



PROTECTION FROM SEXUAL EXPLOITATION, ABUSE AND HARASSMENT (PSEAH)

SAFEGUARDING POLICY AND PROCEDURES

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TABLE OF CONTENTS

1.Purpose and basic principles	3
1.1 Purpose	3
1.2 Scope	3
1.3 Roles and responsibilities	3
<i>HQ Safeguarding Focal Point.....</i>	<i>3</i>
<i>Local Focal Points</i>	<i>4</i>
<i>Management.....</i>	<i>4</i>
<i>Delegates.....</i>	<i>5</i>
<i>Project/Programme Managers.....</i>	<i>5</i>
<i>Human Resources (or staff in charge of recruitment)</i>	<i>5</i>
<i>All employees and related personnel.....</i>	<i>5</i>
1.4 Reference documents.....	6
2.Policy statement.....	6
2.1 Definitions	7
2.2 Key Principles	8
3.Safe people.....	9
3.1. Communities' engagement and accountability to affected populations.....	9
3.2. Working with partners	10
3.3. Staff, volunteers and consultants	10
3.4. Service providers and suppliers	11
3.5. Training and Awareness.....	11
4.Safe programmes	12
5.Reporting and response	13
5.1. Reporting a safeguarding concern	13
<i>Channels</i>	<i>13</i>
<i>Confidentiality and protection measures.....</i>	<i>14</i>
5.2. Responding to a safeguarding concern.....	14
<i>Acknowledgement of receipt.....</i>	<i>14</i>
<i>Assistance and support to victims/survivors.....</i>	<i>15</i>
<i>False and anonymous reports.....</i>	<i>15</i>
5.3. Administrative inquiry	16
<i>Legal framework.....</i>	<i>16</i>
<i>Principles.....</i>	<i>16</i>
<i>Process.....</i>	<i>16</i>
<i>Communication.....</i>	<i>17</i>
6.Closure and corrective actions	18
<i>Outcome of an administrative inquiry.....</i>	<i>18</i>
<i>Corrective actions.....</i>	<i>18</i>
7.Disciplinary measures	19
8.Annexes.....	19

I. Purpose and basic principles

I.1 Purpose

Terre des Hommes believes all people have a right to live self-determined lives, free from harm and abuse and that safeguarding is fundamental to our identity as a humanitarian and development organisation. Safeguarding is the responsibility to ensure that staff, operations, and programmes do no harm to children, young people, or vulnerable adults, employees, or related personnel and community members.

We recognise that there can be unequal power dynamics across the organisation and in relation to those we serve, and that we may face risk of some people exploiting their position of power.

Any form of sexual exploitation, abuse and harassment of affected populations represent a failure in the safeguarding systems, and it causes harm to the people that Terre des Hommes Italy aims to serve and protect.

With this Policy TDH Italy's recognizes its responsibility and demonstrates its commitment to safeguard and protect all people, do no harm to others, and ensure zero tolerance to abuse and exploitation.

This means that TDH Italy will not tolerate its employees, volunteers, consultants, partners, or any other representative associated with the delivery of its work carrying out any form of sexual harassment, sexual exploitation, or sexual abuse. TDH Italy commits to supporting survivors, improving safeguarding capacity, reporting, investigating, responding to, and preventing sexual harassment and sexual exploitation and abuse.

This policy outlines clear responsibilities and easily accessible processes and procedures to ensure potential safeguarding risks are identified, considered, and minimized across all areas of our work.

It applies exclusively to the protection and management of cases against staff, beneficiaries, and members of communities over the age of 18, while the Child Safeguarding policy shall apply to any cases relating to a child. Anyway, engaging in sexual activities with individuals under 18 years of age is strictly forbidden and will result in severe consequences.

TDH Italy designated staff will use this Policy in conjunction with relevant employment/labour laws, duty of care and relevant criminal laws to make decisions about how to respond to any complaints and concerns raised.

For support and advice, please contact TDH Italy HQ or your local Focal Point (see ANNEX A. Updates on Sharepoint site "Policies and Procedures").

I.2 Scope

This policy applies to all Terre des Hommes Italy's staff, consultants, volunteers, suppliers, partners, service providers, in Italy and abroad. It also applies to visitors, journalists, press and any other individual/entity that for any reason finds him/herself in contact with TDH Italy staff or with any individuals through TDH Italy.

The policy applies always during working hours, in-person and online. Actions taken by TDH employees and related personnel outside of working hours that are seen to contradict this Policy will be considered a violation of this Policy.

All individual/entities mentioned above are therefore required, without exception, to take all the necessary measures and undertake high levels of due diligence to prevent and manage any suspected or proven case of SEAH.

I.3 Roles and responsibilities

HQ Safeguarding Focal Point

The Safeguarding Focal Point at HQ is the person responsible for the coordination, support and assistance in the implementation of the PSEAH as well as of the child safeguarding policy. It doesn't have to be a full-time position.

Specific PSEAH tasks of the HQ Focal Point include:

- Leading the periodical revision, promotion and dissemination of TDH Italy's PSEAH policy, ensuring that all staff at HQ, Desk Officers and Delegates are aware of this policy and of the Code of Conduct;
- Supporting the staff at HQ, Desk Officers and Delegates in the implementation of the PSEAH Policy by offering appropriate training and advice;
- Ensuring that the staff at HQ, Desk Officers and Delegates are aware of the measures and channels for reporting, and conducting training for new recruits at HQ;
- Acting as a channel to receive allegations of SEAH and coordinate the response;
- Participating to the International Federation Working Group on Safeguarding;
- Coordinating with the Management for highly sensitive or particularly serious cases, where external support may be required, or when authorisation to report to local authorities or law enforcement must be authorised by the Foundation's Legal Representative;
- Making sure that everyone is aware of how to reach the HQ Focal Point, should they encounter situations of violence or abuse and wish to report their concerns;
- Collecting anonymised data for statistics and reporting;
- Ensuring that reporting and response processes are constantly updated with a view of their improvement.

