

# GBV RISK MITIGATION AND CHILD SAFEGUARDING MECHANISMS IN THE ITALIAN RECEPTION SYSTEM

*Technical note and operational tools*



This note was developed with the support of UNICEF and UNHCR in collaboration with the Department of Civil Liberties and Immigration of the Ministry of the Interior.

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## PREFACE

This Technical Note was developed from the Operational Toolkit on gender-based violence (GBV) risk mitigation and child safeguarding mechanisms in the community-based widespread reception of the Ukrainian population fleeing the conflict, elaborated by the Civil Protection Department, UNICEF and UNHCR.

Considering that the Operational Toolkit had been tailored to the community-based widespread reception system, it was deemed necessary to adapt this tool to the Italian reception system for international protection applicants (the reception system), to ensure all actors involved in the reception system are provided with a set of GBV risk mitigation and safeguarding operational tools.

The reception system relies on a variety of reception structures in its various stages<sup>1</sup>. These facilities, managed by private or third sector entities (managing bodies) may, however, create or exacerbate protection risks for the individuals hosted, particularly for persons with specific needs, including women and children. This technical note aims at supporting the set of actions ensuring the coordination and supervision of the reception services, without prejudice to the implementation of monitoring activities coordinated by the Department for Civil Liberties and Immigration at the Ministry of the Interior (DCLI), through the operational activity of the Prefectures<sup>2</sup>.

In this framework, the Ministry of the Interior promotes, in accordance with the Prefectures on the territory, the implementation of the tools presented in this Note, to increase the capacity of local actors to address GBV risks and to activate child safeguarding mechanisms in the reception system. The Note is therefore not a regulatory document, but it represents a technical resource whose application is recommended to Prefectures and managing bodies.

Finally, this Note should be read as a complementary tool of the "Handbook for the identification, referral and care of persons living with vulnerabilities entering Italy and within the protection and reception system" (Handbook on vulnerabilities), published in June 2023 by the Ministry of the Interior. The Technical Note provides operational tools to implement the coordination between the asylum system actors at national and local level, as promoted by the Handbook on vulnerabilities and to ensure consistency in effectively handling specific needs cases, including cases of violence, abuse and exploitation.

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<sup>1</sup> First aid and assistance centers ex art. 10ter of D. Lgs. 286/1998, first reception governmental centers ex art. 9 of D. Lgs. 142/2015, the temporary reception facilities for applicants for international protection ex art. 11

<sup>2</sup> Art. 20 D. Lgs 142/2015

<b>I. OBJECTIVES</b> .....	<b>5</b>
<b>II. OPERATIONAL TOOLS</b> .....	<b>7</b>
TOOL 1: Code of Conduct sample .....	8
TOOL 2: Internal reporting and review procedure for cases of violence, sexual exploitation and abuse .....	11
TOOL 3: Self-assessment of the managing bodies .....	13
TOOL 4: Safety Audit tool .....	19
TOOL 5: Mapping of local services and resources .....	22

## I.

## OBJECTIVES



This Note provides a reference framework and set of operational tools for each actor involved in the reception system, to support them in fulfilling their responsibilities to prevent and respond to violence, abuse, exploitation that may be caused, exacerbated and identified through their work. The document reflects the main national and international standards for the prevention, protection and sanction of all forms of violence, abuse and exploitation<sup>3</sup>.

The key actors in the implementation of this Note are outlined below:

- **The Department of Civil Liberties and Immigration**, which coordinates the reception activities. The Department should undertake the following activities:
  - Disseminate to all Prefectures the contents and methods to implement the protection and safeguarding policies of the Note and suggest templates to use.
  - Promote and disseminate training opportunities to support the roll out of the technical Note.
- **Prefectures and Municipalities**, which coordinate and monitor the different reception measures at local level. The Prefectures and the Municipalities should undertake the following activities:
  - Disseminate the technical note and operational tools to the managing bodies operating at the local level.
  - Recommend the implementation of procedures and suggest and disseminate the templates to be adopted
  - Include, where appropriate, the use of the Technical Note and operational tools to support monitoring activities of the reception conditions provided for by the current legislation.
  - Promote and disseminate training opportunities to support the roll out of the technical note.
  - Promote the dissemination of national support services and specialized anti-violence or anti-trafficking centers contact details.
- **The managing bodies**, coordinated by the Prefectures and Municipalities, are responsible for the management of reception facilities. The managing bodies should undertake the following activities:
  - Develop protection and safeguarding policies and promote their information and dissemination among their personnel.
  - Promote the participation of their personnel to training initiatives on the safeguarding procedures outlined in the Technical Note.
  - Ensure the dissemination of national support services and specialized anti-violence or anti-trafficking centers contact details.

