

Protection Concept

for the prevention of any form of abuse, violation of boundaries, or sexual exploitation

1. Introduction

In addition to education, the well-being, participation and rights of children and young persons are a central task for YES. Zero tolerance with regard to child endangerment, physical, mental, and sexual violence is a matter of course for us. This understanding of protection of children and young persons and this Protection Concept is binding for all employees, alumni, volunteers and other voluntary employees of the YES association and the partner organizations.

Our Code of Conduct sets out the basic attitudes and standards of behavior. It serves as an orientation and provides a sense of security for our way of working. Those who act within a clear framework can protect more effectively. This document provides information about the YES Protection Concept and gives clear instructions for the way we work to strengthen employees, alumni, and volunteers in their roles. In this way, all those involved can make a tangible contribution to the protection of children and young persons, but also towards other adult employees who participate or collaborate in our educational programs and events.

2. Aims

Sexual exploitation, sexual violence and sexual harassment can also affect YES. This Protection Concept creates a common understanding that is binding for all those involved (employees, alumni, volunteers, etc.). The principles developed provide orientation and security of action for the design of everyday risk situations on the one hand and for dealing with extraordinary emergencies on the other. They are an expression of a culture of attentiveness and responsibility.

3. Terms

Risk situations: Risk situations are delicate situations of everyday life, which can be exploited for the gradual build-up of boundary violations and sexual assaults. Such situations cannot always be avoided. The point is to structure these situations carefully and transparently. Risk situations are delicate for all parties involved with regard to boundary violations and assaults: for children, young persons, volunteers, alumni, and also employees. This is certainly also true with regard to misunderstandings, interpretations, and false accusations.

Boundary violations: Boundary violations are not criminal acts. They may be unintentional. Nevertheless, they can be perceived as harassment. If boundary violations are repeated, they can violate a person's integrity. In everyday life, boundary violations can occur between various groups of people.

Sexual exploitation or abuse: These are sexual acts by adults in a more powerful position with a child or young person or other adult in a position of dependency. The perpetrator takes advantage of a relationship of power or dependency to persuade or coerce victims to engage in sexual acts. The central element here is the obligation to maintain secrecy, which forces victims into speechlessness, defenselessness, and helplessness. Sexual exploitation is an official offense and is strategically structured, i.e., it occurs in a very targeted and extremely planned manner.

Sexual harassment: Sexual harassment is any action with a sexual connotation that is perceived as unwanted by the person concerned. In contrast to sexual exploitation, sexual harassment does not necessarily occur in a relationship of dependence.

Even remarks about physical preferences, obscene jokes, unwanted advances, or invitations with clear intent can be perceived as sexual harassment in the workplace. Sexual harassment also includes more severe forms such as pornographic images in the workplace, intrusive touching of (secondary) genitals, display of genitals, etc. The latter forms are punishable acts and are considered criminal offenses.

Sexualized assaults by children and young persons: Sexualized assaults among peers differ fundamentally from sexual exploitation in terms of dynamics: Sexualized assaults by children and young persons are less often strategically structured, are sometimes subject to escalation dynamics, and occur outside a large power imbalance. It is important to distinguish well between age-typical experimental and testing behavior and sexualized offenses among children and young persons. From the age of ten, children and young persons are also capable of committing criminal acts.

Incidents come in a wide variety of shapes and forms. It is therefore important to classify them according to various aspects. A first basic classification allows a distinction to be made between irritations in the gray area and suspected criminal acts.

4. People management

YES leaders are aware that sexual harassment or sexual violence can occur in the context of the organization and its work with schools. By deliberately addressing the issue on a recurring basis with employees, alumni, and volunteers, a clear signal is sent that behavior that violates boundaries will not be overlooked or tolerated. The leadership sets standards as a role model in the organization with regard to a reflective culture and the important basic attitude of preventing the abuse of power in all forms and at all levels, including in dealings with children and young persons.