Local Focal Points

The position of PSEAH Focal Point is not full-time. Each TDH Italy Delegation will have one or more Focal Points, appointed specifically or chosen among programme staff, according to the size of the office, the resources available, and the number of projects managed. In understaffed delegations, the Delegate will assume the role of Safeguarding Focal Point, in charge of PSEAH and child safeguarding.

The responsibilities of local Focal Points should include:

- Leading the promotion and dissemination of safeguarding principles and prevention measures in the projects, programmes, and communities, ensuring that all staff and partners are informed about this policy and the Code of Conduct.
- Organising, developing materials, conducting and documenting PSEAH training for local staff and partners;
- Ensuring that project participants and community members are aware of the principles, preventive measures, and reporting mechanisms outlined in this policy.
- Coordinating with local agencies and services, including law enforcement, in collaboration with the case management team, to secure external support when necessary. Where applicable, represent TDH Italy in local PSEA networks.
- Ensuring that their contact information is readily accessible to anyone who may encounter situations of violence or abuse and wishes to report their concerns.
- Working with project/programme managers to develop local complaint forms and mechanisms, making it easier for beneficiaries to report suspected or confirmed cases of abuse.
- Accurately filing case reports using the relevant forms, ensuring all documentation is complete.
- Monitoring critical issues related to PSEAH within the organization's programs and projects through appropriate risk assessment and management strategies.
- Regularly updating and improving reporting and response processes to ensure their effectiveness.

Suggested criteria for selecting the Local Focal Point:

- Experience working in protection-related roles (e.g. protection officer, protection coordinator/ project manager, protection team leader, PSS or case management supervisor, etc.);
- Previous experience or training in GBV, caring for child survivors, etc.
- Relationship of trust with the managers and with field staff, better if the person is known among the field staff;
- Understanding of confidentiality and TDH policies;
- Very good knowledge of the main principles and guidelines related to PSEA and child safeguarding;
- Experience in delivering training to the staff;
- Good communication skills

Management

The management includes the Secretary General, the General Director, the Director of Programmes, the Desk Officers and Head of Departments at HQ. They will:

- Model respectful behaviours and embed an accountable organisational culture of zero tolerance of abuse and harm.
- Demonstrate commitment to safeguarding by regularly highlighting the importance of safeguarding to staff and peers and fostering a respectful working culture and environment where personnel and communities feel able to raise concerns.
- Monitor the enforcement and impact of the policy, ensuring human, technical and financial resources can be made available for its implementation.
- Ensure employees, volunteers, consultants, visitors, and partner organisations understand importance and binding effect of the Policy and are supported to implement and work in accordance with it.
- Be responsive, act immediately if made aware of any safeguarding concerns, facilitate and oversee inquiries and be supportive towards staff who report breaches of the Policy.
- Ensure that employees with specific safeguarding duties have appropriate experience, training, resources, and support available to them and that these duties form part of their job description and performance deliverables.

In case of serious SEAH incidents, or involving expatriate staff, the Secretary General, the General Director and the Director of Programmes must be involved in the management of the case.

Any complaints or reports to authorities must be authorized by the Foundation's Legal Representative.

Delegates

Delegates representing TDH Italy at country or regional level will:

- Be accountable for safeguarding within the Country Office and plan and provide clear guidance and resources for implementing, and reporting performance on, the implementation of PSEAH.
- Identify and support the Focal Points who will help coordinate and implement the Policy and related procedures, and who will report on progress. If necessary, they may take the role of Focal Point.
- Lead or follow-up or participate in the execution of disciplinary action if it is determined that there was a violation of the Policy and Code of Ethics.
- Ensure resources are available for the implementation of PSEAH through programmes and within the Country Office.
- Lead the completion of safeguarding self-assessments and use the findings to develop annual action plans to address gaps and strengthen safeguarding implementation across all areas of work.

Project/Programme Managers

Manager of projects or programmes will:

- Conduct SEAH risk assessments of the project / programme under their responsibility.
- Supervise the behaviour of the staff in the field.
- Ensure that all project staff are regularly trained
- Ensure that reporting channels are in place and regularly monitored
- Ensure that communities are made aware of the PSEAH Policy and how to report concerns.

Human Resources (or staff in charge of recruitment)

Staff in charge of HR management, full-time or part-time when an HR department is not available, will:

- Ensure robust safer recruitment procedures are in place.
- Ensure that all new personnel receive and subscribe a) Code of Ethics, b) PSEAH and child safeguarding policies, c) Organisational model. Signature of adherence should be filed in the staff dossier.
- Include specific responsibilities for safeguarding in relevant job descriptions/TORs.
- Verify that all new recruits have received the induction training including PSEAH.

All employees and related personnel

Temporary or permanent staff, managers, and volunteers will:

- Read and abide by the PSEAH Policy and undertake training and refresher courses on safeguarding.
- Report all incidents of abuse, including sexual exploitation and abuse, sexual harassment, physical and emotional abuse perpetrated by TDH Italy's employees or related personnel using the appropriate

channels. Reports should be made within 24 hours or as soon as reasonably possible. No investigative action should be taken until guidance has been received from the investigation manager.

- Uphold the PSEAH Policy and maintain a respectful and safe environment.

1.4 Reference documents

This policy follows on directly from the Terre des Hommes Italy's **Code of Ethics**, which identifies the values on which the Foundation's activities are based and sets out the requirements for the good conduct of staff.

The policy is also based on the minimum standards set out in the Safeguarding Policy and Code of Conduct of the Terre des Hommes International Federation.

The Safeguarding framework of Terre des Hommes Italy includes the following documents:

- *Child Safeguarding Policy, v2/2021*
- *Internal Reporting Procedure and Whistleblower Protection Policy, v2/2024*
- *Minimum standards for Individual Referral, v1/2020*
- *Accountability policy and guidelines for Feedback, Complaints and Response Mechanisms, v1/2023*

The policy acknowledges principles and standards contained in:

- Terre des Hommes International Federation's Safeguarding Policy and related documents
- United Nations Secretary-General's Bulletin on Special Measures for Protection from Sexual Exploitation and Sexual Abuse (ST/SGB/2003/13) <https://undocs.org/ST/SGB/2003/13>
- The Inter-Agency Standing Committee (IASC) Six Core Principles Relating to Sexual Exploitation and Abuse <https://interagencystandingcommittee.org/inter-agency-standing-committee/iasc-six-core-principles-relating-sexual-exploitation-and-abuse-2019>
- The Core Humanitarian Standard on Quality and Accountability (CHS) <https://www.chsalliance.org/protection-from-sexual-exploitation-abuse-and-sexual-harassment/>

2. Policy statement

TDH has zero tolerance of all forms of abuse and exploitation and is committed to taking all reasonable measures to ensure the safety and wellbeing of anyone involved in or connected to our work, particularly children.

