

Policy for Prevention of Sexual Exploitation and Abuse

Annex I

**to the Code of Conduct for the Calouste
Gulbenkian Foundation Employees
and the Code of Good Conduct for Preventing
and Combating Harassment at Work**



**CALOUSTE GULBENKIAN
FOUNDATION**



Policy for Prevention of Sexual Exploitation and Abuse (PSEA)

Annex I to the Code of Conduct for the Calouste Gulbenkian Foundation Employees
and the Code of Good Conduct for Preventing and Combating Harassment at Work

The Calouste Gulbenkian Foundation (CGF) is a Portuguese institution whose fundamental purpose is to improve the quality of life of people through art, beneficence, science and education.

The CGF operates from its headquarters in Lisbon and its delegations in Paris and London, and has also intervened through support granted by Portugal in the Portuguese-speaking African Countries (PALOP) and East Timor, as well as in countries with Armenian Communities.

It is a foundation of private law and public utility that develops its action through direct and distributive activities, perfectly articulated by a common vision and mission: to contribute to the construction of a more just, solidary and sustainable society, in which citizens freely and consciously intervene with equal opportunities.

The CGF has a Museum and a Modern Art Centre, which houses the Founder's private collection and a collection of modern and contemporary art, respectively; an orchestra and a choir; an Art Library and Archives; a scientific research institute; and a garden, which is a central space in the city of Lisbon, where also the educational activities take place.

In articulation with the cultural activities, the CGF fulfils its mission through innovative programs that develop pilot projects and that support, through scholarships and grants, institutions and social organisations. Within the ambit of its spectrum of action in society, the CGF adopts a policy of prevention against Sexual Exploitation and Abuse, complementing a policy of prevention and fight against Harassment which is contained in the Code of Good Conduct for Preventing and Combating Harassment at Work and in the Code of Conduct for Calouste Gulbenkian Foundation Employees, which are based on a common matrix: zero-tolerance towards Sexual Exploitation, Abuse and Harassment.

The CGF does not tolerate any form of Sexual Exploitation, Abuse or Harassment and joins the international non-profit community in supporting the fundamental principles relating to the prevention of Sexual Exploitation and Abuse established in 2003 in the Bulletin of the United Nations Secretary-General on Special Measures for Protection from Sexual Exploitation and Sexual Abuse, and in the Lanzarote Convention- the Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse, to which Portugal has been a party since 1 December 2012. The Foundation believes that everyone has the right to live their lives free from sexual violence.

This zero-tolerance policy is applicable to all CGF Employees, Related Personnel and Beneficiaries and covers Reprehensible Sexual Behaviour among CGF Employees and towards Related Personnel, Beneficiaries and the General Public that are involved in the most diverse activities of the CGF.

The CGF takes all complaints in which CGF Employees, Related Personnel, Beneficiaries and the General Public may be involved very seriously, ensuring a timely and rigorous investigation into cases of complaints that indicate a possible violation of the said policy, taking the disciplinary and other measures that are appropriate to each concrete situation. Therefore, all CGF Employees, Related Personnel, Beneficiaries and the General Public shall:

- Adopt ethically correct behaviour, treating any individual with dignity and respect, and abstaining from practices that translate into Sexual Exploitation, Abuse or Harassment.
- Contribute to an interpersonal environment where all Employees, Related Personnel, Beneficiaries and the General Public know how to recognise unacceptable behaviour and feel able to discuss their rights and concerns. Management has a special responsibility to maintain such environment.
- Promptly convey their concerns, in accordance with the reporting procedures applicable at FGC, about any suspected situation of Sexual Exploitation, Abuse or Harassment.
- To cooperate fully in any investigation conducted by the CGF, respecting the privacy of all parties involved and with particular sensitivity to the autonomy and well-being of the victims.

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Chapter I Responsibility and Purpose

The work of the CGF implies the contact of its Employees and Related Personnel with various Beneficiaries and the General Public, possibly including vulnerable children and adults. It furthermore involves the allocation of positions of trust and delegation of powers to many Employees and Related Personnel who act on its behalf, especially when exercising control and resource allocation functions.

The policy of zero-tolerance towards Sexual Exploitation, Abuse and Harassment aims to create a safe environment for all Employees, Related Personnel, Beneficiaries and the General Public, and in particular to protect vulnerable children and adults from any possible sexual harm arising from the contact with the CGF. This policy also aims to establish procedures for the resolution of incidents of Sexual Exploitation, Abuse and Harassment, and to communicate to Employees, Related Personnel and Beneficiaries their contractual and moral responsibilities to protect children and adults in all areas of CGF activity.

