



ESTONIAN HUMAN
RIGHTS CENTRE

Estonian Human Rights Centre's Guide for the Prevention of Sexual Abuse, Exploitation and Harassment

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Introduction

The Estonian Human Rights Centre (hereinafter referred to as *EHRC* or the *Centre*) stands for the right of every person to be protected from exploitation, abuse and harassment, regardless of their background, self-expression, situation or identity. The Centre strongly condemns any sexual and gender-based harassment, sexual exploitation and abuse in relation to its employees or affiliated parties, which is contrary to local laws and EHRC's internal rules. EHRC's Guide for the Prevention of Sexual Abuse, Exploitation and Harassment (hereinafter referred to as the *Guide* or *PSEAH Guide*) applies to all employees of EHRC, including full-time and part-time employees, volunteers, interns or mandataries, as well as EHRC's partners and subcontractors, where harassment, sexual exploitation or abuse has occurred in the course of a joint project or other collaboration.

The Guide describes how to prevent sexual and gender-based harassment and SEA in the Estonian Human Rights Centre's work and sets out the procedure for lodging and handling complaints. The Guide sets out the responsibilities of EHRC and its employees in the prevention, occurrence and aftermath of harassment and SEA. The Guide also protects vulnerable groups from harassment and SEA, with whom EHRC may come into contact in its work.

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Section 1: Definitions

- 1) **Sexual harassment** occurs where any form of unwanted verbal, non-verbal or physical conduct or activity of a sexual nature occurs, with the purpose or effect of violating the dignity of a person, in particular when creating a disturbing, intimidating, hostile, degrading, humiliating or offensive environment.¹ Someone's behaviour must be directed at a specific person and be unwanted or disruptive to be considered harassment. Harassment can also be reported if it is suspected. In the context of the PSEAH Guide, the victim of sexual harassment is always an employee, partner or other affiliated party of the Centre. Examples of sexual harassment are:
 - a) One colleague sends another an e-mail containing a joke with a sexual undertone.
 - b) An event organised by EHRC features a service provider who flirts with an employee at the Centre.
 - c) After a job interview, the interviewer places their hand on the candidate's hip even though the interviewer and candidate are not previously acquainted.
 - d) A project partner gives a gift of a sexual nature to an employee of EHRC to celebrate collaboration.

- 2) **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.² In the context of the PSEAH Guide, the victim of sexual exploitation is a beneficiary of EHRC.

- 3) **Sexual abuse** means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.³ In the context of the PSEAH Guide, the victim of sexual abuse is a beneficiary of EHRC.

- 4) **Gender-based harassment** occurs where unwanted conduct or activity related to the sex of a person occurs with the purpose or effect of violating the dignity of a person and of creating

¹ [Clause 5 of subsection 1 of § 3 of the Gender Equality Act](#)

² [Special measures for protection from sexual exploitation and sexual abuse. United Nations Secretary General. ST/SGB/2003/13](#)

³ *Ibid.*

*a disturbing, intimidating, hostile, degrading, humiliating or offensive environment.*⁴ In the case of gender-based harassment, the victim of harassment is in an unequal position because of their gender characteristic(s). The victim of gender-based harassment can be anyone, regardless of their relation to EHRC. Examples of gender-based harassment are:

- a) *When assigning tasks, a female employee is given fewer or less important tasks because she is believed to be less capable than her male colleague.*
- b) *A pregnant employee is removed from the project team without notice because it is assumed that they can no longer contribute to the project.*
- c) *A male volunteer is assigned only physical tasks, despite the fact that he expressed a desire for other tasks when he volunteered.*
- d) *An employee of EHRC is suspicious of the client and reluctant to offer help because they appear unreliable due to their non-binary gender identity.*

5) **Harassment** occurs when unwanted conduct /.../ takes place with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment. The term, thus defined, extends to discrimination on grounds of nationality (ethnic origin), race, colour, religion or other beliefs, age, disability or sexual orientation, and also gender-based and sexual harassment.⁵

6) **SEAH** (“sexual exploitation, abuse and harassment”), used in the context of this document, is the abbreviation referring to any and all sexual misconduct, irrespective of the victim or perpetrator.