Everyone who represents TDH is responsible for creating a safe environment for people who participate in all our activities, people with whom we work and our staff and representatives.

TDH operates in many different countries and contexts, and while local laws and customs may differ, overarching legal instruments inform this Policy. International human rights conventions including the UN Convention on the Rights of the Child, and EU legislation, provide a minimum standard. When there is an irregularity between these minimum legal standards and context-specific regional or national law regarding the application of the Policy, the more stringent legislation will be applied.

TDH believes that everyone has an equal right to protection from abuse and exploitation regardless of age, sex, sexual orientation, marriage and civil status, pregnancy or having a child, gender reassignment, language, religion, political or other opinion, national, ethnic, or social origin or status, property, disability, birth, or other status.

TDH acknowledges that some groups are more vulnerable to abuse than others due to social inequalities and vulnerabilities and require additional protection. TDH recognizes that vulnerability may change over time and that violence in all its forms, can and does have significant life-long consequences.

TDH recognizes that children – defined as anyone under the age of 18 – have increased vulnerabilities to violence, abuse, and exploitation due to their dependence on others and unequal power with adults.

2.1 Definitions

Abuse of power - The abuse of a position of influence, power, or authority at the expense of others. It can consist of creating a climate of hostility or harassment, intimidation, threats, blackmail, or coercion. The abuse of power is an aggravating factor in discrimination and harassment, including sexual harassment.

Child - A person below the age of 18, even if they have reached the age of majority under the law applicable to them.

Consent - The act of giving one's free and informed consent within an equal power relationship. A child can never give consent for sexual acts.

Discrimination - Discrimination includes language or actions directly or indirectly intended to treat someone differently, less favourably or disparage them because of their origin; sex characteristic; age; language; social status; way of life; religious, gender, sexual orientation, philosophical or political beliefs or because of a physical, mental, or psychological disability.

Harm - Psychological, physical and any other infringement of an individual's rights.

Misconduct - Unacceptable or improper behaviour by a member of staff. Breach of the Codes of Conduct, values, policies, and internal regulations, national law, and external regulations in countries where TDH operates.

Safeguarding - The responsibility of organisations to make sure their staff, operations and programmes do no harm to children and vulnerable adults, and that they do not expose them to the risk of harm and abuse.

Sexual abuse - Actual or attempted physical intrusion of a sexual nature, which may take place by force, coercion, violence or in situations of inequality, hierarchical relations or a breach of trust. This term includes, but is not limited to, acts of rape, coercion, child pornography, non-consensual sexual acts or any other sexual offence, forced marriage, sexual slavery and any sexual activity with a child (i.e. any person under the age of 18). This means that physical force is not necessary for sexual abuse to be considered. Such an act may also occur in situations where apparent consent has not been given, in situations of inequality, psychological pressure or coercion. Consent to drink alcohol or use drugs must not under any circumstances be considered consent to sexual activity and in no way diminishes the perpetrator's responsibility.

Sexual exploitation - Any actual or attempted sexual abuse of a person in a position of vulnerability, trust or where there is a power differential including, but not limited to, profiting financially, socially, or politically from the sexual exploitation of another. Prostitution, even when legal, is a form of sexual exploitation. This means that exploitation can also occur when an individual is an intermediary for the abuse.

Sexual harassment - Any form of unwanted verbal, non-verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, creating an intimidating, hostile, degrading, humiliating or offensive environment, affecting an individual's employment, and interfering with an individual's work performance. It includes but is not limited to unwanted sexual text messages/emails, comments about anatomy/body parts, repeated offers for a date, deliberately infringing on body space, unwanted physical contact, etc. Sexual harassment may occur between persons of the opposite or same sex. Both males and females can be either the victims or the offenders.

Gender-based violence - violence directed against or disproportionately affecting a person because of that person's actual or perceived gender identity. It is a form of violence that stems from the unequal power dynamics between genders and is often used to maintain or enforce traditional gender roles and power inequalities.

Trauma-informed approach - Recognising the presence of trauma symptoms and acknowledging the role trauma may play in an individual's life.

Victim or survivor - A person who is, or has been, sexually exploited or abused. For the purposes of this policy, this is a person who has been sexually abused, exploited or harassed by one of the individual/entity categories listed under 1.2.

Vulnerable person - A person seen as an easy target for potential abuse or exploitation due to their gender, ethnicity, sexual orientation, sex characteristic, age, maturity, their social and economic environment and/or their physical or mental state.

Whistleblower - A person who makes a protected disclosure. The whistleblower is a reporting party. He/she is not an investigator or factfinder, nor does he/she determine the appropriate corrective and remedial action that may be warranted.

Zero tolerance - Approach consisting of severely punishing any individual/entity falling under the categories listed above, who has committed a sexual offence against colleagues, beneficiaries or members of the communities in view of the unacceptable nature of such an act, whether this occurred as part of their activities with TDH Italy or in a private context.

2.2 Key Principles

In all programmes and activities, those working for, in partnership with, or on behalf of Terre des Hommes Italy must adhere to the following guiding principles:

Duty of care. TDH Italy must take all appropriate steps to ensure the safety and well-being of all people who we support, with whom we work and our staff and representatives.

Do no harm. Any actions intended to safeguard children or adults from harm must not cause further harm or distress to the child or adult (for example, by re-traumatizing them).

