

POLICY: PREVENTION OF SEXUAL EXPLOITATION AND ABUSE

CODE is a Canadian international development organization uniquely focused on advancing literacy and education. We are committed to the welfare of all children, youth and adults. We oppose all forms of sexual violence and any abuse of power regardless of age, gender, sexuality, sexual orientation, disability, religion or ethnic origin. We recognize that there are unequal power dynamics across CODE, our partners and institutions with whom we work and in relation to those we serve. There is a risk that those in a position of power will exploit their position of power for personal gain.

CODE does not tolerate its employees, volunteers, consultants, partners or any other representative associated with the delivery of our programs carrying out any form of sexual harassment, sexual exploitation or sexual abuse. It is crucial that we all understand the problem of sexual exploitation and abuse and our own role and responsibility in preventing it.

CODE further commits to supporting survivors, improving safeguarding capacity, reporting, investigation, responding to, and preventing sexual harassment and sexual exploitation and abuse.

CODE recognizes our fundamental duty to operate in a manner consistent with the fundamental principles of human rights and we are committed and we acknowledge our responsibilities to keep children, youth and adults safe while engaged in our programs and activities. To that end, CODE has developed this Prevention of Sexual Exploitation and Abuse Policy (which accompanies CODE's Child Protection Policy and Code of Conduct, 2016).

Purpose

This policy sets out CODE's approach to preventing and addressing sexual harassment and sexual exploitation and abuse. This includes our commitment to prevention and to ensure effective action is taken when problems occur.

Scope

This policy applies globally to all CODE employees, volunteers, consultants, partners or any other representative associated with the delivery of our programs during and outside normal working hours. This policy applies in all locations except in countries where the following policy contravenes local legislation, in such a case, local legislation must be followed. CODE policy will apply in the event that it is more stringent than local legislation.

Definition

CODE defines the term sexual exploitation as any actual or attempted abuse of a person in a position of vulnerability, differential power or trust for sexual purposes including, but not limited to, profiting monetarily, socially or politically from the exploitation of someone else. The term sexual abuse means actual or threatened physical intrusion of a sexual nature, whether by force, coercion or under unequal conditions.

Policy

CODE has a zero-tolerance stand on exploitative and abusive relationships. We will also not tolerate behaviour that endangers the security of employees or the organisation or brings either into disrepute. It follows, therefore, that employees, volunteers, consultants, partners or anyone representing CODE should have:

- No sexual contact with children under the age of 18 (mistaken belief of age being no defense)
- No transactional sexual contact with CODE beneficiaries, clients or staff of CODE partners.

Employees are bound to uphold this policy and to report people or incidents that they believe contravene it. CODE managers and CODE corporate leadership have a duty to ensure that allegations of sexual exploitation and abuse are investigated and that appropriate disciplinary measures are taken. CODE also has a duty to provide appropriate assistance to any victims of sexual exploitation and abuse by our staff.

CODE affirms the Six Core Principles adopted by the United Nation' s Inter- Agency Standing Committee Task Force on Prevention and Response to Sexual exploitation and Abuse. (Reference at the end of this policy).

Responsibilities

It is the responsibility of our management, employees and anyone who works with CODE to report incidences of sexual exploitation and abuse being perpetrated by anyone within CODE.

Managers, in particular, are responsible for creating and maintaining an environment in which employees, volunteers and consultants know what CODE expects from them and feel able to report any suspicious or inappropriate behaviour.

Partners

CODE is clear that any partnerships we have with others is based on mutual respect for values and beliefs. When CODE employees assess partner capacity to carry out projects this should include an assessment of the partner's capacity to meet our requirements in upholding this policy and the CODE Code of Conduct.

Reporting

Anyone has the right to make a complaint about the behaviour of those associated with CODE and its programmes including any inappropriate behaviour of other employees or volunteers according to CODE's Code of Conduct and our Whistle-blower Policy. Any manager who suspects inappropriate behaviour should seek advice from their direct supervisor immediately.

Complaints from people external to CODE will be dealt with through the most senior local employee, with support from the supervising director at headquarters. We recommend that complaints be made within 3 months of an incident taking place. We recognise that this may not always be possible or likely with allegations of such a sensitive nature. An investigation can go ahead no matter how long ago an incident occurred and no matter whether the alleged victim wishes to take an active part. (How to Report Guidelines are included as a reference below).

Investigations

CODE will investigate allegations of sexual exploitation and abuse involving CODE staff, volunteers, consultants and partners in a timely and professional manner and will engage professional investigators or secure investigative expertise as appropriate if needed. Investigations are an internal administrative process which may or may not involve the police or judiciary. Investigations are carried out so that CODE can have the best information possible on which to base its decisions concerning conduct and consequences thereof.