7) **SEA** (“sexual exploitation and abuse”), used in the context of this document, is the abbreviation referring to sexual misconduct where the victim is a beneficiary of the Centre.

8) **Vulnerable groups** are groups of people whose members are disadvantaged due to factors outside their control as a result of which they do not have the same opportunities as other groups.⁶ These are often people whose self-determination, background, identity or situation create conditions that make them easier to exploit and subject to abuse of power. In the context of the work of EHRC, this includes, in particular, persons belonging to minorities on the basis of race, ethnic or national origin, refugee status, gender, age, religion, sexual orientation and disability.

⁴ [Clause 6 of subsection 1 of § 3 of the Gender Equality Act](#)

⁵ [Clause 3 of subsection 1 of § 3 of the Equal Treatment Act](#)

⁶ [Glossary of HIA terms. WHO](#)

- 9) ***The victim-centred approach*** puts the rights and dignity of victims, including their well-being and safety, at the forefront of all efforts to prevent and respond to exploitation and harassment, regardless of the victim's relationship with the alleged perpetrator.⁷ The victim-centred approach is about listening to and taking into account the victim's concerns, while giving the victim control over how to respond to what has happened to them.

Section 2: Scope & principles

- 1) In its work, EHRC comes into contact with vulnerable groups with whom it is in a position of power as an assistance provider. EHRC is required to protect beneficiaries from SEA when providing services or engaging them in activities. EHRC prevents situations in which someone receiving help from the Centre may become a victim of SEA.
- 2) EHRC is obligated to protect every employee of the Centre against harassment, regardless of the extent of their workload or the nature of their work. As an employer, EHRC is legally required to ensure that:
 - a) there is no sexual or gender-based harassment in the workplace or related to the position;
 - b) the working environment is safe for employees' health;
 - c) there is no discrimination or infringement of fundamental rights in the performance of employees' duties.
- 3) All employees of EHRC, regardless of the scope of their workload, the nature of their work, contract type or their remuneration, are required to examine and follow this Guide, both in the course of their duties and outside the work environment. The Guide also applies to the Centre's partners (including project partners, service providers, subcontractors and suppliers) and visitors. If the harasser is a representative of one of the Centre's partners, the Centre will respond together with the partner organisation. The management of the Centre is responsible for the application of the Guide.
- 4) **The person examining this Guide will note that:**
 - a) **They must refrain from exploiting, abusing or harassing employees, beneficiaries, partners or visitors of the Centre.** The Centre does not encourage intimate relationships between counsellors and beneficiaries or between the employees of the Centre. The Centre's employees are required to notify the Centre's Director of any intimate relationships between counsellors and beneficiaries or between employees. The Director shall notify the supervisory board of the Centre of any relationship between the Director and another employee. In the case of a counsellor-beneficiary relationship, the counsellor is replaced by another impartial counsellor. Intimate relationships with anyone under 18 years of age are prohibited. SEA perpetrated by EHRC employees is grounds for termination of employment.
 - b) **They are required to spot harassment and SEA (or risk thereof) within the limits of their knowledge and to report it immediately.** Based on the principles of the victim-centred approach, a person who is a victim of harassment or SEA is not required to report misconduct perpetrated towards them.

⁷ [UN. Victims' Rights First](#)

- c) **They must prevent situations that could give rise to a risk of harassment or SEA.** If such a situation arises, they must reorganise their work or that of the people under their responsibility, stop work altogether, or report a possible risk. Within their area of responsibility, each employee of the Centre undertakes to create a safe and encouraging environment that facilitates raising concerns without fear of punishment.
- d) **Everyone has the right to lodge a complaint.** By lodging a complaint, the complainant confirms the accuracy of the information provided to the best of their knowledge.