Accountability. TDH Italy is accountable to both prevent safeguarding incidents and concerns from arising and to respond when incidents occur to ensure that all those we serve and who work with us, experience non-discriminatory and respectful behaviour from each other, are given room to be heard and meaningfully participate, where harmful behaviour is not accepted, and where power is not abused. Regular reporting on the status of safeguarding measures and monitoring and evaluation activities will take place to ensure transparency and accountability.

Survivor-centred approach. When working with children and adults who have experienced violence in any form, TDH Italy must put the needs and rights of the survivor at the centre of decision making. The survivor has the right to be heard, believed, and supported in a way that respects their wishes and choices and considers their needs and experiences. Survivors must be treated with dignity and respect and approached in a trauma-informed way. The rights of survivors to privacy and support are prioritised. Where the survivor is a child we will take a child-centred approach. We will also learn from the experiences of survivors to inform our strategies and practices to prevent abuse from happening again.

Non-discrimination and inclusion. Staff and others working for or on behalf of TDH Italy must not discriminate against any child or adult based on their ethnicity, physical sex or gender, language, religion, political or other opinion, national or social origin, property, birth, or other status. Where appropriate, additional measures must be taken to ensure the safety and well-being of groups of children or adults who may be particularly vulnerable to abuse in the specific context (for example, girls, children with disabilities, etc.).

This means that:

Sexual exploitation and abuse constitute acts of gross misconduct and are therefore grounds for termination of any valid contracts, agreements, MoUs or any other form of collaboration and commitment. Sexual harassment is grounds for disciplinary action up to and including dismissal.

Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief regarding the age of a child is not a defence. Prevention and response to any SEAH case regarding a child are governed by TDH Italy's Child Safeguarding policy.

Exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour is prohibited. This includes buying sex and/or the exchange of assistance that is due to beneficiaries.

To maintain the integrity and trust in the organization's work, and to **address the power imbalance inherent in relationships between staff and project participants, such relationships are prohibited.** TDH Italy

employees and related personnel must immediately declare any existing relationships with beneficiaries to their Line Manager or to the Delegation Focal Point. Consensual sexual relationships between TDH Italy staff are not forbidden unless they give rise to a conflict of interests.

It is the responsibility of all individuals/entities mentioned under 1.2 (Scope) to **report immediately and without fear of reprisal any concerns or suspicions** regarding sexual abuse or exploitation by a fellow worker, whether in TDH Italy or not.

All TDH Italy's managers and leaders are mandated to **actively promote a safe and respectful environment that prevents sexual exploitation, abuse and harassment** and facilitates the implementation of TDH Italy's Safeguarding Framework. This includes regular training, clear communication of the policy, and establishing robust systems to prevent, detect, and respond to any incidents of sexual misconduct.

3. Safe people

In all programmes (including development, humanitarian response, and advocacy), TDH Italy seeks to **do no harm** to children or adult programme participants, to keep the interests of community members—especially children—at the centre of our activities, and to utilize opportunities to help children and vulnerable adults be safer within their communities.

3.1. Communities' engagement and accountability to affected populations

To improve our understanding of the challenges and specificities of the local contexts in which the teams operate and to develop the appropriate tools and means of communication, programmes and activities will be based on the **context analysis** which will clearly identify how the environment causes or exacerbates safeguarding risks. It is of great importance also to identify which key stakeholders and entities can play a role at community level in preventing, reporting and managing SEAH incidents.

Country and/or project risk assessments must be undertaken – or safeguarding risks included in general risk assessments – to understand the safeguarding risks present in the external environment and the specific vulnerabilities and needs of affected groups.

The risks will be recorded, and activities will be designed which remove or reduce those risks. We will use participatory methods so affected communities and others who are impacted by our programmes have a voice in identifying safeguarding risks and designing safeguarding approaches to mitigate them.

TDH Italy will **raise community awareness** of expected behaviours of employees and related personnel, how to make a safeguarding report, what happens if they report, their rights and what support is available to them. Awareness raising activities and materials will be created in collaboration with local stakeholders, be accessible to all groups impacted by the programme, and consider local context and cultures.

Emphasis must be placed on how best to communicate with beneficiaries and communities and reporting channels must be selected that are accessible to different groups/users, safe to use and that allow a quick and confidential response.

It is always necessary to define multiple channels for each project/country. It is possible to think of having only one channel in the initial phase of a project, but it would be important to introduce other channels later to ensure easy access for everyone.

For guidance, please refer to:

- *Template for Risk assessment – Annex B*
- *Accountability to Affected populations – Policy and operational context, v.1/2023*
- *Guidelines for Feedback, Complaints and Response Mechanisms, v.1/2023*

3.2. Working with partners

National partners (i.e. local CBOs, NGOs, associations etc.) play a crucial role in preventing SEAH and they should commit to the standards set out in this policy, including the requirement to implement preventive measures against abuse and harm, conduct investigations into any reported incidents, and take corrective action if safeguarding incidents occur.

TDH Italy staff should conduct a risk analysis before formalizing any new partnership. The assessment should at least verify if there is a policy and procedures in place for the prevention of SEAH. If a Policy exists, it must include:

- a clear zero tolerance statement
- procedures for safe recruitment and training of staff on safeguarding
- obligation to report and procedures for responding to allegations and to protect survivors.

Where partners do not have their own safeguarding policies and procedures, or do not meet TDH standards, partners must formally agree and implement TDH Italy's safeguarding standards.

TDH Italy will ensure that, when engaging in partnerships, sub-grant or sub-recipient agreements, these agreements:

- incorporate a clause with the commitment to respect TDH Italy's zero tolerance of abuse and exploitation;
- expressly state that the failure of those entities or individuals, as appropriate, to take preventive measures against sexual exploitation, abuse and harassment, to investigate and report allegations thereof, or to take corrective actions when SEAH has occurred, shall constitute grounds for TDH Italy to terminate such agreements.

Moreover, TDH Italy's field staff should make sure that trainings or briefings (in case of already trained staff) on this Policy and on partners' responsibility to implement it are planned at least once every calendar year.

Training plan, attendance sheets and feedback forms should be kept in the Delegation archive and sent to the HQ Focal Point upon request. Donors should also be informed, and the list of trainees sent where required (for ex. UNICEF).