## Key GBV risk mitigation and child safeguarding principles

### **Do No Harm principle**

The reception system should be grounded on the humanitarian principles of protection and "do no harm", which mandate that all actors involved in the reception of refugee and migrant populations take measures to prevent and mitigate any adverse consequences of their actions on the affected populations. This implies prioritizing the specific needs of the most vulnerable groups who may have experienced traumatic events and incidents of abuse, violence (particularly gender-based violence) and exploitation, with a focus on women, children and people with diverse SOGIESC (Sexual Orientation Gender Identity, Expressions and Sexual Characteristics).

### **Prevention of Sexual Exploitation and Abuse (PSEA)**

The term PSEA refers to systems that protect beneficiaries from sexual exploitation and abuse by humanitarian actors, through appropriate prevention and responses interventions such as: safe and accessible reporting mechanisms, whistleblowers' protection, strengthening investigation mechanisms and disciplinary actions. At the international level, UN policies recognize the need of a more targeted effort by each of the actors involved in humanitarian activities to prevent and respond to SEA, as outlined in the UN Secretary-General's Bulletin: Special measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13).

<sup>3</sup> Reference is made to, for example: UN Convention on the Rights of the Child (Convention on the Rights of the Child CRC), approved by the General Assembly in 1989 and ratified by Italy in 1991 with Law n. 176; Directive 2011/93/EU on the fight against the sexual abuse and exploitation of children and child pornography, implemented in Italy by D.L. n. 39/2014; Council Convention of Europe on the prevention and combating of violence against women and domestic violence (c.d. Convention of Istanbul), ratified by Italy in 2012 and authorised for ratification with L. n. 77/2013; Convention on the elimination of all forms of discrimination against women (CEDAW) of 1981 and ratified by Italy in 1985, together with its Optional Protocol, signed in 2002; rules of the current criminal code on the subject of abuse and violence against children and women (art. 609 bis, ter and octies - sexual, aggravated and group violence; 609 quarter - sexual acts with minor; 609 quinquies - corruption of minor; 600 bis child prostitution; 600 ter pornography minors; 600 quarter – detention of child pornography; 612a - stalking; 558bis - forced marriage or induced marriage; 572 ill-treatment in the family or towards children); D. L. no. 93/2013 on combating gender violence. In the field of reception: European Directive 2013/33/EU, converted with the Legislative Decree no. 142/2015, which contains specific provisions on the reception of minors (art. 19) and of persons with specific needs (Art. 17), as well as the role played by national authorities in this field.

## II.

### OPERATIONAL TOOLS



## TOOL 1: Code of Conduct sample

### TARGET GROUP:

managing entities

### OBJECTIVES:

this tool proposes a sample of Code of Conduct to be adapted by managing entities. This tool is essential to identify risks of abuse, exploitation, and violence and to develop appropriate measures to reduce them, as well as to take prompt action in the event a violation occurs.

## CODE OF CONDUCT - PROTECTION AND SAFEGUARD OF THE DIGNITY AND RIGHTS OF THE BENEFICIARIES OF THE RECEPTION

This document understands "exploitation" as meaning any actual or attempted abuse of a position of vulnerability, power, or trust, including but not limited to profiting monetarily, socially, or politically from the exploitation, including sexual exploitation, of another person. "Sexual abuse" is the actual or threatened physical intrusion of a sexual nature with the use of force or under conditions of inequality or coercion. This includes exploitation and sexual abuse perpetrated without physical contact and/or online<sup>4</sup>. "Child abuse" is any act, or failure to perform an act of care, committed by a person who has a relationship of trust, responsibility, or power with a minor, who physically or psychologically hurts them, directly or indirectly causes harm or precludes the prospects of a healthy and safe development into adulthood. The World Health Organization defines the main categories of abuse as being physical violence, emotional violence, neglect and negligent treatment, and sexual abuse and exploitation. We intend to include in these categories also that of witnessed violence<sup>5</sup>.

