

Policy on Prevention of Sexual Exploitation and Abuse (PSEA)

implemented by the Polish Migration Forum Foundation

Contents

Part 1 – Basic principles	2
Part 2 - How to report abuse	3
Part 3 - What is sexual exploitation and abuse?	4
3.1 - Why is all sexual relationships with Clients prohibited?	4
3.2. - Who is required to follow the policy against sexual exploitation and abuse?	5
Part 4 - A model for implementing policy against sexual exploitation and abuse at the Polish Migration Forum	6
4. 1 - Prevention:	6
4.2 - Response:	6
4. 3 - Four key responsibilities of the PFM Employees and Staff:	7
Part 5 - Obligation to the victim	7
Part 6 - Glossary	8
Appendices	12

Effective date: 9/09/2024

Date of Mandatory Policy Review: 09/2026



Part 1 – Basic principles

1. Sexual Exploitation and Abuse (SEA) constitute a violation of universally recognized norms and standards of international law. These are unacceptable behaviors and actions prohibited for all Humanitarian Workers, including Persons working at the Polish Migration Forum Foundation (PMF) and related Personnel.
2. PMF follows a zero-tolerance policy against sexual exploitation and abuse. All PMF Employees and Related Personnel are expected at all times to adhere to the highest standards of personal and professional conduct and to provide humanitarian assistance and services in a manner that respects and supports the rights of Clients and other vulnerable members of local communities.
3. This policy sets forth PMF's approach to preventing and responding to SEA. This policy applies to all Employees and Related Personnel, both during and outside of working hours.
4. PMF will make every effort to create and maintain a safe environment free from sexual exploitation and abuse. For this purpose, PMF will take appropriate measures in the communities where it operates, through a robust PSEA framework that includes prevention and response activities.
5. In creating policies against sexual exploitation and abuse, PMF will be guided by proven international humanitarian sector standards. The basis of our vision is the IASC's Six Basic Principles¹:
 - I. Sexual exploitation and abuse by PMF employees or related personnel constitute gross misconduct and provide grounds for immediate termination of employment or civil contracts.
 - II. Sexual activity involving PMF employees or affiliated personnel and a minor (any person under 18) is strictly prohibited, regardless of global or regional age of consent laws. Ignorance or mistaken belief regarding a minor's age is not a defense.
 - III. The exchange of money, employment, goods or services in exchange for sex, including sexual favors or other forms of humiliating, degrading or exploitative

¹ https://interagencystandingcommittee.org/system/files/iasc_six_core_principles_relating_to_sexual_exploitation_and_abuse_sept_2019.pdf



behavior are prohibited. This also applies to exchanges for assistance to which Clients are entitled to.

- IV. Any sexual activity between PMF Employees or Related Personnel and Clients or other vulnerable members of the local community that involves improper use of rank or position is prohibited. Such relations undermine the credibility and integrity of humanitarian work.
- V. In the event that a PMF Employee or Related Personnel has information, suspicions or concerns about sexual exploitation or abuse by another Employee or Related Personnel, whether or not they work in the same organization, he or she is obliged to report such information, suspicions or concerns through established reporting mechanisms.
- VI. All employees and personnel affiliated with the PMF are obligated to create and maintain an environment that prevents sexual exploitation and abuse, and to promote the implementation of this policy. People coordinating actions at all levels have particular responsibilities to support and develop systems that maintain such an environment.

Part 2 - How to report abuse

1. **Email box PSEA@forummigracyjne.org** - access is available only to PSEA Focal Points. PSEA's focal points ensure that if the anonymity of a report is claimed, the email address will not end up in the investigative file.
2. **Online form with supporting questions** - access is available only to PSEA Focal Points. The form provides full anonymity of the application, if the applicant wishes to do so. The form is available at: www.forummigracyjne.org/PSEA.
3. **A box to provide information in written form** - so-called feedback boxes are available at PMF service sites. The monitoring and evaluation team has access to them. In the case of a report bearing the hallmarks of sexual exploitation or abuse, the team will immediately forward the report to the PSEA Focal Points.
4. **PSEA Focal Point** - the opportunity to report the incident in person to those designated as PSEA Focal Points. Information on who holds these positions can be found on the organization's website, at: www.forummigracyjne.org.



Part 3 - What is sexual exploitation and abuse?