If necessary, additional assistance should be provided to partners in line with this policy. Trainings may be in-person or online, preferably using MS Teams and recording the session.

For guidance, please refer to:

- *Template for Partners' assessment – Annex C*
- *Template for MOUs – Annex D*

3.3. Staff, volunteers and consultants

TDH Italy is committed to recruiting and retaining employees and related personnel who are aligned with our vision, mission, and values and will ensure robust recruitment practices are in place.

TDH Italy's **recruitment processes** include steps to prevent any perpetrators of exploitation and abuse from being engaged or re-engaged by TDH or other organisations working with vulnerable people.

This includes

- obtaining suitable references;
- providing evidence of identity;
- completion of pre-engagement/ appointment checks (e.g. requesting criminal history certificates or similar) appropriate to the level of contact with children or vulnerable people in an individual's role;
- assessing candidates' values during the recruitment interview.

We will also provide accurate references upon request and report cases to statutory agencies.

The commitment to zero-tolerance of all forms of abuse, and the responsibilities of all employees towards safeguarding, must be included in all job advertisements, position descriptions and employment

contracts/agreements(s), including a termination clause. Our leadership and management roles have defined specific safeguarding responsibilities.

All job advertisements will also clearly state that any person who has been found guilty of sexual exploitation, sexual abuse or sexual harassment will not be employed and that ethics is part of the annual performance appraisal.

All new employees and related personnel are **committed to and sign up to the Code of Ethics**, to the Safeguarding Policies and other specific Codes of Conduct, setting out the standards of practice we expect of employees and related personnel.

These documents must be integral part of all contracts, agreements, and induction processes.

To reduce paper use, only digital copies of the signed policies or one single global Declaration of acceptance can be kept for the records.

All employees will demonstrate their commitment towards safeguarding as part of their performance review. Leadership and management will demonstrate their efforts in creating and maintaining a safe, respectful, and inclusive environment as part of their performance reviews. For employees and related Personnel with specific tasks relevant to the Safeguarding Policies the performance assessment will focus on those tasks.

For guidance, please refer to:

- TDH Italy: The Organisation – Human resources, v1/2024
- Safe recruitment checklist – Annex E
- Reference check template – Annex F

3.4. Service providers and suppliers

As stated in the Code of Ethics, all service, works or supply contracts must include an ethics clause (a) under the 'Code of Conduct' Article of the General Conditions.

However, when project activities are subcontracted and service providers or suppliers have direct contact with project participants, a specific clause (b) will be added. The Article will therefore read as follows:

a) The contractor and its personnel shall respect human rights, children's rights, all applicable data protection rules and the environmental legislation applicable in the country where the services have to be rendered, and internationally agreed core labour standards, [e.g. the ILO core labour standards, conventions on freedom of association and collective bargaining, elimination of forced and compulsory labour, elimination of discrimination in respect of employment and occupation, and the abolition of child labour].

b) Terre des Hommes Italy has a zero-tolerance policy towards sexual exploitation, abuse and harassment. Besides, we are committed to protect children from risks or dangers that could be caused by inappropriate behaviour of people acting in the name and on behalf of the organization. The contractor and its employees shall therefore adhere to our policies on safeguarding and shall not be involved in any form of sexual exploitation and abuse towards project staff and project participants. In case the contractor is aware of any violations of the abovementioned standards, they shall report it in writing within 30 days to the contracting authority.

c) The respect of the code of conduct set out in the present Article constitutes a contractual obligation. Failure to comply with the code of conduct as set out in the present Article can be qualified as grave professional misconduct that may lead either to suspension or termination of the contract, without prejudice to the application of administrative sanctions including exclusion from participation in future contract award procedures.

3.5. Training and Awareness

Safeguarding **training for new recruits is mandatory** and should be carried out by the relevant Focal Point (HQ, Country or Project FPs). Staff working for UN projects must complete mandatory UN training on PSEA, participating to training sessions offered by UN Agencies locally or completing the online training available on the Agora platform <https://agora.unicef.org/course/info.php?id=7380>.

By the end of the training, staff and volunteers should be able to understand the meaning of SEAH and what behaviours constitute SEAH; be aware of the obligation to report, and how to act in case of allegations/investigations; what protection is guaranteed for those who make an allegation in good faith and for victims/survivors; how the response will be managed.

Training materials (agenda, attendance list, feedback forms, pictures or other relevant documents) should be kept by the staff in charge and shared with HQ upon request.

Training sessions may be held in person or online, preferably using MS Teams, and in this case, they should be recorded.

Safeguarding Focal Points will complete additional training relevant to their role and responsibilities, carried out by the Delegate or the HQ Focal Point, and are invited to participate to any training offered by donors or other agencies.

Annual refresher courses are mandatory for anyone working directly with project participants.

For staff with more than one year of employment, refresher training can be done individually as a sort of brainstorming exercise, focusing on how to receive complaints and handle them in a safe and confidential manner. Training courses on psychological first aid and how to understand the impacts of trauma and to provide empathetic, non-judgmental support are available online (see for ex. [Kayaconnect.org](https://kayaconnect.org), [Disasterready.org](https://disasterready.org)).

Administrative staff will participate in annual awareness raising meetings on Policies, Codes of Conduct, safeguarding procedures, and reporting mechanisms.

Delegates are responsible of keeping track of all trainings/refreshers in the Delegation archive and of sharing them with HQ upon request. The HQ Focal point will take care of the training for Domestic programmes staff.

For guidance, please refer to:

- *TDH Italy: The Organisation – Human resources, v1/2024*
- *Example of Training materials and list of training resources – Annex G*
- *Leaflet Template – Annex H*

4. Safe programmes

TDH Italy project staff will incorporate safeguarding measures into programmes and throughout the project cycle.

Safeguarding **country risk assessments** will be undertaken to understand the safeguarding risks present in the external environment and the specific vulnerabilities and needs of affected groups. We will collaborate with, listen to, and use the knowledge of local people whose situation makes them most vulnerable to abuse and harm, and survivor where possible.