[Organization] declares that any act of abuse and exploitation committed against persons receiving support services violates universally recognized national and international legal norms and standards and constitutes unacceptable behavior and prohibited conduct for all practitioners, including employees of [Organization] and related personnel (consultants, interns, volunteers, casual contractors, etc.). It is further declared that all employees of [Organization] and related personnel are expected to maintain the highest standards of personal and professional conduct at all times and to provide support and services that respect and promote the rights of beneficiaries with particular attention given to at-risk groups.



## EXPECTED BEHAVIOR OF ON-DUTY AND OFF-DUTY PERSONNEL

Each [Organization] staff member is committed to abiding, in their professional and private life, by the standard of behavior developed in international and European policies to prevent and counter all forms of exploitation and abuse, by following these basic principles of conduct:

- All people who receive support services within the framework of our activities have the right to be treated with a spirit of understanding and equal respect and consideration and not to be unfairly discriminated against, directly or indirectly, because of one or more factors, including religion, gender, sexual orientation, conscience and beliefs, physical appearance and color of skin, language, ethnic or social origins, citizenship, personal and health conditions, family choices, and age.
- No member of [Organization] shall be permitted to use, directly or indirectly, the authority of their position or office for the purpose of forcing persons receiving support services to perform tasks or services benefitting the former, unless such service is a legal obligation of the latter.
- Each staff member must provide an environment that protects and ensures safety for all migrant and refugee persons and encourages the participation of women, children and other at-risk groups to help develop their capacity for self-protection and self-determination.
- No member of [Organization] shall be permitted to inflict any physical or psychological violence on migrant and refugee persons or engage in any behavior aimed at humiliating and denigrating them or any other behavior that may cause moral harm, including attitudes toward children that - even from a psychological standpoint - may adversely affect their harmonious and socio-relational development.
- Each staff member must avoid engaging children in work or activities that are inappropriate for their age and/or maturity, or that may be detrimental to their physical and mental health and/or act in ways that may be abusive, or that may place the children at risk of exploitation or abuse.
- Each staff member must commit not to disclose personal information concerning migrant and refugee persons to third parties except in cases where their informed consent is given or if included in the legal obligations and responsibilities of the staff members.
- Exploitation and sexual abuse perpetrated by staff constitute gross misconduct and are therefore grounds for dismissal. In addition, if such acts involve children they must be reported to the appropriate authority.
- Any sexual act on children (persons under the age of 18) is prohibited and constitutes a crime. Misconception about the age of a child is not a valid defense.
- Giving money, labor, goods, or services in exchange for sex, including sexual favors or other forms of humiliation, degradation, or exploitation is prohibited. This includes the exchange of de facto assistance owed to the recipient(s).
- Any sexual relationship between those who provide humanitarian services and protection and those who benefit from such services and protection, which involves the misuse of authority or position, is prohibited. Such relationships undermine the credibility and integrity of humanitarian aid.
- Any staff member who has concerns or suspicions about sexual abuse or exploitation by a colleague, regardless of whether the colleague works for their own organization, is required to report such concerns using the reporting mechanisms established by [Organization].

- Each staff member is obligated to create and maintain an environment that prevents exploitation and abuse and promotes the enforcement of this code of conduct. Managers and supervisors at all levels have specific responsibilities for supporting and developing systems that protect this environment.

## DISCIPLINARY SANCTIONS

Violation of these rules will result in the application of administrative and disciplinary sanctions in line with the current regulations on the obligation of public employees and private individuals to report (Articles 331 and 334 of the Criminal Code) in accordance with the internal regulations of [Organization] and in line with the policy of 'zero tolerance' toward sexual offenses.