CODE may alert the appropriate authorities if, following an investigation, it is possible that:

- A crime has taken place;
- Confidentiality can be ensured;
- The victim is in agreement; and
- Those associated with the case will not be subject to further abuse, disrespect or violence.

CODE reserves the right to act or not to act on any information provided. The organization is not required to disclose its response or the actions resulting from any information that may be provided or reported. Safety of participants and colleagues will prevail. The intentional misreporting of information is subject to disciplinary action.

Victim Assistance

CODE will pursue investigations and take appropriate disciplinary procedures. Victims will receive immediate support as necessary, in line with the wishes and needs of the victim and to levels appropriate locally (and to a level deemed acceptable to appropriate professional staff).

Consequences

Employees who contravene CODE's clearly stated expectations of their sexual conduct will be subject to disciplinary action that may result in dismissal. Volunteers will have their relationship with CODE terminated . Consultants who contravene our expectations will have their contract ended .

Partners must disclose to CODE if their employees contravene the Prevention of Sexual Abuse and Exploitation policy and the expectations expressed in partnership documentation and must conduct appropriate investigations. Failure to do so may result in funding being withdrawn and their relationship with CODE may be terminated.

As outlined above (in Investigations), the appropriate authorities, including the police or judiciary may be involved under certain circumstances.

Training and Learning

CODE will ensure awareness of our policy and our CODE Code of Conduct during orientation for all new and existing staff. Additional training will be implemented as appropriate or as policies are updated.

CODE will keep a record of incident reports from which trends in behaviour, investigation outcomes and problems will be regularly analysed. Regular reporting of incidents to the Human Resources representative is obligatory. A regular report of incidents will go to CODE's Executive Director.

Related Reference Documents

Six Core Principles adopted by the United Nation's Inter- Agency Standing Committee Task Force on Prevention and Response to Sexual exploitation and Abuse.

1. Sexual exploitation and abuse by humanitarian workers constitute acts of gross misconduct and are therefore grounds for termination of employment.
2. Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief in the age of a child is not a defense.
3. Exchange of money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour is prohibited. This includes exchange of assistance that is due to clients [beneficiaries].
4. Sexual relationships between humanitarian workers and beneficiaries are strongly discouraged since they are based on inherently unequal power dynamics. Such relationships undermine the credibility and integrity of humanitarian aid work.

5. Where a humanitarian worker develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same agency or not, s/he must report such concerns via established agency reporting mechanisms.
6. Humanitarian workers are obliged to create and maintain an environment which prevents sexual exploitation and abuse and promotes the implementation of their codes of conduct. Managers at all levels have particular responsibility to support and develop systems which maintain this environment.

How to Report Guidelines

If you have decided to make a report, we ask that you provide your name and contact information so that we may better assess the allegations and follow-up with you in addressing your concerns. If you choose not to provide your name or contact information, you may file your report anonymously, but note that anonymous reports are suspect as they have greater potential for abuse and may be subject to legal limitations. Please be sure to include the following information with your complaint:

- All facts describing the alleged event, issue, or matter;
- The name and title of each person involved;
- Dates, times, frequency, and locations;
- Facts relevant to urgency; and
- Documentation, witnesses, or other evidence available to support the allegation, including any laws or policies believed to be breached.

You can use the 5 W's to help remember what to report: Who, What, When, Where, Why. Please keep in mind that those who initially read your complaint or investigators may not be familiar with your local context or local laws, so as much detail as you are able to give is helpful.

Where to Report

CODE encourages all staff members to first speak to their manager or local human resources representative when they have concerns about a policy violation or misconduct, as this is typically the best method for addressing problems and allows the appropriate management to take action.

For suspected or alleged sexual exploitation or abuse, staff are required to report to the most senior local employee or assigned headquarter Program Manager. All employees who receive such a complaint must notify the HQ supervising director as soon as possible for guidance and next steps.

In exceptional cases where a person has been discouraged from reporting to their local manager or may fear for his or her job or well-being, the ethics@CODE.ngo email is available to bypass those normal channels in a confidential manner. All emails sent to this address will be processed by the Executive Director at CODE's offices in Ottawa, Canada.

If the person reporting to you is at risk of immediate harm, danger or threat as a result of CODE staff or programs, you should work to find an immediate safety solution for the person reporting. Contact the senior local CODE employee. As soon as possible, this information must be reported to the Executive Director.