Risk mitigation must be embedded into project design, assessments, budgets, implementation, monitoring, and evaluation. Specifically:

Project design: a risk analysis on SEAH should be completed to identify potential risks of abuse and harm posed by employees and related personnel or that may be caused or exacerbated by programme activities. Risk analysis should include a comprehensive community/beneficiaries' profile (for instance: number of people disaggregated by age and gender; service availability – health, education, protection etc.) – the risk analysis could take the form of a written stand-alone document or be embedded into the project proposal. We will use participatory methods so affected communities and others who are impacted by our programmes have a voice in identifying safeguarding risks and designing safeguarding approaches to mitigate them. This may include site safety mapping, focus group discussions with intended beneficiaries and other stakeholders (including women, children, local authorities/communities, etc.) and other relevant research methods.

Assessments: assessments should include detailed (and, if possible, first-hand) information about community awareness on SEAH. As part of any assessment, it is recommended to identify groups that are most marginalized and at heightened risk of SEAH, to ensure that design strategies are as targeted and effective as possible.

Budgeting: whenever allowed by the donor and useful for the implementation of project activities, resources should be budgeted to conduct training/awareness sessions on PSEAH, cover ad-hoc staff with specific responsibilities (regarding both prevention and response) and any costs of reporting channels, and ensure the Policy is correctly disseminated.

Monitoring, evaluation, accountability and learning: the MEAL component of projects should consider routine monitoring of identified SEAH risks, appropriate protective measures (that are in line with international laws and standards), collection of feedback from beneficiaries and tracking of referrals. Consultations with beneficiaries should be safe and culturally appropriate.

Collaboration with Other Networks: TDH will participate in safeguarding networks and coordination efforts and collaborate with peers and partners to make safeguarding approaches effective, building where possible on existing structures to be accountable to affected populations and prevent and respond to safeguarding incidents.

For guidance, please refer to:

- *Template of safeguarding risk assessment – Annex B*

5. Reporting and response

5.1. Reporting a safeguarding concern

All those working for or on behalf of TDH Italy **must report** all safeguarding concerns and/or suspected or actual violations of this Policy, and of the Child Safeguarding policy, including suspicions and rumours, **within 24 hours** or as soon as possible.

Failing to report a safeguarding concern is a potential disciplinary matter. It is always better to report, even if uncertain. It is not the role of TDH Italy's staff or related personnel to determine if further action is needed.

Reporting can be challenging and difficult for those who have been subject to abuse or exploitation, therefore the reporting of safeguarding incidents should not create additional distress for survivors. While staff and representatives are obligated to report safeguarding concerns, nothing in this policy should be read as compelling or requiring a survivor of violence to disclose their own experiences of violence or exploitation against their wishes.

Channels

Project and programme managers with the support of the Focal Point and the supervision of the Delegate will develop complaints and feedback mechanisms tailored to the local context and to the communities we are working with. There must be several pathways for reporting safeguarding incidents or concerns. Employees, related personnel, children, and at-risk adults can choose the reporting option that feels the safest and most appropriate to them.

The main procedures and mechanisms to report any complaints (including related to SEAH) are described in TDH Italy's Internal Reporting and Whistleblower Protection Policy. Besides, the Guidelines to build a Feedback, Complaints and Response Mechanism help in choosing the reporting channels that are most suitable for each country, programme or project.

Persons who report information on breaches may choose to do so either in writing or orally. They will not be required to prove the truth of the facts they are reporting, but they will have to explain the reasons of their concern.

The main channel for reporting is the dedicated, multilingual (Italian, English, French, Spanish and Portuguese), secure online portal

<https://terredeshommes.segnalazioni.net/>¹

that can be accessed directly or via TDH Italy's website. The platform is provided in SaaS mode and guarantees maximum confidentiality of access and data. Reports can be made with or without registration on the portal (anonymously). Registration requires the user to identify themselves, but the reporting person's data is separated from the report and hidden; only the manager can be allowed to see them through a specific security procedure.

When the information is given verbally, a report will be drawn up or a transcription used which the reporter will have the opportunity to verify, modify and approve. It is also possible to leave voice messages on the portal.

If reporting within the organisation is considered unsafe, it is possible to report to the TDH International Secretariat, writing to the concern@terredeshommes.org email address.

Confidentiality and protection measures

All the persons involved will be treated with due confidentiality, both the victim and the person believed to be responsible for the inappropriate behaviour, according to the principle of the presumption of innocence.

All internal reporting channels can be managed only by **adequately trained internal staff**.

Regardless of how a report is made, it is essential that confidentiality is maintained at all stages of the process. Information relating to the concern and subsequent incident management will be shared on a need-to-know basis only and must be kept secure.

Any TDH Italy's staff involved in the case is bound to confidentiality by the Code of Ethics. They shall not use any information known during their activities on a case for private gain, or to favour or prejudice a third party. Divulging confidential information to persons who are not authorized to receive it may amount to misconduct. External services or consultants involved in investigations will sign a specific confidentiality agreement.

The identity of the reporting person will not be revealed without his or her consent, except in the case where knowing the identity of the reporting person is essential for the accused person to be able to defend himself. It should also be considered that if accusations are made, it may be necessary to come forward as a witness.

A breach of confidentiality related to a safeguarding incident may result in disciplinary action.

Any harassment or retaliation against those who raise a concern in good faith will not be tolerated, even if the allegations reported are determined not to constitute wrongful conduct.

The reports cannot be used for purposes other than the management of the report itself.

Any processing of personal data will be carried out in accordance with EU Regulation 2016/976, following the organizational procedures and technical measures provided for in the Processing Register to guarantee an adequate level of security.

For guidance, please refer to:

- Report form template – Annex I
- Confidentiality agreement – Annex J

5.2. Responding to a safeguarding concern

All reports will be **taken seriously**, and appropriate action taken in a timely, fair, confidential, safe, and trauma-informed manner which is **centred on the dignity, needs and rights of survivors**.