*The undersigned \_\_\_\_\_ as \_\_\_\_\_ declares that he/she has read the Code of Conduct of [Organization], acknowledging its guiding principles and (committing to abide by) its fundamental principles of conduct.*

*Signature*

<sup>4</sup> Definitions adapted from "Bulletin of the United Nations Secretary-General - Special measures for protection from sexual exploitation and sexual abuse," 9 October 2003.

<sup>5</sup> Definition adapted from "Global status report on violence prevention" WHO, UNODC, UNDP (2014).

## TOOL 2: Internal reporting and review procedure for cases of violence, sexual exploitation and abuse

### TARGET GROUP:

managing entities

### OBJECTIVES:

this tool aims at supporting managing entities in developing internal reporting and review procedures for cases of violence, sexual exploitation and abuse against individuals hosted in reception centers, particularly women and children, and perpetrated by the centers' personnel or persons outside the centres.

1. **Develop safe and accessible reporting mechanisms** (eg. e-mail; hotline; reporting box), which meet the following criteria:
  - possibility to report anonymously
  - respect for the principles of confidentiality, privacy and informed consent.
  - possibility of incorporating sexual exploitation and abuse reporting mechanisms into broader feedback or complaint mechanisms to ensure a higher level of confidentiality.
  - taking into account age, language, gender, culture, disability, and other possible barriers to reporting
  - participation and consultation of affected populations, especially women and children, in the design of the reporting mechanism.
  - accessibility for children: any means by which children express a concern, orally or in writing, should be considered as a report. Children may file a report directly. If the report is made by legal guardians or responsible adults, the child's informed consent<sup>6</sup> must be obtained.
2. **Develop codes of conduct and policies for the prevention and management of violence and sexual abuse cases by centres staff and associates.**

Centres managers should coordinate the development of codes of conduct and protocols for handling reports and investigations, including case management roles and responsibilities and disciplinary measures
3. **Ensure the appointment of:** (i) two focal points (of different gender) who comply with confidentiality and impartiality requirements when receiving reports, and (ii) at least two people responsible for reviewing reports. The latter receive the report from the FP, assess the verisimilitude of the facts reported and decide whether an external or internal investigation is required.

<sup>6</sup> Informed consent refers to the agreement expressed by the child. The concept of assent recognises that children, depending on their age and level of development, have the capacity to express or deny their agreement, even when they do not have the capacity to fully manifest their informed consent. Consent can generally be requested from the age of 7.

When reporting incidents of violence, exploitation and abuse, regardless of internal verification procedures, it is first and foremost essential to ensure that the survivor has access to support services.



## TOOL 3: Self-assessment of the managing bodies

### TARGET GROUP:

managing entities

### OBJECTIVES:

the tool serves to self-assess systems and tools already developed by the managing entity on gender-based violence risk mitigation and protection mechanisms. The tool provides (a) core standards on organisational procedures that constitute the minimum requirement and (b) indicators to support the fulfilment of the minimum requirements of each core standard.

#### 1 - Absent: the organization is not working to reach the fundamental standard.

Give this assessment if the organization doesn't meet the requirement.

#### 2 - Ongoing process: the organization is making progress in reaching standards, but some aspects need to be strengthened

#### 3 - Adequate: the organization meets the standards.

Give this assessment if the organization fully meets the standards and indicators.

After reviewing and scoring the organization's compliance based on the standards, each organization must add up the totals for each standard to get the total score. The total score indicates the organization's current capabilities in GBV risk mitigation and child safeguarding and the relative level of risk.

Total score	Capacity of the organization	Risk level in gender-based violence risk mitigation and child safeguarding
7 or lower	Low	High
8 – 14	Needs improvement	Moderate
15 – 18	Adequate	Low



