

Mülteci
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Merkezi

Refugee
Rights
Turkey

Refugee Rights Turkey

Prevention of Sexual Exploitation and Abuse Policy

Approver: Ethics and Compliance Manager - Deputy Director

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MÜLTECİ HAKLARI MERKEZİ – REFUGEE RIGHTS TURKEY

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RRT PREVENTION OF SEXUAL EXPLOITATION AND ABUSE POLICY

1. Introduction

Refugee Rights Turkey (RRT) takes great care to implement and maintain the “Prevention of Sexual Exploitation and Abuse Policy” (Policy). This framework is adopted by RRT and integrated to already existing internal policy documents and actions, and activities within the organization, and the day-to-day execution of program work.

This separate Policy is adopted in addition to RRT’s Code of Conduct where **zero tolerance policy** is clearly emphasized. The goal of this policy is to make sure that measures are in place to protect all RRT’s beneficiaries, especially disadvantaged communities like refugees, asylum-seekers, and other vulnerable migrants in Turkey from sexual abuse, exploitation, and other harmful and inappropriate behavior committed by any RRT member or RRT representative. Every aspect of RRT’s work must be carried out in a way that ensures the rights and dignity of rights holders, community members, and adults at-risk. RRT is committed to working with them to ensure that they are not simply safe from harm but safe to realize their rights.

RRT views any form of sexual violence as a gross violation of human rights. RRT will not tolerate any form of abuse, exploitation, or harm carried out towards anyone we encounter through our work. RRT recognizes that all forms of sexual exploitation and abuse are rooted in an imbalance of power, particularly gendered and sexualized abuses of power. Because of the power imbalances inherent in humanitarian work in general, RRT acknowledges its additional duty to prevent and respond robustly to allegations of sexual exploitation and abuse.

RRT’s PSEA approach seeks to prevent and robustly respond to all forms of sexual exploitation and abuse carried out by RRT staff and other representatives towards anyone we encounter through our work. Therefore, this policy is not written to address RRT’s service policy towards survivors of gender-based violence.

This document should be read in conjunction with:

1. RRT Work Contract and its annexes including Workplace Regulation, Confidentiality Agreement
2. RRT’s Code of Conduct,
3. RRT’s AAP Framework,
4. RRT’s Child Safeguarding Policy,
5. RRT’s Conflict of Interest and Anti-Corruption Policy,
6. RRT’s Guideline for the Investigation of Reports of Suspected Misconducts,
7. RRT Personal Data Protection and Processing Policy,
8. RRT’s Internal Complaints Policy.

As a Turkish organization, RRT is fully committed to Turkish Civil Code and Turkish Penal Code. As per Turkish law, acts of sexual exploitation and abuse are defined as criminal offense. The Sixth Section of the Turkish Penal Code regulates the penalties for sexual exploitation and abuse in the context of Turkish Law under the title of "Crimes Against Sexual Immunity". However, with this

policy RRT would like to further state that, as a non-governmental organization, sexually inappropriate behaviors including sexual exploitation and abuse by our employees, volunteers or any affiliated employees are considered as behaviors that will never be accepted or tolerated and that RRT has taken preventive measures institutionally, in addition to the existing Turkish Law-based mechanisms. In this regard, this policy document aims:

- To underline that, as a non-governmental organization, RRT recognizes sexual exploitation and abuse as a risk within the scope of our activities,
- To regulate RRT's institutional approach about PSEA,
- To determine RRT's commitments and preventive actions, and
- To ensure that RRT takes all complaints and reports seriously and carries out timely, impartial, independent, and fair investigations for allegations of sexual exploitation and abuse.

1.1. Purpose

As a non-governmental organization, RRT provides direct legal information and assistance services to refugees, asylum-seekers, and other vulnerable migrants in Turkey to increase their knowledge about their rights, the migration and asylum procedures in Turkey and guarantee their access to legal protection, and other relevant services provided by governmental or non-governmental agencies. Sexual exploitation and abuse (SEA) are unacceptable breaches of fundamental human rights and the core values and principles of RRT. The sexual exploitation and abuse of the beneficiaries is intolerable.

