

SAVE THE CHILDREN POLICY AND PROCEDURE

Policy Title:	Prevention of Sexual Exploitation and Abuse	Department:	POS
Category:	Safeguarding	SLT approved	August 13, 2019
Approved By:	The Board	Approved on:	September 18, 2019
Effective Date:	September 2019	Next Revision Date:	September 2020
Revision Cycle:	1 year		

1. Policy Statement

Save the Children Canada (SCC) is committed to fostering and sustaining a safe environment through proactive, accessible, and effective approaches that seek to prevent and respond to sexual exploitation and abuse. Sexual exploitation and abuse (SEA) perpetrated by humanitarian or development personnel violates universally recognized international legal norms and represents a deep protection failure on the part of the aid community. SCC will demonstrate the highest standards of integrity and conduct in both our professional and personal lives at all times, and must not abuse the power and trust that comes with being part of our organization.

This policy aims to prevent sexual exploitation and abuse through education and other accessible reporting mechanisms for survivors, and to respond to disclosures and reports effectively, confidentially, and in a timely manner. This policy should be read in conjunction with the *Child Safeguarding* policy, which affords additional safeguards for children, and is not meant to derogate from or supersede it. This policy also needs to be read in conjunction with the *Respect in the workplace – Antiharassment and Antidiscrimination* Policy and *Workplace Violence* Policies.

2. Policy Scope

This policy applies to all SCC employees, contractors and other representatives including partners, agency, workers, consultants, volunteers, board members, suppliers, and trainees (herewith all referred to as employees) and donors on visits to SCC (herewith referred to as representatives) programs.

3. Policy

This policy covers actual, and suspected acts of sexual exploitation and abuse perpetrated by SCC employees and representatives against individuals in the communities in which we work (any such acts against our own employees are governed under *Respect in the workplace – Antiharassment and Antidiscrimination* Policy and *Workplace Violence* Policies) and provides an illustrative guide for employees to make ethical decisions in their professional and personal lives. The need for this policy stems from a recognition that our work often puts SCC employees in positions of power in relation to the communities we work with, especially women, girls and boys in situations of vulnerability. SCC employees and representatives have an obligation to use their power respectfully and must not abuse their power and influence over the well-being of the participants and community members in communities where SCC works.

SCC does not tolerate SEA in any form. The organisation acknowledges that attention to SEA is particularly important given the prevalence and silence surrounding this issue and that, as a rights based organisation, SCC must play an active role in preventing and responding to SEA. We must do all we can to prevent, report, and respond appropriately to instances of suspected SEA, to learn lessons as a sector, including our place within the sector, and seek further advice wherever needed. SCC further acknowledges that while SEA impacts all members of society, SEA and its consequences disproportionately affects members of social groups who experience intersecting forms of systemic discrimination or barriers due to ever present underlying discrimination under prohibited grounds under *Ontario Human Rights Code*, including gender identity and expression, sexual orientation, race, religion, Indigenous identity, ethnicity, disability or class.

SCC recognizes that SEA involves abuses of power and power imbalances, and is underreported due to a range of reasons, including but not limited to, stigmatization, risk of further trauma, and barriers to accessing recourse. SCC commits to support survivors whether or not they choose to make a report through the organisation's reporting mechanisms or through other legal means.

Education and Awareness

- a) Mandatory on boarding and training sessions for all employees intended to raise awareness about gender equality, sexual exploitation and abuse and about the shared role of all employees at SCC in preventing SEA;
- b) Mandatory training on effective, survivor-centred methods of responding to a disclosure or report;
- c) Education initiatives that develop awareness about the impact that potentially intersecting factors, such as racial, religious, gender identity and expression, and sexual orientation, may have on experiences of sexual exploitation and abuse;
- d) Ensure that the identity of the PSEA Focal Point is known throughout the entity and complainants are aware of the reporting steps and procedure;
- e) Engagement with and support of community in which we work so they are aware of their rights and entitlements to protection from sexual exploitation and abuse, the importance and benefits of reporting, as well as knowing how to safely and confidentially report SEA if or when it occurs;
- f) SCC will create gender-sensitive feedback mechanisms in the communities in which we work so there can be an intake of complaints, which the SEA focal point will have access to.

4. Roles and Responsibilities

It is the duty of all employees and representatives not only to adhere to this policy but to report concerns regarding potential sexual exploitation and abuse of others by our employees or representatives. Any violation of these standards is a serious concern and will result in disciplinary action, up to and including termination of employment.