Section 3: Prevention

In order to prevent the risk of harassment and SEA, EHRC is responsible for ensuring the following:

- 1) Every employee will examine EHRC's PSEAH Guide when commencing work. The Guide is available on the Centre's [intranet](#) and on the Centre's [website](#) and can be accessed by the Centre's employees at any time. The Centre's Office Manager confirms that employees have examined the Guide.
- 2) EHRC will remind its employees of the Guide at team meetings and at the yearly strategic seminar. The EHRC Office Manager will ensure continued awareness of the Guide and reporting mechanism.
- 3) EHRC organises regular training for its employees on the prevention of sexual and gender-based harassment and SEA.
- 4) With the candidate's agreement, EHRC will conduct a reference check with a previous employer of the candidate's choosing, in order to determine any concerns that may have arisen during the candidate's prior employment. The reference check will be conducted on the top three candidates. In case the candidate does not provide consent for a reference check, EHRC will consider this as a negatively contributing factor in the candidate assessment process. Information received during reference checks will be documented in the EHRC candidate assessment form.
- 5) If a proposed job position in EHRC involves working with underage persons, the candidate must also submit an extract from the Criminal Records Database, as per § 179 prim 1 (1) of the Penal Code.
- 6) EHRC expects its partners, suppliers and service providers to adopt measures for the prevention of harassment and SEA. EHRC's subcontracting, service and partnership agreements contain a provision that requires the subcontractor, mandatary or partner to comply with EHRC's PSEAH Guide or with measures in place in their workplace to prevent and respond to sexual and gender-based harassment and SEA. Failure to comply with standards set out in this Guide or to appropriately respond to instances of harassment or SEA will result in the termination of any agreements made with EHRC.
- 7) EHRC's employment contracts include a self-declaration clause, whereby the employee confirms that:
 - a) they are not subject to a current criminal penalty for SEAH;

- b) they have not refused to collaborate in the investigation of a case, where they have allegedly been the perpetrator of SEAH;
- c) their prior employment has not been terminated due to a guilty verdict in a case of SEAH.

Section 3.1: Risk analysis

- 1) For each project that imposes contractual obligations on EHRC and for which a project manager has been appointed, the project manager, in collaboration with all partners carrying out the project activities, will carry out a risk assessment before the start of the project. The purpose of the risk analysis is to identify any risk of harassment or SEA in the achievement of the project objectives. The project manager must notify project partners about EHRC's PSEAH Guide and the risk areas identified in the risk assessment.
- 2) Risks will be assessed on an ongoing basis as the project progress is monitored. All project partners are required to prevent the risks identified in the risk assessment or mitigate their effects and ensure the safety of vulnerable target groups from SEA. Attempts must be made to mitigate any risk identified. If this is not possible, the project or its specific activities must be suspended. The recommended form for risk analysis is in Annex 1 and in the Centre's intraweb.

Section 3.2: Training on PSEAH

- 1) In line with the prevention measure described in Section 3, point 3, EHRC will organise training for its employees (including interns, long-term volunteers and consultants) on sexual and gender-based harassment and SEA.
 - a) Staff who, in the course of their duties, regularly come into contact with beneficiaries belonging to vulnerable groups, are required to complete an online introductory course on PSEAH within up to six months they begin work and online refresher courses every two years. The courses will cover:
 - i) basics of SEA;
 - ii) a victim-centred approach, including ways to support a victim of SEA.
 - b) In-person refresher trainings will take place at least every three years for all EHRC employees and must cover the following:
 - i) definition of sexual and gender based harassment and SEA;
 - ii) principles of a victim-centred approach;
 - iii) reporting mechanism within EHRC and resources outside of EHRC.
 - c) An introductory training within up to six months an employee begins working in EHRC will be in an online format and will cover:
 - i) basics of sexual and gender-based harassment and sexual abuse;
 - ii) reporting mechanism within EHRC and resources outside of EHRC.
- 2) The EHRC Office Manager is responsible for ensuring the trainings are conducted in a timely manner and will keep record of the completion of all courses. The EHRC Diversity

and Inclusion Expert is responsible for ensuring the content of the trainings is up to date and in accordance with the Guide.

