way the personal data entrusted to me or that became known to me in connection with the investigation of sexual violence at the International Charitable Foundation "Ukrainian Women's Fund."

This obligation shall remain in force after the termination of my activities related to the processing of personal data at the Ukrainian Women's Fund, except as provided by law.

I have been informed of the liability for violation of personal data protection legislation.

Date

Signature