Employees and all other representatives must never:

- a) Engage in sexually exploitative relationships with members of the communities in which we work. This means employees will not exchange money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour;
- b) Engage in the services of sex workers, due to the prohibition against exchange of money for sex, irrespective of the local or national law regarding sex work or the laws of their home country;

- c) Engage in sexual relationships with beneficiaries of direct assistance from Save the Children or program participants because of the inherent conflict of interest and potential for abuse of power in such a relationship;
- d) Request any service or sexual favour from members of the communities in which we work, in return for anything – including protection, assistance (goods or services), or employment, nor imply the same;
- e) Support or take part in any form of sexually exploitative or abusive activities, including child pornography or trafficking of human beings;
- f) Fail to report any allegation, concern, or suspicion of the sexual exploitation and abuse of another person.

Employees and all other representatives must at all times:

- a) Refrain from sexual activity with children (any person under the age of 18) regardless of the age of majority or age of consent locally. Mistaken belief regarding the age of a child is not a defence. The Child Safeguarding Policy details the process for handling concerns regarding potential child abuse;
- b) Treat all beneficiaries, members of the communities in which we operate, and other employees members and representatives with dignity and respect at all times;
- c) Actively contribute to creating and maintaining a culture which: prevents SEA, encourages reporting, promotes the implementation of SCC Code of Conduct, the Child Safeguarding Policy, and this policy;
- d) Be aware that sexual exploitation and abuse constitutes an act of gross misconduct and are grounds for termination of employment; and maybe subject to prosecution
- e) Report anything they see, witness, suspect or are told about regarding possible exploitation or abuse of people in the communities in which we work, including potential abuse by other NGO workers or volunteers;
- f) Be aware that concerns about the absence of evidence or a lack of clarity over consent are not reasonable ground to delay or fail to report concerns about exploitation or abuse. Failure to report a concern may lead to disciplinary action;
- g) Treat any information communicated to them in connection with any part of this procedure as confidential, including an investigation into allegations of exploitation or abuse;
- h) Co-operate fully and promptly in any investigation of exploitation or abuse under this policy. Employees who deliberately provide false information or act in bad faith as part of an investigation may be subject to disciplinary action;
- i) Employees or representatives at Save the Children who are survivors of sexual exploitation or abuse will not be subject to any disadvantage or be obliged to cooperate in any investigation, if they do not wish to do so.

Managers and Supervisors must at all times:

- a) Managers at all levels have additional responsibilities to support and develop systems which maintain this environment including the provision of confidential and effective routes to reporting;
- b) Ensure that incidents of sexual exploitation and abuse are promptly and adequately addressed. In such cases, managers and supervisors must demonstrate fairness, impartiality, respect for confidentiality and be free from intimidation or favouritism;

- c) Managers or supervisors at any level have a personal responsibility to communicate and/or properly address any known act of SEA or abuse of authority. Failure to do so may result in appropriate administrative or disciplinary action.
- d) Be free from gender bias and gender discrimination to ensure fairness from a gendered perspective when responding to disclosures or reports. In which case, managers and supervisors must refrain from questions or judgement that imply blaming of the survivor or disbelief of their experiences based on gender identity.

SCC commits to:

- a) Ensuring employees and representatives across the Save the Children movement are made aware of our policy and principles on the prevention, reporting, and response to allegations of sexual exploitation and abuse, through on boarding, training and other measures;
- b) Ensuring that those with whom we partner:
 - i. Include similar principles to prevent sexual exploitation and abuse in their own policies;
 - ii. including clear obligations requiring their employees and representatives to comply and report breaches of such standards and an organizational commitment to act robustly when such reports are perceived;
 - iii. Agree in the partnership agreement that any failure of the partner to do all they can to prevent, report and respond appropriately to allegations of sexual exploitation and abuse, shall constitute grounds for SCC to terminate their partnership.
- c) The establishment of an obligation for SCC to provide continuous education for all employees, with the ultimate goal of mandatory education for employees about gender equality and sexual exploitation and abuse, its prevention and resources for responding to disclosures or reports;
- d) Taking comprehensive steps to engage and inform communities in which we work about the standards of behaviour they should expect from our employees and representatives and how to raise concerns;
- e) Ensuring that reporting mechanisms are sensitive to the needs of the communities in which we work and accessible to all members of these communities;
- f) Ensuring that reporting mechanisms for employees are gender sensitive;
- g) Taking robust steps to prevent any perpetrators of sexual exploitation and abuse from being re-engaged by SCC or other NGOs and organizations working with people in situations of vulnerability. This includes a commitment to procuring and providing accurate references and reporting cases to statutory agencies.
- h) Designate an SEA focal point group at SCC who will work closely with the HR, CSG and gender equality teams and encourage country offices to do the same.