Section 4: Reporting mechanism

- 1) Anyone has the right to lodge a complaint or report a tip-off on harassment or SEA perpetrated by EHRC's employees, partners, sub-contractors or participants in an EHRC-organised event. A complaint or a tip-off can also be made by an eyewitness.
- 2) The channels through which EHRC may receive a complaint or tip-off are as follows:
 - a) The main intended channel for complaints or tip-offs is a form on the EHRC webpage. Through the complaint form, complainants can choose to lodge their complaint to the Director or to the supervisory board of the Centre. This can also be done anonymously.
 - b) Additionally, the complaint can be addressed directly to the EHRC Director by email at kaebused@humanrights.ee.
 - c) Alternative channels where complaints may be received are by phone or in person. The first recipient for complaints in these cases is usually the EHRC Office Manager or a counsellor, who will help submit the complaint through the form on EHRC's webpage, addressed to the Centre's Director or supervisory board.
- 3) When lodging a formal complaint, the complainant should disclose at least the following:
 - a) the complainant's e-mail address, which is necessary to ask further questions, provide feedback and share resources;
 - b) if they wish, they can also give their name, telephone number and describe their connection to EHRC;
 - c) a description of the complaint, i.e. what happened, where, when, in the presence of whom, who was/were the perpetrator(s);
 - d) the preferred outcome of the complaint;
 - e) if possible, evidence (e.g. screenshots of chats, other visual material, a list of witnesses to the harassment, etc.) should be sent with the complaint.
- 4) EHRC will ensure the accessibility and awareness of the reporting mechanism by highlighting the reporting mechanism on the Centre's webpage as well as on communication materials such as posters, leaflets etc. Information on the reporting mechanism is readily available in rooms where EHRC meets with beneficiaries. EHRC employees are notified of the reporting mechanism during onboarding and at yearly development conversations.
- 5) Third parties must be notified, for example, if the complainant gives an indication that the victim of harassment or SEA is actively facing a risk of abuse or retaliation and the victim can be removed from the risk situation with the help of the police or by separating the victim and the alleged perpetrator. EHRC may also be required to notify the project funder or partner of the complaint if the SEA has taken place in the course of activities relating to a specific project. The anonymity of the complainant and victim will be respected when notifying project funders.
- 6) All complaints will be treated confidentially. Informal appeals to the Director of the Centre, the complainant's direct manager or the Centre's occupational environment specialist are also confidential. Possible cases of harassment or SEA will only be reported to people who

are involved in the investigation of the complaint or are parties to the case. The complainant's anonymity will be guaranteed if they wish. In no case will EHRC disclose sensitive or special categories of personal data to unrelated persons. The personal data of the parties involved in the case, in particular their health data, racial or ethnic origin, political or religious beliefs, biometric data, sexuality-related information and refugee status, will be treated in accordance with the Personal Data Protection Act.

Section 5: Complaints procedure

Section 5.1: Complaints Procedure for SEAH (EHRC partial)

This section describes the operating procedure in case EHRC receives complaints of SEAH, whereby the victim is either a beneficiary or employee/partner of EHRC and EHRC is partial in the accusation. Throughout the procedure, the complainant or victim of SEAH has the right to withdraw their consent to participate in the investigation. As a general rule, if consent is withdrawn, the case manager must discontinue the proceedings. Complaints may only be processed if the material gathered is sufficient to draw a conclusion that SEAH has occurred and to take disciplinary action, and the well-being and safety of the victim of SEAH is ensured. The alleged perpetrator is presumed innocent before a decision resulting from the investigation.

During their investigations, the case manager will use the toolkit "[Investigating allegations of sexual exploitation and abuse in humanitarian settings](#)", developed by the UN Refugee Agency. Where the following procedures contradict instructions in the toolkit, the case manager will follow the PSEAH Guide.