RRT acknowledges that:

- Sexual exploitation and abuse become possible when there are imbalances of power and opportunities for exploiting such imbalances, and that there is a rooted imbalance of power based on gender in the context of our efforts,
- Human rights, interests and needs of all survivors shall always be at the center of our efforts, and a survivor-centered approach guides the SEA prevention and response whereby the survivor is informed and participates in the decision-making process,
- The principles of do no harm, confidentiality, safety, non-discrimination, timely access, and response for the survivors are the guiding principles when responding to allegations of SEA,
- All RRT staff and other representatives understand their role in preventing sexual exploitation and abuse, and the consequences of breaching this policy,
- All RRT staff and other representatives understand their responsibility to report any concerns relating to sexual exploitation and abuse and have access to clear guidelines on how to report suspected abuse,
- All organizational processes and structures reflect our duty of care towards rights holders and the communities we work with and put in place procedures to safeguard them in every aspect of our work so that we build a culture free from abuse, discrimination, and harm,

- RRT commits to uphold the highest level of personal and professional conduct amongst its staff, contractors, volunteers, board members and partners working in or visiting all programming contexts, particularly humanitarian settings, ensuring zero tolerance of all forms of sexual exploitation and abuse against affected populations.

1.2. Scope

This policy is binding for all RRT staff members, whether full time, part time or engaged on fixed term contracts. In line with RRT’s Code of Conduct, this policy is binding both in and outside of working hours and in all aspects of a staff member’s life. It is also binding for other representatives working with RRT, including (but not limited to) partners, volunteers, consultants, contractors/suppliers/vendors, interns, and other individuals acting as representatives of RRT.

1.3. Definitions

- **Sexual Exploitation** means any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including but not limited to, profiting monetarily, socially, or politically from the sexual exploitation of another.
- **Sexual abuse** means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.
- **Survivor** refers to a person who is, or has been, sexually exploited or abused. For the purposes of this policy, a survivor is a person who is, or has been, sexually exploited or abused by RRT and its affiliated personnel. Therefore, this policy does not address our service policy towards survivors of gender-based violence in general.
- **Feedback and Complaints Mechanism (FCM)** is a specifically designated body entrusted with a mandate to receive all feedback, positive or negative, relating to our work or activities, and receive and handle complaints involving a breach of our Code of Conduct,
- **Complainant** means the person making a complaint; it may be the person who experienced what is being reported (the survivor), or it may be another person (a third-party complainant) who becomes aware of an issue and makes the complaint.
- **Gender-based violence (GBV)** is an umbrella term for any harmful act that is perpetrated against a person’s will, and that is based on socially ascribed (gender) differences and acts of gender-based violence are a form of sexual abuse.
- **Prevention of the Sexual Exploitation and Abuse (PSEA)** is used to refer to measures taken to protect vulnerable individuals, including the beneficiaries, from sexual exploitation and abuse by the staff and associated personnel, and to ensure adequate response when such abuses occur.

2. Prohibition of Sexual Exploitation and Abuse

RRT' Code of Conduct (for RRT representatives, members, volunteers, and staff) and Labor Contract (for RRT staff) and service contracts (for third parties) emphasize RRT's **zero tolerance** policy for sexual exploitation and abuse. Disciplinary measures and/or other legal measures necessary in case of a breach or violation is clearly outlined.

RRT's Feedback and Complaint Mechanism's procedure in case of a complaint/allegation concerning a third party or RRT's internal disciplinary mechanism procedure in case of a complaint/allegation concerning a RRT staff is accessible to all parties.