The present policy complements the Code of Conduct for CGF Employees and the Code of Good Conduct for Preventing and Combating Harassment at Work, and was adopted by the Executive Committee of the CGF on 04.02.2021.

The **President of the Audit Committee of the CGF** acts as the CGF Focal Point for the Prevention of Sexual Exploitation, Abuse and Harassment, being responsible for monitoring the present policy, as well as to oversee its implementation.

Chapter II Definitions

Sexual Abuse: any physical intrusion committed or threat of physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

Sexual Harassment: any unwanted sexual approximation, request for sexual favours, verbal or physical attitudes, or gestures of a sexual nature, or any other behaviour of a sexual nature, when, for example, such attitude interferes with work, constitutes a condition of employment or gives rise to an intimidating, hostile or offensive environment. Sexual Harassment can be carried out in person or at a distance, including among others, by telephone, email or through social networks.

Beneficiaries: persons who receive financial aid, in the form of grants or scholarships, stemming from the activities of the CGF and who are therefore in some way subordinate or dependent on it.

CGF Employees and Related Personnel: people working full or part time on behalf of the CGF. This includes workers with an employment or service contract, scholarship trainees, volunteers, agents of international cooperation and other professionals from Partner organisations who individually participate in projects or actions under the CGF tutelage.

Reprehensible Sexual Behaviour: for the purposes of the present policy, this refers to acts of Sexual Exploitation, Abuse or Harassment, which may take the form of a single incident or isolated act and occur between persons of the opposite sex or the same sex. All genders may be victims or suspects of Reprehensible Sexual Behaviour.

Children: any person under 18 years of age, regardless of local age of majority or age of consent.

Complainant: the person reporting a suspected wrongdoing, including the alleged Victim of Sexual Exploitation, Abuse and Harassment.

Evidence: information gathered during an investigation which corroborates or contradicts a complaint.

Sexual Exploitation: translates into any actual or attempted practice of a sexual nature through the abuse of trust, abuse of a vulnerable situation or unequal power relation, for sexual purposes, including, among others, material, social or political profiting.

Investigator: a person appointed by the CGF Focal Point or designated to investigate a particular complaint. The Investigator may be a duly qualified CGF staff member or a person outside the CGF.

Subject of the Complaint: the person who is presumed or suspected to have sexually exploited, abused or harassed the victim.

Partner: an organisation which plays a crucial role in supporting the fulfilment of a program of the CGF, which provides an essential co-ordination function or which carries out activities on behalf of the CGF.

Focal Point: the person mandated by the CGF to assume certain responsibilities with regard to the Prevention of Sexual Exploitation and Abuse, including receiving complaints of suspected Sexual Exploitation, Abuse and Harassment.

The General Public: any person, regardless of age, gender, race or creed, who benefits from the direct activities of the CGF, i.e. concerts, exhibitions, conferences, visits to the Museums, visits to the Art and Archives Library, visits to the Foundation's shops and educational activities.

Witness: any person in possession of information relevant to the investigation, including the Victim, the Complainant, an employee of a Partner organisation, the Subject of the Complaint or another employee.

Victim: the person who is, or has been, sexually exploited, abused or harassed.

Chapter III

Standards of Conduct for Employees, Related Personnel and Beneficiaries

Sexual Exploitation, Abuse and Harassment are acts that constitute serious and reprehensible misconduct, and any violation of the present standards may justify disciplinary action, including dismissal or termination of employment. All CGF Employees, Related Personnel or Beneficiaries who commit acts of Sexual Exploitation, Abuse or Harassment may also be subject to criminal action or any other legal action provided for in the applicable legislation.

