

Eurasia Partnership Foundation

EPF Policies on Sexual

Exploitation and Abuse

23.12.2021

1. Policy Statement

Eurasia Partnership Foundation (EPF) is committed to providing a safe environment for all its employees and beneficiaries free from discrimination on any ground and violence at work, including sexual violence. EPF Grantees¹ and beneficiaries² will undertake following this Policy and take all reasonable steps to prevent the occurrences of sexual violence. Any person found to have sexually violated another will face disciplinary action, including dismissal from employment and up to criminal charges as prescribed by law. This policy should be read in conjunction with the Republic of Armenia's (RA) local legislation where possible, however, local legislation will take precedence over this policy in the event of a conflict. This policy should also be read in conjunction with EPF's associated policies, in particular, with Anti-Harassment Policy, and may be amended from time to time.

2. Definition of Sexual Violence

It is important to note that sexual violence acts are typically not about sexual attraction. Rather, they are about power, violence, and control.³ EPF recognizes sexual violence as any act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic a person's sexuality, using coercion, threats of harm or physical force, by any person regardless of relationship to the victim, in any setting, including but not limited to home and work.⁴ For the purposes of this document, the following list of acts constitute sexual violence:

- Sexual harassment
- Sexual abuse and rape/attempted rape
- Sexual exploitation

Sexual harassment includes unwelcome sexual advances, requests for sexual favours, and other verbal or physical harassment of a sexual nature in the workplace or towards beneficiaries. EPF's Anti-Harassment Policy details the actions that constitute harassment and define the complaint procedures for such cases.

¹ Grantee is defined as any person or organization that receives a grant from EPF.

² Beneficiary is defined as any person or organization who has a contractual or financial benefit from/via EPF, immediately or intermediated by another organization, e.g. EPF's grantee, a contractor of EPF's grantee.

³ IASC, Guidelines for Integrating Gender-Based Violence, fn. 4; WHO, Guidelines for MedicoLegal Care for Victims of Sexual Violence, 2003.

⁴ Inter-Agency Standing Committee, Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action: Reducing risk, promoting resilience and aiding recovery, 2015 (IASC, Guidelines for

Integrating Gender-Based Violence).

Sexual abuse is unwanted sexual activity, with perpetrators using force, making threats or taking advantage of victims. RA Criminal Code defines Violent sexual actions (Article 198), as a crime against sexual freedom and sexual credibility. Violent sexual actions, which include (attempted) rape, are punished with imprisonment for 3 to 6 years.

Sexual exploitation is a form of actual or attempted sexual abuse in which a person or persons, of any age, take (s) advantage of a power imbalance to force or entice the victim into engaging in sexual activity in return for something received by the victim and/or those perpetrating or facilitating the abuse. RA Criminal Code defines forced violent sexual acts (Article 199) and Sexual acts with a person under 16 (Article 200) as crimes against sexual freedom and sexual inviolability and prescribes imprisonment as a liability.

3. Procedures

Procedure refers to the way EPF, Grantees and beneficiaries should address incidents of sexual violence after they occur. Established and confidential reporting mechanisms are essential for ensuring that cases of sexual violence are appropriately addressed. EPF considers both informal and formal mechanisms necessary.

3.1. Informal mechanisms

Though not suitable in all situations of sexual violence, mediation or interventions are considered when less serious forms of sexual violence incidents are reported. When the situation involves less serious forms of sexual harassment, such lower-key interventions by those reported to about the incident and/or Human Resources given the consent of the alleged victim, may be effective, as they can stop the behaviour before it escalates. It is important to mindfully balance the need to believe survivors who come forward with not treating perpetrators as guilty until so proven.