Standards and indicators	Supporting evidence/documentation
<p><b>Core Standard 2: Management and human resources systems of the organization</b></p> <p><i>The organization's management and human resources systems take into account the GBV risk mitigation and child safeguarding</i></p> <p><b>Indicator 1:</b> The organization's contracts and partnership agreements include a standard clause requiring contractors, suppliers, consultants, and partners to commit to a zero-tolerance policy toward sexual abuse and exploitation and to take steps to prevent and respond to it.</p> <p><b>Indicator 2:</b> There is a systematic preparatory screening procedure for new hires that complies with local regulations, including checks to exclude previous involvement in gender-based violence, abuse and exploitation.</p> <p><b>Indicator 3:</b> Standard contracts and partnership agreements include clauses to prohibit gender-based violence, abuse, and exploitation and require the partner or contractor to take measures to prevent them and respond if reported.</p> <p><b>Indicator 4:</b> Templates for reference checking include a request for confirmation that there are no previous allegations of violence, abuse, and exploitation.</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Terms of reference (e.g. with clear responsibilities in this matter)</li> <li><input type="checkbox"/> Partnership contracts/ agreements</li> <li><input type="checkbox"/> Hiring procedure (e.g. reference check)</li> <li><input type="checkbox"/> Other (specify):  <hr/><hr/><hr/><hr/><hr/><hr/><hr/><hr/><hr/><hr/></li> </ul>
<div style="display: flex; align-items: flex-start;"> <div style="margin-right: 10px;"> <div style="background-color: red; color: white; padding: 5px; margin-bottom: 5px;">1 <input type="checkbox"/></div> <div style="background-color: yellow; color: black; padding: 5px; margin-bottom: 5px;">2 <input type="checkbox"/></div> <div style="background-color: green; color: white; padding: 5px;">3 <input type="checkbox"/></div> </div> <div> <p>Comments:</p> <hr/><hr/><hr/><hr/><hr/><hr/><hr/><hr/><hr/><hr/> </div> </div>	

Standards and indicators	Supporting evidence/documentation
<p><b>Core Standard 3: Mandatory training</b></p> <p><i>The organization organizes mandatory training sessions for all staff on procedures in the area of GBV risk mitigation and child safeguarding. The training includes 1) a definition of gender-based violence, abuse, exploitation, child safeguarding 2) the prohibition of all forms of abuse and exploitation; 3) the actions that staff are required to take; and 4) how to support survivors of violence.</i></p> <p><b>Indicator 1:</b> The organization has a formal, documented training package on GBV risk mitigation and child safeguarding mechanisms.</p> <p><b>Indicator 2:</b> The organization requires all staff to attend training on a recurring basis and maintains an internal attendance record (with names of participants, date of training, type of training).</p>	<p><input type="checkbox"/> Annual training plan</p> <p><input type="checkbox"/> Training program</p> <p><input type="checkbox"/> Attendance records</p> <p><input type="checkbox"/> Other (specify):</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>
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Standards and indicators	Supporting evidence/documentation
<p><b>Core Standard 5: Assistance and referral to support services</b></p> <p><i>The organization has a system in place to ensure that survivors of gender-based violence and other forms of violence, abuse, and exploitation, including child survivors, receive immediate professional support and are referred to the appropriate services if they wish so.</i></p> <p><b>Indicator 1:</b> The organization has an updated list of local service providers and/or is in contact with local <b>gender-based violence response</b> coordination mechanisms for all places/areas where the program is active.</p> <p><b>Indicator 2:</b> The organization has a procedure in place to guide staff through the referral process. It outlines the steps that staff, particularly those involved in receiving complaints, are required to take, including following-up on referrals.</p>	<p><input type="checkbox"/> List of service providers</p> <p><input type="checkbox"/> Description of the referral process for survivors of gender-based violence</p> <p><input type="checkbox"/> Other (specify):</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>
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## TOOL 4: Safety Audit tool

### TARGET:

Prefectures and/or municipalities

### OBJECTIVES:

this tool is used to conduct regular safety audits for women, girls and children hosted in a facility. The safety audit tool is based on a combination of methodologies including visual and direct observation, focus group discussions with people hosted at the facility and targeted interviews with staff or other persons with a relevant role in the management of the centre. The tool collects information relating in particular to the structure and layout of the centre, the perception of safety, the adequacy of sanitation facilities, the availability of and access to activities, services, information. Without prejudice to the obligations to monitor reception conditions through the use of the SMAcc (Reception Monitoring System) Guidelines and tools, this tool represents a complementary resource to identify specific risks for women and children within the reception facilities.