1. CGF Employees, Related Personnel and Beneficiaries must refrain from engaging in or participating in acts of Sexual Exploitation or benefit, intentionally, from acts of Sexual Exploitation committed by third parties;
2. CGF Employees, Related Personnel and Beneficiaries must refrain from engaging in or participating in acts of Sexual Abuse or benefit, intentionally, from acts of Sexual Abuse committed by third parties (using force or coercion to commit sexual acts);
3. CGF Employees, Related Personnel and Beneficiaries must refrain from engaging in or participating in acts of Sexual Harassment (unwanted acts of physical or verbal approximation, making sexual jokes or comments of a sexual nature, or references to sexual conduct in verbal or written form, and/or comments about someone's sex life);
4. Sexual activity with children (persons under 18 years of age) is prohibited, regardless of the locally defined age of majority or consent. The erroneous conviction about the age of a child is inadmissible as a defence argument;
5. The proposal or offer of money, employment, goods or services in exchange for sexual activity, or the proposal or promise of sexual activity by another person as part of that exchange, is strictly prohibited, even outside the time and place of work. This includes the offer or provision of aid due to a beneficiary, when used as a means of coercion for sexual activity.
6. The CGF strongly discourages any sexual activity of its Employees and Related Personnel with Beneficiaries, with whom they interact, directly, within the ambit of aid received, whenever a dynamic of unequal powers could undermine the credibility and integrity of the work of the CGF.
7. Where a CGF Employee, Related Personnel and Beneficiaries have any concern or suspicion regarding Sexual Exploitation, Abuse or Harassment by a co-worker or Related Personnel, whether in the CGF or in another Partner organisation, they must report them through the reporting means of communication referred in Chapter V of the present policy.

Chapter IV

Implementation, Monitoring and Assessment

8. CGF Employees, Related Personnel and Beneficiaries are obliged to create and maintain an environment that prevents acts of Sexual Exploitation, Abuse and Harassment. All levels of management must support and develop systems that preserve such environment and act promptly in response to any concerns or suspicions transmitted, complying with the communication procedures.
9. CGF Employees, Related Personnel, and Beneficiaries are committed to the proper administration of the material and logistical resources made available to them within the ambit of their professional activities, including the use of computers, video or photographic cameras, mobile phones, or social networks, and refrain from using them to exploit or harass children or other participants in projects or actions promoted or supported by the CGF.
10. When photographing or filming a child, as part of their professional activities, CGF Employees, Related Personnel and Beneficiaries are obliged to ensure:
 - The prior and informed consent of the child’s parents or legal representative, providing them with all the information on the use of the images collected;
 - That images exclusive to the child’s face or of an intimate nature will not be collected;
 - That the child is adequately dressed and in poses not likely to be interpreted as sexually suggestive;
 - That the dissemination of photographic or film images shall be subject to the use of image and voice filters in order to protect the child’s identification, unless this is justified by the child’s notoriety, or when the reproduction of the image is framed in public places, or in facts of public interest or that have taken place publicly;
 - That the image archives do not reveal any personal information enabling the child to be identified individually;
 - That the CGF will fully exercise the rights of usage relating to the collected images, which remain its exclusive property, and that it shall not assign them to third parties. The CGF shall also be barred from carrying out any usage which may cause damage to the minor’s dignity, reputation or private life, as well as from carrying out any other usage considered harmful under the laws and regulations in force.

All concerns or suspicions of reprehensible or inappropriate sexual behaviour shall be duly investigated, in accordance with the policies and procedures of the CGF. Once a concern or suspicion has been reported, the CGF will make all possible efforts to prevent the Sexual Exploitation, Abuse and Harassment, and to protect the Victims. In order to fulfil this commitment, the CGF has adopted the following measures:

Implementation

- The **Executive Board of Trustees of the CGF** is responsible for the implementation of the present policy.
- The **President of the Audit Committee of the CGF** has been charged with overseeing the implementation of the Policy for the Prevention of Sexual Exploitation and Abuse, in order to monitor its effectiveness, report on progress made and improve efforts to prevent and respond to Sexual Exploitation, Abuse and Harassment. The Secretary-General shall provide all the support needed to the President of the Audit Committee of the CGF for the fulfilment of his responsibilities in this regard.
- The **President of the Audit Committee of the CGF** has been appointed as the CGF Focal Point for activities related to the Prevention of Sexual Exploitation and Abuse, being responsible for the appointment of Investigators, the management of investigations and the provision of information to the **Executive Board of Trustees of the CGF**. The Executive Board of Trustees is furthermore responsible for appointing another Focal Point in the event of incompatibility or conflict of interest of the initially appointed one.
- In accordance with the applicable legislation and to the extent possible for the CGF, it has included in the recruitment, procedures for consulting the respective records and criminal records, as well as procuring references from previous employers, with the consent of the candidates, in order to prevent that authors of acts of Sexual Exploitation, Abuse and Harassment are hired or reintegrated by the CGF, if it is a professional activity involving direct or indirect contact with children. In this case, the criminal records will have to be updated and this duty will be included in the respective contracts.
- To investigate suspicions of Sexual Exploitation, Abuse and Harassment involving CGF Employees, Related Personnel and/or Beneficiaries in a timely manner and, to the extent possible for the CGF, guarantee compliance with legal procedures. Investigators shall act impartially with respect to the rights and dignity of Complainants, Victims and the Subjects of the Complaints. This includes the use of appropriate practices for hearing Witnesses and Victims, especially children, and hiring of

Chapter V

Communication of Complaints

professional investigators or ensuring expert investigative advice, as appropriate. The CGF will take into account the results of the investigation and shall guarantee that lessons learned are used to improve policies and practices in this area, as appropriate.