1. **Sexual Misconduct** is a broad term that encompasses any unlawful and/or unethical behavior of a sexual nature in which one person violates the bodily and/or mental integrity of another. Such actions are committed without the victim's consent and are often aimed at satisfying the perpetrator's own needs or desires at the expense of the other person's dignity and safety. Abuse can be one-time or repetitive. Sexual Misconduct also falls under the definitions of Sexual Abuse and Sexual Exploitation (definitions below and in Part 6 - Glossary). Specific examples include:
 - I. Verbal abuse, such as unwanted comments, sexual advances/suggestions, obscene jokes, name-calling, and sexual threats,
 - II. Non-verbal abuse, such as persistent staring, indecent gestures or facial expressions, showing or sharing pornographic content, writing sexually explicit messages,
 - III. Physical abuse, such as unwanted touching/holding, attempts to hug/kiss without consent, approaching in an intimidating manner, physical violence of a sexual nature.
2. **Sexual Exploitation** is any actual or attempted exploitation of a person's position, vulnerability to threats, or trust for sexual purposes; situations in which one person uses his or her position, power, authority, financial advantage, or other means to coerce another person to sexual acts against his or her will. This can involve various forms of financial, social or political profiteering from the sexual exploitation of a victim, or offering benefits/assistance services in exchange for sexual favors.
3. **Sexual abuse** is a situation in which one person intentionally engages another person in sexual activities without that person's consent or ability to express his or her informed consent. The victim is often unable to defend him/herself or consciously consent due to age, health, disabilities, manipulation, drugs, alcohol or other factors. This can involve violations of personal boundaries or threat to violate them, physical aggression of sexual nature, carried out by force or under unequal or coercive conditions.

3.1 - Why is all sexual relationships with Clients prohibited?

1. **Imbalance of power:** There is a natural imbalance of power between the organization's personnel providing assistance and the people who receive that assistance if there are sexual relations between them. Such relations can cause serious harm to beneficiaries and undermine the credibility and integrity of our work.



2. **Threatened security of the organization's personnel:** Sexual relations that use power imbalance between organization's staff and community members can also jeopardize staff safety. Even potentially consensual relations may carry the risk of attacks from upset family members, companions, or may falsely accuse of sexual abuse after the sexual relationship ends.

Consensual relationships: Genuinely consensual sexual relations between staff and community members that do not involve inappropriate use of their positions are not prohibited. It is therefore possible to maintain relations (including sexual relations) with people from the beneficiary's community, as long as the beneficiary is at least 18 years old.

3.2. - Who is required to follow the policy against sexual exploitation and abuse?

Policy against sexual exploitation and abuse applies to:

1. the staff of the Polish Migration Forum - defined in *Part 6 - Glossary (Employee)*,
2. volunteers - defined in *Part 6 - Glossary (Related personnel)*,
3. people cooperating with the organization on a temporary basis or in the role of external consultants, specialists - defined in *Part 6 - Glossary (Employees, Related personnel)*,
4. external service providers who cooperate with the PMF - defined in *Part 6 - Glossary (Related personnel)*,
5. personnel of other organizations that carry out joint support activities with the PMF - defined in *Part 6 - Glossary (Related personnel)*.

The standards of conduct apply everywhere, regardless of whether an Employee or Related Personnel is on business travel or off-hours. Employees and Related Personnel are required to adhere to standards of conduct regarding sexual exploitation and abuse at all times.

The Polish Migration Forum Foundation recognizes that individuals providing services or humanitarian aid **are always in a position of power**, which may be further exacerbated by disparities in age, wealth, knowledge, position, and gender. Whether or not this perception is accurate, the recipient community is likely to believe that those working for the aid organization control access to the resources and services essential for their survival, while they themselves have little control over such access. This dynamic can make it extremely difficult for them to refuse requests, as they may fear that refusal could result in them or their families being denied assistance.



Part 4 - A model for implementing policy against sexual exploitation and abuse at the Polish Migration Forum

4.1 - Prevention:

1. Verification of Employees:

The PMF systematically verifies all potential job candidates in accordance with established selection procedures. Detailed procedures regarding the verification of Employees and Related Personnel will be regulated in the documents accompanying the organization's HR Policy and Purchasing Procedure.

2. Training courses:

PMF conducts mandatory initial and refresher training for all Employees and Support Personnel on PMF's SEA policies and procedures. Detailed principles for training Employees and Related Personnel are regulated in documents accompanying the organization's HR Policy or partner agreements. Employees are obligated to receive PSEA training. Training should be renewed every two years.

3. Cooperation Agreements:

- a. All contracts and partnership agreements incorporate a standard clause committing contractors, suppliers, consultants and activity partners to zero tolerance to SEA and to take actions to prevent and respond to SEA.
- b. Failure by these entities or persons to take preventive measures against SEA, failure to investigate reports regarding SEA, or failure to undertake corrective actions in the event of SEA constitutes a ground for termination of any cooperation agreement, including, in particular, employment contracts.

4.2 - Response:

1. Reporting:

The PMF maintains secure, confidential, and accessible mechanisms and procedures for staff, beneficiaries, and communities, including children, to report SEA allegations and ensures that beneficiaries are informed of them.