People selection and support

By deliberately raising the issue when selecting new employees, a clear signal is sent out that is intended to act as a hurdle for perpetrators. The topic of sexual violence and sexual violation of boundaries is addressed in the job interview. Applicants are expected to be open and willing to discuss this topic. When formulating the questions, one can refer back to the Code of Conduct. If it makes sense, i.e., in the case of persons with several years of professional experience in larger organizations or in the pedagogical or school environment, the professional handling of closeness and distance in dealing with children and young persons is addressed when obtaining references.

Selection of volunteers and alumni

YES assumes that volunteers and alumni have been trained by their respective employers on the topic of sexual violence and sensitized to boundary violations. Nevertheless, YES also takes responsibility and addresses the issue with volunteers and alumni as part of the preparation for their first assignment.

Code of Conduct

Employees must sign the Code of Conduct on their first day of work; it is a fixed part of the induction day. In doing so, they agree to comply with the YES Code of Conduct and standards regarding sexual exploitation or sexual harassment. Alumni and volunteers also sign the Code of Conduct before their first assignment. In so doing, they all commit to binding compliance with the stipulated standards. At the same time, it is made clear that in the event of repeated, non-transparent, and inconclusive deviations, conditions or sanctions under labor law may be imposed.

Employees, alumni, or volunteers who are not willing to sign the Code of Conduct will not be employed or deployed by YES.

The Code of Conduct is re-signed every three years. In the event of justified suspicions or corresponding indications, YES may request a special private statement.

People leadership and supervision of alumni, and volunteers

An open and transparent communication and feedback culture promotes confidence in day-to-day activities. In team meetings and the semi-annual performance appraisals as well as meetings with alumni and volunteers (e.g., at the networking event), the defined quality standards are regularly reflected upon and possible difficulties in implementation are discussed. The topics of role clarity and dealing with borderline violating behavior are mandatorily addressed at meetings. Mutual collegial feedback and exchange on closeness and distance are desired. In the event of misconduct relating to closeness and distance and in other risk situations (e.g., non-transparent violations of the Code of Conduct), employees as well as alumni and volunteers are made aware of this, and advice is provided.

Repeated and not conclusively justified deviations from requirements regarding the behavior of employees will not be tolerated. They may lead to measures under labor law, such as sanctions, as well as to the termination of the employment relationship in the event of repeated non-compliance.

5. Knowledge management

Internal training courses

Addressing the issue of sexual exploitation and sexual violations of boundaries in a mindful manner places high demands on employees, alumni, and volunteers. In the form of periodic training courses, the most important basic information is conveyed, and awareness of the problem and risk and crisis management competencies are strengthened.

Recurring short training sessions to ensure knowledge and maintain quality standards are also held at least once a year for alumni and volunteers. The internal key persons (contact point, crisis team) are in contact with specialized agencies in order to keep their finger on the pulse of current prevention methods.

Further measures to assure knowledge

With the Protection Concept, the Code of Conduct and, if necessary, further publications or e-learning programs, YES provides the tools for assuring knowledge for a wider circle. These tools complement the active engagement with the topic and the training courses.

The Protection Concept and the Code of Conduct are available for download on the YES website.

6. Risk management

Risk management concerns action in the so-called "gray area" and therefore has an important preventive nature. By "gray area" we mean situations that do not constitute a criminal offense but could lead to ambiguities or questions regarding perception or its effectiveness.

The reappraisal of cases of sexual exploitation shows that subtle losses of distance begin long before the actual sexual exploitation. Perpetrators are experts in manipulation. They profit from unexplained opportunities, proceed very strategically, and build up sexual exploitation systematically. What begins with individual boundary violations is insidiously and covertly expanded. In every organization there are such risk areas and concrete risk situations, which can be exploited for sexual exploitation and the intensification of acts. At YES, these are especially volunteering assignments in school classes, but also, for example, educational assignments of alumni and regional as well as national events. That is why we have laid out the requisite principles and standards in the Code of Conduct.