3.2. Formal mechanisms

If an employee or a beneficiary experiences an incident of sexual violence and has a related complaint, they shall promptly report the matter to the Human Resources Manager or Supervisor from EPF or EPF's grantee. The Human Resources Manager or the Supervisor shall start an investigative or inquiry process. The investigative and inquiry processes, however, are not substitutes for criminal procedures. Therefore, when appropriate, EPF, Grantees and beneficiaries shall ensure to report for criminal prosecution and legal action to the competent authority in accordance with the applicable law. In particular, the Human Resources Manager or the Supervisor dealing with the case, as well as the Management of Grantees undertake to:

- Provide independent investigations of the reported cases as required;
- Escalate proven breaches of this policy to the relevant external authorities as appropriate/deemed necessary and appropriate;
- Keep abreast of any changes to local law requirements that may impact this policy or operation.

If the accusation involves EPF's Grantee or Beneficiary, the Grantee or Beneficiary, after receiving this information, shall immediately notify EPF's Human Resources Manager, Gender Expert, and/or the Manager of their project.

3.3. EPF and Grantees shall ensure the protection of the victim, the complainant and the whistle-blower after having verified and confirmed the reported facts either by internal investigation or by external investigation. Confidentiality must be the aim when data regarding the incident is collected, stored, and managed, passwords or numbers shall be used on files or in conversations.

4. Sanctions and disciplinary measures

The nature of the sanctions will depend on the gravity and extent of the act. Anyone who has been found to have misconduct under the terms of this policy is liable to any of the following sanctions:

- verbal or written warning
- dismissal or termination of contract
- criminal charges

During internal investigation, to avoid perceptual problems, the financial and / or contractual relationship with the accused perpetrator may be suspended.

5. Implementation of this policy

EPF will ensure that this policy is widely disseminated to all relevant persons, including its staff, grantees and beneficiaries. It is the responsibility of every manager to ensure that all his/her employees, grantees and beneficiaries are aware of the policy. This policy is an indispensable part of all EPF contracts. Supervisors, managers and those responsible for dealing with sexual violence cases will report on compliance with this policy, including the number of incidents, how they were dealt with, and any recommendations made. This will be done on a yearly basis.

Additional Literature

- EPF Gender Policy, available at <https://epfarmania.am/document/EPF-Gender-Policy>, [accessed 16 January 2022].
- EPF Gender Mainstreaming Policy, available at https://epfarmania.am/sites/default/files/Document/EPF_Gender_Policy_Continuation_English.pdf, [accessed 16 January 2022].
- Sh. Khurshudyan, "The Link Between Poverty and Domestic Violence: How does Poverty Affect the Occurrence and manifestation of Domestic Violence?", in *Culture of*

Violence in Armenia, Eurasia Partnership Foundation, 2020, pp. 215-298, English summary on p. 389. Available at:

https://epfarmeria.am/sites/default/files/Document/Roots_of_violence_online_version.pdf, [accessed 16 January 2022].

- Sh. Khurshudyan, “Handbook on Domestic Violence for Human Rights Defenders”, in *Culture of Violence in Armenia: Reflection and recommendations*, Eurasia Partnership Foundation, 2020, pp. 69-104. Available at: https://epfarmeria.am/sites/default/files/Document/Roots_of_violence_recommendations_online_version.pdf, [accessed 16 January 2022].
- Dr. A. Verbole, Dr. I. Davor Gaon, *Mainstreaming Gender into Policies: Manual for Trainers*, Eurasia Partnership Foundation, Sose, 2021.
- Sh. Khurshudyan, “Gender Equality”, in *Present-day Knowledge for Effective Advocacy: Manual of informational-educational materials for CSOs*, pp. 145-165, Eurasia Partnership Foundation, 2019. Available at: https://epfarmeria.am/sites/default/files/Document/Manual_for_CSOs_Bridge4CSO.pdf, [accessed 16 January 2022].
- I. Broyan et al, *Issues Related to the Rights of and Opportunities for Yezidi Girls Residing in Armenia*, Eurasia Partnership Foundation, 2020. Available at: https://epfarmeria.am/sites/default/files/Document/Issues_Related_To_The_Rights_of_And_Opportunities_For_Yezidi_Girls_Residing_In_Armenia_ENG.pdf, [accessed 16 January 2022].