Acknowledgement of receipt

The Focal Point or person in charge of the reporting channel, or any other staff member receiving the report should first assess if the person reporting has any immediate needs, such as safety or health concerns and ensure

¹ QR Codes to allow a quicker and easier access to the portal are available for publication on printed information materials.

their physical safety and psychological well-being. Reports must be handled with empathy, assuring the person reporting they did the right thing by speaking up.

If the report is made in person, the staff should:

- listen carefully and ask clarifying questions to accurately report the incident without requiring the reporter to write down their complaint;
- obtain basic information without repeatedly questioning the reporter, as this might imply disbelief;
- read notes to the person reporting to confirm that there are no mistakes;

Staff receiving a complaint **must not**:

- Investigate the incident themselves.
- Make assumptions, promises or offer explanations.

If the report is filed through any indirect channel, it will reach the Focal Point that will acknowledge receipt as soon as possible, no later than 7 days after receiving the report.

The Focal Point will confirm receipt, assure confidentiality, and explain the next steps and what actions will be taken.

Assistance and support to victims/survivors

Survivors of SEA may need specialized support services. TDH Italy commits to refer victims/survivors to competent support services as appropriate and available, ensuring to have their consent and to meet their needs. Support and assistance shall also entail measures to protect against retaliation, secondary victimisation and re-traumatisation. When the victim is a child, the Child Safeguarding policy will be in force and all child protection procedures will be activated.

An updated list of local service providers, agencies or national institutions/authorities must be available in each country office. In countries where a list of this kind is available at National/Cluster/Working Group/s level, this can be adopted. The list should provide options for both children and adult victims (e.g. names of a paediatric and adult medical care provider/facility).

The list shall include (if available): existing safe shelters, relocation services, medical care facilities, psychological/psychosocial/case management services, legal assistance services, list of providers of basic material assistance (FIs and NFIs, non-formal education, livelihood support services), facilities providing support for children born because of SEA.

Services shall be provided by skilled and competent service providers in line with the “do no harm” and victim-centred approach, in full respect of the rights and best interests of victims and with respect to Gender-Based Violence key principles, especially informed consent. Services shall be rights-based, age, disability-and gender sensitive, non-discriminatory and culturally appropriate and ensure the best interest of the child.

In countries of operation referrals must be handled by the Delegate or, upon HQ’s approval, by another staff member appointed by the Delegate, following the established procedure. In Italy, the Focal Point, Domestic Programmes Coordinator and the Management will supervise referral procedures.

The minimum standards guiding the referral process are outlined in TDH Italy’s “Minimum Standards for Individual Referral”, explaining the process to follow and including referral forms. Make sure that those involved in the process are adequately trained on how to refer SEA cases safely and confidentially for assistance, including those cases involving children.

If a Delegation is unable to conduct the referral process on its own, it should contact external and pre-identified service providers or organizations for support, or request support from HQ.

False and anonymous reports

Anonymous reports will carry less weight but will still be taken into consideration, at the discretion of the Management, based on the following criteria:

- The seriousness of the issues raised
- The credibility of the report
- The likelihood of finding evidence from other non-anonymous sources.

If a report is made in good faith - that is, with reasonable grounds to believe that the report was necessary and the violations were true - but is not confirmed by the subsequent inquiry, no action will be taken against the whistleblower. However, if the report is made superficially, maliciously, or for personal gain, disciplinary actions may be taken.

For guidance, please refer to:

- Internal reporting procedures and whistleblower protection policy, v2/2024
- Minimum Standards for Individual Referral, v1/2021

5.3. Administrative inquiry

Legal framework

An administrative inquiry of a SEAH case determines whether the subject of a complaint has violated the provisions of this policy or of TDH Italy's code of conduct.

Only a criminal investigation can determine if laws have been violated and may result in the filing of formal charges.

A SEAH case should be reported to law enforcement if the initial investigation/assessment of the facts reveals credible evidence of a crime. If the incident has been reported by the survivor or by a third party before or after filing the complaint to TDH Italy, the criminal investigation will have precedence over any administrative inquiry and if a criminal investigation is underway, the inquiry must be postponed or suspended.

Depending on local laws and regulations, information sharing with law enforcement should be done after consulting a lawyer, and with the approval of the survivor and, if a child, of an appropriate adult.

In the case of children, if the offence is prosecutable on complaint, the parents/guardians of the child involved will be notified where necessary.

Principles

Any inquiry must adhere to the '**do no harm**' principle and adopt a **survivor-centred approach**. This means being aware of the investigation's potential impact on all involved parties and prioritizing the needs, opinions, and wishes of the survivor. It is essential to ensure that the process does not cause further trauma or distress, and that the survivor's safety, dignity, and well-being are at the forefront of all actions and decisions throughout the inquiry.

Investigations must be thorough and accurate; they must be conducted in a fair and equitable manner by competent, responsible staff, supported where necessary by external investigators, and must be documented adequately.

Confidentiality, respect and non-discrimination are TDH Italy's key principles stated in the Code of Ethics and must apply to any SEAH inquiry.

This means that we will inform the survivors of all aspects of the investigation process, provide support and obtain their consent to share any information or tell their story; we will give access to the information only to authorised people on a strictly need-to-know basis. All people involved in the inquiry (survivors, witnesses and subject of the complaint) will receive fair and equal treatment, and their rights will be respected.

Process

Please note that not all complaints come through established complaints mechanisms and every case is different. It is therefore important to be prepared, to continuously review, learn, and update procedures and practices.

Concerns can emerge from one of the established channels but also through other organisations, through any project staff, during meetings, training sessions, monitoring visits. Every TDH Italy's or project partner's staff member needs to be aware of how to receive a complaint, and to whom to report.

A report form should be filled in immediately, see annex, to ensure proper documentation in case of an inquiry as well as to ensure that all the relevant information has been collected and recorded.

However, priority must be given to reaching the right person with the information, so that swift action can be taken.

The report must therefore reach the local Focal Point as soon as possible, who will determine the steps to take according to the **type of abuse, the subject of the complaint and the victim/survivor**.