### GENERAL INFORMATION

Name and type of reception facility: \_\_\_\_\_

Date and place of compilation: \_\_\_\_\_

Prefectures and/or municipalities: \_\_\_\_\_

Managing entity: \_\_\_\_\_ *(name and legal status)*

### Information to be collected before the audit

	Newly placed in facility	Already present in the facility	Date of arrival	Notes
Girls < 18				
Boys < 18				
Women				
Men				
TOT				

**PART I. DIRECT OBSERVATION**

#	Arrangement of accommodation	YES	NO	Notes
1	Is the facility overcrowded?			
2	Are women housed separately from men or by family?			
3	Do unaccompanied children stay in separate areas or rooms?			
4	Can rooms be locked from the inside?			
5	Is there sufficient privacy even to store one's personal belongings?			
6	Are the facilities and other common areas accessible to people with disabilities?			
<b>Sanitation facilities</b>				
7	Are men's and women's showers separate?			
8	Can toilets be locked from the inside?			
9	Are the toilets and bathrooms for unaccompanied children separate from those for adults and are they divided by gender?			
10	Is sanitary material, including sanitary napkins, available?			
<b>Security</b>				
11	Is the facility located in an area/neighborhood that is easily accessible and safe for all hosted persons?			
12	Are there public or facility-provided transportation services for guests?			
13	Are there mechanisms to monitor the safety of guests, especially children?			

Participation and safeguarding				
14	Are there dedicated spaces that hosted persons have access to that ensure privacy based on their age/gender specific needs?			
15	Are the rules of conduct visible or have they been disseminated?			
16	Is the mechanism for reporting cases of abuse and exploitation available in different languages (posters or similars)?			
17	Is there a notice board with emergency numbers and contacts and other important information (services, contacts, etc.) in various languages?			
Services				
18	Are there adequately and sufficiently trained operators or staff present at the time of the visit?			
19	If yes, is/are the person/s female?			
20	If yes, are there cultural mediators?			
21	If yes, are there any health workers?			
22	If yes, are there dedicated operators for children?			
23	Are there spaces dedicated to the specific needs of hosted persons? Which ones?_____			
24	Are there services in proximity or within easy reach by foot or public transportation?			
25	Are there social and recreational activities at the time of the visit?			
26	Is there access to free WIFI for all housed people?			

## **TOOL 5:** **Mapping of local services and resources**

### **TARGET:**

Managing entities

### **OBJECTIVES:**

The mapping tool aims at identifying the presence of territorial specialised services in order to strengthen coordination between the various actors, also through the stipulation of specific memoranda of understanding, with the objective of guaranteeing the person's access to support services.

The mapping of formal and informal resources and services in the area can be guided by the following questions:

- Who are the community stakeholders with whom the managing entity already has active relations that could be involved in planning?
- Who are the people already active in the area who are involved in reception and/or have activities relevant to this program?
- Who are the stakeholders already active in the area providing specialized support to people at risk or survivors of gender-based violence? What services do they offer? Who are the stakeholders who already have ongoing activities to facilitate the integration of hosted families in the territory in line with the specific needs of all its members?
- Who are the community stakeholders with whom the managing entity can activate new connections in order to involve them in planning?
- How can individual stakeholders be contacted directly?
- Is there a list of contact persons from associations, organizations, formal and informal groups?
- How can individual stakeholders take part in the activities? Has it been defined what role, responsibilities, and functions they may have?
- Can a formal collaborative agreement be structured with those to be involved?
- What, if any, critical issues need to be managed in network involvement? And/or what barriers exist (language, cost or transportation, or other criteria and modalities to regulate access to their services and activities)?

**NETWORK RESOURCES**

Name of organization	Main activities	Opening hours	Cultural mediation available	Cost and transportation	Contact person
Material assistance and basic necessities					
Economic area and access to employment					
Education and training area					
Health, including sexual and reproductive health, and mental health area					
Early childhood care					
Housing					
Legal Area					
Protection services (including anti-violence centers and anti-trafficking services)					
Integration and leisure area					