Stages in the investigation of SEAH are as follows:

- 1) **EHRC receives word of the complaint.** If not already done, a formal complaint is made on the Centre's webpage, addressed to the Centre's Director or supervisory board.
 - a) In case the victim is an employee of EHRC, they may first try to resolve the situation on their own. This can mean communicating with the harasser orally and/or in writing to explain the content of the harassment and to demand that it stops. If the harassment continues, or if the case is serious enough in the eyes of the complainant, it is advisable to report the harassment to their direct manager or the Director of EHRC, provided they are impartial. It is not compulsory to resolve the situation independently. Everyone has the right to report harassment immediately, either by lodging a complaint or by contacting the police and/or ambulance.
- 2) **The complaint is accepted by the Director or the supervisory board of EHRC** (hereinafter referred to as *case manager*). Depending on the complexity of the accusation, the Director and a member of the supervisory board may either handle the complaint internally or delegate the investigation of the complaint to an external service provider (at the complainant's consent). The case manager must, as far as possible, minimise contact between the accused perpetrator and the victim. Should the case manager choose to handle the complaint internally, the following must be determined:
 - a) Is the case manager impartial? If the case manager is biased, proceedings must be handed over to an impartial person (a member of EHRC's supervisory board, the Director or an external service provider).
 - b) Has the complainant requested anonymity? If this is not specified, it must be clarified with the complainant. Confidentiality does not presuppose the anonymity of the complainant, for example in cases where the complainant is already known

to the alleged perpetrator or where disclosure of the identity of the complainant to the alleged perpetrator is necessary or unavoidable in the course of the investigation.

- c) Are all details of the case clear to the case manager? The case manager will acknowledge receipt of the complaint to the complainant within two working days of receipt, if necessary asking further questions to help the case manager to get a complete picture of the accusation. The case manager will also send the complainant information on options for getting assistance as provided in Section 6 of the Guide.
 - d) Is the alleged perpetrator a partner organisation? In case the alleged perpetrator of SEAH is a partner of EHRC, the case manager will conduct the investigation involving the partner organisation in all steps of the investigation, making sure to fulfil the minimum confidentiality, anonymity and safety requirements set forth in the PSEAH Guide.
- 3) **The case manager will investigate the situation independently.** In the course of an independent investigation, the case manager may gather additional information and conduct interviews with the complainant, witnesses and the alleged perpetrator, bearing in mind the confidentiality of all parties involved.
- a) The interview with the alleged perpetrator must take place last, once interviews with the complainant and witnesses have been conducted and the material relating to the complaint has been collected. The alleged perpetrator will be notified of the investigation at least 24 hours before the interview, including by explaining the investigation procedure and listing their rights and obligations (including the right to be informed of the general content of the complaint, the right to present evidence and their version of events, the right to respond to evidence presented against them, the right to examine the records of their interview, the obligation to collaborate, the obligation to maintain the confidentiality of the investigation).
 - b) Both the victim and the alleged perpetrator have the right to bring an impartial third party for support who may not speak during the interview.
- 4) **The case manager will notify the complainant of the decision** within three week of lodging the complaint. As a result of the proceedings, the case manager may take one of three decisions:
- a) **Verdict 1: SEAH occurred or is likely to have occurred.**

Consequence: measures are implemented primarily in accordance with the wishes of the complainant. In the absence of such wishes, or if the measure proposed by the complainant is insufficient in the eyes of the case manager, the Director or the supervisory board of the Centre shall decide on the appropriate measures to be taken. In any case, the decision shall be notified to the Director or to the supervisory board of the Centre. The perpetrator will be notified of the violation of the EHRC's PSEAH Guide. If necessary, the Centre will organise internal training on SEAH. There is zero tolerance for SEA. This is followed by termination of employment or cooperation. Project funders and/or legal

authorities are notified of the findings if necessary. The perpetrator can challenge the decision by appealing to the Director of the Centre, the supervisory board of the Centre or the labour dispute committee.

b) Verdict 2: SEAH did not take place or likely did not take place

Consequence: the complainant will be notified of the decision together with the reasons for the decision. The complainant will be advised on options to appeal or seek assistance outside the Centre ([Section 6](#)). If the case manager suspects that the complainant has made a false accusation, a warning is issued. The decision shall be notified to the Director or to the supervisory board of the Centre.

c) Verdict 3: It is not possible to take a position on whether SEAH has occurred

Consequence: the complainant will be notified of the decision together with the reasons for the decision. In agreement with the complainant, impartial third parties are involved in the proceedings and a new decision is made within one week of the initial decision, or alternatives are suggested for lodging a complaint or seeking assistance outside the Centre ([Section 6](#)).