All employees and volunteers, i.e., alumni and volunteers, sign the Code of Conduct before their first assignment and then again, every three years. The basic concepts in the Code of Conduct are binding for all. Transparency and standards for risk situations raise thresholds for possible ways of working and give all other persons more support and protection. The Code of Conduct provides an instrument for addressing, identifying, and preventing borderline violations in an objective manner. The Code of Conduct and its permanent anchoring in everyday life in the form of standards contribute to this thought process and objectification. This serves to protect everyone involved from assaults as well as from interpretations and misunderstandings.

The standards in the Code of Conduct are discussed, supplemented, and specified in regular team and management meetings and serve to ensure quality in risk situations. Each individual deviation from the Code of Conduct must be made transparent and must be justifiable and conclusive. The implementation of the standards set out in the Code of Conduct is addressed in the existing forums (e.g., in the performance appraisal, at team meetings) in order to maintain the character of the process.

Deviations from the existing standards and difficulties in their implementation or even missing standards on new risk situations must be addressed and clarified directly. The transparency already mentioned several times supports the development and consolidation of the desired culture.

7. Reporting and complaint management

Complaint management

YES fosters an open feedback and error culture. At YES, employees, alumni, and volunteers interact in a spirit of trust. Mutual collegial feedback and exchange on closeness and distance are desired. We address irritations or unclear situations openly. In the event of repeated irritations (non-compliance with standards or borderline violations) and if there is a suspicion of a criminal offense, it is our duty to report the matter to one of the persons of trust.

Everything is documented in writing. The statements are recorded in original audio and logged with date and stored on the OneDrive in the folder "Leadership - HR - Case documents." Facts are explicitly separated from interpretations.

Internal complaints body in the event of repeated irritations

The members of the YES team are the primary point of contact; they form the internal expert unit and continue their education on the topic. If the irritation concerns a member of the management team, employees, alumni, or volunteers contact the CEO directly. The accused person will be confronted with the irritation by the person responsible for people in the management team. To prevent recurrences, agreements are made, and standards formulated together with the higher-level unit. This is recorded in writing. In the event of repetition, the CEO is consulted. The CEO imposes appropriate sanctions, which lead to the termination of the employment relationship in the event of a repeat violation.

Internal complaints body in the event of a suspected criminal act

The unit responsible for people at YES and the CEO are informed immediately in the event of a suspected criminal act. If an official offense is suspected, the crisis team is convened, and case management is handed over. The accused person must not be confronted with the suspicion. No investigation is carried out (e.g., by questioning or exchange).

Anonymized complaint option

YES states on its website that YES has a Protection Concept and refers to the option of submitting an anonymous written complaint to the unit responsible for people.

External specialist unit

YES is a member of the Castagna specialized agency and seeks support and advice as required.

8. Crisis management/interventions

Basic conduct

Every report is taken seriously. Suspicions of sexual exploitation of children and young persons are carefully investigated. If there is a suspicion of criminally relevant offenses, the support of the Castagna specialist agency is requested.

Guiding principles in the event of suspected criminal acts

Each specific case is individual and requires a targeted and considered approach. It is important to remain calm and avoid rash actions. The protection of the child or young person is ensured. If proceedings are initiated on the basis of a report, the presumption of innocence applies for the entire duration of the proceedings. The protection of the personal rights (e.g., preservation of anonymity) of the accused person is guaranteed. The circle of persons involved is kept as small as possible. Accused persons are not alerted or confronted with the accusations. All observations, measures and statements are carefully recorded in writing.

Crisis team

The crisis team consists of the members of the management team (CEO, unit responsible for people, head of programs, head of marketing and communications) and is responsible for ensuring that complaints relevant to labor law and criminal law are clarified. It is the task of the crisis team to deal with all issues of care and support, measures, and communication. An internal investigation procedure

is initiated and coordinated case management is ensured for the individual. The crisis team requests the support of the Castagna specialist agency and, if necessary, from other external agencies (communications, legal counsel). A comprehensive assessment of the situation is made.