- Provide all CGF Employees and Related Personnel with consistent and regular training on issues related to the Prevention of Sexual Exploitation and Abuse, and gather Evidence to prove their attendance. This mandatory training will have as its (non-exclusive) contents the definition of what is meant by Sexual Abuse, Exploitation and Harassment behaviour, the zero-tolerance policy, as well as the procedures to follow in case of a complaint, being provided to all new Employees during their welcome period and refreshed every 2 years.
- Include the standards of conduct on the Policy for Prevention of Sexual Exploitation and Abuse in the contracts of employment, internship, voluntary work placements, partnerships, the acquisition of goods, the provision of services or the award of scholarships and grants, requiring the counterparts to report to the CGF any behaviour likely to constitute a violation of the present policy.
- To have resources to provide urgent psychological assistance and support, as appropriate and feasible, to Victims and other persons affected by the Sexual Exploitation, Abuse and Harassment. For this purpose, the CGF has a Clinical Centre or will use an external health unit that will assess the reported situation and, if necessary, refer the Victim for specialised care, namely medical or psychological care adjusted to the specific situation.
- Forward the complaints and the results of investigations within 48 hours to the competent authorities, in particular the Portuguese Public Prosecution Service, Intelligence Services, Social Security and other services and forces, whenever necessary.
- Provide full cooperation to the competent authorities to whom the administrative offence or criminal investigation is entrusted.

Monitoring and Assessment

- By the end of the first quarter of each year, the Focal Point shall produce a summary report on the implementation of the present policy in the previous year, monitoring key indicators such as the number of open and completed investigations and the duration of each investigation. The Focal point shall inform the summary report to the **Board of Trustees**.
- Every three years, a working group consisting of the Focal Point, the Director of Human Resources and the Clinical Centre, shall assess the need to review the policy on the basis of the annual monitoring reports and new international guidelines on the matter applicable to the contexts in which the Foundation operates, and submit the opinion to the **Board of Trustees for approval**.

All complaints of Reprehensible Sexual Behaviour, whether actually occurred or suspected, or violations of the present policy must be reported. The CGF will act on any complaint of suspected Sexual Exploitation, Abuse or Harassment, even if it is only a rumour. It is not necessary to be in possession of Evidence supporting the concern or suspicion to report it. The fact that a person feels uncomfortable with something he or she has seen or heard that may indicate a violation of the present policy is sufficient reason to file a complaint.

Complainants must be guaranteed that they can present their complaint safely, that they are heard and that effective action is taken. The CGF is committed to encouraging and enabling all Employees, Related Personnel, Beneficiaries and the General Public to express themselves and formally communicate their concerns or suspicions as soon as possible, so that they can be dealt with in a timely manner. Employees, Related Personnel, Beneficiaries and the General Public should feel confident and comfortable to report any suspicions, including Sexual Abuse, Exploitation and Harassment - whether they refer to past or present situations.

As such, the CGF will treat any concerns or suspicions with seriousness and sensitivity. If they do not wish to do so personally, Employees, Related Personnel, Beneficiaries and the General Public must report any concern or suspicion anonymously, the latest within 48 hours of the occurrence of the facts or the Complainant becoming aware of them.

Complaints must be communicated by the following means:

- To the **President of the Audit Committee**, CGF Focal Point for this matter, by written communication, through the form available on the CGF's Intranet or on the CGF's website, or through letter addressed to the President of the Audit Committee to the following address:

Fundação Calouste Gulbenkian
Av. de Berna, 45 A
1067-001 Lisboa

The complaint must be as detailed as possible, containing a precise description of the facts constituting or likely to constitute Sexual Exploitation, Abuse or Harassment, namely, as to the circumstances, time and place hereof, the identity of the Victim(s) and the subject(s) of the complaint, as well as any testimonial, documentary or expert Evidence available.

The reporting channel available on the Foundation's Intranet or website allows the submission of reports or complaints anonymously or with identification of the whistleblower.

