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Refugees in Libya – APS

Safeguarding Policy

Adopted on: 1 October 2024

Approved by: Board of Directors

1. Purpose

Refugees in Libya – APS is committed to ensuring that no person is harmed, exploited, abused or placed at unnecessary risk through contact with the organisation, its representatives, activities, communications or services.

This policy establishes the measures Refugees in Libya – APS takes to:

- prevent abuse, exploitation, harassment, neglect and other forms of harm;
- identify and reduce safeguarding risks;
- enable concerns to be reported safely;
- respond to allegations promptly, fairly and sensitively;
- protect survivors, witnesses and persons reporting concerns;
- hold representatives of the organisation accountable for misconduct.

Safeguarding is the responsibility of everyone working with or representing Refugees in Libya – APS.

2. Scope

This policy applies to:

- Board members and members of governing bodies;

- the Executive Director;
- employees and consultants;
- volunteers and interns;
- field coordinators and community representatives;
- interpreters, photographers, researchers and legal collaborators;
- contractors and service providers;
- partner organisations carrying out activities on behalf of Refugees in Libya – APS;
- anyone authorised to represent the organisation.

It applies during:

- direct support and humanitarian activities;
- interviews, testimony collection and documentation;
- legal referrals and strategic litigation;
- online and telephone communications;
- travel, meetings, protests, training and public events;
- field visits and detention-related documentation;
- fundraising, media and communications activities;
- any other activity connected to Refugees in Libya – APS.

3. Definitions

Safeguarding

Safeguarding means preventing and responding to harm that may arise through the organisation's personnel, programmes, operations, communications, partnerships or use of information.

Child

A child is any person under the age of 18, regardless of the legal age of majority or consent in the country concerned.

Adult at risk

An adult at risk is a person aged 18 or over whose circumstances may expose them to heightened risks of abuse, exploitation or coercion, or may limit their ability to protect themselves or seek assistance.

This may include, without limitation:

- people in detention;

- survivors of torture, trafficking or sexual violence;
- people facing deportation, interception or forced return;
- people with disabilities or serious medical needs;
- people dependent on others for food, shelter, documentation or protection;
- people threatened by armed groups, state authorities, traffickers or smugglers;
- people who are isolated or unable to communicate safely.

Being a refugee or migrant does not, by itself, remove a person's autonomy or ability to make decisions.

Sexual exploitation

Sexual exploitation includes the actual or attempted abuse of vulnerability, unequal power or trust for sexual purposes or benefit.

Sexual abuse

Sexual abuse includes actual or threatened sexual contact or intrusion carried out through force, coercion, pressure, deception or unequal power.

Sexual harassment

Sexual harassment is unwanted conduct of a sexual nature that causes offence, humiliation, intimidation or creates a hostile or unsafe environment.

4. Safeguarding principles

Refugees in Libya – APS will apply the following principles:

Do no harm

Activities must be planned and conducted in ways that reduce foreseeable risks to affected people, communities, personnel and partners.

Human dignity and autonomy

People must be treated as rights-holders capable of expressing their own needs, preferences and decisions.

Survivor-centred response

The safety, dignity, wishes and wellbeing of the affected person must guide the organisation's response, subject to legal duties and the need to protect others from serious harm.

Best interests of the child

In every matter affecting a child, the child's safety, wellbeing, rights, views and best interests must be a primary consideration.

Informed consent

Information, testimonies, images and referrals should be collected or shared only after the person understands the purpose, possible use, benefits and risks, unless an exceptional and lawful reason requires otherwise.

Confidentiality

Safeguarding information must be shared only with persons who need it to protect those involved, assess the allegation or take appropriate action.

Non-discrimination

Safeguarding concerns must be handled without discrimination based on nationality, ethnicity, race, sex, gender, sexual orientation, disability, age, religion, political opinion, migration status, legal status or any other characteristic.

Accountability

No person's seniority, reputation, role, political importance or relationship with the organisation exempts them from this policy.