There are 3 options:

SEAH CASE	STAFF GBV CASE	EXTERNAL GBV CASE
SoC: TDH/Project Partner staff Survivor: Project participant	SoC: TDH/Project partner staff, Project participant or member of the community Survivor: TDH Staff	SoC: Project participant or member of the community Survivor: Project participant or member of the community

External GBV or child protection cases will be managed by the local Focal Point and the country Delegate or by the HQ Focal Point and the Domestic Programmes Coordinator in Italy, involving the appropriate project staff or external consultants and services according to the seriousness of the case. If there is reason to believe that a crime may have been committed, the management at HQ will be informed before proceeding with a report to the authorities, and a lawyer will be involved.

For SEAH cases or GBV cases on TDH Staff, the management at HQ must always be involved in the evaluation of the case if expatriate staff or domestic programmes staff is involved. For other cases, the HQ Focal Point will participate in the discussions on the case and will decide whether to involve the management in the decision-making process.

A team comprising the local and/or HQ Focal Point, the Delegate, a Project/Program Manager and specialist staff if needed, will first evaluate:

- Credibility of the allegations and seriousness of the case.
- Availability of evidence and witnesses.
- Possibility of verifying the information received.

The inquiry team will then plan the investigation deciding the mode and timeline for the interviews, the documents to collect and the type of evidence required.

The team will also assess all potential risks for the survivors and for the witnesses and address them. As for the subject of the complaint, the right to defence will have to be considered and presumption of innocence guaranteed. In the order of interviews, the person reporting the concern will be first, while the subject of the complaint will be last.

An external legal practitioner, psychologist or trained investigator will be involved in the inquiry according to the complexity of the case, safety considerations for internal staff, and whether an unbiased investigation can be made by internal staff.

Delegation offices will maintain and update a list of consultants that can be contracted in case of need.

Support and advice for investigations into serious allegations could also be available from UN Agencies or Interagency networks.

Communication

Where appropriate, the PSEA Focal Point or other relevant contact persons of the donor agencies will be informed as soon as the team has determined that the report is credible and that there is a need to investigate further.

The *subject of the complaint* will be informed of the report as soon as the plan for the interviews is ready and the risks to the whistleblower and/or the survivor have been considered and mitigated.

The *whistleblower* will be informed of the beginning and end of the process, as set out in the Whistleblower protection policy.

The *survivor* will be informed of all the decisions and steps taken throughout the process and their consent will be sought for all decisions involving them.

However, given that cases, situations and contexts may vary, it is advisable to establish a timeline for communication and information for each case.

The outcome of the process will be communicated to the persons who raised the concern, to the donor and to all other relevant stakeholders.

For guidance, please refer to:

- Response management flowchart – Annex K

6. Closure and corrective actions

Outcome of an administrative inquiry

Facts will be proven according to the **balance of probabilities standard**, i.e. if they are more likely than not to have occurred.

Once an inquiry is complete, the team managing the investigation prepares a final report, stating if facts are:

- Substantiated:** On a balance of probabilities and by reasonable inference, the allegation is most likely true.
- Unsubstantiated:** On a balance of probabilities, it is more likely than not that the allegations are not true.
- Inconclusive:** On a balance of probabilities, it is equally likely or unlikely that the allegation is true. There was insufficient evidence or corroboration to determine if the allegation was true or not.

If the allegations are substantiated:

- the Delegate will determine which disciplinary measures to apply to local staff and inform the Management at HQ. For expatriate staff and staff based in Italy disciplinary measures are determined directly by the Management;
- the Delegate or Domestic Programmes Coordinator together with the Focal Point will define what corrective measures are required to prevent the same event from occurring again and make an action plan to implement them;
- if there is credible evidence that a crime may have been committed, a lawyer must be consulted and the case reported to law enforcement, after informing the Management.

If the allegations are not substantiated, the case will be closed, and only information on the case, without any names, will be filed for statistics and monitoring. The final report is protected and archived at headquarters. Reports received via the platform remain archived on the platform, accessible only to those in charge.

If the findings are inconclusive for lack of evidence or because evidence equally supported and denied the allegations, decision on how to proceed will be made by the Management at HQ.

Corrective actions

Regardless of the outcome of the inquiry, the team responsible for the investigation will make recommendations to improve SEA prevention and response and avoid the recurrence of incidents and misconduct.

Non-exhaustive examples of possible corrective actions include:

- Assess and improve organizational policies and procedures on SEA, ensuring that all staff are aware of their obligations and the consequences of violations.
- Provide refresher training to all staff and partners or a specific refresher only for staff of the project/programme/department involved, focusing on prevention, response, and survivor-centered approaches.
- Strengthen reporting mechanisms, ensuring accessible, confidential, and trusted reporting channels for SEA incidents are in place.
- Improve community engagement and awareness about SEA, their rights, and the reporting mechanisms available to them.

Recommendations on corrective actions will depend on the type and severity of the incident. They could be country/programme specific or could involve a more thorough revision of policies and procedures. In the latter

case, the Management and HQ Focal point will be in charge of reviewing and implementing the recommendations and communicating the changes to the staff.

7. Disciplinary measures

The principles and provisions of this policy are integral to the conditions governing employment relationships within Terre des Hommes Italy and violations are subject to disciplinary measures.

As stated in the document “TDH Italy: the Organisation – Human Resources”, sanctions can generally be of two types:

- conservative: verbal reprimand, written warning, fine, suspension
- non conservative: dismissal

For employees hired in Italy with a permanent contract, except for the verbal reprimand, the application of other measures follows the legal procedure outlined in Article 7 of the Workers' Statute, where applicable.

For collaborators hired with other type of contracts, reference will be made to contract clauses, and for contracts subject to foreign national laws, those laws will apply.

For partners, service providers and suppliers, measures include suspension or termination of the partnership, relationship, engagement or contractual agreement, and/or withdrawal of funding/support

8. Annexes

- A. Focal Points 2024
- B. Template for Risk assessment
- C. Template for Partners' assessment
- D. Template of agreements with ethics clause for partners
- E. Recruitment checklist and questions for interviews
- F. Reference check Template
- G. Example of Training materials
- H. Template of leaflet for dissemination
- I. Report Form template
- J. Confidentiality agreement
- K. Response flowchart