The complaint may furthermore be lodged, in accordance with the law, with the Public Prosecution Service or the competent criminal police body in the event of criminal liability and for the purposes of criminal proceedings.

Any person who deliberately makes a malicious complaint (e.g. false statements) shall be subjected to disciplinary action and/or criminal action.

Chapter VI

Retaliation Protection for the Whistleblower

The CGF will not tolerate any form of harassment, retaliation, victimisation or adverse professional consequences against an employee who expresses a concern or suspicion or, in good faith, makes a complaint under the present policy. Concerns or suspicions must be expressed in good faith, even if unfounded. Any CGF Employee or Related Personnel who harasses, retaliates, victimises or takes any initiative against someone who, in good faith, reported a concern or suspicion, shall be subjected to disciplinary action, to the extent permitted by applicable law, which may include dismissal or termination of employment.

Chapter VII Guarantees

Without prejudice to the possibility of submitting an anonymous report or complaint, every effort will be made to protect the privacy of Complainants and persons subject to a complaint. The FCG guarantees, within the limits of the law, the confidentiality of the information contained in the reports or complaints submitted and in the subsequent investigations, ensuring that they will only be accessed and/or transmitted in accordance with the need to know principle. In cases where the person Subject of the Complaint is a leader, focal point or hierarchical superior of the alleged Victim, the Focal Point receiving the complaint shall follow the procedures to prevent those who may have a conflict of interest from being involved in the process.

During and after an investigation, any person who becomes aware of a complaint must respect the sensitivity of the issue and the need to protect the identities, privacy and reputation of the alleged Subject of the Complaint, the Complainant, the alleged Victim and possible Witnesses. Individuals who fail to cooperate in an investigation or violate confidentiality restrictions shall be subjected to disciplinary action or other sanctions, to the extent permitted by applicable law.

The CGF Focal Point and Investigators will take all reasonable steps to protect the Complainant, the alleged Victim, and possible Witnesses from acts of retaliation, as well as to maintain their safety throughout the investigation process.

Chapter VIII Investigation

On receipt of the complaint, the Focal Point will endeavour to promote the speediness of the investigation and, in particular, must immediately appoint the Investigator responsible for establishing the facts complained of. The investigation must be completed within no more than 72 hours, unless the complexity of the facts complained of justifies a longer period of time, and will include taking the steps deemed appropriate to establish the facts. On completion of the investigation, the Investigator shall send the Focal Point a report containing the conclusions of the investigation.

After an analysis of the investigation report, and without prejudice to the possibility of requesting further clarifications and diligences, which it considers necessary for the establishment of the facts, the Focal Point shall submit a reasoned proposal for a decision to the Executive Board of Trustees of the CGF.

However, whenever the practice of Reprehensible Sexual Behaviour, likely to translate into Sexual Exploitation, Abuse or Harassment, reveals to be evident, either when the complaint is examined, or during the course of the investigation, the Investigator shall, through the Focal Point, immediately request the Executive Board of Trustees to take a decision to report the facts under investigation to the administrative offence or criminal investigation authorities, even if the report with the conclusions of the investigation has not yet been finalised.

Chapter IX

Decision

The proposal for a decision to be presented by the Focal Point to the Executive Board of Trustees of the Foundation may be the initiation of disciplinary proceedings or other applicable penalty against the Subject of the Complaint, the archiving for lack of sufficient evidence, or, the archiving for lack of sufficient evidence and the adoption of measures of a disciplinary or other nature considered appropriate to the specific case against the whistleblower, if it is considered that there has been malicious intent or intention to harm the Subject of the Complaint.

At the same time, the proposal for a decision may contain other recommendations, indicating their implementation deadline, such as a medical and/or psychological follow-up for the Victim, the adopting measures to protect the Victim, forwarding the complaint to the Public Prosecution Service, or to other services that may be appropriate in the specific case.

On receipt of the investigation report and the proposal for a decision submitted by the Focal Point, the Executive Board of Trustees shall take a decision on the reasoned proposal within a period not exceeding 48 hours.

In cases where, from the analysis of the complaint or in the course of the investigation, it becomes apparent that there has been a practice of Reprehensible Sexual Behaviour likely to translate into Sexual Exploitation, Abuse or Harassment, which justifies the immediate communication of the facts to the administrative offence or criminal investigation authorities, the Executive Board of Trustees shall decide to submit such communication within a maximum time period of 24 hours.