5. Prohibited conduct

Any person covered by this policy is prohibited from:

- sexually exploiting or abusing another person;
- engaging in sexual activity with a child;
- requesting or accepting sexual contact, sexual images or sexual favours in exchange for assistance, money, employment, protection, referrals, transport, accommodation or services;
- requesting money, gifts, labour or personal favours as a condition for receiving assistance;

- exploiting another person's detention, migration status, financial hardship, trauma, dependency or fear;
- physically, emotionally or psychologically abusing another person;
- threatening, intimidating, humiliating or coercing a person seeking support;
- engaging in trafficking, forced labour, extortion or unlawful detention;
- deliberately exposing a person's identity, testimony, location or legal situation without proper justification and consent;
- using photographs or stories of suffering primarily for personal recognition, fundraising or publicity without informed consent and risk assessment;
- retaliating against a person who reports a concern or participates in an investigation;
- deliberately ignoring, concealing or destroying information concerning suspected abuse;
- using organisational authority to pursue an exploitative personal, financial, political or sexual relationship.

Sexual exploitation and abuse constitute serious misconduct and may result in immediate protective measures, suspension or termination. This reflects the IASC standard that such acts by humanitarian personnel are grounds for termination.

6. Relationships involving unequal power

Refugees in Libya – APS recognises that its personnel and community representatives may come from the same refugee communities as people seeking support. The organisation will not treat ordinary community or personal relationships as misconduct merely because one person is a refugee, survivor or former beneficiary.

However, a person must not use a current position of authority, access to assistance or control over decisions to initiate, pressure or maintain a sexual, romantic, financial or dependent relationship.

Where a personal relationship may affect professional responsibilities, the relationship must be disclosed confidentially to the appropriate manager or safeguarding focal point. The individual may be removed from decisions or responsibilities involving the other person.

7. Protection of children

All personnel must:

- treat children with dignity and respect;
- listen to children in a manner appropriate to their age and understanding;
- avoid unnecessary physical contact;
- avoid being alone with a child where safer alternatives are reasonably available;

- avoid communicating privately with children through personal social-media accounts unless necessary, authorised and appropriately documented;
- obtain consent from a parent or responsible caregiver where appropriate and safe;
- consider the child's own views and consent according to their age and maturity;
- avoid publishing identifying information that could expose a child to danger, stigma or retaliation;
- immediately report suspected abuse, exploitation, trafficking or serious neglect.

No person covered by this policy may:

- engage in sexual activity with anyone under 18;
- exchange money, goods, services, protection or assistance for sexual or intimate conduct involving a child;
- possess, solicit, create, share or distribute sexual images of a child;
- use a child to obtain information in a way that places the child at risk;
- transport or accommodate a child privately without authorisation and appropriate safeguards, except where immediate action is necessary to protect life or safety.

A mistaken belief about a child's age is not a defence under this policy. This follows established UN protection standards.

8. Adults at heightened risk

Personnel must not assume that an adult lacks capacity merely because they are displaced, detained, traumatised, disabled or dependent on assistance.

Where an adult may face heightened risk, personnel should:

- communicate in a language and format the person understands;
- explain available options without coercion;
- respect the person's decisions wherever possible;
- identify immediate protection, medical or legal needs;
- avoid making promises the organisation cannot fulfil;
- seek consent before contacting relatives, authorities or other organisations;
- consider whether a referral or disclosure may expose the person to retaliation;
- involve the person in decisions about their information and support.

9. Safe documentation and communications

Before collecting or publishing testimony, photographs, videos, medical information or legal records, personnel must assess:

- the purpose of collecting the material;
- whether the material is necessary;
- whether meaningful consent can be obtained;
- who will receive or access it;
- whether identities should be concealed;
- whether publication could create risks for the person or their family;
- whether metadata, location information or other details could reveal the person's identity;
- how the material will be stored and eventually deleted or archived.

Consent to receive assistance does not automatically constitute consent to publicity, advocacy, fundraising, litigation or media use.

A person may withdraw consent for future use where reasonably possible, although the organisation must clearly explain when information has already entered legal proceedings, institutional investigations or public circulation and cannot be fully withdrawn.

10. Safer recruitment and onboarding

Refugees in Libya – APS will take proportionate safeguarding measures when recruiting or appointing personnel.