5) Definitions

Word/Term	Definition
Sexual Exploitation and Abuse (SEA):	Particular forms of gender-based violence that are perpetrated by humanitarian or development workers across all contexts, particularly in humanitarian settings. These acts can be committed against local communities, beneficiaries of direct assistance, or against SC employees, partners and representatives. <u>Sexual Exploitation:</u> Any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including,

	<p>but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.¹</p> <p><u>Sexual Abuse:</u> The actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions, sexual assault and rape.²</p>
Gender-based violence (GBV)	An umbrella term for any harmful act that is perpetrated against a person's will and that is based on socially ascribed (i.e. gender) differences between males, females, and gender non-conforming people. It includes acts that inflict physical, sexual or mental harm or suffering, threats of such acts, coercion, and other deprivations of liberty. SEA can be seen as a form of GBV, as survivors of SEA are often abused because of their vulnerable status as women, girls, boys, and sometimes men. ³
Survivor	A survivor is any person who has experienced sexual exploitation and abuse, including individuals who self-identify as a victim or victim/survivor. 'Victim' is a term often used in the medical/legal sectors. 'Survivor' is the term generally preferred in the psychological and social support sectors because it implies resiliency. This policy is survivor-centred and employs the term survivor throughout its PSEA standards. In line with being survivor centred, how a survivor chooses to self-identify (either as victim/survivor) shall be respected and mirrored in our language.
Child:	Any person under the age of 18.
PSEA:	Prevention of Sexual Exploitation and Abuse.
Consent:	Informed consent is an ongoing agreement, which is voluntarily and freely given based upon a clear appreciation and understanding of the facts, implications and future consequences of an action. In order to give informed consent, the individual concerned must have all relevant facts at the time consent is given and be able to evaluate and understand the consequences of an action. They also must be aware of and have the power to exercise their right to refuse to engage in an action and/or to not be coerced (i.e. being persuaded based on force or threats). ⁴
Representative:	Those associated with Save the Children. This includes Save the Children's partners, agency workers, consultants, volunteers, donors on visits to Save the Children's programmes, contractors, suppliers, and trainees. ⁵
Beneficiary of direct assistance:	Any person who receives any assistance—including any types of goods and services—from Save the Children or partner NGO; regardless of the length of time of Save the Children's relationship with them. ⁶

¹ Adapted from IASC GBV Guidelines, UNHCR, SCUK PSEA Policy.

² Adapted from IASC GBV Guidelines

³ Adapted from IASC GBV Guidelines

⁴ Adapted from IASC GBV Guidelines

⁵ SCUK Policy

⁶ SCUK Policy

Communities in which we work:	Any geographical location in which Save the Children directly or indirectly operates in, providing either goods or services. ⁷
Report:	The act of informing a designated authority who has the purpose to discipline an alleged perpetrator about an incident of SEA for the purpose of initiating a disciplinary or administrative process.
Disclosure:	The act of informing a member of SCC about an instance of sexual exploitation and abuse for the purpose of seeking support
Sexual Harassment:	Any unwanted conduct of a sexual nature, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. ⁸
Sexual assault:	Any unwanted act of a sexual nature without the consent of the other person(s). This includes a range of behaviours, from unwanted kissing and touching to rape and/or oral sex.
Sex Worker:	Any person over 18 who receives money or goods in exchange for sexual services, and who consciously defines those activities as income generating; even if they do not consider sex work as their occupation.
Sexual Favour:	Sexual acts, often in exchange for something such as money, goods or services, includes inappropriate photography and filming. The process of sexual favours often takes place through transactional sex. Transactional sex is a common coping mechanism among people in severe situations of vulnerability. ⁹

6) Cross Reference Policies/Procedures and Related Documentation

IASC Six Core Commitments on PSEA

SCC Code of Conduct

Anti-Harassment and Anti-Discrimination, Respect in the Workplace Policy

Child Safeguarding Policy

Whistleblowing Policy - under construction

Gender Equality Policy

Workplace Violence Policy - under construction

7) Policy Revision History

Version	Summary of Changes	Created by/Revised By	Revision Date
1	New Policy	Senior Gender Equality Advisor Senior HR Manager Manager, Safeguarding and Travel Safety	May 20, 2019 August 8, 2019

⁷ SCUK Policy

⁸ SCUK Policy

⁹ Adapted from SCUK Policy