Section 5.2: Complaints procedure for SEAH (EHRC impartial)

This section describes the operating procedure in case EHRC receives complaints of SEAH, whereby the victim has no affiliation with EHRC and EHRC is impartial in the accusation. Stages in the investigation of cases are as follows:

- 1) **EHRC receives word of the complaint.** This may be by formal channels at the EHRC webpage or by phone/verbally. The recipient must first determine whether EHRC and its partners are impartial by receiving sufficient information on the complaint.
- 2) **The complaint is acknowledged** by EHRC's Director, the supervisory board or other recipient in case of alternative channels within two days of receipt.
- 3) **The complainant is advised on possible ways to seek assistance.** EHRC may in some capacity provide legal assistance to complainants. If necessary, the complainant is transferred to the relevant EHRC employee. If EHRC is unable to intervene, the complainant is advised on options for assistance outside of the Centre (Section 6 of the Guide).

Section 5.3: Complaints procedure for anonymous complaints

This section describes the operating procedure for when EHRC receives anonymous complaints or tip-offs, whereby the complaint refers to SEA or harassment of beneficiaries or EHRC employees/partners. Stages in the investigation of cases are as follows:

- 1) **EHRC receives word of the complaint.** As the only way to submit an anonymous complaint is by the form on EHRC's webpage, the complaint is handled by either the Centre's Director or a member of the supervisory board. Depending on the severity of the claims in the complaint, the steps are as follows:

- a) **In case of claims of gross misconduct (sexual abuse), EHRC takes prompt measures to protect the alleged victim, if possible.** If only the identity of the alleged perpetrator is revealed and claims in the complaint are justified and supported with evidence, EHRC reorganises their work structure to limit the risk of misconduct until disciplinary action is decided on in supervisory board meetings.
- b) **When the complainant provides insufficient evidence to support claims or the allegations reveal minor misconduct, the Centre's Director can discuss the nature of the complaint with the alleged perpetrator immediately or postpone the discussion until the next quarterly meeting of the supervisory board.** The supervisory board along with the Centre's Director will decide on disciplinary measures, if necessary.

Section 6: Assistance

EHRC aims to provide aid to victims of harassment and SEA within the limits of its competency. Whether the perpetrator of harassment or SEA is EHRC, its partners or third parties, victims are always advised on options to appeal or seek assistance outside the Centre. A victim-centered approach will be implemented in providing assistance and advice to victims and no appeals are made on behalf of the victim without their consent.

Below is a list of places where you can find help in case of sexual or gender-based harassment or SEA. In case of any questions, employees of EHRC can contact the Centre's occupational environment specialist. They can provide initial information on whether harassment is occurring and where to turn for help, either inside or outside the centre. All other questions can be directed at info@humanrights.ee or to the Centre's phone +372 644 5148.

Name	How to contact?	When to contact?
Police and/or ambulance	112, emergency reception, offence report to police	In case of physical and sexual abuse to receive legal and medical support
Sexual violence crisis center	At a crisis centre or contact by phone	In case physical or sexual abuse has occurred within the last 7 days, to receive medical support
Victim Support	Crisis line 116 006, victim support workers	In case physical or sexual abuse has occurred later than seven days; If you have been witness to mistreatment; To receive psychosocial support after SEAH; To receive help with contacting the police
Child Helpline	116 111, Child helpline homepage	In case a child is or is suspected to be a victim of SEA.
Children's House	116 111 or info@lastemaja.ee	In case a child is or is suspected to be a victim of SEA; To receive legal, medical and psychosocial support and protection
Commissioner for Equal Opportunities	Application form on homepage , contact by phone at 535 250 02	In case of harassment or discrimination
Tööinspektsioon	A tip-off at vihje@ti.ee , contact by phone at 640 6000	If the harassment took place at place of employment and has not

Name	How to contact?	When to contact?
		been resolved by employer
Prosecutor's Office	Contact by phone or by email	To receive assistance in criminal procedures; In matters relating to investigations