In case RRT identifies that a service contractor fails to take preventive measures against sexual exploitation or sexual abuse, to investigate allegations thereof, or to take corrective action when sexual exploitation or sexual abuse has occurred, this constitutes grounds for termination of any cooperative arrangement with the organization.

RRT would like to further underline that:

- Sexual exploitation and sexual abuse constitute acts of serious misconduct and are therefore grounds for disciplinary measures, including summary dismissal.
- Sexual relationship between a RRT staff and current or recent beneficiaries, since they are based on inherently unequal power dynamics, undermine the credibility and integrity of the work of organizations and is prohibited. Moreover, RRT finds it inappropriate and discourages its members to establish personal relationships with beneficiaries (dating, compliments, personal telephone sharing or communicating with social media accounts).
- **Sexual activity with children (persons under the age of 18) is prohibited. Mistaken belief in the age of a child is not a defense. For additional measures pertaining to child safeguarding under the PSEA framework, please refer to our dedicated Child Safeguarding policy.**
- Exchange of money, employment, goods, or services for sex, including sexual favors or other forms of humiliating, degrading or exploitative behavior, is prohibited. This particularly includes any exchange of assistance that is due to beneficiaries of assistance.
- The standards set out above are not intended to be an exhaustive list. Other types of sexually exploitive or sexually abusive behavior may be grounds for administrative action or disciplinary measures, including summary dismissal, pursuant to internal or additional regulations and rules to which personnel of humanitarian organizations adhere.
- In addition, RRT staff should keep in mind that beneficiaries have different cultures, beliefs, and backgrounds, therefore all RRT staff should avoid asking all clients personal questions that are not necessary for their case, avoid any physical contact, including hand contact, act sensitively by considering how the clients behave during greetings and handshakes, and should act carefully so as not to leave any room for any kind of doubt and misunderstanding.

3. Prevention and Deterrence

RRT's Board and Senior Management Team is committed to create and maintain an environment that prevents sexual exploitation and abuse and promotes the implementation of this Policy.

RRT believes that encouraging speaking up and speaking out, restoring openness, and facilitating difficult discussions, and demonstrating zero tolerance through consistent and sustained actions are essentials of an environment that promotes prevention.

RRT believes that the Board, the Senior Management Team, and other Senior Managers within organizations have responsibilities to act as role models by upholding the highest standards of conduct, support and develop systems to prevent and respond to SEA that maintain a safe environment by promoting a culture of open discussion and dialogue among staff. Manager at all levels also have responsibilities to support and develop systems that maintain this environment.

RRT is integrating to formation programs for new hires, to internal seminars information sharing and awareness raising sessions on all forms of discrimination, exploitation, abuse and corruption with a particular focus and emphasis on gender-based violence, sexual abuse, and exploitation.

Regular training and refresher courses on PSEA is planned and delivered for all staff on a regular basis. This can include but is not limited to;

- RRT'S Code of Conduct and PSEA Policies,
- Information on how to recognize sexual exploitation and abuse,
- Information on how to report sexual exploitation and abuse.

Safe Recruitment and Selection: Safe Recruitment means using recruitment processes that help keep the persons of concern safe, including robust safety checking. Strict safe recruitment practices apply to all candidates, which include but are not limited to comprehensive background screening thorough interviewing procedures, and robust reference checks. The Code of Conduct and PSEA Policy is signed by all staff and is a binding commitment that the employee agrees and is committed to following all safeguarding policies and procedures, both in their professional and personal interactions with persons of concern.

Community Engagement and Awareness Building: The RRT places great emphasis on enhancing community engagement and raising awareness. Key initiatives involve the systematic integration of Protection against Sexual Exploitation and Abuse (PSEA) messages into information campaigns and the dissemination of PSEA-related information through various accessible channels for individuals of different backgrounds, including women, men, girls, and boys. These efforts encompass distributing posters and leaflets within office premises, sharing audio-visual materials on social media platforms, and providing question and answer booklets at service delivery locations.

