



PREVENTION OF SEXUAL EXPLOITATION AND ABUSE (SEA) POLICY

201806

At EWEI, we believe all people have a right to live their lives free from sexual violence. We recognise that there are unequal power dynamics across the organisation and in relation to those we serve, and that we face an inherent risk of some staff exploiting their position of power for personal gain.

EWEI will not tolerate its employees, volunteers, consultants, partners or any other representatives associated with the delivery of its work carrying out any form of sexual harassment, sexual abuse or sexual exploitation. It is the responsibility of all representatives of EWEI to raise any concerns you have or those which are reported to you according to this policy. It is not your responsibility to decide whether or not sexual harassment, abuse, or exploitation has occurred. It is the responsibility of all EWEI management to ensure the delivery of this policy and to promote it as relevant in all aspects of their work, to hold themselves and others to account and to help create a safe environment for all.

This policy will automatically apply in all EWEI's programs, events and activities and must be used in conjunction with EWEI's SHA Policy.

This policy does not form part of an employees' terms and conditions of employment and may be subject to change at the discretion of management.

Related Policies

- EWEI Code of Conduct (2018)
- EWEI Gender Policy (2018)
- EWEI Child's Right Policy (2018)
- EWEI Sexual Harassment and Assault (SHA) Policy (2018)

Definitions

Sexual exploitation - any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, threatening or profiting monetarily, socially or politically from the sexual exploitation of another.

Sexual abuse - the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

Sexual exploitation and abuse also include sexual relations with a child, in any context, defined as: Child - a "human being below the age of eighteen years"

Examples of Sexual Exploitation and Assault

- Sexual assault (defined as "any unwanted or forced sexual act committed without consent") or threat thereof. Sexual assault can occur either against a person's will, by force or coercion, or when a person is incapable of giving consent, such as when they are under duress, under the influence of drugs or alcohol. Force includes actual physical aggression, including but not limited to rape, forcible sodomy, forcible
 - ❖ oral copulation, sexual assault with an object, sexual battery, forcible fondling (e.g., unwanted touching or kissing);

- ❖ threats of physical aggression;
 - ❖ emotional coercion; and/or
 - ❖ psychological blackmailing.
- Unwanted touching of a sexual nature
 - Demanding sex in any context
 - Making sex a condition for assistance
 - Forcing sex, forcing someone to have sex with anyone
 - Forcing a person to engage in prostitution or pornography
 - Refusing to use safe sex practices
 - Videotaping or photographing sexual acts and posting it without permission
 - Alleging or threatening to allege that anyone already has a history of prostitution on legal papers
 - Name-calling with sexual epithets
 - Insisting on anything sexual, including jokes that may be uncomfortable, frightening or hurtful
 - Telling someone that they or anyone else are obliged to have sex as a condition for anything

Background Checks - as part of EWEI's pre-recruitment practices for both potential staff, volunteers and nonstaff members, candidates are required to disclose any history of criminal verdicts including, as relevant, of disciplinary sanctions imposed by existing or former employers, and, where relevant, by disciplinary boards of professional organizations to which the candidate is or has been subject. In addition, specific questions on SEA are systematically included in the questionnaires sent out to referees.

Community - refers to the people EWEI works with and/or serves or seeks to assist across the world, who are typically in situations of vulnerability and dependence vis à vis EWEI staff.

Beneficiaries are individuals who are direct or indirect recipients of humanitarian/emergency or other EWEI action in any duty station. Among such individuals, women and children are particularly at risk of sexual exploitation and abuse (SEA).

Collaborators - individuals who work for EWEI as non-staff members including Technical Advisers, consultants, holders of Agreements for Performance of Work (APW), Special Service Agreements (SSA) or letters of agreement, Temporary Advisers, Interns, and Volunteers, as well as third party entities such as vendors, contractors or technical partners who have a contractual relationship with EWEI.

Report Hotline - a telephone number, email, or web tool providing a safe and independent mechanism to report any concerns about issues involving EWEI or other partners.

Partner – an organisation, through its personnel and collaborators, executing a project or undertaking any other work in the name of, under contract with, or for the benefit of EWEI.