These may include:

- identity and reference checks;
- questions about previous safeguarding concerns or disciplinary findings;
- review of unexplained employment or volunteer-history gaps where relevant;
- criminal-record or equivalent checks where legally available, necessary and proportionate;
- signing the Code of Conduct and this policy;
- safeguarding induction and role-specific training;
- clear supervision and reporting responsibilities.

No single background check can guarantee safety. Recruitment decisions must also consider behaviour, references, supervision and the risks attached to the role.

11. Partners, contractors and service providers

Partners and contractors undertaking activities for Refugees in Libya – APS must follow safeguarding standards consistent with this policy.

Agreements should specify:

- expected standards of conduct;
- reporting obligations;
- confidentiality requirements;
- cooperation with safeguarding assessments or investigations;
- consequences for serious breaches.

Where a partner does not have its own safeguarding policy, Refugees in Libya – APS may require it to follow this policy for the relevant activity.

12. Reporting a safeguarding concern

A concern may be reported by:

- the person directly affected;
- a witness;
- a family or community member;
- a colleague, volunteer or partner;
- any person who becomes aware of possible misconduct.

Reports may be submitted:

- by email;
- through the website complaints channel;
- verbally to the Safeguarding Focal Point;
- to the Executive Director;
- directly to the President or another Board member where the concern involves senior management;
- through another accessible and safe method where the person cannot use the ordinary channels.

A person does not need proof before reporting a genuine concern. A reasonable suspicion, disclosure or observation may be reported.

Safeguarding contact

Email: safeguarding@refugeesinlibya.org

Online form: view

The organisation should use a **role-based address**, rather than publishing the personal address of an individual.

13. Immediate danger

Where someone faces an immediate threat to life or safety, the first priority is to seek appropriate emergency, medical or protection assistance where doing so is realistically available and will not create a greater danger.

The organisation must consider the context carefully. Contacting police, migration authorities, detention authorities, family members or other institutions may sometimes increase the risk to refugees, survivors or undocumented people.

Decisions must therefore consider:

- the wishes of the affected person;
- the urgency and seriousness of the risk;
- the safety of children or other people;
- applicable legal obligations;
- the reliability of available authorities and services;
- the possibility of retaliation, detention, deportation or further violence.

14. Receiving a disclosure

A person receiving a safeguarding disclosure must:

- listen calmly and respectfully;
- take the person seriously;
- avoid blaming or interrogating them;
- not promise absolute confidentiality;
- explain that information will be shared only where necessary;
- record the person's words accurately without adding assumptions;
- determine whether immediate protection or medical assistance is needed;
- promptly report the concern through the appropriate safeguarding channel;
- avoid conducting their own investigation unless formally authorised.

The person receiving the disclosure should not attempt to confront the alleged perpetrator.

15. Responding to allegations

Refugees in Libya – APS will:

1. acknowledge the concern where safe contact is possible;
2. assess immediate risks and protection needs;
3. take proportionate interim measures;
4. preserve relevant information securely;
5. appoint an impartial person or external investigator where necessary;

6. give the person accused an appropriate opportunity to respond;
7. reach findings on the available information;
8. take disciplinary, contractual, protective or referral measures where appropriate;
9. communicate the outcome to the reporting person as far as confidentiality and fairness allow.

Interim action may include temporary suspension, restriction of access to beneficiaries or data, changes to duties, or prohibition from representing the organisation.

Interim action is protective and does not, by itself, constitute a final finding of misconduct.

16. Survivor-centred support

Where possible and appropriate, Refugees in Libya – APS will help the affected person access:

- urgent medical care;
- psychosocial support;
- protection or safe accommodation;
- legal information or referral;
- interpretation;
- support during an internal process;
- referral to a specialised organisation.

The organisation must not condition support on the person making a formal complaint, participating in an investigation or reporting the matter to the authorities.

The organisation will not promise services or outcomes that it cannot provide.

17. Confidentiality and information management

Safeguarding information must be:

- recorded accurately;
- stored separately from ordinary programme records where possible;
- protected against unauthorised access;
- shared only on a need-to-know basis;
- retained only for an appropriate period;
- transferred through reasonably secure channels.

The identity of the reporting person, survivor, witness or person accused must not be publicly disclosed unless there is a lawful and justified reason.