2. Investigation:

The PMF has an established procedure for investigating SEA allegations and promptly conducts



a thorough Investigation of an alleged incident committed by its Employees or Related Personnel, or transfers the case to the appropriate law enforcement agency if the accused person is affiliated with another entity.

3. **Referral to local authorities:**

If, after a thorough investigation, there is evidence to support allegations of sexual abuse, such cases may be referred to local authorities for criminal prosecution.

4. **Assistance to the victim:**

The PMF maintains a system to promptly refer SEA victims to available services, based on their needs and consent.

4.3 - Four key responsibilities of the PFM Employees and Staff:

1. **To know:**

Employees and Related Personnel must be familiar with the standards of conduct regarding sexual exploitation and abuse.

2. **To follow:**

Employees and Related Personnel must comply with the standards of conduct regarding sexual exploitation and abuse.

3. **To report:**

Employees and Related Personnel must report cases of sexual exploitation and abuse by other Employees or Related Personnel.

4. **To cooperate:**

Employees and Related Personnel must cooperate in investigations of sexual exploitation and abuse, and in assisting victims if necessary.

Part 5 - Obligation to the victim

Upon receiving a report of abuse, the PSEA Focal Point must make sure that the alleged victims receive immediate support they require and are protected against further harm.

1. **Immediate assistance to those who have experienced abuse**

At this stage, although it is not known whether the allegation is true or not, the PMF is committed to referring the alleged Victim to immediate support they need and to take



immediate steps to prevent further harm. The alleged Victim may need urgent medical attention, psychological intervention or psychosocial support, and in extreme situations: shelter, food, and physical and legal protection from repression due to the occurrence of abuse.

2. Long-term assistance for people who have experienced abuse

If, as a result of the investigation, the abuse is confirmed, the PMF will refer the Victim to any long-term assistance he or she needs. The scope of assistance should be determined by the Investigation Team based on the recommendation of the PSEA Focal Point.

In addition to the support provided to Victims, the actions taken by the PMF in the course of or after an investigation include the social obligation to notify relevant authorities, i.e. the Prosecutor or the Police (in accordance with Section 304 § 1 of the Code of Criminal Procedure).

Part 6 - Glossary

Definitions concerning sexual behavior:

1. **Misconduct:** Failure of an Employee or Related Personnel to comply with rules of conduct arising, among other things, from:
 - a. the Charter of the United Nations;
 - b. the provisions of Polish law,
 - c. the organization's internal procedures.

Sexual exploitation and abuse constitute acts of gross misconduct and may lead to institution of disciplinary proceedings and the imposition of disciplinary measures, including termination of employment and termination of civil contracts.

2. **Sexual Exploitation:** Any actual or attempted exploitation of a person's position, vulnerability to threats, or trust for sexual purposes. This includes, in particular: profiting financially, socially or politically from the sexual exploitation of other people.

Sexual exploitation should be understood as situations in which one person uses his or her position, power, authority, financial advantage, or other means to coerce another person to act in a sexual manner against his or her will. This can involve various forms of financial, social or



political profiteering from the sexual exploitation of a victim, or offering benefits/assistance services in exchange for sexual services.

3. **Sexual Abuse:** Violations of personal boundaries or threat to violate them, physical intrusion of a sexual nature, carried out by force or under unequal or coercive conditions. Any sexual activity with children constitutes sexual abuse.

Sexual abuse should be understood as situations, in which one person intentionally engages another person in sexual activities without that person's consent or ability to express his or her informed consent. The victim is often unable to defend him/herself or consciously consent due to age, health, disabilities, manipulation, drugs, alcohol or other factors. This can involve violations of personal boundaries or threat to violate them, physical intrusion of a sexual nature, carried out by force or under unequal or coercive conditions.

4. **Sexual Misconduct:** the definition that encompasses any unlawful and/or unethical behavior of a sexual nature in which one person violates the bodily and/or mental integrity of another. Such actions are committed without the victim's consent and are often aimed at satisfying the perpetrator's own needs or desires at the expense of the other person's dignity and safety. Abuse can be one-time or repetitive. Sexual Misconduct also falls under the definitions of Sexual Abuse and Sexual Exploitation (above and in Part 6 - Glossary). Specific examples include:

- a. Verbal abuse, such as unwanted comments, sexual advances/suggestions, obscene jokes, name-calling, and sexual threats,
- b. Non-verbal abuse, such as persistent staring, indecent gestures or facial expressions, showing or sharing pornographic content, writing sexually explicit messages,
- c. Physical abuse, such as unwanted touching/holding, attempts to hug/kiss without consent, approaching in an intimidating manner, physical violence of a sexual nature.

5. **Sex with a minor:** Sexual penetration of a person under the age of 18. Sexual penetration comprises penetration of the vagina, anus or mouth by a penis or other body part, and also comprises penetration of the vagina or anus by an object. Sexual penetration of a child is prohibited regardless of the age of adulthood or consent and is considered sexual abuse. A mistaken belief in age of a minor is no defense in in case of internal and/or criminal proceedings.