In line with EWEI values;

- ❖ EWEI prohibits sexual exploitation and abuse and considers such acts as serious misconduct, which may constitute grounds for disciplinary sanctions, including summary dismissal, and criminal proceedings.
- ❖ EWEI prohibits any acts of sexual abuse or sexual assault as illustrated in the examples shown in the figure in the glossary and forbids the exchange of money, employment, goods, assistance or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour towards the beneficiary communities EWEI serves.
- ❖ EWEI strictly forbids sexual activity with children (persons under the age of 18), regardless of the local age of consent or majority. Mistaken belief regarding the age of a child is not a defense.
- ❖ Staff who deliver professional sexual and gender-based violence services directly to beneficiaries have a duty not only to abstain from having sexual relationships with the people who receive their services, but also to report any instance where they may suspect or detect signs of SEA by virtue of the nature of their function.
- ❖ Any suspicion of sexual exploitation and abuse must be reported immediately to EWEI through the Report Hotline (details are available at <http://www.eweing.org>)
- ❖ EWEI is committed to informing and educating partners about the Sexual Exploitation and Abuse Prevention and Response Policy and holding them to EWEI standards.
- ❖ The issue of sexual exploitation and abuse will systematically be integrated into information campaigns, trainings and meetings with beneficiary populations vulnerable to SEA.

Purpose of this Policy

The objective of this policy is to:

- ❖ Define SEA and the expected code of conduct of EWEI staff with regard to sexual relations with beneficiaries;
- ❖ Determine action to prevent SEA from happening;
- ❖ Define clear mechanisms to report SEA; and
- ❖ Define mechanisms for EWEI to respond to SEA-related issues effectively
- ❖ The principles upon which we will base our decision making and actions,
- ❖ Our expectations of all who represent EWEI

Application

a. This Policy applies to all EWEI staff, independent of their location, grade, type or duration of appointment, and including Temporary Appointment holders, and Secondees.

b. In its spirit and principles, this policy also applies to all EWEI collaborators, notwithstanding their contractual or remuneration status: i.e. individuals who have a contractual relationship with EWEI, such as

temporary advisers, beneficiaries, consultants, interns and volunteers, as well as third party entities such as vendors, contractors or technical partners.

c. The policy will be made public (published on EWEI's Website). Related internal policies, procedures, and contractual documents will be amended to reflect established protection mechanisms, including the Code of Conducts, and the Policy on the Prevention of Harassment.

Basic principles

a. At EWEI we believe all people have a right to live their lives free from, sexual harassment and abuse, sexual violence, bullying, exploitation and any abuse of power regardless of age, gender, sexuality, disability, religion or ethnic origin. As set forth in EWEI's Code of Conduct, EWEI staff shall work and behave in a manner that respects and fosters the rights of the people they serve. For this reason, and because there is often an inherent and important power differential in the interactions between EWEI staff and beneficiaries; EWEI will not tolerate its employees, volunteers, consultants, partners or any other representatives associated with the delivery of its work carrying out any form of sexual harassment, abuse or exploitation. Such behaviour goes against the very beliefs, values and mission of our organisation and as such:

- EWEI staff has a duty to behave ethically and to report suspicions of SEA which they may become aware of.
- EWEI is committed to supporting its staff to speak out, to facilitating the reporting of misconduct, giving priority to SEA, to ensuring prompt and effective response to SEA reports, not retaliating and defending/protecting staff who come forward.
- EWEI is committed to acting on preventing SEA from occurring in the first place through communication and raising awareness.

4.2 Obligations

4.2.1 Obligations of EWEI staff

EWEI's Code of Conduct outlines obligations of EWEI staff and volunteers. However, EWEI as employer also has the obligation to assist staff and volunteers in these matters by providing information and advice and by being responsive to staff concerns about ethical issues.

EWEI staff must uphold the highest standards of professional and personal conduct and act with integrity and discretion. In addition, sexual exploitation and abuse by EWEI staff damages the image and reputation of EWEI and erodes confidence and trust in the Organization. As such, EWEI staff must not use their position to sexually abuse or exploit those who are beneficiaries of assistance provided by or channeled through EWEI. This prohibition includes exchange of money, employment, goods, or services for sex.