Intervention procedure

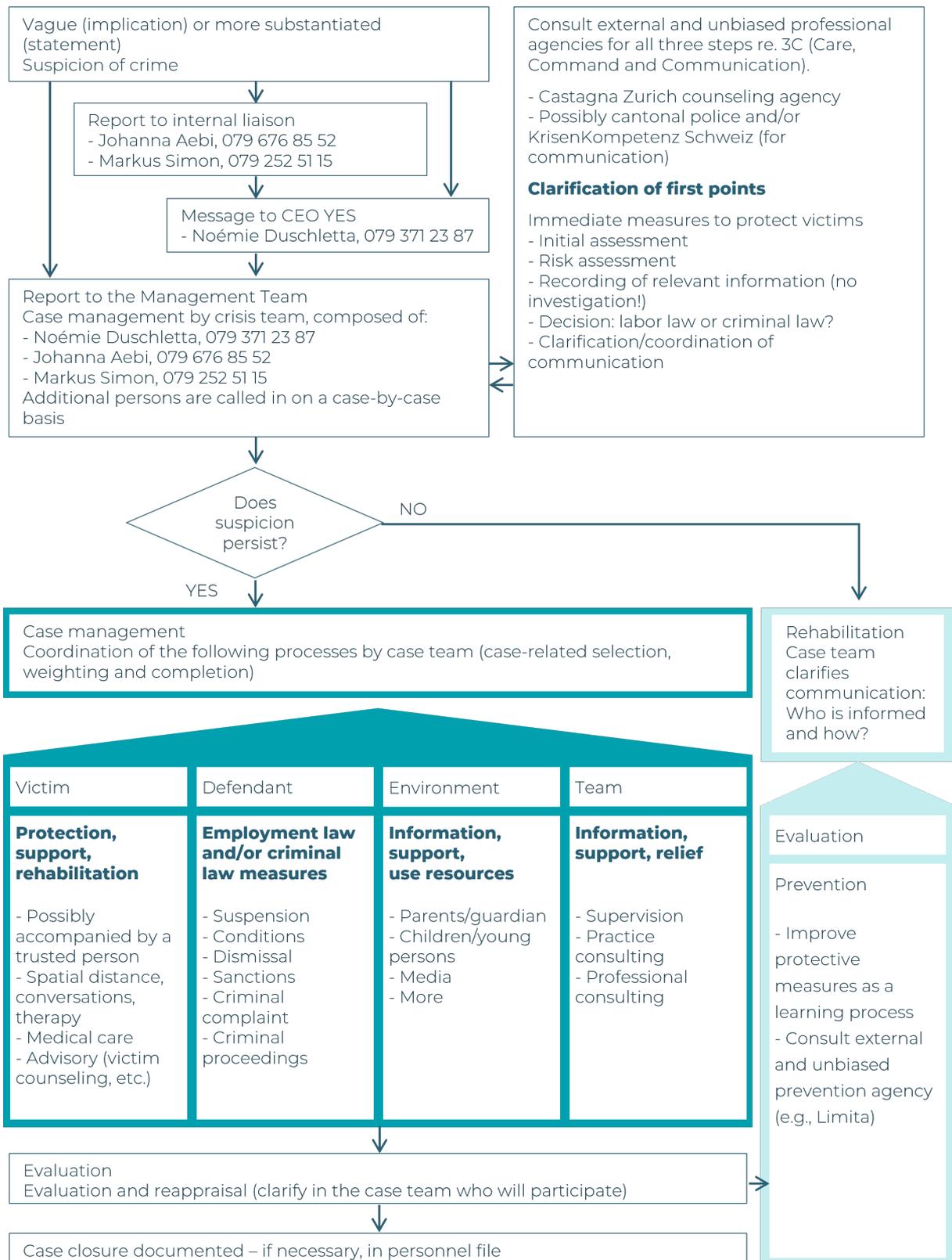
- The crisis team informs the association's board immediately after the report and an initial review by the management team.
- All indications, observations, reports, and facts are documented in writing and in chronological order in an electronic dossier.
- Conversations with affected persons are documented and serve to gather information (i.e., no questioning or taking of evidence – this is carried out by trained specialist personnel).
- If the suspicion
 - can be eliminated: a procedure for the rehabilitation of the person under suspicion takes place
 - cannot be completely invalidated: transparent and clear agreements are made with regard to behavior. These are recorded in writing.
 - is corroborated: a decision is made on appropriate measures under labor law, criminal law and/or civil law, on support for the victim, the accused, the environment, the team and, if necessary, on media information.
- Only the CEO and the head of marketing and communications are authorized to provide information to the media. They take the necessary precautions to be able to respond quickly and competently to requests from the media. The names of the alleged perpetrator and the alleged victim may not be disclosed.
- The crisis team ensures the flow of information (affected child/young person, parents, teachers, staff, affected persons, authorities) and the protection of the personal rights of all involved.
- The dossiers are concluded with a final discussion and evaluation.