3.1. Commitments

To implement this policy, RRT makes the following commitments:

- Incorporate standards and procedures on sexual exploitation and abuse into orientation and training programs and the RRT Code of Conduct,

- Orienting employees on PSEA as soon as possible, ideally within the month following the start of their employment contract, and organize refreshing training sessions every 6 months,
- Develop complaints mechanisms to report sexual exploitation and abuse and ensure that they are accessible by all beneficiaries,
- Evaluate allegations and complaints about sexual exploitation and abuse according to Feedback and Complaints Policy, and to take appropriate steps in an impartial and protective manner,
- Take prompt and appropriate action, including legal action, against RRT employees involved in sexual exploitation and abuse complaints,
- Provide emergency support (medical, legal) and psychosocial support in an appropriate and practical way to the survivors of sexual exploitation and abuse by RRT staff.

Ethics and Compliance Manager has a responsibility to oversight the compliance of performance to these commitments.

4. Complaint and Investigation

RRT is committed that the RRT's Feedback and Complaint Mechanism and RRT's Internal Disciplinary Mechanism is safe, gender-sensitive, and appropriate to the context. They carry out timely, impartial, independent, and fair investigations for allegations of sexual exploitation and abuse.

As per RRT's zero tolerance policy, perpetrators shall be held accountable for their actions. Impunity for any form of SEA will be eradicated through the systematic use of sanctions.

Confidentiality interests and the interests of survivors shall be considered before and during all cases. Protections from retaliation will be offered. Survivors shall be appropriately updated on the process and informed of available support.

RRT is committed to be particularly vigilant to any sign or evidence of SEA coming from the community where they work and immediately report it through the following mechanisms: In the event of any such case, beneficiaries and other third parties can promptly report it to the RRT's Feedback and Complaints Mechanism. Similarly, staff had to report their SEA concerns through RRT's Internal Complaints Mechanism designated for this purpose. This includes both specific complaints and rumors regarding possible sexual exploitation or abuse by a member and/or other external persons or even when the institutional affiliation of the perpetrator is unknown.

In cases involving children, all decisions made regarding the prevention and response to SEA allegations falling within the scope of this Policy are guided by the best interests of the child and the right of the child to participate and to be heard.

If there is evidence to support allegations of sexual exploitation or sexual abuse, these cases may be referred to national authorities for criminal prosecution. In any case, administrative procedures shall not be seen as a substitute for a criminal prosecution.

5. Support to Survivors

RRT is committed to provide all kinds of support mechanisms (psychological, procedural, legal) to the reporting person who has been subjected to a sexual exploitation and abuse by the RRT member or representative, and to direct them to appropriate resources if the organization is not able to provide directly. In any event described above, RRT may receive support from an independent expert or institution outside the organization. The processes to be carried out regarding the nature of the incident are determined because of the interviews of the survivor and the expert. RRT does not initiate or execute any action without notifying the reporting person and obtaining his/her approval.

Survivors of Sexual Exploitation and Abuse (SEA) could access the comprehensive support they need through established Gender-Based Violence (GBV) referral pathways, aligning with a survivor-centered approach, the RRT's GBV Guiding Principles, and the best interest's principle for children. The available support encompasses GBV case management procedures, as well as other psychosocial services, medical assistance (including the clinical management of rape), safety services (such as police intervention and access to secure shelters), and legal services.

6. Application of the Policy

6.1. Feedback and Complaints Mechanism

All stakeholders engaged in our institution's activities and interactions are encouraged to utilize our Feedback and Complaints mechanism if they encounter or witness any situation that contradicts the principles outlined herein. Reports can be submitted through the communication channels specified in the RRT Feedback Complaints Policy and will be assessed in accordance with the procedures detailed in the relevant policy document.

RRT ensures confidentiality of the information as well as the inquisition process about all complaints. We also remind that it will not impact the beneficiary's ability to receive or continue to receive services from RRT. We promote reporting of any suspicion or knowledge of corrupt practices, made in good faith and without fear of retaliation, through this channel.