Not only do they have a duty to abstain from engaging in any acts that could be perceived as SEA, but they are also expected to create and maintain an environment that prevents SEA. This is particularly valid for EWEI senior programme officers and programme officers who have the responsibility to set the tone

and behave in an exemplary manner. The failure of EWEI staff members to report claims of SEA, may be reflected in the staff members' performance appraisal and constitute grounds for disciplinary measures.

Ensure that all concerns or allegations of sexual harassment, abuse or exploitation are responded to in a timely and appropriate manner and there are multiple channels through which staff and other stakeholders can raise concerns. Ensure zero tolerance of sexual exploitation and abuse in the organisation through robust prevention and response work, offering support to survivors and victims and holding those responsible to account.

Always adopt a survivor centric approach, that respects the confidentiality and decision-making rights of survivors where possible and appropriate to do so.

Build a culture where all those whom EWEI serves and who work for EWEI feel empowered to insist on non-discriminatory and respectful behaviour from each other, where poor behaviour is not accepted, and where power is not abused.

To this end, EWEI:

(a) Directs staff to abstain from any sexual activity with the beneficiaries who receive EWEI's assistance, as such relationships are marked by inherently unequal power dynamics, and undermine the credibility and integrity of the work of the Organization;

(b) Prohibits sexual activity with children (persons 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 defense;

(c) Prohibits the exchange of money, employment, goods, assistance or services for sex, including sexual favours or other forms of humiliating, degrading, threatening or exploitative behaviour of the people who receive EWEI's services;

(d) Reminds staff who delivers professional sexual and gender-based violence counseling services directly to beneficiaries of their duty not only to abstain from having sexual relationships with the people who receive their services, but also to report any instance where they may suspect or detect signs of SEA by virtue of the nature of their function.

Roles and Responsibilities

Creating a safe working environment at EWEI is everyone's responsibility and failure to act on concerns or disclosures relating to sexual harassment, abuse and exploitation is not an option. EWEI Program officers, senior program officers and ultimately Program Director, hold overall accountability for this Policy and its implementation.

EWEI's managements are responsible for reviewing and updating this Policy annually, and in line with legislative and organisational developments and hold overall accountability for EWEI SEA work.

All staff, volunteers, partners and other representatives of EWEI are required to adhere to this Policy and EWEI's Code of Conduct at all times.

All EWEI employees are obliged to report any suspicions of sexual exploitation, abuse or harassment of others. This can be done without sharing details of cases where information has been shared in confidence. Failure to report to a relevant person suspicion of abuse relating to someone else is a breach of EWEI's policy and could lead to disciplinary action being taken. For the avoidance of doubt, there is no obligation placed on any individual to report any incident that has happened to them. EWEI management team can offer further support to help staff, volunteers and other representatives on implementing this Policy.

Duty to report SEA

- EWEI staff who witness or become aware of acts of SEA by fellow staff or partners working for EWEI, personnel or employees of non-EWEI entities with whom EWEI has entered into partnership agreements, have a duty to report to EWEI through the EWEI contacts. Individuals working for and with EWEI and who report wrongdoing by a EWEI staff or collaborator will be entitled to protection against retaliation accordingly
- EWEI staff, who by the nature of their function may be in close contact with beneficiaries, and in particular, when involved in the direct delivery of sexual and gender-based violence services, may find themselves in a position where they suspect or detect signs of SEA. They have a duty to report suspicions of such acts.
- Failure to report known acts of SEA may result in disciplinary sanctions.
- Malicious reports of SEA made with the intention to harm the reputation of an individual or the Organization, or to take undue advantage of SEA mechanisms for personal benefit are considered misconduct.

Organizational obligations of EWEI

In line with the UN Charter, the international frameworks of human rights (Universal Declaration of Human Rights and international covenants as well as the relevant Treaties), EWEI is committed to supporting its staff to speak out about serious and large scale violations of human rights. EWEI makes available channels to facilitate the reporting of such violations, giving priority to SEA, and is committed to ensuring prompt and effective response to SEA reports (i.e. investigate and sanction as appropriate), not retaliating and defending/protecting staff who come forward. In addition, EWEI is committed to acting to prevent SEA from occurring in the first place by putting in place a communication and raising awareness plan, and monitoring/tracking information concerning SEA.

Prevention, monitoring and data tracking

Raising Awareness, communication and dissemination of information

EWEI will prepare a communication strategy to support the dissemination and implementation of this policy and to raise awareness. The plan will include:

- Availability of this policy on EWEI's Internet websites at all levels of the Organization.