Absolute confidentiality cannot be guaranteed where disclosure is required to prevent serious harm, protect a child, meet a legal obligation or conduct a fair process. The affected person should be informed before disclosure wherever it is safe and lawful to do so.

18. External reporting and referrals

A concern may be referred to competent authorities, regulators, donors, professional bodies or specialist organisations where:

- required by law;
- necessary to protect a child or another person from serious harm;
- requested or consented to by the affected person;
- necessary for an appropriate criminal, regulatory or professional response.

Before making an external referral, the organisation should assess possible risks, including retaliation, detention, deportation, family violence or exposure of confidential information.

Where the law requires reporting, Refugees in Libya – APS will comply while taking reasonable steps to protect the affected person and explain the process.

19. Fairness and protection against retaliation

All concerns must be handled impartially.

The person accused has the right to:

- know the substance of the allegation at an appropriate stage;
- respond to the allegation;
- have information assessed fairly;
- be protected from unnecessary public disclosure.

No person may be punished, threatened, excluded from assistance or disadvantaged for reporting a genuine concern or participating in a safeguarding process in good faith.

A report that is not substantiated is not necessarily false or malicious. Disciplinary action should be considered only where there is evidence that a person knowingly fabricated an allegation for a harmful purpose.

20. Consequences of a breach

Depending on the seriousness of the breach, action may include:

- additional supervision or training;
- a formal warning;
- removal from particular duties;
- suspension;
- termination of employment, consultancy or volunteer involvement;
- removal from a representative or governance role;
- termination of a partnership or contract;
- referral to a competent authority or professional body.

Serious safeguarding misconduct may result in immediate termination.

21. Responsibilities

Board of Directors

The Board is responsible for:

- approving this policy;
- overseeing safeguarding governance;
- ensuring that allegations involving senior leadership are handled independently;
- reviewing serious incidents and organisational risks;
- ensuring that sufficient safeguarding measures are maintained.

Executive Director

The Executive Director is responsible for:

- implementing this policy;
- ensuring appropriate recruitment, training and supervision;
- taking protective and disciplinary measures;
- ensuring cooperation with safeguarding processes;
- reporting serious governance concerns to the Board.

Safeguarding Focal Point

The Safeguarding Focal Point is responsible for:

- receiving and recording concerns;
- coordinating risk assessments and responses;
- protecting confidential records;
- arranging referrals or investigations;
- advising personnel and leadership;

- identifying patterns and preventive measures.

The focal point must not investigate a concern where they have a conflict of interest.

All personnel and representatives

Everyone covered by this policy must:

- understand and follow the policy;
- prevent and report safeguarding concerns;
- cooperate with authorised safeguarding processes;
- maintain confidentiality;
- participate in relevant training.

22. Training and awareness

Refugees in Libya – APS will provide safeguarding information appropriate to each person's role.

Personnel with direct contact with children, survivors, detained people or sensitive information should receive additional guidance concerning:

- informed consent;
- handling disclosures;
- sexual exploitation and abuse;
- safe documentation;
- confidentiality and digital security;
- referral pathways;
- child safeguarding;
- retaliation and protection risks.

People seeking support should, where possible, be informed that assistance is free from exploitation and that concerns can be reported safely.

23. Monitoring and review

The organisation will periodically review:

- safeguarding reports and patterns;
- the accessibility of reporting mechanisms;
- risks associated with new programmes or locations;
- lessons from incidents and complaints;

- compliance by partners and contractors;
- training and implementation needs.

An anonymised summary of safeguarding governance may be included in annual reporting, provided it does not identify or endanger affected people.

This policy will be reviewed at least every **two years**, or earlier following:

- a serious safeguarding incident;
- a significant change in activities;
- changes in applicable law;
- identified failures or gaps in implementation.

24. Related documents

This policy should be read together with:

- Code of Conduct;
- Complaints and Reporting Procedure;
- Privacy Policy;
- Data Protection procedures;
- Conflict of Interest Policy;
- employment, volunteer and partnership agreements.

Public contact

Safeguarding concerns may be submitted confidentially through:

Email: safeguarding@refugeesinlibya.org

Online: view

Postal address: Refugees in Libya – APS, Vicolo Bolognetti 2, 40125 Bologna, Italy