6.2. Reports of the Staff

All staff members are obligated to report any wrongful acts or suspected wrongful acts in alignment with the RRT Internal Complaints Policy. To facilitate the reporting process, the communication channels specified in the policy must be utilized for submitting reports. These reports will be diligently assessed and investigated following the procedures outlined in the "RRT Guideline for the Investigation of Reports of Suspected Misconducts" document.

No-one who reports in good faith any facts or activities through these channels will be the target of reprisals nor will they suffer any other adverse consequence as a result. RRT considers knowingly making a false report to constitute a violation of this policy. Doing so will result in

disciplinary action up to and including the possibility of termination of employment or termination of the violating party's contract and/or business relationship with RRT.

6.3. The Role of Ethics and Compliance Manager

The responsibilities of Ethics and Compliance Manager include promoting the awareness and application of this Code, developing, and disseminating the procedures developed by it, and assisting anyone who wants to use this mechanism in resolving any doubts in its interpretation. You must cooperate with Compliance and use it to help you apply the Policy.

6.4. Review

RRT hold overall accountability for this Policy and its implementation. They are responsible for ensuring the policy is reviewed and updated every year. This policy document is reviewed each June of the year by Ethics and Compliance Manager and approved by RRT Management. Staff is notified of the changes via e-mail. During the meetings held regularly by the Ethics and Compliance Manager with the staff, information about the policy document is provided and questions about the content are answered. RRT reserves the right to make changes to the document when it deems necessary, without waiting for the annual review.

7. Reference Documents

This policy document is fully in compliant with relevant national legislation as well as key international legislation. RRT was inspired by and benefitted from following key guiding documents, statements, and standards, and make the utmost effort to fully comply with principles set forth. As of the date of review of this policy document, this policy is fully compliant with the following:

- Relevant Turkish laws and policies including Turkish Constitution, Turkish Civil Law (Law No. 4721), Turkish Labor Law (Law No. 4857) and Turkish Penal Code (Law No. 5237).
- Inter-Agency Standing Committee (IASC) Task Team on Accountability to Affected Populations and Protection from Sexual Exploitation and Abuse (AAP/PSEA), 2017 IASC Commitments on Accountability to Affected People and Protection from Sexual Exploitation and Abuse, 11 December 2017, available at: <https://bit.ly/2LKrmXS>
- IASC Six Core Principles Relating to Sexual Exploitation and Abuse, 2019, available at: <https://interagencystandingcommittee.org/inter-agency-standing-committee/iasc-six-core-principles-relating-sexual-exploitation-and-abuse-2019>
- United Nations Secretary General's Bulletin- Special measures for protection from sexual exploitation and sexual abuse, available at: <https://www.unhcr.org/protection/operations/405ac6614/secretary-generals-bulletin-special-measures-protection-sexual-exploitation.html>
- Core Humanitarian Standards – Revised CHS PSEAH, October 2020, available at: https://d1h79zlgft2zs.cloudfront.net/uploads/2021/10/CHS_PSEAH_Index-102020-EN.pdf

- United Nations Protocol on The Provision of Assistance to Victims of Sexual Exploitation and Abuse, December 2019, available at: [https://www.un.org/en/pdfs/UN%20Victim%20Assistance%20Protocol English Final.pdf](https://www.un.org/en/pdfs/UN%20Victim%20Assistance%20Protocol%20English%20Final.pdf)
- The Inter-Agency Minimum Standards for Gender-Based Violence in Emergencies Programming, GBV Area of Responsibility, UNFPA, 2019: <https://www.unfpa.org/minimum-standards>
- Inter-Agency Gender-Based Violence Case Management Guidelines, First Edition, 2017: https://reliefweb.int/sites/reliefweb.int/files/resources/interagency-gbv-case-managementguidelines_final_2017_low-res.pdf