- Communication material for staff across the Organization and raising awareness/ training programme on SEA .
- Communication material to inform EWEI collaborators and partner organizations of this policy, including measures such as introducing a specific clause relating to SEA.
- Communication campaign to inform EWEI beneficiaries in EWEI communities, and in EWEI programmes and direct delivery mechanism managed by, operating in the name of, or funded by EWEI.

Background checks

No offer of appointment is made by EWEI before the background check of an applicant has been completed. All applicants are required to truthfully answer standard questions concerning any existing history of criminal verdicts, questions about disciplinary measures or sanctions imposed by any existing or former employer of the applicant, and, where relevant, existing history of disciplinary sanctions imposed by disciplinary boards of professional organizations to which the applicant is or has been subject.

EWEI will maintain a record of staff members found to have been convicted for acts of SEA or who have received a disciplinary measure or sanction imposed by any existing or former employer, or by disciplinary boards of professional organizations to which the applicant is or has been subject. EWEI reserves the right to disclose information about acts of SEA on record concerning an individual staff member if so requested by another UN agency or other third party in a selection process.

Training

Training on prevention of SEA at EWEI will be mandatory for all staff. This training will be carried out on a regular basis. Overall responsibility for ensuring that staff receive regular training and awareness raising activities lies with Programme Officers. Programme Officers will need to prioritise prevention of SEA training for themselves and their staff and provide budget lines for some activities.

Reporting mechanisms

EWEI makes available immediate and confidential mechanisms to report SEA for EWEI staff members and collaborators or any other person who may have been a victim of SEA or may have witnessed or otherwise been informed of a case of SEA involving EWEI. All staff members at all levels, who have reason to believe a SEA situation may have occurred, by EWEI staff or collaborator, or beneficiary, must inform management either by contacting contact@eweing.org or through the Report Hotline, where they will receive confidential advice.

Confidentiality

Confidentiality must be maintained throughout the complaints process by all staff and witnesses. Staff members who breach confidentiality will be subject to disciplinary action up to and including termination of employment. In some cases, such breaches constitute breaking the law.

Retaliation Against Complainants, Victims and Witnesses

EWEI will take action against any staff, volunteers or other representatives, whether they are the subject of a complaint or not, who seek or carry out retaliatory action against complainants, victims or other witnesses. Staff who are found to do this will be subject to disciplinary action, up to and including termination of employment.

Any person reporting a case of SEA, in good faith or has cooperated with an investigation into a report of SEA, will be protected by the policy on Whistleblowing.

Investigations

EWEI will initiate its own fact-finding investigation into reports of SEA as a priority. Based on the gravity of the situation and the evidence available, we carry out independent and discrete investigations, recognising the rights and duty of care to everyone involved, including the complainant or survivor, witnesses and the person accused

Disciplinary measures against EWEI staff members:

- Based on the gravity of proven cases of SEA involving EWEI staff members, and in addition to any criminal verdict that may result from legal proceeding for cases that are referred to national authorities for criminal prosecution, or other measures taken against the staff member concerned, EWEI will apply disciplinary measures pursuant to Section 3 of the EWEI code of conducts, including as applicable summary dismissal.
- Disciplinary sanctions will also apply to staff members who are proven to have failed to report SEA or to have encouraged or condoned SEA to happen.
- Malicious reporting of SEA without evidence or reasonable suspicions with the intention of harming another person's integrity or reputation amounts to misconduct and is subject to disciplinary action. This is distinct from reports of suspected wrongdoing made in good faith based on the judgment and information available at the time of the report, which may not be confirmed by an investigation.

In the case of SEA involving individual collaborators, EWEI will take measures on a case-by-case basis. EWEI has the right and duty to waive the immunity of staff (and experts on mission), without prejudice to the interests of EWEI, in instances where it is determined that, the immunity would impede the course of justice, and waive such immunity without prejudice to the interests of EWEI. EWEI shall be entitled to take the following measures:

- Immediate termination of contractual relationship (non staff or other collaboration agreement);
- Note in EWEI records with a view to excluding individuals found to have engaged in, encouraged or condoned acts of SEA from participating in future tenders and entering into future contractual relationships with EWEI.