6. **Sexual activity with a minor:** Sexual activity with a person under the age of 18. Any sexual activity with a minor is prohibited regardless of the age of consent in a given country and is considered sexual abuse. This encompasses activities without physical contact (e.g. sexting, forcing to send photos). A mistaken belief in age of a minor is no defense in in case of internal and/or criminal proceedings.



Definitions for those receiving assistance:

7. **Humanitarian worker:** a person who engages in humanitarian assistance in organisations involved in responding to humanitarian crises. PMF Employees should also be treated as Humanitarian Workers.
8. **Affected people:** In humanitarian terminology, this term refers to individuals, groups and communities that are experiencing the effects of a humanitarian crisis. **Beneficiary of Assistance:** all persons who receive services and assistance from the United Nations, international and/or national NGOs, and other humanitarian actors are considered beneficiaries of assistance.
9. **Clients:** in the spirit of not taking away the perpetrators from those who are recipients of the Foundation's services, the PMF uses the phrases client/customer. At PMF, a client is a person who has benefited from the services provided by the Foundation or a partner organization, and a person who has consulted with Employees/Related Personnel about the possibility of benefiting from the services provided.

Definitions related to assistance providers:

10. **Employee** - a person who is in an employment relationship with the Employer and those cooperating with the Employer on the basis of civil law contracts or their sole proprietorships ("B2B").
11. **Related Personnel** - persons or personnel of entities sharing and/or co-participating in the space where assistance is provided and/or persons who have direct contact with Clients or sensitive information about them, including: volunteers, interns, apprentices, contractors and commissioners, as well as organizations with which PMF has direct project collaborations or organizations with which PMF shares space providing assistance services (including mobile services).
12. **Coordinators:** regardless of the organizational structure currently in place, coordinators are Employees who have decision-making authority over group activities within the organization.
13. **Suspected:** a person of whom according to PMF's knowledge committed a crime or may exploit or abuse someone sexually.

Procedural definitions:



14. **Co-investigator / Employee trained in PSEA investigations (Investigator):** A PSEAH certification confirms the competence to conduct safe, ethical and procedurally appropriate investigations of exploitation, abuse and sexual misconduct. A member of the Investigation Team is supposed to review the report, conduct an investigation and take the necessary and appropriate actions to the findings of the investigation..
15. **Reporting person:** a person who reports an allegation of sexual exploitation or abuse to an organization. This may be a person who has experienced sexual exploitation or abuse or another person who has actual knowledge of such abuse.
16. **Feedback:** information about the progress of the ongoing investigation against a suspect, which the PMF will provide to a victim who has expressed such a will.
17. **Safeguarding:** In the humanitarian sector, the English word “safeguarding” refers to an organization's responsibility to ensure that its personnel, activities and projects do not harm minors and adults at risk and do not expose them to exploitation or abuse. This term covers physical, emotional and sexual harassment, abuse and exploitation by Employees and Assistance Personnel (including volunteers), as well as safety risks arising from the planning and implementation of programs. Many organizations are now also using this term to refer to harm committed against employees at the workplace.
18. **Gender Based Violence - GBV:** General term for violence directed at or disproportionately affecting someone because of their actual or perceived gender identity. The term “gender-based violence” is used primarily to highlight the fact that gender-based, structural power differentials around the world expose women and girls to various forms of violence. This violence involves actions that subject people to physical, sexual or psychological harm or suffering, threats of such actions, and coercion and other actions aimed at restricting personal freedom, whether in public or private life. Although women and girls suffer disproportionately from gender-based violence, men and boys can also be targeted. The term is also used by some entities to describe targeted violence against lesbian, gay, bisexual, transgender and intersex (LGBTQI+) people, in these cases referring to violence related to masculinity/femininity and/or gender norms. Sexual exploitation and abuse (SEA) is a form of gender-based violence.
19. **Child Protection:** UNICEF uses the term 'child protection' to refer to prevention and response to violence, exploitation and abuse of children in all contexts. This protection also extends to children who are particularly vulnerable to these risks, such as unaccompanied children, children living on the streets or in situations of conflict or natural disaster. At PMF, specific guidelines for the protection of children/minors are regulated by the PMF's Child Protection Policy.



The definitions are partly drawn from the document *Guidance Note on PSEA Terminology and its recommended translation into Polish* developed by PSEA Network Poland, UNHCR, Clear Global, Eastern Europe Hub and The Empowering Children Foundation (April 2023).

Appendices

1. Standard Operating Procedures (SOP) on the Policy against Sexual Exploitation and Abuse in force at the Polish Migration Forum Foundation.