The intervention process is illustrated in Appendix 1.

Appendix 1: **Intervention procedure**

Appendix 2: **Overview of criminal offenses**

Appendix 1: Intervention procedure



Appendix 2: Overview of criminal offenses

Art. 187 items 1 and 2 Criminal Code: Sexual acts with children

Whoever engages in a sexual act with a child under 16 years of age, entices them to engage in such an act, or involves them in a sexual act, shall be punished by imprisonment of not more than five years or a fine. The act is not punishable if the age difference between the participants does not exceed three years.

Art. 188 item 1 Criminal Code: Sexual acts with dependents

Whoever engages in a sexual act with a minor person of more than 16 years of age who is dependent on them through an educational, care or employment relationship or in any other way by taking advantage of such dependence, whoever induces such a person to engage in a sexual act by taking advantage of their dependence, shall be punished by imprisonment of not more than three years or a fine.

Art. 189 para. 1 Criminal Code: Sexual assault

Whoever coerces a person into tolerating an act similar to coitus or another sexual act, namely by threatening them, using force, putting them under psychological pressure or rendering them incapable of resisting, shall be punished by imprisonment of not more than ten years or a fine.

Art. 190 para. 1 Criminal Code: Rape

Whoever coerces a person of the female sex into tolerating coitus, namely by threatening her, using violence, putting her under psychological pressure or rendering her incapable of resistance, shall be punished by imprisonment for a term of one year to ten years.

Art. 191 Criminal Code: Deseccration

Whoever abuses a person incapable of judgement or resistance, knowing their condition, for coitus, a coitus-like act, or another sexual act, shall be punished by imprisonment of not more than ten years or a fine.

Art. 197 para. 1 Criminal Code: Pornography

Whoever offers, shows, hands over, makes accessible or distributes by radio or television pornographic writings, sound or image recordings, illustrations, other objects of such kind or pornographic performances to a person under 16 years of age shall be punished by imprisonment of not more than three years or a fine.

Art. 198 Criminal Code: Offenses against sexual integrity, sexual harassment

Whoever performs a sexual act in front of someone who does not expect it and thereby causes annoyance, whoever sexually harasses someone physically or in a gross manner by words, shall, upon application, be punished with a fine.

Art 173 Criminal Code: Defamation

Whoever accuses or suspects another of dishonorable conduct or of other facts likely to damage their reputation, whoever spreads such an accusation or suspicion, shall, upon application, be punished by a fine. If the accused proves that the statement made or further disseminated by them is true or that they had serious reasons to believe it to be true in good faith, they shall not be liable to punishment. The accused shall not be admitted to evidence and shall be liable to punishment for statements made or disseminated without safeguarding public interests or otherwise without reasonable cause, mainly with the intention of accusing someone of a malicious act, especially if the statements relate to private or family life. If the offender retracts their statement as untrue, they may be punished less severely or exempted from punishment altogether.

Art. 174 Criminal Code: Slander/libel

Whoever, against their better knowledge, accuses another of dishonorable conduct or of other facts likely to damage their reputation, who spreads such an accusation or suspicion against their better knowledge, shall, upon application, be punished with imprisonment of not more than three years or a fine. If the offender planned to undermine the good reputation of a person, they shall be punished with imprisonment of not more than three years or a fine of not less than 30 daily penalty units.